Ceredigion County Council Constitution

June 2026

Ceredigion County Council Constitution

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PART 1
SUMMARY AND EXPLANATION

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1. THE COUNCIL'S CONSTITUTION

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

The Constitution is divided into 15 Articles (Part 2) which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

You may find it helpful to read this Constitution in conjunction with the Constitution Guide, which is available on the Council's website at: https://www.ceredigion.gov.uk/your-council/about-the-council/the-councils-constitution/.

2. WHAT'S IN THE CONSTITUTION

Part 2: The Articles

Article 1 (Part 2) of the Constitution commits the Council to make effective arrangements to carry out its duties and responsibilities. Articles 2 –15 explain the rights of citizens and how the key parts of the Council operate. These are:

- Members of the Council (Article 2).
- Citizens and the Council (Article 3).
- The Council meeting (Article 4).
- Chairing the Council (Article 5).
- Overview and Scrutiny of decisions (Article 6).
- Cabinet (Article 7).
- Regulatory Committees (Article 8).
- The Ethics and Standards Committee (Article 9).
- Joint arrangements (Article 10).
- Officers (Article 11).
- Decision-making (Article 12).
- Finance, contracts and legal matters (Article 13).
- Review and revision of the Constitution (Article 14).
- Suspension, interpretation and publication of the Constitution (Article 15).
- Corporate Joint Committees (Article 16).

Part 3: Responsibility for Council Functions

Part 3 is concerned with responsibility for the various Council Functions i.e. who does what. This section includes 4 detailed tables, which set out:

- (Part 3.1) The Responsibility for Council Functions – Table 1;
- (Part 3.2) - The Responsibility for Local Choice Functions - Table 2;
- (Part 3.3) The Committees of the Council - Table 3; and
- (Part 3.4) The Responsibility for Cabinet Functions - Table 4

At Part 3.5 the Scheme of Delegation to Officers is set out (Delegations A-N – to be widely interpreted) The scheme delegates certain functions of the Council and Cabinet to officers and sets out the conditions for any decisions made by use of the delegations, with General Conditions for Delegation to Officers set out in Delegation A, to be read in conjunction with Part 3.1.

Part 4: Rules of Procedure

Part 4 of the Constitution details rules surrounding the Council's various procedures, which relate to Council proceedings, its structure and decision making. These are needed for clarity, transparency, adherence to legislation and to ensure the smooth running of the Council, and include:

- (Document A) – Council Procedure Rules;
- (Document B) – Access to Information Procedure Rules;
- (Document C) – Budget and Policy Framework Procedure Rules;
- (Document D) – Cabinet Procedure Rules;
- (Document E) Overview and Scrutiny Procedure Rules;
- (Document F) Financial Regulations and Accompanying Financial Procedures;
- (Document G) Contract Procedure Rules;
- (Document H) Officer Employment Procedure Rules;
- (Document I) Development Management Committee Operational procedures

Part 5: Codes and Protocols

Part 5 includes the Council's codes of conduct, which together create an ethical framework with standards of conduct that are expected to be adhered to. Part 5 also sets out the Council's Protocols, which are a system/procedure of rules to be followed in certain situations. The various Codes and Protocols in this section include:

- (Document J) Code of Conduct for Members;

- (Document K) Protocol on Member/Officer Relations;
- (Document L) Code of Conduct for Local Government Employees;
- (Document M) Overview and Scrutiny Protocol;
- (Document M2) Protocol for Access by Cabinet Members to Overview and Scrutiny Committees;
- (Document N) Overview and Scrutiny Public Engagement Protocol;
- (Document O) Petitions Protocol;
- (Document P) Social Services Protocol; and
- (Document Q) Member's Protocol of Good Practice in Planning

Part 6: Management Structure

Part 6 (Management Structure) is a single document, the Council's Organisational Chart. It is a handy visual aid showing the Council's Chief Executive, Executive Corporate Director, Executive Corporate Lead Officers, and Corporate Lead Officers, including their Statutory Roles and main areas of responsibility.

Part 7: Consultative and Advisory Fora

Part 7 details the consultative and advisory fora (statutory and non-statutory) established, the Internal Policy Development/Monitoring Groups, the Partnerships within Ceredigion County, Regional Partnerships/Fora/Consortia/Joint Committees and Member Champions.

3. HOW THE COUNCIL OPERATES

The Council is composed of 38 Councillors elected every five years. Councillors are democratically accountable to residents of their electoral division. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

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

All Councillors meet together as the Council. Meetings of the Council are open to the public. Here, Councillors decide the Council's overall policies and set the budget each year. The Council is responsible for electing the Leader, notes the appointment of Cabinet Members by the Leader (see also Article 7.8 (Job Sharing) in Part 2 below) and appoints Members to Committees.

The Council's Code of Good Governance is available on the Council's web-site.

4. HOW DECISIONS ARE MADE

Cabinet is the part of the Council which is responsible for taking most of the day-to-day executive decisions. The Cabinet comprises the Leader of the Council and at least six, but no more than nine other Councillors whom the Leader appoints (subject to Article 7.8 (Job Sharing) in Part 2 below).

The business to be considered by Cabinet, Overview and Scrutiny Committees and the Council as a whole is published in the forward work programme. Meetings of the Cabinet, Overview and Scrutiny Committees, the Council and other Committees are open for the public to attend except where exempt or confidential matters are being discussed, as defined by the law.

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

The Council also has a call-in procedure, whereby a decision made by Cabinet, an individual member of Cabinet or a Committee of the Cabinet or under joint arrangements, may be referred by Members to the relevant Overview and Scrutiny Committee in certain circumstances (see the Call-In Procedure in Part 4 Document E of the Constitution).

In making decisions and setting policies and strategies, the Council will take into account the principles and objectives of the **Well-being & Future Generations Act 2015,** and in particular**:**

the five ways of working:

long term, prevention, collaboration, integration and involvement.

The Council will also take into account the seven well-being goals:

> Prosperous, Globally responsible, Resilient, Healthier, a more equal Wales, a Wales of cohesive communities and a Wales of vibrant culture and a thriving Welsh language.

When making decisions of a strategic nature about how to exercise its functions, the Council will have due regard to the desirability of exercising them in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage, as set out in the Equality Act 2010.

When making decisions, the Council will also have due regard to its Anti-Slavery Policy and Anti-Slavery Annual Statement, which is signed by the Council's Anti-Slavery and Ethical Employment Champion, approved by the Council and published on the Council's website (www.ceredigion.gov.uk). The Anti-Slavery Policy covers the 12 commitments of the Welsh Government's Code of Practice on Ethical Employment in Supply Chains and refers to safeguarding processes and responsibilities of the Council under the Modern Slavery Act 2015.

The Council acknowledges the need to have regard to its statutory duty in relation to the Welsh Language, the Well-being of Future Generations (Wales) Act 2015, equality and socio-economic duty.

The Monitoring Officer has the authority to make changes to the Constitution that are needed to ensure it complies with legislation (the law) and minor matters.

The Council also has an established Cross-Party Constitution Working Group, which meets regularly to discuss changes to the Constitution and makes proposals to Council regarding these changes. The Monitoring Officer will confirm any minor changes made to the Constitution to the Cross-Party Constitution Working Group (see also Article 14 – Review and Revision of the Constitution and Part 7).

Certain decisions, which form parts of the Constitution, such as the Responsibility of Cabinet Functions (i.e. which members of the Cabinet, Committees of the Cabinet, officers or joint arrangements are responsible for the exercise of particular Cabinet function) are approved by the Leader and subsequently recorded in the Constitution without need for reference to a Council Meeting for approval.

5. OVERVIEW AND SCRUTINY

There is one Co-ordinating Committee and four Overview and Scrutiny Committees therefore five in total which support the work of Cabinet and the Council as a whole. They look into matters of local significance. They have a remit to scrutinise the budget, policies and service delivery that can lead to reports and recommendations to the Cabinet and the Council. Overview and Scrutiny Committees also monitor the decisions of Cabinet. They can 'call-in' a decision which has been made by Cabinet but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that Cabinet reconsider the decision. They may also be consulted by Cabinet or the Council on forthcoming decisions and the development of policy. They must also exercise their powers and responsibilities in relation to the Public Service Board pursuant to the Well-being of Future Generations (Wales) Act 2015.

6. REGULATORY AND OTHER COMMITTEES

There are two 'Regulatory Committees' comprising of:

- the Development Management Committee which determines planning applications and notes information regarding planning decisions and
- the Licensing Committee which determines licensing, taxi and sex establishment applications, renewals, and reviews

There is also:

- a Governance and Audit Committee which provides corporate focus on the issues arising from governance risk management, internal control and reporting. The Terms of Reference are set out at Part 3.3 Table 3 and
- the Ethics and Standards Committee which deals with Code of Conduct and standards and dispensations issues for the County Council and Town and Community Councils.

7. THE COUNCIL'S STAFF

The Council has officers working for the Paid Service to give advice, implement decisions and manage the day-to-day delivery of its services. The Paid Service, is led by the Chief Executive (formerly known as the Head of Paid Service)

Some officers have a specific (statutory) duty to ensure that the Council acts within the law and uses its resources wisely.

A protocol on member/officer relations governs the relationships between officers and Members of the Council.

8. CITIZENS' RIGHTS

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3 (Part 2). Some of these are legal rights, whilst others depend on the Council's own processes. There are various local advice agencies and local legal practices who can advise on individuals' legal rights.

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

Citizens have the right to:

8.1 vote at local elections if they are registered;

8.2 contact their local Councillor about any matters of concern to them;

8.3 obtain access to the published Constitution in accordance with Article 15 paragraph 15.3.2;

8.4 attend meetings of the Cabinet, the Council and its Committees except where exempt or, confidential matters are being discussed;

8.5 petition to request a referendum on a mayoral form of Cabinet;

8.6 find out, what business is to be considered by the Cabinet, the Council and its Committees and Overview and Scrutiny Committees;

8.7 see reports and background papers considered by the Cabinet, the Council and its Committees and the record of any decisions made by the Cabinet, the Council and its Committees except where they contain exempt information with copies being obtainable by members of the public at a reasonable cost;

8.8 complain to the Council about the Council's handling of any matter through the Corporate Complaints Procedure which is available at all Council offices and on request

8.9 complain to the Ombudsman if they think they have suffered injustice because the Council has not followed its procedures properly. However, they are encouraged only to do this after using the Council's own complaints process;

8.10 complain to the Ombudsman if they have evidence which they think shows that a Councillor or Co-opted Member of the Council has not followed the Members' Code of Conduct; and

8.11 inspect the Council's accounts and make their views known to the external auditor.

The Council also consults (from time to time and at least once in each financial year) the following about the extent to which it is meeting its performance requirements:

- Local people;
- Other persons carrying on a business in Ceredigion;
- Council Staff; and
- Every trade union which is recognised (within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992 (c.52)) by the Council.

The Council must encourage local people to participate in the making of decisions by the Council, and does welcome participation by its citizens in its work. For further information on your rights as a citizen, please contact the Council's Proper Officer at Neuadd Cyngor Ceredigion, Penmorfa, Aberaeron, SA46 0PA.

A Statement of the rights of members of the public to inspect agendas and reports is available from the Council's Proper Officer.

9. Glossary of Service Terms

A glossary of helpful terms used within the Constitution is included below:

Term in Constitution	**Meaning**
CONTEST	The UK's unifying Strategy for Countering Terrorism with four 'P' work strands: 1. Prevent: to stop people becoming terrorists/supporting terrorism; 2. Pursue: to stop terrorist attacks; 3. Protect: to strengthen protection against a terrorist attack; and 4. Prepare: to mitigate the impact of a terrorist attack.
Ceredigion CONTEST Board	A multi-agency CONTEST Board, which considers local requirements and implications relating to the 4 Ps, but specifically focusses on local response to the Prevent requirement. The

	CONTEST Board also receives reports from the Channel Panel.
Channel	A local authority statutory function under Section 36 of the Counter-Terrorism and Security Act 2015 ('CTSA') to provide support for people vulnerable to being drawn into terrorism.
Channel Panel	A local strategic multi-agency partnership board overseeing Channel activity. The Channel Panel reports to the Ceredigion CONTEST Board (see above) and Regional Safeguarding Board (CYSUR).
Porth Cymorth Cynnar	The Council's Wellbeing and Learning Service, formerly known as Lifelong Learning, which provides support and intervention services, behaviour, youth and early help services. The Service also provides support in housing, leisure & wellbeing.
Porth Cynnal Specialist Through Age Services	The Council Service, which formerly encompassed Children's Services and Adult Services. The Service now provides care and support services for complex and ongoing needs.
Porth Gofal Targeted Intervention	The Council Service, formerly known as Porth Ceredigion and, prior to this, Adult Services. The Service provides triage, targeted interventions and direct services.

PART 2

ARTICLES OF THE CONSTITUTION

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ARTICLE 1 – THE CONSTITUTION

1.1 POWERS OF THE COUNCIL

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

1.2 THE CONSTITUTION

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

1.3 PURPOSE OF THE CONSTITUTION

The purpose of the Constitution is to:

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

1.3.2 provide a framework for good governance;

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

1.3.4 help Councillors represent their constituents more effectively;

1.3.5 enable decisions to be taken efficiently and effectively;

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

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

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

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

1.4 INTERPRETATION AND REVIEW OF THE CONSTITUTION

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

The Council will monitor and evaluate the operation of the Constitution as set out in Article 14.

ARTICLE 2– MEMBERS OF THE COUNCIL

2.1 COMPOSITION AND ELIGIBILITY

2.1.1 Composition.

The Council will comprise 38 members, otherwise called Councillors who are elected by the voters of each electoral division in accordance with a scheme drawn up by the Boundary Commission in Wales and approved by Senedd Cymru.

2.1.2 Eligibility

Only registered voters of the County Council or those living or working in the area will be eligible to hold the office of Councillor (in accordance with the provisions of the Local Government Act 1972). A Member of the Council is disqualified from being appointed to any Officer position at the Council while they remain a Member.

2.2 ELECTION AND TERMS OF COUNCILLORS

The ordinary election of Councillors will normally be held on the first Thursday in May once every five years. The terms of office of Councillors will start on the fourth day after being elected and will end on the fourth day after the date of the next ordinary election.

2.3 ROLES AND FUNCTIONS OF ALL COUNCILLORS

2.3.1 **Key roles. All Councillors will:**

2.3.1.1 collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;

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

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

2.3.1.4 balance different interests identified within the electoral division and represent the electoral division as a whole;

2.3.1.5 contribute to the continual improvement of Council services;

2.3.1.6 be involved in decision-making;

2.3.1.7 be available to represent the Council on other bodies; and

2.3.1.8 maintain the highest standards of conduct and ethics.

2.3.2 **Rights and duties**

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

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

2.3.2.3 For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules in Part 4 of this Constitution.

2.3.2.4 Councillors are entitled to serve on School Governing Bodies.

2.4 CONDUCT

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

In the event that consideration is to be given to the grant of an indemnity to an individual member, who is subject to misconduct proceedings under the Local Government Act 2000, the Council has resolved to introduce a cap of £20,000 on the level of indemnity granted to members.

2.5 SALARIES

Councillors will be entitled to receive salaries in accordance with the Schedule of Member Remuneration which is available on the Council website http://www.ceredigion.gov.uk/English/Your-Council/Councillors-Committees/Members-Allowances/Pages/default.aspx

The Schedule is produced annually, in exercise of powers conferred by the Local Government (Wales) Measure 2011, as amended by the Local Government Democracy Wales Act 2013. Account is also taken of the Independent Review Panel Regulations, and relevant determinations.

ARTICLE 3 – CITIZENS AND THE COUNCIL

3.1 CITIZENS RIGHTS

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

3.1.1 **Voting and petitions**. Citizens on the electoral roll for the area have the right to sign a petition to request a referendum for an elected mayoral form of Cabinet and the right to vote in any such referendum.

3.1.2 **Information.** Citizens have the right to:

3.1.2.1 attend meetings of the Council, the Cabinet and Committees except where exempt or confidential information is likely to be disclosed, and the meeting is therefore held in private;

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

3.1.2.3 see reports and background papers, and any records of decisions made by the Council, the Cabinet and Committees unless exempted from discussion for any legal reason; and

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

3.1.3 **Complaints.** Citizens have the right to complain:

3.1.3.1 to the Council itself under its Corporate Complaints Procedure;

3.1.3.2 to the Ombudsman about any injustice, they have suffered as a result of maladministration, but they are encouraged to use the Council's own Corporate Complaints Procedure first;

3.1.3.3 to the Ombudsman where they believe a member or Co-opted Member of the Council has breached the Member's Code of Conduct.

3.1.3.4 To the Social Services Complaints Officer where appropriate.

3.1.4 **Welsh Language**

Under the Council's Welsh Standards, citizens have the right to receive Council services of the same standard in Welsh and English.

3.1.5 **The Rights of the Child**

3.1.5.1 The Council has adopted the United Nations Convention on The Rights of The Child ("the UNCRC") when exercising its functions. This means that the Council will consider how any decision it will make relates to the rights and obligations in the UNCRC.

3.1.5.2 All children will be supported and encouraged to learn Welsh and use the language and customs of their families, whether these are shared by the majority of people in the country or not.

3.2 CITIZENS' RESPONSIBILITIES

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

ARTICLE 4 – THE FULL COUNCIL

4.1 THE FOLLOWING PLANS AND STRATEGIES ARE:

4.1.1 Required by the Local Authority Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2007 (as amended) to be adopted by the Council, namely:

- Ceredigion Local Well- being Plan*
- Local Transport Plan (Regional Transport Plan)
- Local Development Plan
- Welsh Language Standards
- Youth Justice Plan
- Housing Strategy
- Rights of Way Improvement Plan

4.1.2 The Monitoring Officer in accordance with the Forward Work Programme will recommend from time to time the plans and strategies which should be adopted by the Council.

Statutory policies and policies relating to Council functions will be adopted by Council. Other policies will be approved by Cabinet.

Strategies will be adopted by Council. Polices and Strategies can be found on the Ceredigion County Council Website.

4.2 PARTNERSHIP STRATEGIES AND PLANS

The Ceredigion Local Well-being Plan marked with an asterisk in 4.1.1 above is prepared by the Public Service Board of which the Council is a statutory partner.

4.3 BUDGET

The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council tax base, setting the Council tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits. The Council will adopt the Treasury Management Policy Statement, the Capital Programme and the Revenue Budget.

4.4 FUNCTIONS OF THE FULL COUNCIL

Only the Council will exercise the following functions:

4.4.1 adopting and making major changes to the Constitution with changes to reflect legislative structural and minor matters to be affected by the Monitoring Officer;

4.4.2 approving or adopting the policy framework and the budget, and setting the Council Tax;

4.4.3 subject to the Urgency Procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of a Cabinet function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;

4.4.4 agreeing and/or amending the terms of reference for Committees, deciding on their composition and making appointments to them;

4.4.5 appointing the Leader;

4.4.6 noting the appointment of Cabinet Members by the Leader;

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

4.4.8 adopting a Schedule of Member Remuneration under Article 2.5;

4.4.9 adopting or revising a Code of Conduct for Members of the Council;

4.4.10 all the non-Cabinet functions set out in Table 1 in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than a committee, namely:

4.4.10.1 making, amending, revoking, re-enacting or adopting bylaws;

4.4.10.2 promoting or opposing the making of local legislation or personal bills;

4.4.10.3 the approval of the Council's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be);

4.4.10.4 making standing orders and standing orders as to contracts;

4.4.10.5 the consideration of adverse reports from the Public Services Ombudsman for Wales with recommended compensation over the level of £1,000 or from the Children's Commissioner, the Care and Social Services'

Inspectorate the Older People's Commissioner for Wales, the Welsh Language Commissioner or Audit Wales;

4.4.10.6 functions relating to sea fisheries;

4.4.10.7 changing the name of the County;

4.4.10.8 changing the name of a community;

4.4.10.9 conferring the title of honorary alderman or to admit to be an honorary freeman;

4.4.10.10 petition for a charter to confer County borough status;

4.4.10.11 appointing an electoral registration officer;

4.4.10.12 the dissolution of Community Councils;

4.4.10.13 making of orders to group Community Councils and for dissolving groups and separating Community Councils from groups;

4.4.10.14 appointing a returning officer for local government elections;

4.4.10.15 submitting proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000;

4.4.10.16 functions relating to local government pensions and the firemen's pension scheme.

4.4.10.17 Consideration of Cabinet decisions called in, following recommendation by the relevant Scrutiny Committee, limited to circumstances the Call-In procedures (part 6).

4.4.11 appointing the Chief Executive, Executive Corporate Director, Executive Corporate Lead Officers, and Corporate Lead Officers;

4.4.12 Appointing statutory officers, including Section 151 Officer, Monitoring Officer, Director of Social Services, Chief Education Officer, and Head of Democratic Services;

4.4.13 Determining the level, and any change in the level, of the remuneration of Chief Officers;

4.4.14 all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than Cabinet;

4.4.15 approving, reviewing and amending the Council's Petitions Protocol;

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

4.4.17 making arrangements for a panel performance assessment and responding to the panel's report;

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

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

4.4.20 performing the corporate joint committee functions set out in Article 16 of this Constitution, including the making of a corporate joint committee application and the giving of consent to corporate joint committee regulations being made;

4.4.21 all other matters which, by law, must be reserved to Council.

4.5 COUNCIL MEETINGS

There are four types of Council meeting:

4.5.1 the First Annual Meeting

4.5.2 the Annual meeting;

4.5.3 Ordinary meetings;

4.5.4 Special meetings.

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

4.6 RESPONSIBILITY FOR FUNCTIONS

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

Plans and strategies which the Council has adopted as a matter of local choice can be found on the Council's website at www.ceredigion.gov.uk and CeriNet Home Page.

ARTICLE 5 – CHAIRING THE COUNCIL

5.1 ROLE AND FUNCTION OF THE CHAIRPERSON OF THE COUNCIL

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

The Chairperson will be elected by the Council annually at the annual meeting.

The Chairperson will have the following responsibilities:

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

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

5.1.3 to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not on the Cabinet are able to hold the Cabinet and Committee chairmen to account;

5.1.4 to promote public involvement in the Council's activities;

5.1.5 to be the conscience of the Council; and

5.1.6 to attend such civic and ceremonial functions as they and the Council determine appropriate.

5.2 CHAIR OF COMMITTEES

The Chair of the Council shall not serve concurrently as Chair of any Committee of the Council.
Chairs and Vice-Chairs of respective Committees (save for the Democratic Services and Language Committees) shall serve for a term of two municipal years. Chairs may hold one Committee Chair and one Committee Vice-Chair post concurrently and may not seek re-election for the succeeding term in relation to the relevant committee/s of which they hold Chair status.
The Democratic Services Committee will be chaired by the Leader of an Opposition Group.
The Vice Chair will be from an Opposition group.

The Language Committee will be chaired by the Cabinet Member responsible for the Welsh Language.
The Vice Chair will be from the Administration group.

The terms of office of the Chairs and Vice-Chairs of the Democratic Services and Language Committees, respectively, shall be unlimited.

ARTICLE 6 – OVERVIEW AND SCRUTINY COMMITTEES

6.1 TERMS OF REFERENCE

The Council will appoint the Overview and Scrutiny Committees set out in the left hand column of the table below to discharge the functions conferred by Section 21 of the Local Government Act 2000 in relation to the matters set out in the right hand column of the same table.

Committee	**Scope**
Co-ordinating Committee **(10 Members)**	• Collaboration and Partnership Working; • Communication; • Equalities; • Crime and Disorder Matters.
Corporate Resources **(13 Members)**	• People and Organisation (including: Human Resources and Employee Experience, Learning and Development, Health and Safety); • Customer Services (including: Customer Contact, Library Services, Civil Registration); • ICT and Digital; • Finance and Procurement (including Treasury Management) • Legal & Governance Services (including Corporate Governance & Coroner Services); • Policy and Performance and Public Protection (including Engagement, Compliments, Complaints and Freedom of Information, Civil Contingencies); • Business Continuity. • Assets and Estates Management;
Healthier Communities **(13 Members)**	Porth Cynnal: including: • Adult Safeguarding, Mental Wellbeing Team, Planned Care Adults Team, Planned Care Childrens Team, Substance Misuse, Disability Services and Quality Assurance and Independent Review Service). Porth Gofal: including:

	• Integrated Triage and Assessment service (including Children's Safeguarding), Targeted Intervention Services, Through Age Residential and Specialist Disability Service); Porth Cymorth Cynnar: including • Housing, Wellbeing Centres, Leisure Services, Carers and Communities, Parents and Families, Youth Service, Youth Justice); • Public Protection: (including Environmental Health; Licensing)
Learning Communities **(13 Members)** .	• School Improvement; • Additional Learning Needs, Inclusion and Welfare; • Accountability and Progress; • Learning Resources; • Culture; • Engagement and Achievement; • Lifelong Learning and Skills.
Thriving Communities **(17 Members)**	• Town and Country Planning-Coast and Countryside • Economy and Regeneration; • Tourism and Marketing; • Sustainability and Carbon Management; • Flood and Coastal Risk Management (including SAB) • Highways (including Highways Maintenance, Winter Service, Emergency Response, Highways Design, Street Lighting, Streetworks, Road Closures, Highways Inspection and Traffic • Waste Management (including Waste Collection, Waste Facilities, Waste Disposal, Waste Strategy and Street Cleaning) • Corporate Fleet (including Transport Maintenance Unit, Fleet Compliance and Fleet Replacement) • Sustainable

	Travel (including Active Travel, Road Safety and EV Charging) • • Transport (including Harbours, School Transport, Public Transport and Parking Services

6.2 GENERAL ROLE

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

6.2.1 review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;

6.2.2 make reports and/or recommendations to the full Council and/or the Cabinet and/or any joint committee in connection with the discharge of any functions;

6.2.3 consider any matter affecting the area or its inhabitants; and

6.2.4 exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Cabinet.

6.2.5 The role of the Overview and Scrutiny Co-ordinating Committees be extended :

(a) To review or scrutinise decisions made, or other actions taken by the Public Services Board ("the P.S.B"), in the exercise of its functions;

(b) To review and scrutinise the PSB's governance arrangements;

(c) To make reports or recommendations to the PSB with respect to the PSB's functions or governance arrangements;

(d) To consider such matters relating to the PSB as the Welsh ministers may refer to it and to report to the Welsh ministers accordingly;

(e) To carry out such other functions in relation to the PSB as are imposed on it by the Well-being of Future Generations (Wales) Act 2015.

(f) To report/make recommendations to the appropriate fora (including Cabinet, the PSB and relevant sub-groups).

6.3 SPECIFIC FUNCTIONS

6.3.1 **Policy development and review.** Overview and Scrutiny Committees may:

6.3.1.1 assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues;

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

6.3.1.3 consider and implement mechanisms to encourage and enhance community participation in the development of policy options;

6.3.1.4 question members of the Cabinet and/or Committees and chief officers about their views on issues and proposals affecting the area or any matter under consideration; and

6.3.1.5 liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

6.3.1.6 to receive reports from Members nominated to represent Ceredigion County Council on external organisations'.

6.3.2 **Scrutiny.** Overview and Scrutiny Committees are expected to:

6.3.2.1 review and scrutinise the decisions made by and performance of the Cabinet and/or Committees and Council officers both in relation to individual decisions and over time;

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

6.3.2.3 question members of the Cabinet and/or Committees and appropriate officers about their decisions and performance, whether generally in comparison with business plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;

6.3.2.4 make recommendations to the Cabinet and/or appropriate Committee and by way of, and in accordance with good practice to inform Council decision making arising from the outcome of the e scrutiny process;

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

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

6.3.2.7 review or scrutinise decisions made, or actions taken, by the Ceredigion Public Services Board. The Overview and Scrutiny Co-ordinating Committee may:

6.3.2.7.1 review or scrutinise decisions made, or other action taken, by the Ceredigion Public Services Board;

6.3.2.7.2 review or scrutinise the Ceredigion Public Services Board's governance arrangements;

6.3.2.7.3 make reports or recommendations to the Ceredigion Public Services Board with respect to the board's functions or governance arrangements;

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

6.3.2.7.5 copy reports to the Ceredigion Public Services Board regarding the board's functions and governance arrangements to: -

(a) the Welsh Ministers;

(b) the Future Generations Commissioner for Wales; and

(c) the Auditor General for Wales.

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

6.3.2.7.7 Consider Councillor Calls for Action.

6.3.3 **Finance.** Overview and Scrutiny Committees may exercise overall responsibility for the finances made available to them.

6.3.4 **Annual report.** Overview and Scrutiny Committees must report annually to full Council on the work undertaken by each of the Committees and make recommendations for future work programmes and amended working methods if appropriate.

6.3.5 **Work Programme.** Overview and Scrutiny Committees must exercise overall responsibility for the work programme.

6.4 PROCEEDINGS OF OVERVIEW AND SCRUTINY COMMITTEES

Overview and Scrutiny Committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution. The Leader of the Council and Cabinet Members are to attend meetings of the appropriate Overview and Scrutiny Committees as an approved duty under Section 174 Local Government Act 1972 as they are automatically required to attend a meeting of an overview or scrutiny committee by the relevant Chairperson.

Full details of the Overview and Scrutiny Protocol can be found in Part 5.

6.5. PUBLIC ENGAGEMENT PROTOCOL

The Council has endorsed the Overview and Scrutiny Public Engagement Protocol, full details of which can be found in Part 5.

6.6 JOINT OVERVIEW AND SCRUTINY COMMITTEES

A Mid Wales Corporate Joint Committee Joint Overview and Scrutiny Committee has been established (see Article 16 below).

ARTICLE 7 – CABINET

7.1 ROLE

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

7.2 FORM AND COMPOSITION

The Cabinet will, subject to Article 7.8 below (Job Sharing), consist of the Leader together with at least 6, but not more than 9, Councillors appointed to a Cabinet by the Leader, the appointments to be reported to Council at its next meeting for information purposes.

7.3 LEADER

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

Two or more Councillors may be elected to share the position of Leader by the Council (see Article 7.8 below (Job Sharing)).

The Leader will hold office until:

7.3.1 they resign from the office; or

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

7.3.3 they are no longer a Councillor; or

7.3.4 they are removed from office by resolution of the Council passed by at least 75% of members present at the meeting; or

7.3.5 they are removed from office by resolution of the Council in the event of a change in political control of the Council.

7.4 OTHER CABINET MEMBERS

Other Cabinet members shall hold office until:

7.4.1 they resign from office; or

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

7.4.3 they are no longer Councillors; or

7.4.4 they are removed from office by the Leader who must give written notice of any removal to the Proper Officer. The removal will take effect two working days after receipt of the notice by the Proper Officer; or

7.4.5 they are removed from office, either individually or collectively, by resolution of the Council in the event of a change in political control of the Council.

7.5 PROCEEDINGS OF THE CABINET

Proceedings of the Cabinet shall take place in accordance with the Cabinet Procedure Rules set out in Part 4 of this Constitution. The Council's arrangements for multi-location meetings do apply to meetings of the Cabinet.

7.6 RESPONSIBILITY FOR FUNCTIONS

The Leader will maintain a list in Part 3 of this Constitution which will be reported to the next available Council meeting for information setting out which individual members of the Cabinet, Committees of the Cabinet, officers or joint arrangements are responsible for the exercise of particular Cabinet functions. This includes emergency powers in urgent decisions.

7.7 ASSISTANTS TO THE CABINET

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

(a) a Member of the Cabinet; or

(b) The Chair or Vice-Chair of the Council 7.7.2 Assistants to the Cabinet will not participate in Cabinet Decision making, but may work closely with a Cabinet Member. They will not be a Member of any Overview and Scrutiny Committees relating to the specific responsibilities of the Cabinet Member they are assisting or any other areas to which they are assigned.

7.7.3 An Assistant to the Cabinet may support the Cabinet Member through the delegation of tasks as agreed for their area of responsibility, including attending/chairing meetings; speaking/opening events; reading and commenting on papers; meeting Officers; agreeing press releases/comments and carrying out interviews; representing the Council on appropriate groups. Assistants to the Cabinet will not, however, have delegated powers and will not be entitled to vote at Cabinet Meetings or Cabinet Committee Meetings nor deputise for the Cabinet Member when the Cabinet Member is called to appear at the Overview and Scrutiny Committee.

7.7.4 Assistants to the Cabinet are entitled to attend, and speak at, any. meeting of the Cabinet or a Committee of the Cabinet.

7.8 JOB SHARING

7.8.1 Any election or appointment to the Cabinet (including the Leader) may include the election of two or more Councillors to share office. 7.8.2 Where two or more Members have been elected or appointed to share the same office on the Cabinet the maximum number of Members of the Cabinet, including the Leader(s), will be:

7.8.2.1 9, where at least two of the Members have been elected. or appointed to share office; or

7.8.2.2 10, where at least three of the Members have been elected. or appointed to share office.

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

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

ARTICLE 8 – REGULATORY COMMITTEES

REGULATORY COMMITTEES

8.1 The Council will appoint the Committee set out in the left hand column of Part 3.3 (Table 3) of this Constitution to discharge the functions described in column 3 of that table. Their terms of reference are also set out in column 2 of that Table.

8.2 Development Management Committee

8.2.1 Role, purpose and responsibilities

The Development Management Committee's role, purpose and responsibilities are set out in the Terms of Reference of the Development Control Committee (see Part 3.3 (Table 3), Part 3.1 Table 1 (Part A) and items 3 and 4, Part I in Part 3.1 Table 1 of this Constitution).

Quorum

No business is to be transacted at a meeting of a Development Management Committee unless at least half of the total number of members of the committee, rounded up to the nearest whole number, is present, namely at least 8 of 15 members. Substitute members will not be permitted.

The Development Management Committee's Terms of Reference and functions of Part 3.3 (Table 3) are set out below, as follows:

1. *Functions relating to town and country planning and development control as specified in Part A of Part 3.1 Table 1 above ('Functions relating to town and country planning and development control), together with functions under items 3 and 4 of Part I of Table 1 ('Miscellaneous functions').*
2. *To carry out the half Authority's statutory planning functions in relation to the determination of applications and allied issues relating to development and the regulation of uses and activities.*
3. *To consider and determine applications, so as to advance and contribute to the Council's Corporate Strategy and Priorities through thorough consideration of major developments county-wide.*
4. *To make planning decisions based on sound material planning considerations, and not personal circumstances, opinions or feelings.*
5. *To take into account the sustainable development principle in determining planning applications.*
6. *The power to act, all the powers and duties of the Authority relating to the consideration of planning, listed building and conservation area applications, notification schemes, tree preservation orders, the control of development and the enforcement of such control, and other consultation schemes where appropriate.*
7. *To receive reports from time to time from the Chief Executive or Corporate Lead Officer for Economy and Regeneration and other Officers on the exercise of*

any functions relating to the control of development which may have been delegated to them.

8. *To deal with all applications:*
    a. *made by the Council as landowner;*
    b. *relating to major developments;*
    c. *made by a Member or close personal associates; or*
    d. *made by;*
        I. *Chief Officers (Chief Executive, Executive Corporate Director, Executive Corporate Lead Officers and Corporate Lead Officers);*
        II. *All staff employed by the Planning Service(s) including development management and Forward Planning; and*
        III. *Any other Staff closely linked to the planning services or a particular planning application*

    or by their close personal associates.
9. *To prioritise making sound planning judgements in line with all relevant national and local planning policy that advances the corporate strategies and priorities of the Council unless there are other material considerations*.
10. *To determine applications in accordance with the Local Development Plan, the central tenants of the Well-being of Future Generations (Wales) Act 2015, and to deliver the Council's Corporate Priorities:*

- *Corporate Priority 1 – Boosting the Economy;*
- *Corporate Priority 2 – Investing in People's Future;*
- *Corporate Priority 3 – Enabling individual and Family Resilience; and*
- *Corporate Priority 4 – Promoting Environmental and Community Resilience.*

8.2.2 Proceedings of the Committee

Proceedings of the Development Management Committee shall take place in accordance with the Development Management Committee Operational Procedures set out in Part 4 Document I of this Constitution.

8.2.3 Member's Protocol of Good Practice in Planning

The Member's Protocol of Good Practice in Planning (see Part 5 Document Q of this Constitution) sets out the way in which the Authority will expect Members to deal with planning applications and related matters relevant to the Development Management Committee (and respective standards of conduct).

8.3 Licensing Committee

See Part 3.3 (Table 3) (Committees of the Council) of this Constitution for functions of the Licensing Committee.

8.3.1 Simple Majority

Unless this Constitution provides otherwise, any matter decided by the Committee will be decided by a simple majority of those Committee

members voting and present in the meeting at the time the recommendation or proposal was made.

8.3.2 Chairperson's Casting Vote

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

8.4 Democratic Services Committee

8.4.1 See Part 3.3 (Table 3) (Committees of the Council) of this Constitution for functions of the Democratic Services Committee.

8.4.2 The Committee shall comprise of 6 politically balanced Councillor Members. It should consist solely of councillors, and cannot include more than one member of the executive or assistant to the executive. Any executive member must not be the Council Leader.

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

8.4.4 The Chair will be appointed by the Council and will serve for a term of two consecutive municipal years (in accordance with Article 5.2 of Part 2 of the Constitution). The Chair must not be a member of any of the political groups represented in the executive. The exception to this is when a council has no opposition groups. In this case, any member of the Democratic Services Committee can be appointed as chair provided the member is not a member of the executive.

8.4.5 Co-option

The Measure does not provide the Committee with powers to co-opt persons onto the Committee.

8.4.6 Sub-committees

The Committee may appoint sub-committees as and when required and delegate functions to them. The Committee will appoint the Chair of any sub-committee.

8.4.7 Attendance to answer questions

The Committee (and any sub-committee) has the power to require the attendance of any Members or Officers of the Council to answer questions and can invite anyone else it likes to do so also. If a member or officer is required to attend they must answer any questions unless the question is one which they would be entitled to refuse in a court.

8.4.8 Access to information

The Committee's proceedings are subject to the Council Access to Information Rules as found in Document B Part 4 of the Constitution.

8.4.8 Frequency of meetings

The Committee is required to meet at least once in any municipal year, however the Democratic Services Committee will aim to meet at least three times in any municipal year

A meeting of the Committee can also be convened if the full Council so decides or at least a third of the members of the Committee demands a meeting. There is no limit on the maximum number of meetings a Democratic Services Committee may hold.

8.4.10 Welsh Government Guidance

The Committee must have regard to guidance from Welsh Ministers when exercising its functions.

8.4.11Reports of the Head of Democratic Services

Any report presented to the Committee by the HDS must be considered by the Committee within three months. Similarly, any report made by the Committee must be considered by the full Council within three months

OTHER COMMITTEES

8.5 The Council will appoint such other Committees as it considers appropriate to the exercise of its functions.

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

ARTICLE 9 – THE ETHICS AND STANDARDS COMMITTEE AND GOVERNANCE AND AUDIT COMMITTEE

9.1 ETHICS AND STANDARDS COMMITTEE

The Council has an Ethics and Standards Committee in accordance with the Standards Committee (Wales) Regulations 2001 as amended ("the Regulations").

9.1.1 COMPOSITION OF ETHICS AND STANDARDS COMMITTEE

9.1.1.1 Membership of Ethics and Standards Committee

The Ethics and Standards Committee is composed of nine members. Its membership comprises:

9.1.1.1.1 Five 'independent' members, who are not Councillors or Officers or the spouse of a Councillor or an officer of this Council or any other relevant authority as defined by the Regulations, appointed in accordance with the procedure set out in the Regulations;

9.1.1.1.2 Two County Councillors (other than the Leader of the Council and any member of the Cabinet);

9.1.1.1.3 Two members of Town and Community Councils wholly or mainly in the Council's area ('Community Committee members').

9.1.2 Term of Office for Ethics and Standards Committee

9.1.2.1 Independent members are appointed for a term of not less than four nor more than six years. They may be re-appointed for one further consecutive term not exceeding four years.

9.1.2.2 Members of the Council who are members of the Ethics and Standards Committee have a term of office until the next ordinary local government election following their appointment. They may be reappointed for one further consecutive term.

9.1.2.3 A Community Committee member has a term of office until the next ordinary local government election following their appointment. They may be reappointed for one further consecutive term.

9.1.3 Quorum - A meeting of the Ethics and Standards Committee is only quorate when:

9.1.3.1 at least three members are present; and

9.1.3.2 at least half the members present (including the Chairperson) are Independent Members

9.1.4 Voting - Independent Members and Community Committee members are entitled to vote at meetings

9.1.4.1 Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Committee members voting and present in the meeting at the time the recommendation or proposal was made.

9.1.4.2 Chairperson's Casting Vote

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

9.1.5 Community Committee Members - A Community Committee member does not take part in the proceedings of the Ethics and Standards Committee when any matter relating to their Community Council is being considered;

9.1.6 Chairing the Ethics and Standards Committee

9.1.6.1 An Independent Member must chair the Ethics and Standards Committee and the Vice Chair must be a Lay-Member.

9.1.6.2 The Chairperson is elected by the members of the Ethics and Standards Committee for whichever is the shorter of the following periods: -

9.1.6.2.1 a period of not less than four nor more than six years; or

9.1.6.2.2 until the term of office of that person as an independent member of the Ethics and Standards Committee comes to an end.

9.1.6.3 The election of a Chairperson is the first item of business for the Ethics and Standards Committee at its first meeting and thereafter at the end of the period of office of the incumbent Chairperson.

9.1.6.4 If the Chairperson is absent from a meeting of the Ethics and Standards Committee then the Vice-Chairperson of the Committee, if present, shall preside.

9.1.6.5 If both the Chairperson and the Vice-Chairperson of the Ethics and Standards Committee are absent from a meeting of that Committee,

such independent member of the Ethics and Standards Committee as the members of the Committee present shall choose shall preside.

9.1.7 ROLE AND FUNCTION OF ETHICS AND STANDARDS COMMITTEE

The Ethics and Standards Committee has the following roles and functions:

9.1.7.1 promoting and maintaining high standards of conduct by Councillors, Co-opted Members and church and parent governor representatives;

9.1.7.2 assisting the Councillors, Co-opted Members and church and parent governor representatives to observe the Members' Code of Conduct;

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

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

9.1.7.5 advising, training or arranging to train Councillors, co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct;

9.1.7.6 granting dispensations to Councillors, Co-opted Members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct; (81(4) & (5) LGA 2000 and the Standards Committees (Grant of Dispensation)(Wales) Regulations 2001 (2001/2279)

9.1.7.7 dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter referred to that officer by the Public Services Ombudsman for Wales; (section 73(1) LGA 2000 and the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001))(2001 2281)

9.1.7.8 the exercise of 9.1.7.1 to 9.1.7.7 above in relation to the Community Councils wholly or mainly in its area and the members of those Community Councils;(Section 56(1) LGA 2000)

9.1.7.9 to appoint an appeals panel of three, with a majority of independent members, one of whom would act as Chairperson, with regard to complaints made by members of the public under the Council's complaints procedure.

9.1.7.10 Developing and applying any local resolution protocols.

9.1.7.11 Working with Political Group Leaders to promote and maintain high standards of conduct by the Group members.

9.1.7.12 Monitoring compliance by Leaders of Political Groups with their duty to:

9.1.7.12.1 take reasonable steps to promote and maintain high standards of conduct by members of the Group; and

9.1.7.12.2 co-operate with the Council's Ethics and Standards Committee (and any sub-committee of the Committee) in exercise of the Ethics and Standards Committee's functions.

9.1.7.13 Advising, training or arranging to train leaders of political groups on the Council about matters relating to their duties under 9.1.7.12.1 and 9.1.7.12.2 above.

9.1.7.14 Making an annual report to the Council as soon as possible after the end of each financial year.

9.1.7.14.1 The annual report must include: -

9.1.7.14.2 a description of how the Ethics and Standards Committee has discharged its functions;

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

9.1.7.14.4 a summary of the actions that the Ethics and Standards Committee has taken following consideration of the reports and recommendations referred to in 9.1.7.14.3 above;

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

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

9.1.7.14.7 any recommendations which the Ethics and Standards Committee considers it appropriate to make to the Council about any matter which falls within the Committee's functions.

9.1.7.15 Joint Standards Committee

The Mid Wales Corporate Joint Committee has established a Mid Wales Corporate Joint Committee Standards Sub-Committee (see Article 16).

9.2 GOVERNANCE AND AUDIT COMMITTEE

The Council has a Governance and Audit Committee in accordance with the Local Government (Wales) Measure 2011 (as amended), the Accounts and Audit Regulations (Wales) 2014 and the Accounts and Audit (Wales) (Amendment) Regulations 2018.

9.2.1 ROLE AND FUNCTION OF GOVERNANCE AND AUDIT COMMITTEE

The Governance and Audit Committee has the following roles and functions, which are expanded upon in the Terms of Reference of the Governance and Audit Committee of Part 3.3 (Table 3):

9.2.1.1 To provide an independent and high-level focus on the Council's audit, assurance and reporting arrangements;

9.2.1.2 To independently review and advise the Council and Cabinet, and their respective Committees and Officers, on matters regarding good governance, financial oversight, risk management control, complaints procedures/handling and internal control in the delivery of the Council's services and functions;

9.2.1.3 To ensure the Council's systems of governance and internal control are effective, including arrangements for ensuring value for money, supporting standards and ethics and for managing the authority's exposure to the risks of fraud and corruption, and to ensure that the Council's internal audit services operates in accordance with agreed procedures;

9.2.1.4 To review, scrutinise and issue reports and recommendations in relation to the Council's financial affairs;

9.2.1.5 To review, scrutinise and issues reports and recommendations on the appropriateness of the Council's risk management, internal control and corporate governance arrangements;

9.2.1.6 To oversee the Council's internal and external audit arrangements and the Council's relationship with other regulators, including supporting the effective relationships between external and internal audit, reviewing the external auditor's opinion and reports to members, and monitoring management action in response to the issues raised by external audit;

9.2.1.7 To oversee the Council's financial reporting and review its financial statements;

9.2.1.8 To review and assess the Council's draft annual Self-Assessment report and make any necessary recommendations to Council for changes to:

9.2.1.8.1 the conclusions; or

9.2.1.8.2 to anything included in the report relating to what actions the Council intends to take, or any actions it has already taken, with a view to increasing the extent to which the Council will meet the performance requirements in the financial year following the financial year to which the report relates

9.2.1.9 To consider the Panel Performance Assessment Report, review the Council's draft response to the report of the Panel and make any

necessary recommendations for changes to the statements made in the draft response.

9.2.1.10 To consider any Auditor General Report following a special inspection of the Council, review the Council's draft response to the Auditor General Report and make any necessary recommendations for changes to the statements made in the Council's draft response relating to what action, if any, the Council intends to take in response to the Auditor General's recommendations; and

9.2.1.11 To adhere to accountability arrangements, including reporting on the arrangements and performance of the Governance and Audit Committee, and publish an annual report on the Committee's work.

9.2.2 COMPOSITION OF GOVERNANCE AND AUDIT COMMITTEE

9.2.2.1 Membership of Governance and Audit Committee

The Governance and Audit Committee membership is composed of:

9.2.2.1.1 A one-third membership total of 'lay persons'. For the purpose of the membership of the Governance and Audit Committee, a lay person is defined as a person who is not a member or officer of any local authority, who has not at any time in the period of twelve months ending with the date of that person's appointment been a member or an officer of any local authority, and who is not the spouse or civil partner of any member or officer of any local authority, as defined in the Local Government and Elections (Wales) Act 2021 and the Local Government (Wales) Measure 2011 (as amended) and any associated legislation; and

9.2.2.1.2 The remaining membership is composed of County Councillors. The Council shall appoint Members to the Governance and Audit Committee in accordance with the political balance rules.

9.2.2.2 Chairing the Governance and Audit Committee

The Governance and Audit Committee chooses its Chair and Deputy Chair and:The Chair of the Governance and Audit Committee shall be a lay person

9.2.2.1.2 The Deputy Chair of the Governance and Audit Committee shall be a lay member

9.2.2.1.3 Meetings of the Governance and Audit Committee shall be chaired by its Chair or, in the absence of the Chair, by its Deputy Chair. If both the said Chair and Deputy Chair

are absent, the Governance and Audit Committee may appoint a member of the Committee who is not a member of Cabinet, or an assistant to Cabinet, to chair the meeting.

9.2.3 Quorum

A meeting of the Governance and Audit Committee is only quorate when at least three members are present.

9.2.4 Voting

9.2.4.1 Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Committee members voting and present in the meeting at the time the recommendation or proposal was made.

9.1.4.2 Chairperson's Casting Vote

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

9.3 – THE CHARITY TRUSTEE COMMITTEE

See also Part 3.3 (Table 3)

Role:

- To act as trustee in respect of all trusts that the Council is the trustee of
- To make decisions in relation to charitable assets in the best interests of the charity.
- To receive reports on charitable issues and to ensure the requirements of the Charity Commission and charity law are adhered to in so far as they relate to the charitable assets held by the Council on trust.

Charitable trustees are required to act in the best interests of the charity when making decisions in respect of it and must exercise reasonable skill and care in doing so. The decisions of the Committee and responsibility for them will be collective. Members of the Committee will benefit from the general indemnity granted by the Council to Members and Officers, provided that they act honestly, within their powers and that of the charity, and in good faith.

Membership:
The 5 Chairs of the Council's Overview and Scrutiny Committees will be members of the Committee, with voting rights.

The 5 Vice-Chairs of the Council's Overview and Scrutiny Committees will be members of the Committee, with voting rights.

The Chair and Vice-Chair of the Council's Overview and Scrutiny Coordinating Committee shall be the Chair and Vice-Chair of the Charity Trustee Committee.

Quorum

Charity Trustee Committee quorum is 3 (of all voting members).

Meetings:
Meetings of the Charity Trustee Committee be provisionally scheduled to take place following each Overview and Scrutiny Co-ordinating Committee but not held if there is no trustee business to attend to.

Delegation of trustee responsibilities:
A power is delegated to the Chair of the Charity Trustee Committee (or the Vice-Chair in the Chair's absence) to decide on any matters arising which require authorisation within a timeframe of 10 working days subject to the following conditions:

a) The relevant power is to be exercised exclusively by the Chair (or Vice-Chair during the Chair's absence);
b) No expenditure may be incurred on behalf of the charity unless it relates to emergency works on a trust asset to include, but not be limited to, making the same safe or avoiding harm to the public or neighbouring land;
c) The Chair (or Vice-Chair, where they Chair was absent during the time when the decision was taken) must report back the decision at the next meeting of the Charity Trustee Committee; and

The trustees should keep the decision to delegate under constant review

ARTICLE 10 – JOINT ARRANGEMENTS

10.1 ARRANGEMENTS TO PROMOTE WELL BEING

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

10.1.1 enter into arrangements or agreements with any person or body;

10.1.2 co-operate with, or facilitate or co-ordinate the activities of, any person or body; and

10.1.3 exercise on behalf of that person or body any functions of that person or body.

10.2 JOINT ARRANGEMENTS

10.2.1 The Council may establish joint arrangements with one or more local authorities and/or Health Boards and/or their Executives to exercise functions which are not Executive functions in any of the participating authorities, or to advise the Council. Such arrangements may involve the appointment of Joint Committees, or Regional Health Partnership Boards with these local authorities and/or Health Boards.

10.2.2 The Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are Executive functions. Such arrangements may involve the appointment of Joint Committees, or Regional Health Partnership Boards with these other local authorities and/or Health Boards.

10.2.3 Except as set out below, the Cabinet may only appoint Cabinet members to a Joint Committee and those members need not reflect the political composition of the local Council as a whole.

10.2.4 The Cabinet may appoint members to a Joint Committee from outside the Cabinet where the Joint Committee has functions for only part of the area of the Council, and that area is smaller than two-fifths of the Council by area or population. In such cases, the Cabinet may appoint to the Joint Committee any Councillor who is a member for an electoral division which is wholly or partly contained within the area. The political balance requirements do not apply to such appointments.

10.2.5 Details of any joint arrangements including any delegations to Joint Committees will be found in the Council's scheme of delegations in Part 3 of this Constitution (and Section 4 of Part 7 of this Constitution in relation to the Mid Wales Corporate Joint Committee). There is also information in Part 7 of this Constitution regarding consultative and advisory fora (statutory and non-statutory), internal policy development/monitoring groups, partnerships within Ceredigion and regional partnerships/fora/consortia/joint committees.

10.3 ACCESS TO INFORMATION

10.3.1 The Access to Information Rules in Part 4, Document B of this Constitution apply.

10.4 DELEGATION TO AND FROM OTHER LOCAL AUTHORITIES

10.4.1 The Council may delegate non-executive functions to another local authority or, in certain circumstances, the executive of another local authority.

10.4.2 The Cabinet may delegate executive functions to another local authority or the executive of another local authority in certain circumstances.

10.4.3 The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting.

10.5 CONTRACTING OUT

The Council or Executive may arrange for the Council to contract out to another body or organisation functions which may be exercised by an officer. Contracting out to another local authority can be arranged under Section 101 of the Local Government Act 1972 and Section 2 of Part 1 Local Government Act 2000. Special statutory provisions permit joint arrangements with Health Bodies, but otherwise there may be a need for an order under Section 70 of the Deregulation and Contracting Out Act 1994, unless the contracting arrangements provide that the contractor acts as the Council's agent under usual contracting principles (and provided there is no delegation of the Authority's discretionary decision-making).

ARTICLE 11– OFFICERS

11.1 MANAGEMENT STRUCTURE

11.1.1 The Organisational Chart can be found at Part 6 of this document and also on the Council website

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

11.1.3 Chief Officers. The full Council will engage persons for the following posts, who are designated Chief Officers and Deputy Chief Officers as defined in Paragraph 3 of Part 2 of Schedule 3 of the Local Authorities (Standing Orders) (Wales) Regulations 2006, as amended.

Chief Officer Post	Deputy Chief Officer Post	Functions and Areas of Responsibility
Chief Executive		• Acting Returning Officer for UK Parliamentary General Elections • Counting Officer for Referenda • Electoral Registration Officer • If appointed by the Lord Chancellor, to act as Secretary to the Lord Chancellor's Advisory Committee on Magistrates for Ceredigion. • Overall corporate management and operational responsibility (including overall management responsibility for all officers); • Representing the Council on partnership and external bodies (as required by statute or the Council); and • Returning Officer for Local Government Elections including Community Councils and Senedd Cymru Elections • Service to the whole Council, on a politically neutral basis. • The provision of professional and impartial advice to all parties in the decision-making process - the Leader and Cabinet, Overview and Scrutiny Committees, the full Council and other Committees; • To act as Joint Clerk to the Lord Lieutenancy for their activities in Ceredigion. • To be Proper Officer for the Coroner Service. • Together with the Proper Officer responsibility for a system of record keeping for all the Council's decisions (Executive or otherwise); • Police Area Returning Officer

Chief Officer Post	Deputy Chief Officer Post	Functions and Areas of Responsibility
Executive Corporate Director		• Deputy Electoral Registration Officer Working with the Chief Executive and the wider Senior Leadership Team provide strategic leadership across Ceredigion - promoting the County as a place to live, work, invest and visit. Lead on the strategic health and wellbeing agenda; providing strategic direction to a partnership-led approach to the delivery of children and adults support services and safeguards those who are vulnerable, throughout Ceredigion. **Principal Accountabilities** 1. **Strategic Leadership** Lead the strategic direction of the various functions; ensuring Ceredigion is a place that supports and values its citizens, safeguards those who are vulnerable and provides appropriate care and protection. affording them maximum opportunity to reach academic and skills development to contribute to the economic and social growth of the County. 2. **Thematic Performance** Monitoring Council wide performance of services, within the role's span of control. Assess performance against plans to ensure the services are delivered effectively and efficiently and to the highest standards; including financial, performance, risk, people and change management.

		Lead and motivate management and staff to develop a climate of high performance and customer/community focus. Deliver performance improvements by driving modernisation and managing change, ensuring read through to corporate objectives. Facilitate change and transformation programmes across the Council, supporting senior managers in delivering excellent services through the provision of pragmatic and effective advice. 3. **Political Engagement** Lead political and democratic engagement in relation to the relevant thematic areas; establishing and maintaining procedure around democratic services and scrutiny. Develop strong working relationships with elected members; providing high level advice and support to maintain and improve Council performance. 4. **Stakeholder Engagement** Engage local partners from the public, private and community sectors in the delivery of Corporate priorities; forging a broad network of contacts across the public and private sector to develop Ceredigion as a place to live, work, invest and visit. 5. **Communication** Communicate the vision and values of the organisation to a broad range of stakeholders; building support among them in order to deliver better public services.

Chief Officer Post	Deputy Chief Officer Post	Functions and Areas of Responsibility
	Executive Corporate Lead Officer **Lifelong Learning*** ***Chief Education Officer** Executive Corporate Lead Officer **Schools*[1]** ***[1]Deputy Chief Education Officer**	• School Improvement, including use of statutory notices within mainstream schools and pupil referral units. • Curriculum Support • Additional Learning Needs • Assessment, pupil progress and accountability measures • Leadership in Schools • Post 16 education & training • Early years Education in non-maintained settings • Childcare provision • School Improvement Services including advisory service • Governing Body support • Welsh in Education Strategic Plan • Canolfannau Iaith • English/Welsh as an additional language • Additional Learning Needs including pre-school • Inclusion and well-being • Behaviour Support • EOTAS (Education Otherwise than at School) • School exclusion appeals • Monitoring of elective home education • Pupil admissions & appeals • Pupil voice • Child Performance Licences • School attendance • Pupil Referral Units • School Counselling • Lifelong Learning and Skills • Employability Support Service • School modernisation Programme • Infrastructure and Resources • Catering Service • Music Service • Theatr Felin Fach • Cered • Museum

Chief Officer Post	Deputy Chief Officer Post	Functions and Areas of Responsibility
	Corporate Lead Officer **Porth Cymorth Cynnar**	• Leisure • Active Young people • NERS • Disability Sport • Youth Work & Engagement • NEETs • Flying Start • Pathfinder Project • Play • Carers • Team Around the Family • Tim Teulu • Penparcau Family Centre • Families First • Community Youth Work & Prevention • Community Connectors • Housing • Common Housing Register • Homelessness and Housing Options • Disabled Facilities Grants • Home Energy Efficiency • Housing Standards (HMO's, Landlord Accreditation and Letting Agencies)

Chief Officer Post	Deputy Chief Officer Post	Functions and Areas of Responsibility
	Executive Corporate Lead Officer **Finance & Procurement** *** Section 151 Officer**	**Core Finance (Deputy 151)** • Medium Term Financial Planning • Statement of Accounts • Capital Programme • Financial Information Systems • Insurances • Sundry Debtors • Community Grants • Taxation • Treasury Management & Income Accounting • Care Home charging **Service Finance** • Financial Management • Accountancy • Budget setting and control • Final Accounts • Grant claims • Financial Management support to Schools • External funding **Revenues & Financial Assessment** • Council Tax Billing, Collection and Recovery • NNDR Billing, Collection and Recovery • Discretionary rates and Hardship relief • Council Tax Support • Housing Benefits • Financial Assessments • Revenues systems • Discretionary Housing Payments • Free School Meals & Pupil Access Grant **Procurement and Payments** • Ordering • Quotations and tenders • Payments • Procurement advice and control • Commissioning of service contracts • Proceeds of Crime Act 2002

Chief Officer Post	Deputy Chief Officer Post	Functions and Areas of Responsibility
	Corporate Lead Officer **Democratic Services** ***Head of Democratic Services**	• Cabinet Support • Democratic Services • Deputy Electoral Registration Officer • Deputy Acting Returning Officer for Parliamentary Elections • Deputy Returning Officer for Local Government Elections, including Community Councils and Senedd Cymru Elections • Police Area Deputy Local Returning Officer • Member Support • Scrutiny Support • Translation Services • Communication and Engagement • Electoral Services • Corporate Services Support • Project Office

Chief Officer Post	Deputy Chief Officer Post	Functions and Areas of Responsibility
	Corporate Lead Officer **People & Organisation**	• Authorised and Authorising Officer: Regulation of Investigating Powers Act 2000 • Human resources (HR) Advice and Administration • Payroll and Benefits • HR Systems • Organisational Development • Corporate Learning and Development • Corporate Health and Safety. • Staff engagement and well-being • Employee Equality

Chief Officer Post	Deputy Chief Officer Post	Functions and Areas of Responsibility
	Executive Corporate Lead Officer **Porth Cynnal Specialist Through Age Services** *** Statutory Director of Social Services** ***Responsible Individual**	• Adoption • Disabled Children and Adults • Care leavers • Looked After Children • Adults Planned Care Services • Safeguarding Service Children and Adults to include Independent Reviewing Service • Children in Need of Care and Support • Substance Misuse Service • Contracts Monitoring.(Social Care) & Quality Assurance • Regional Partnerships arrangements (Social Services and Well-being Act 2014) • Authorised and Authorising Officer: Regulation of Investigatory Powers Act 2000 • Mental Well-being Services • Agency Decision Maker - Children • Channel Panel – Safeguarding (Channel Chair)

Chief Officer Post	Deputy Chief Officer Post	Functions and Areas of Responsibility
	Corporate Lead Officer **Porth Gofal Targeted Intervention Services** **Deputy Statutory Director of Social Services**	• Porth Gofal Intake & Triage • Integrated Community Equipment Stores • Targeted Intervention Services Adults and Children • Assessment of Care and Support needs Adults and Children • Direct Services (In-House Residential Care/Home Care/Equipment) • Domicilliary Care Co-ordination • Porth Gofal • Fostering Services • Emergency Out of Hours Services

Chief Officer Post	Deputy Chief Officer Post	Functions and Areas of Responsibility
	Corporate Lead Officer **Policy, Performance & Public Protection** *Proper Officer – Public Health Control of Disease Act 1984	• Civil Contingency/Business Continuity and Local Resilience Forum • Strategic Partnerships, including Public Service Board and Community Safety. • Engagement and Equalities • Policy, Risk Management and Community Cohesion • Freedom of Information, Corporate Complaints, Compliments and Improvements • Business Planning and Improvement • Corporate Performance and Research • Licensing • Public Protection Services • Animal Health • Food Safety and Food Standards • Trading Standards) • Health & Safety (Regulatory) • Environmental Control • Statutory Nuisance • Dyfed Area Planning Board (Substance Misuse) • Public Health • Senior Authorising Officer for Proceeds of Crime Act 2002 • Authorised and Authorising Officer: Regulation of Investigatory Powers Act 2000 • Public Health Funerals • Private burials • Filthy and verminous premises • Drainage • Private Water Supplies • Air Quality • Refugee Re-settlement

Chief Officer Post	Deputy Chief Officer Post	Functions and Areas of Responsibility
	Corporate Lead Officer **Highways and Environmental Services**	• Central Wales Infrastructure Collaboration /North and Mid Wales Trunk Road Agent • Climate Change • Design Services (Highways) • Flooding and Coastal • Highways/Bridges • Operational Delivery in the areas of Highways, & Waste • Public Transport • Regional Transport Collaboration (TraCC) • Road Safety • Traffic Management • Civil parking Enforcement • Transport (to include Corporate Passenger Transport Unit) • Transport Planning (Local and Regional) • Waste • Highways Maintenance • Local Environment Services • Highways Development • Transport Services

Chief Officer Post	Deputy Chief Officer Post	Functions and Areas of Responsibility
	Corporate Lead Officer **Economy & Regeneration**	• Economic Development • Economic and Community Regeneration; • Funding and Grants; • Business Grants; • Food Centre Wales • Farmers Market & Markets • Planning Policy • Growing Mid Wales Partnership • Regional Engagement • Regional Planning • Tourism and marketing: • Tourist Information Centres; Wildlife, Coast and Countryside • Footpaths, bridleways and byways • Proper Officer – s78 Building Act 1984 (dangerous buildings) • Development Control (Planning) • Town & Country Planning • Conservation • Planning Enforcement & Building Control • Estates/ Development • Property Services • Asset Management • Project Management • All Buildings & Buildings Maintenance • Civil Enforcement

Chief Officer Post	Deputy Chief Officer Post	Functions and Areas of Responsibility
	Corporate Lead Officer **Customer Contact** ***SIRO** ***Proper Officer for Civil Registration**	• Archives & Modern Records • Corporate & Education ICT Support & Development • Customer Information Centres • Customer Contact / Community Well-being • Data Protection inc GDPR • ICT • CLIC, inc Family info support Services • DEWIS • Civil Registration • Public Access Requests • Information Management • Library Services • Reprographics Unit • Senior Information Risk Owner

Chief Officer Post	Deputy Chief Officer Post	Functions and Areas of Responsibility
	Corporate Lead Officer **Legal & Governance Services *Monitoring Officer**	• Head of Legal Services / Chief legal Officer Coroner Service • Internal Audit • External Audit & Regulators • Welsh Audit Office Relationship • Corporate Governance • Constitution • Access to Information • Deputy Electoral Registration Officer • Ethics and Standards • Monitoring Officer • Notices of Motion • Code of conduct & PSOW Referrals/Investigations • Senior Responsible Officer: Regulation of Investigating Powers Act 2000

11.1.4 Statutory Posts.

The Council will designate the following statutory posts as shown:

Post	Designation
Chief Executive	Chief Executive
Executive Corporate Lead Officer Finance & Procurement	Chief Finance Officer Section 151 Officer
Corporate Lead Officer Legal & Governance Services	Monitoring Officer
Corporate Lead Officer Democratic Services *	Head of Democratic Services
Executive Corporate Lead Officer Schools & Culture	Chief Education Officer
Executive Corporate Lead Officer Porth Cynnal Specialist Through Age Services	Statutory Director of Social Services

*Designated by the Democratic Services Committee.

Such posts will have the functions described in Article 11.2–11.8 below.

11.1.5 Structure. The Chief Executive will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out at Part 7 of this Constitution.

11.2 FUNCTIONS OF THE CHIEF EXECUTIVE

1.1.1 **Discharge of functions by the Council**. The Chief Executive will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions, organisation of officers and the appointment and proper management of officers.

1.1.2 **The Chief Executive must keep the following matters under review:**

11.2.2.1 The manner in which the exercise by the Council of its different functions is co-ordinated;

11.2.2.2 The Council's arrangements in relation to:

11.2.2.2.1 Financial planning,

11.2.2.2.2 Asset management, and

11.2.2.2.3 Risk Management

11.2.2.3 The number and grades of Staff required by the Council for the exercise of its functions;

11.2.2.4 The organisation, appointment and management arrangements of the Council's Staff including for training and development).

1.1.3 If the Chief Executive considers it appropriate to do so, they must make a report to the Full Council setting out their approach to these matters. As soon as possible after preparing a report, the Chief Executive must arrange for a report to be sent to each Member of the Council.

1.1.4 **Acting as one of the Council's Representatives on the Public Services Board.** The Chief Executive shall be one of the Council's two representatives at meetings of the Public Services Board.

1.1.5 **Restrictions on functions**. The Chief Executive may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

11.3 FUNCTIONS OF THE MONITORING OFFICER

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

1.1.7 **Ensuring lawfulness and fairness of decision-making.** After consulting with the Chief Executive and Chief Finance Officer, the Monitoring Officer will report to the full Council or to Cabinet in relation to a Cabinet function if they consider that any proposal,

decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

1.1.8 **Supporting the Ethics and Standards Committee.** The Monitoring Officer and Deputy Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Ethics and Standards Committee.

1.1.9 **Receiving reports.** The Monitoring Officer will receive and act on reports made by the Ombudsman and decisions of the case tribunals or interim case tribunals.

1.1.10 **Conducting investigations.** The Monitoring Officer will conduct investigations into matters referred to him/her by the Ombudsman and make reports or recommendations in respect of them to the Ethics and Standards Committee

1.1.11 **Proper Officer for access to information**. The Monitoring Officer will ensure that Executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible

1.1.12 **Advising whether decisions of Cabinet** are within the budget and policy framework. The Monitoring Officer will advise whether decisions of Cabinet are in accordance with the budget and policy framework.

1.1.13 **Providing advice**. The Monitoring Officer will, in conjunction with the Chief Finance Officer, 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 relevant officers.

1.1.14 **Restrictions on functions**. The Chief Executive may not be the Monitoring Officer or the Head of Democratic Services but may hold the post of Chief Finance Officer if a qualified accountant. The Head of Democratic Services may not be the Chief Finance Officer.

11.4 FUNCTIONS OF THE CHIEF FINANCE OFFICER/SECTION 151 OFFICER

11.4.1 Ensuring lawfulness and financial prudence of decision-making. After consulting with the Chief Executive and the Monitoring Officer, the Chief Finance Officer will report to the full Council or to the Cabinet in relation to a Cabinet function and the Council's external auditor if they consider 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.

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

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

11.4.4 **Providing advice**. The Chief Finance Officer will, in conjunction with the Monitoring Officer, provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors and will support and advise Councillors and officers in their respective roles. Give financial information. The Chief Finance Officer will provide financial information to the media, members of the public and the community as appropriate.

11.5 FUNCTIONS OF THE HEAD OF DEMOCRATIC SERVICES

The function of the Head of Democratic Services (HoDS) is designated under section 8(1) of the Local Government (Wales) Measure 2011.
The HoDS is the designated officer is defined as a chief officer for the purposes of the Local Authorities (Standing Orders)(Wales) Regulations 2006 as amended.

The Head of Democratic Services, may arrange for the discharge of democratic services functions by staff within the Democratic Services Service.

The statutory functions of the Head of Democratic Services include:

1) Provision of support and advice to:
- to the Council in relation to its meetings
- to committees of the Council and the members of those committees
- to any Joint Committee which a Council is responsible for organising and the members of that Committee
- in relation to the functions of the Council Overview and Scrutiny Committees, to members of the Council, members of the executive and officers
- to each member of the Council in carrying out the role of member of the Council.
- to promote the role of the Council Overview and Scrutiny Committees

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

3) any other functions prescribed by the Welsh Ministers.

11.6 FUNCTIONS OF THE CHIEF EDUCATION OFFICER

11.6.1 To undertake the statutory duties required of a Chief Education Officer as outlined in section 532 of the 1996 Education Act

11.7 FUNCTIONS OF THE STATUTORY DIRECTOR OF SOCIAL SERVICES

11.7.1 The Functions of the Statutory Director of Social Services are set out in Part 4 Document P

11.8 DUTY TO PROVIDE SUFFICIENT RESOURCES TO THE STATUTORY OFFICERS

11.8.1 The Council will provide the Monitoring Officer, Chief Finance Officer /Section 151 Officer, statutory Director of Social Services, Chief Education Officer and Head of Democratic Services with such officers,

accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

11.9 CONDUCT

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

11.10 EMPLOYMENT

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

ARTICLE 12 – DECISION-MAKING

12.1 RESPONSIBILITY FOR DECISION-MAKING

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

12.2 PRINCIPLES OF DECISION-MAKING

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

12.2.1 Proportionality (i.e., any action taken must be proportionate to the aim being pursued);

12.2.2 due consultation and the taking of professional advice from officers;

12.2.3 respect for equality and human rights;

12.2.4 a presumption in favour of openness; and

12.2.5 clarity of aims and desired outcomes.

12.2.6 Proper recording of reasons for the decision, any personal and prejudicial interests declared as well as any dispensations to speak granted by the Council's Ethics and Standards Committee

12.2.7 Taking all reasonable steps and/or having due regard to:

12.2.7.1 meeting the principles and goals set out in the Well-Being of Future Generations (Wales) Act 2015, in carrying out its functions;

12.2.7.2 the desirability of reducing inequalities of outcome which result from socio-economic disadvantage (pursuant to the Equality Act 2010); and

12.2.7.3 the Council's Anti-Slavery Policy and Anti-Slavery Annual Statement (pursuant to the Modern Slavery Act 2015).

12.3 DECISIONS RESERVED TO FULL COUNCIL

Decisions relating to the functions listed in Article 4.1 will be made by the full Council and not delegated.

12.4 DECISION-MAKING BY THE FULL COUNCIL

Subject to Article 12.8 and to Part 3.5 in relation to urgent action, the Council meeting will follow the Council Procedures Rules and other relevant Procedures set out in Part 4 of this Constitution when considering any matter.

12.5 DECISION-MAKING BY THE CABINET

Subject to Article 12.8, the Cabinet will follow the Cabinet Procedures Rules and other relevant procedures set out in Part 4 of this Constitution when considering any matter.

12.6 DECISION-MAKING BY OVERVIEW AND SCRUTINY COMMITTEES

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

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

Subject to Article 12.8, other Council Committees and Sub-Committees will follow those parts of the Council Procedures Rules and other relevant procedures set out in Part 4 of this Constitution as apply to them.

12.8 DECISION-MAKING BY COUNCIL BODIES ACTING AS TRIBUNALS

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

12.9 DECISION-MAKING BY CORPORATE JOINT COMMITTEES

The Mid Wales Corporate Joint Committee (also see Article 16) may make decisions in accordance with applicable relevant legislation.

ARTICLE 13 – FINANCE, CONTRACTS AND LEGAL MATTERS

13.1 FINANCIAL MANAGEMENT

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

13.2 CONTRACTS

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

13.3 LEGAL PROCEEDINGS

Corporate Lead Officer Legal & Governance Services is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Corporate Lead Officer Legal & Governance Services considers that such action is necessary to protect the Council's interests.

13.4 AUTHENTICATION OF DOCUMENTS

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Corporate Lead Officer Legal & Governance Services, and/or other person authorised by the Council unless any enactment otherwise authorises or requires.

All contracts shall be administered in accordance with the Contract Procedure Rules.

13.5 COMMON SEAL OF THE COUNCIL

The Common Seal of the Council will be kept in a safe place in the custody of the Corporate Lead Officer Legal & Governance Services. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Corporate Lead Officer Legal & Governance Services, the Corporate Lead Officer for Democratic Services, the Monitoring Officer, (and in absence, Corporate Manager – Legal Services) or the Chief Executive should be sealed. The affixing of the Common Seal will be attested by the Corporate Lead Officer Legal & Governance Services, the Corporate Lead Officer Democratic Services, the Monitoring Officer, (and in absence, Corporate Manager – Legal Services) or the Chief Executive or some other person authorised by the Council.

ARTICLE 14 – REVIEW AND REVISION OF THE CONSTITUTION

14.1 DUTY TO MONITOR AND REVIEW THE CONSTITUTION

The Monitoring Officer and the Corporate Lead Officer Democratic Services will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect and to make any minor amendments to the Constitution as required.

14.2 A key role for the Monitoring Officer and the Corporate Lead Officer Democratic Services is to be aware of the strengths and weaknesses of the Constitution adopted by the Council. The Monitoring Officer will effect any minor changes and to make recommendations for ways in which it could be amended in order better to achieve the purposes set out in Article 1. In undertaking this task the Monitoring Officer may:

14.2.1 observe meetings of different parts of the member and officer structure;

14.2.2 undertake an audit trail of a sample of decisions;

14.2.3 record and analyse issues raised with them by members, officers, the public and other relevant stakeholders;

14.2.4 compare practices in this Council with those in other comparable authorities, or national examples of good practice.

14.3 CHANGES TO THE CONSTITUTION

Changes to reflect legislative, structural and minor matters

14.3.1 Changes (other than minor matters) to the constitution will be approved by the Council after consideration of the proposal by the Monitoring Officer, in consultation with the Council's Cross-Party Constitution Working Group, as necessary (see Section 2 Part 7).

14.3.2 Where change from a Leader and Cabinet form of Executive to a Mayoral Form of Executive or Vice Versa is proposed, the Council must take reasonable steps to consult with local electors and other interested persons in the area.

14.4 MAINTAINING THE CONSTITUTION

The Monitoring Officer and Corporate Lead Officer Democratic Services will maintain an up-to-date version of the Constitution and will ensure that it is widely available for reference and inspection by Members, staff and the public. A copy of the Council Constitution will be published on the Council's Website.

ARTICLE 15 – SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION

15.1 SUSPENSION OF THE CONSTITUTION

This Article ensures that the articles of the Constitution may not be suspended. This provides certainty and stability to the fundamental aspects of the Council's governance.

It does however provide for Rules of Procedure to be suspended provided this is to achieve an effect consistent with the purposes of the Constitution set out in Article 1.

15.1.1 The Articles of this Constitution may not be suspended. The Council Procedure Rules specified below may be suspended in whole or in part by the full Council to the extent permitted within those Rules and the law.

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

15.1.3 Any Council Procedure Rules save for those which are defined as mandatory in the Local Authorities (Standing Orders) Regulations 1993 may be suspended in accordance with Article 15.1.

15.2 INTERPRETATION

15.2.1 Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purpose stated in Article 1.

15.2.2 The ruling of the Chairperson of Council as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1 and any guidance or advice of the Monitoring Officer.

15.2.3 The following words, phrases and terms shall have the meanings ascribed to them unless the context requires or it is otherwise provided at law.

Word, phrase or term	Meaning
Access to Information Procedure Rules	The rules so titled set out in Part 4 of the Constitution
Article	An Article of this Constitution
Budget and Policy Framework Procedure Rules	The rules so titled as set out in Part 4 of the Constitution
Call in	The referral of an executive decision in accordance with the Overview and Scrutiny Procedure Rules
Cabinet	The Council's Cabinet as defined in section 11 of the Local Government Act 2000
Cabinet Decision	A decision made for the purpose of discharging an Executive Function
Cabinet Members	The Leader and Deputy Leader of the Council and any Councillor appointed by the Leader of the Council pursuant to section 11 (3) (b) of the Local Government Act 2000 and notified by the Leader to the County Council
Cabinet Portfolio	An area of County Council activity allocated by the Leader of the Council to a Cabinet Member and notified by the Leader to the Council
Cabinet Procedure Rules	The rules so titled set out in Part 4 of the Constitution
Chairperson	The person elected as the Chair of a Committee or appointed as the Chair of a sub-committee or in his or her absence the Vice Chair/Deputy Chair of such committee or sub-committee where one has been elected or appointed or the person presiding at the meeting of a committee or sub-committee
Chief Executive	The person designated as such by the Council under Section 54 of the Local Government and Elections (Wales) Act 2021
Chief Officer	A person designated as such by the Council
Clear Days	The number of days between the day when the document is first made available for inspection or dispatched to Councillors and the date of the meeting to which it relates but includes any intervening date when the document is available for public inspection
Committee	A committee or sub-committee of the Council

Word, phrase or term	Meaning
Committee Meeting Procedure Rules	The rules so titled set out in Part 4 of the Constitution
Confidential information	Confidential information as defined by section 100A(3) of the Local Government Act 1972 as more particularly set out in Paragraph 10.4 of Document B in Part 4 of this Constitution (Access to Information Procedure Rules)
Constitution	This constitution, as amended
Constitution Guide	A document, which explains, in ordinary language, the content of this Constitution, published by the Council in accordance with Section 37 of the Local Government Act 2000.
Contract Procedure Rules	The Contract Standing Orders and Procurement Rules set out in Part 4 of the Constitution
Corporate Joint Committee	A corporate body, established via regulation, comprising specified principal councils in Wales, for the purpose of enabling strategic planning and delivery at a regional scale. See Article 16 for details of the Corporate Joint Committee that the Council is a member of.
Council	Ceredigion County Council acting by any means which they may lawfully adopt
Council Meeting	The Council meeting together in accordance with Schedule 12 of the Local Government Act 1972
Council Procedure Rules	The rules set out in Part 4 of the Constitution
Councillor	A member of the Council
County	County of Ceredigion
Data Protection Legislation	The Data Protection Act 2018 and UK General Data Protection Regulation (UK GDPR)
Employee	An employee of the Council
Employment Procedure Rules	The rules so titled set out in Part 4 of the Constitution
Executive Function	A function of the Council which is determined to be an executive function in accordance with section 13 of the Local Government Act 2000

Word, phrase or term	Meaning
Exempt information	Information of a nature described in Schedule 12A of the Local Government Act 1972 as amended more particularly set out in Article 10.4 of Document B in Part 4 of this Constitution (Access to Information Procedure Rules)
Financial Procedure Rules	The rules so titled set out in Part 4 of the Constitution
Forward Plan	The agreed plan of business for Cabinet, to be published on a quarterly basis, setting out all the business to be undertaken by Cabinet for a 12-month period
Leader	Cabinet leader as defined in section 48 of the Local Government Act 2000 Reference to 'Leader' in this Constitution includes reference to each Leader appointed as such in accordance with the Job Sharing provisions at Article 7.8 of this Constitution.
Majority Group	a political group to which belong either – (a) more than half of the members of the Council; or (b) exactly half of the number of members of the Council, including the Chair
Meeting	A meeting of the Council or a committee as the case may be, to include meetings held in person, fully remotely or in a hybrid arrangement (a 'multi-location meeting'), as per section 47 of the Local Government and Elections (Wales) Act 2021 and in accordance with the Council's Protocol for Attendance at Local Authority Meetings and Electronic Broadcasts of Meetings. Reference to attendance at such meetings may include remote attendance, as applicable.
Member	Unless otherwise stated means a member of the committee or body to which the rule or requirement applies
Members Code of Conduct	The Code of Conduct adopted by the Council in accordance with section 51 of the Local Government Act 2000
Monitoring Officer	The officer of the Council designated by the Council under section 5 of the Local Government and Housing Act 1989

Word, phrase or term	Meaning
Number of members	In relation to the Council, the number of persons who may act at the time in question as members of the Council, and in relation to a committee, the number of persons who may act at the time in question as voting members of that body
Ombudsman	Public Service Ombudsman for Wales
Overview and Committees	Those committees of the Council appointed in accordance with Article 6
Policy Framework	The plans and strategies referred to in Article 4 paragraph 4.1 of the Constitution
Political Group	a political group as defined in the Local Government (Committees and Political Groups) Regulations 1990 as amended by the (Amendment) Regulations of 1991 and 1993
Proper Officer	For all purposes (excluding Civil Registration and where otherwise specified) the Head of Democratic Services and in absence the Monitoring Officer will deemed to be the Proper Officer
Public Services Board	The public services board established for the Council's local authority area under Part 4 of the Well-being of Future Generations (Wales) Act 2015
Regulatory committee	Any committee with statutory recognised regulatory functions, for example, Governance and Audit Committee, Licensing Committee, Development Management Committee.
Schedule of Member Remuneration	The scheme referred is on the Council's website - Members Allowances - Ceredigion County Council
Scrutiny Procedure Rules	The rules so titled set out in Part 4 of the Constitution
Statutory Officer	(For the purpose of this Constitution, the Chief Executive, the Monitoring Officer / Director of Social Services, Chief Education Officer, the Chief Finance Officer (Section 151) and the Head of Democratic Services.
Executive Corporate Director	A person designated as such by the Council
The Cabinet	The Council's Cabinet as defined in section 11 of the Local Government Act 2000

Word, phrase or term	Meaning
The Deputy Leader	a member selected to deputise for the Leader of the Council
The Local Councillor(s)	means the Councillor(s) for any electoral area(s) to which a Council matter under consideration relates
The 1972 Act	The Local Government Act 1972
The 1989 Act	The Local Government and Housing Act 1989
The 2000 Act	The Local Government Act 2000
Working Day	Means any day on which the main offices of the Council are open for usual business and for the avoidance of doubt the phrase 'clear working days' shall exclude the day when notice is given or documents are made available for inspection or is dispatched to Councillors as the case may be and the date of the meeting or event to which it relates
Writing	A requirement that something shall be submitted in writing will be satisfied by the submission by email to an address designated by the Proper Officer for that purpose provided that it is transmitted by the Councillor concerned from the Councillor's email address and in such circumstances will be deemed to have been signed by the Councillor concerned
Any reference in any Council Procedure Rule to a numbered paragraph is, unless the context otherwise requires, a reference to the paragraph of that Council Procedure Rule bearing that number.	

15.2.4 Reference to any statute or statutory provision includes a reference to:

15.2.4.1 that statute or statutory provision as from time to time amended, extended, re-enacted or consolidated; and

15.2.4.2 all statutory instruments or orders made pursuant to it.

15.2.5 Words denoting the singular number only shall include the plural and vice versa.

15.2.6 Words denoting any gender include all genders.

15.2.7 The headings in this document are inserted for convenience only and shall not affect the construction or interpretation of this Constitution.

15.2.8 References to a designated employee of the Council includes (except where the law prescribes that the function, action or the like must be taken by that person alone) a person duly authorised to act for or on behalf of that person provided that the employee designated for the purposes of the Constitution shall remain responsible to the Council.

15.2.9 References to a post or designation shall be deemed to include a reference to the employee for the time-being performing those functions where the post or designation name is altered or the functions are reallocated and where there is a reference to a generic title (e.g. Executive Corporate Director, Executive Corporate Lead Officer and Corporate Lead Officer) such reference will be deemed to include other posts whatever their designation or name but being within the same tier of management or responsibility.

15.3 PUBLICATION OF CONSTITUTION

15.3.1 The Monitoring Officer ensure that each member of the Council will have access to an electronic or printed copy of this Constitution upon delivery to him/her of that individual's declaration of acceptance of office on the member first being elected to the Council.

15.3.2 The Monitoring Officer will ensure that copies are available for inspection at Council offices, and other appropriate locations and is published on the Council's website, and can be purchased by members of the local press and the public on payment of a charge representing no more than the cost of providing the copy.

ARTICLE 16 – CORPORATE JOINT COMMITTEES

1.1 The Council is a member of the following Corporate Joint Committees:

16.1.1 The Mid Wales Corporate Joint Committee ('the Mid Wales CJC') pursuant to

16.1.2 The Mid Wales Corporate Joint Committee Regulations 2021

16.1.3 The Corporate Joint Committee (General) (Wales) Regulations 2021; and

16.1.4 The Corporate Joint Committees (General) (Wales) Regulations 2022.

1.2 The Mid Wales Corporate Joint Committee has established the following Sub-Committees, the membership of which includes Council Members and lay members (see Part 7 section 4):

16.2.1 The Joint Overview and Scrutiny Committee;

16.2.2 The Joint Governance and Audit Committee; and

16.2.3 The Joint Standards Committee

16.3. The National Fostering and Adoption Joint Committee

See part 7 section 4

PART 3

RESPONSIBILITY FOR COUNCIL FUNCTIONS

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Part 3.1 (Table 1) RESPONSIBILITY FOR COUNCIL FUNCTIONS

A. **Functions relating to town and country planning and development control**			
Function	**Provision of Act or Statutory Instrument**	**Delegated to**	**Further delegated to**
1. Power to determine applications for planning permission.	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990.	Development Management Committee	Corporate Lead Officer Economy & Regeneration,
2. Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990.		
3. Power to grant planning permission for development already carried out.	Section 73A of the Town and Country Planning Act 1990.		
4. Power to decline to determine application for planning permission.	Section 70A of the Town and Country Planning Act 1990.		
5. Duties relating to the making of determinations of planning applications.	Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) and directions made there under.		
6. Power to determine applications for planning permission made by a local authority, alone or jointly with another person	Section 316 of the Town and Country Planning Act 1990 and the Town Country Planning General Regulations 1992 (S.I. 1992/1492).		

Part 3.1 (Table 1) RESPONSIBILITY FOR COUNCIL FUNCTIONS Cont'd			
A. Functions relating to town and country planning and development control			
Function	**Provision of Act or Statutory Instrument**	**Delegated to**	**Further delegated to**
7. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418).	Development Management Committee	Corporate Lead Officer Economy & Regeneration,
8. Power to enter into planning obligation, regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990.		
9. Power to issue a certificate of existing or proposed lawful use or development.	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990.		
10. Power to serve a completion notice	Section 94(2) of the Town and Country Planning Act 1990.		
11. Power to grant consent for the display of advertisements.	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992.		
12. Power to authorise entry onto land.	Section 196A of the Town and Country Planning Act 1990.		
13. Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990.		

Part 3.1 (Table 1) RESPONSIBILITY FOR COUNCIL FUNCTIONS Cont'd			
A. Functions relating to town and country planning and development control			
Function	**Provision of Act or Statutory Instrument**	**Delegated to**	**Further delegated to**
14. Power to serve a planning contravention notice, breach of condition notice or stop notice.	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990.	Development Management Committee	Corporate Lead Officer Economy & Regeneration,
15. Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990.		
16. Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990.		
17. Power to determine applications for hazardous substances consent, and related powers.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990 (c. 10).		
18. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c. 25) and paragraph 6(5) of Schedule 14 to that Act.		
19. Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990.		

Part 3.1 (Table 1) RESPONSIBILITY FOR COUNCIL FUNCTIONS Cont'd			
A. Functions relating to town and country planning and development control			
Function	**Provision of Act or Statutory Instrument**	**Delegated to**	**Further delegated to**
20. Power to determine applications for listed building consent, and related powers.	Sections 16(1) and (2), 17 and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9).	Development Management Committee	Corporate Lead Officer Economy & Regeneration,
21. Power to determine applications for conservation area consent.	Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as applied by section 74(3) of that Act.		
22. Duties relating to applications for listed building consent and conservation area consent.	Section 13(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and regulations 3 to 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 and paragraph 127 of the Welsh Office circular 61/96: Planning and the Historic Environment: Historic Buildings and Conservation Areas.		
23. Power to serve a building preservation notice, and related powers.	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.		
24. Power to issue a listed building enforcement notice.	Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990.		

Part 3.1 (Table 1) RESPONSIBILITY FOR COUNCIL FUNCTIONS Cont'd			
A. Functions relating to town and country planning and development control			
Function	**Provision of Act or Statutory Instrument**	**Delegated to**	**Further delegated to**
25. Powers to acquire a listed building in need of repair and to serve a repairs notice.	Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Development Management Committee	Corporate Lead Officer Economy & Regeneration,
26. Power to apply for an injunction in relation to a listed building.	Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990.		
27. Power to execute urgent works.	Section 54 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.		
28. Power related to mineral working.	Schedule 9 of the Town and Country Planning Act 1990.		
29. Power related to footpaths and bridleways.	Section 257 of the Town and Country Planning Act 1990.		
30. Power as to certification of appropriate alternative development.	Section 17 of the Land Compensation Act 1961 (c. 33).		
31. Duties in relation to purchase notices.	Sections 137-144 of the Town and Country Planning Act 1990.		
32. Powers related to blight notices.	Sections 149-171 of the Town and Country Planning Act 1990.		

Part 3.1 (Table 1) RESPONSIBILITY FOR COUNCIL FUNCTIONS Cont'd			
B. Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule)			
1. Power to issue licences authorising the use of land as a caravan site ("site licences").	Section 3(3) of the Caravan Sites and Control of Development Act 1960 (c. 62).	Council	Corporate Lead Officer Policy, Performance and Public Protection,
2. Power to license the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936 (c. 49).		
3. Power to license hackney carriages and private hire vehicles.	(a) as to hackney carriages, the Town Police Clauses Act 1847 (10 & 11 Vict. c. 89), as extended by section 171 of the Public Health Act 1875 (38 & 39 Vict. c. 55), and section 15 of the Transport Act 1985 (c. 67); and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (c. 57); (b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.		
4. Power to license drivers of hackney carriages and private hire vehicles.	Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.		
5. Power to license operators of hackney carriages and private hire vehicles.	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.		

Part 3.1 (Table 1) RESPONSIBILITY FOR COUNCIL FUNCTIONS Cont'd			
B. Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule) Cont'd			
Function	**Provision of Act or Statutory Instrument**	**Delegated to**	**Further delegated to**
6. Power to register pool promoters.	Schedule 2 to the Betting, Gaming and Lotteries Act 1963 (c. 2).	Council	Corporate Lead Officer Policy, Performance and Public Protection,
7. Power to grant track betting licences.	Schedule 3 to the Betting, Gaming and Lotteries Act 1963.		
8. Power to license inter-track betting schemes.	Schedule 5ZA to the Betting, Gaming and Lotteries Act 1963.		
9. Power to grant permits in respect of premises with amusement machines.	Schedule 9 to the Gaming Act 1968 (c. 65).		
10. Power to register societies wishing to promote lotteries.	Schedule 1 to the Lotteries and Amusements Act 1976 (c. 32).		
11. Power to grant permits in respect of premises where amusements with prizes are provided.	Schedule 3 to the Lotteries and Amusements Act 1976.		
12. Power to issue entertainments licences.	Section 12 of the Children and Young Persons Act 1933 (c. 12)		
13. Power to license sex shops and sex cinemas.	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.		

Part 3.1 (Table 1) RESPONSIBILITY FOR COUNCIL FUNCTIONS Cont'd			
B. Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule) Cont'd			
Function	**Provision of Act or Statutory Instrument**	**Delegated to**	**Further delegated to**
14. Power to license performances of hypnotism.	The Hypnotism Act 1952 (c. 46).	Council	Corporate Lead Officer Policy, Performance and Public Protection,
15. Power to register	Sections 13 to 17 of the Local		
(Cont'd) premises for acupuncture, tattooing, ear-piercing and electrolysis. Power to issue permits / permission.	(Cont'd) Government (Miscellaneous Provisions) Act 1982.		
16. Power to license pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907 (c. 53).		
17. Power to license market and street trading.	Part III of and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982.	Delegated to Corporate Lead Officer Economy & Regeneration,	
18. Duty to keep list of persons entitled to sell non-medicinal poisons.	Sections 3(1) (b) (ii), 5, 6 and 11 of the Poisons Act 1972 (c. 66).	Licensing Committee	Corporate Lead Officer Policy, Performance and Public Protection,
19. Power to license dealers in game and the killing and selling of game.	Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831 (c. 32); sections 2 to 16 of the Game Licences Act 1860 (c. 90), section 4 of the Customs and Inland Revenue Act 1883 (c. 10), section 27 of the Local Government Act 1894 (c. 73), and section 213 of the Local Government Act		

	1972 (c. 70).		

Part 3.1 (Table 1) RESPONSIBILITY FOR COUNCIL FUNCTIONS Cont'd			
B. Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule) Cont'd			
Function	**Provision of Act or Statutory Instrument**	**Delegated to**	**Further delegated to**
20. Power of register and license premises for the preparation of food.	Section 19 of the Food Safety Act 1990 (c. 16).	Licensing Committee	Corporate Lead Officer Policy, Performance, and Public Protection,
21. Power to license scrap yards.	Section 1 of the Scrap Metal Dealers Act 1964 (c. 69).		
22. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975 (c. 52).		
23. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.	Part III of the Fire Safety and Safety of Places of Sport Act 1987 (c. 27).		
24. Duty to promote fire safety	Section 6 of the Fire and Rescue Services Act 2004 (c. 21)		
25. Power to license premises for the breeding of dogs.	Section 1 of the Breeding of Dogs Act 1973 (c. 60) and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999 (c. 11).		
26. Power to license pet shops and other establishments	Section 1 of the Pet Animals Act 1951 (c. 35); section 1 of the Animal Boarding Establishments		

Part 3.1 (Table 1) RESPONSIBILITY FOR COUNCIL FUNCTIONS Cont'd			
B. Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule) Cont'd			
Function	**Provision of Act or Statutory Instrument**	**Delegated to**	**Further delegated to**
(Cont'd) where animals are bred or kept for the purposes of carrying on a business.	(Cont'd) Act 1963 (c. 43); the Riding Establishments Acts 1964 and 1970 (1964 c. 70 and 1970 c. 70); section 1 of the Breeding of Dogs Act 1973 (c. 60), and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.	Licensing Committee	Corporate Lead Officer Policy, Performance and Public Protection.
27. Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925 (c. 38).		
28. Power to license zoos.	Section 1 of the Zoo Licensing Act 1981 (c. 37)		
29. Power to license dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976 (c. 38).		
30. Power to enforce regulations in relation to animal by-products	Regulation 49 of the Animal By-products (Wales) Regulations 2006 (S.I 1292 (W.127))		
31. Power to license the employment of children.	Part II of the Children and Young Persons Act 1933 (c. 12), byelaws made under that Part, and Part II of the Children and Young Persons Act 1963 (c. 37).	Executive Corporate Lead Officer Schools and Culture; Corporate Lead Officer Legal & Governance Services	

Part 3.1 (Table 1) RESPONSIBILITY FOR COUNCIL FUNCTIONS Cont'd			
B. Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule) Cont'd			
Function	**Provision of Act or Statutory Instrument**	**Delegated to**	**Further delegated to**
32. Power to approve premises for the solemnisation of marriages and the registration of civil partnerships.	Section 46A of the Marriage Act 1949 (c. 76), section 6A of the Civil Partnership Act 2004 (c. 33) and the Marriages and Civil Partnerships (Approved Premises) Regulations 2005 (S. I. 2005/3168).	Proper Officer for Civil Registrations (Corporate Lead Officer Customer Contact)	
33. Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to— 33(a) an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c. 67) or 3(b) an order under section 147 of the Inclosure Act 1845 (c. 8 & 9 Vict. c. 118).	Regulation 6 of the Commons Registration (New Land) Regulations 1969 (S.I. 1969/1843).	Development Management Committee	Corporate Lead Officer Economy & Regeneration,
34. Power to register variation of rights of common.	Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471).	Development Management Committee	Corporate Lead Officer Economy & Regeneration
35. Power to issue a permit to conduct charitable collections.	Section 68 of the Charities Act 1992.	Licensing Committee	Corporate Lead Officer Policy, Performance

36. Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c. 40).		and Public Protection.

Part 3.1 (Table 1) RESPONSIBILITY FOR COUNCIL FUNCTIONS Cont'd			
B. Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule) Cont'd			
Function	**Provision of Act or Statutory Instrument**	**Delegated to**	**Further delegated to**
37. Power to grant a street works licence.	Section 50 of the New Roads and Street Works Act 1991 (c. 22).	Corporate Lead Officer Highways & Environmental Services,	
38. Duty to register the movement of pigs.	Regulations 21(3) and (4) of the Pigs (Records Identification and Movement) (Wales) Order 2004 (S.I 2004/996 (W.104).	Licensing Committee	Corporate Lead Officer Policy, Performance and Public Protection.
39. Power to enforce regulations in relation to the movement of pigs.	Regulation 27(1) of the Pigs (Records, Identification and Movement (Wales) Order 2004/996 (W.104).		
40. Power to issue a licence to move cattle from a market.	Article 5(2) of the Cattle Identification Regulations 1998 (S.I. 1998/871).		
41. Power to sanction use of parts of buildings for storage of celluloid.	Section 1 of the Celluloid and Cinematograph Film Act 1922 (c. 35).		
42. Duty to enforce and execute Regulations (EC) No. 852/2004 and 853/2004 in relation to food business operators as further specified in regulation 5 of the Food (Hygiene) (Wales) Regulations 2006.	Regulation 5 of the Food (Hygiene) (Wales) Regulations 2006.	Licensing Committee	Corporate Lead Officer Policy, Performance and Public Protection.

43. Functions in respect of establishing a Licensing Committee.	Section 6 of the Licensing Act 2003 (c. 17).	Council
44. Power to issue Special Procedure licences Including tattooing, piercing, acupuncture	Public Health Wales Act 2017. Schedule 3	Licensing Committee Further delegated to: Corporate Lead Officer Policy, Performance and Public Protection.
Part 3.1 (Table 1) RESPONSIBILITY FOR COUNCIL FUNCTIONS Cont'd		
C. Functions relating to health and safety at work		
Functions under any of the "relevant statutory provisions" within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer	Part I of the Health and Safety at Work etc. Act 1974 (c. 37).	Delegated to the Corporate Lead Officer Policy, Performance and Public Protection.

Part 3.1 (Table 1) RESPONSIBILITY FOR COUNCIL FUNCTIONS Cont'd			
D. Functions relating to elections			
Function	**Provision of Act or Statutory Instrument**	**Delegated to**	**Further delegated to**
1. Duty to appoint an electoral registration officer.	Section 8(2A) of the Representation of the People Act 1983 (c. 2).	Council	Save for the functions delegated to the Chief Executive
2. Power to assign officers in relation to	Section 52(4) of the Representation of the		

requisitions of the registration officer.	People Act 1983.		
3. Power to dissolve community councils.	Section 28 of the Local Government Act 1972.		
4. Power to make orders for grouping communities.	Section 29 of the Local Government Act 1972.		
5. Power to make orders for dissolving groups and separating community councils from groups.	Section 29A of the Local Government Act 1972.		
6. Duty to appoint returning officer for local government elections.	Section 35 of the Representation of the People Act 1983.		
7. Duty to provide assistance at European Parliamentary elections.	Section 6(7) and (8) of the European Parliamentary Elections Act 2002.		
8. Duty to divide constituency into polling districts.	Section 18 of the Representation of the People Act 1983.		
9. Power to divide electoral divisions into polling districts at local government elections.	Section 31 of the Representation of the People Act 1983.		

Part 3.1 (Table 1) RESPONSIBILITY FOR COUNCIL FUNCTIONS Cont'd			
D. Functions relating to elections			
Function	**Provision of Act or Statutory Instrument**	**Delegated to**	**Further delegated to**
10. Powers in respect of holding of elections.	Section 39(4) of the Representation of the People Act 1983.	Council	Save for the functions delegated to the Chief Executive
11. Power to pay expenses properly incurred by electoral registration officers.	Section 54 of the Representation of the People Act 1983.		
12. Power to fill vacancies in the event of insufficient nominations.	Section 21 of the Representation of the People Act 1985.		
13. Duty to declare vacancy in office in certain cases.	Section 86 of the Local Government Act 1972.		
14. Duty to give public notice of a casual vacancy.	Section 87 of the Local Government Act 1972.		
15. Power to make temporary appointments to community councils.	Section 91 of the Local Government Act 1972.		
16. Power to determine fees and conditions for supply of copies of, or extracts from, elections documents.	Rule 48(3) of the Local Elections (Principal Areas) Rules 1986 (S.I.1986/2214) and rule 48(3) of the Local Elections (Parishes and Communities) Rules 1986 (S.I. 1986/2215).		
17. Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.	Section 10 of the Representation of the People Act 2000 (c. 2).		

Part 3.1 (Table 1) RESPONSIBILITY FOR COUNCIL FUNCTIONS Cont'd		
E. Functions relating to name and status of areas and individuals		
1. Power to change the name of a county or county borough.	Section 74 of the Local Government Act 1972.	Council
2. Power to change the name of a community.	Section 76 of the Local Government Act 1972.	
3. Power to confer title of honorary alderman or to admit being an honorary freeman.	Section 249 of the Local Government Act 1972.	
4. Power to petition for a charter to confer county borough status.	Section 245A of the Local Government Act 1972.	
F. Power to make, amend, revoke or re-enact byelaws	Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978 (c. 300).	
G. Power to promote or oppose private Bills.	. Sections 52 and 53 0f the Local Government (Democracy) (Wales) Act 2013	
H. Functions relating to pensions etc.		
1. Functions relating to local government pensions, etc.	Regulations under section 7, 12 or 24 of the Superannuation Act 1972 (c. 11).	Council
2. Functions relating to pensions, allowances and gratuities.	Regulations under section 18 (3A) of the Local Government and Housing Act 1989 (c. 42).	
3. Functions under existing pension schemes as respects persons employed by the fire and rescue authorities pursuant to section 1 of the Fire and	Sections 34 and 36 of the Fire and Rescue Services Act 2004.	

Rescue Service Act 2004		

Part 3.1 (Table 1) RESPONSIBILITY FOR COUNCIL FUNCTIONS Cont'd			
I. Miscellaneous functions			
Function	**Provision of Act or Statutory Instrument**	**Delegated to**	**Further delegated to**
1. Duty to approve authority's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be).	The Accounts and Audit (Wales) Regulations 2005.	Council	
2. Functions relating to sea fisheries.	Sections 1, 2, 10 and 19 of the Sea Fisheries Regulation Act 1966 (c. 38).		
3. Powers relating to the preservation of trees.	Sections 197 to 214D of the Town and Country Planning Act 1990 and the Town and Country Planning (Trees) Regulations 1999 (S.I. 1999/1892).	Development Management Committee	Corporate Lead Officer Economy & Regeneration,
4. Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997 (S.I. 1997/1160).		
5. Power to make standing orders.	Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972	Council	
6. Appointment and dismissal of staff	Section 112 of the Local Government Act 1972 and sections 7 and 8 of the Local Government and Housing Act 1989.	Council	Delegated to Chief Executive and all Officers nominated by the Chief Executive subject to the Officer Employment Rules

Part 3.1 (Table 1) RESPONSIBILITY FOR COUNCIL FUNCTIONS Cont'd			
I. Miscellaneous functions Cont'd			
Function	**Provision of Act or Statutory Instrument**	**Delegated to**	**Further delegated to**
7. Power to make standing orders as to contracts.	Section 135 of the Local Government Act 1972.	Council	
8. Power to consider reports from the Public Services Ombudsman for Wales.	Section 19 of the Public Services Ombudsman (Wales) Act 2005 (c. 10).	Council	Monitoring Officer
9. Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption.	Section 13(2) of the Criminal Justice and Police Act 2001 (c. 16).	Council	
10. Powers in respect of registration of motor salvage operators.	Part 1 of the Vehicles (Crime) Act 2001 (c. 3).	Licensing Committee	Corporate Lead Officer Policy, Performance and Public Protection.
11. Power to appoint officers for particular purposes (appointment of "proper officers").	Section 270(3) of the Local Government Act 1972 (c. 42).	Council	
12. Duty to designate an officer as the head of the authority's paid service, and to provide staff, etc.	Section 4(1) of the Local Government and Housing Act 1989 (c. 42)		
13. Duty to designate an officer as the monitoring officer and to provide staff, etc.	Section 5(1) of the Local Government and Housing Act 1989.		
14. Duty to determine affordable borrowing limit.	Section 3 of the Local Government Act 2003 (c. 22).		

Part 3.1 (Table 1) RESPONSIBILITY FOR COUNCIL FUNCTIONS Cont'd			
I. Miscellaneous functions Cont'd			
Function	**Provision of Act or Statutory Instrument**	**Delegated to**	**Further delegated to**
15. Approval of annual investment strategy in accordance with guidance.	Section 15 of the Local Government Act 2003.	Council	
16. Duty to make arrangements for proper administration of financial affairs	Section 151 of the Local Government Act 1972 (c. 11).	Council	Section 151 Officer
17. Power to make or revoke an order designating a locality as an alcohol disorder zones	Section 16 of the Violent Crime Reduction Act 2006 (now repealed)		
18. Functions relating to Family Absence of Local Authority Members	The Family Absence for Members of Local Authorities (Wales) Regulations 2013		

Part 3.2 (Table 2) RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

Function	Decision-making body	Membership	Delegation of functions
1. Any function under a local Act other than a function specified or referred to in Schedule 1.	Cabinet	All Cabinet Members	None
2. The determination of an appeal against any decision made by or on behalf of the authority.	Council	All Members of the Council	Save for the functions delegated to the Appeals Panel
3. Functions in relation to the revision of decisions made in connection with claims for housing benefit or council tax benefit and for appeals against such decisions under section 68 of and Schedule 7 to the Child Support, Pensions and Social Security Act 2000	Cabinet	All Cabinet Members	
4. The making of arrangements in relation to appeals against the exclusion of pupils in maintained schools under section 52 of the Education Act 2002.	Cabinet	All Cabinet Members	Executive Corporate Lead Officer Schools and Culture; Corporate Lead Officer Legal & Governance Services;
5. The making of arrangements pursuant to section 94(1), (1A) and (4) of, and Schedule 24 to, the School Standards and Framework Act 1998 (admission appeals).			
6. The making of arrangements pursuant to section 95(2) of the School Standards and Framework Act 1998 (children to whom section 87 applies: appeals by governing bodies).			
7. The making of arrangements under section 20 (questions on police matters at council meetings) of the Police Act 1996 for enabling questions to be put on the discharge of the functions of a police authority.	Council	All Members of the Council	

Part 3.2 (Table 2) RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS (Cont'd)			
Function	**Decision-making body**	**Membership**	**Delegation of functions**
8. The making of appointments under paragraphs 2 to 4 (appointment of members by relevant councils) of Schedule 2 (police authorities established under section 3) to the Police Act 1996.	Council	All Members of the Council	Joint Committee appointed under Paragraph 2(2) of Schedule 2 to the Police Act 1996
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 or action under the Wales Improvement Measure as appropriate.	Cabinet	All Cabinet Members	Cabinet Members, Executive Corporate Directors, Executive Corporate Lead Officers and Corporate Lead Officers
10. Any function relating to contaminated land.	Council	All Members of the Council	Corporate Lead Officer Policy, Performance and Public Protection, Corporate Lead Officer Highways and Environmental Services
11. The discharge of any function relating to the control of pollution or to the Declaration of an Air Quality Management Area	Council	All Members of the Council	Corporate Lead Officer Policy, Performance and Public Protection.
12. The service of an abatement notice in respect of a statutory nuisance.	Cabinet	All Cabinet Members	Corporate Lead Officer Policy Performance and Public Protection.
13. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	Council	All Members of the Council	
14. The inspection of the authority's area to detect any statutory nuisance.	Cabinet	All Cabinet Members	Corporate Lead Officer Policy,

15. The investigation of any complaint as to the existence of a statutory nuisance.			Performance and Public Protection, Corporate Lead Officer Highways and Environmental Services

Part 3.2 (Table 2) RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS (Cont'd)			
Function	**Decision-making body**	**Membership**	**Delegation of functions**
16. The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.	Cabinet	All Cabinet Members	Corporate Lead Officer Policy, Performance and Public Protection, Corporate Lead Officer Highways and Environmental Services
17. The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976	Cabinet	All Cabinet Members	All Executive Corporate Directors, Executive Corporate Lead Officers and Corporate Lead Officers
18. Any of the following functions in respect of highways -			
(a) the making of agreements for the execution of highways works.	Cabinet	All Cabinet Members	Corporate Lead Officer Highways & Environmental Services,
(b) The functions contained in the following provisions of Part III of the Highways Act 1980 (Creation of Highways) –			
(i) Section 25 – creation of footpath, bridleway or restricted byway by agreement.	Cabinet	All Cabinet Members	Corporate Lead Officer Economy & Regeneration, Corporate Lead Officer Highways & Environmental Services
(ii) Section 26 – compulsory powers for creation of footpaths, bridleways or restricted byways.	Council	All Members of the Council	Corporate Lead Officer Economy & Regeneration

Part 3.2 (Table 2) RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS (Cont'd)			
Function	**Decision-making body**	**Membership**	**Delegation of functions**
(c) The functions contained in the following provisions of Part V111 of the Highways Act 1980 (stopping up and diversion of highways etc.) -			
(i) Section 116 – power of magistrates' court to authorise stopping up or diversion of highway.	Cabinet	All Cabinet Members	Corporate Lead Officer Highways & Environmental Services and Corporate Lead Officer Economy & Regeneration
(ii) Section 117 – application for order under section 116 on behalf of another person;			
(iii) Section 118 – stopping up of footpaths, bridleways and restricted byways;	Cabinet	All Cabinet Members	Corporate Lead Officer Highways & Environmental Services and Corporate Lead Officer Economy & Regeneration
(iv) Section 118ZA – application for a public path extinguishment order;			
(v) Section 118A – stopping up of footpaths, bridleways and restricted byways crossing railways;			

Part 3.2 (Table 2) RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS (Cont'd)			
Function	**Decision-making body**	**Membership**	**Delegation of functions**
(vi) Section 118B – stopping up of certain highways for purposes of crime prevention etc.;	Cabinet	All Cabinet Members	Corporate Lead Officer Highways & Environmental Services and Corporate Lead Officer Economy & Regeneration
(vii) Section 118C – application by proprietor of school for special extinguishment order;			
(viii) Section 119 – diversion of footpaths, bridleways and restricted byways;			
(ix) Section 119ZA – application for a public path diversion order;			
(x) Section 119A – diversion of footpaths, bridleways and restricted byways crossing railways;			
(xi) Section 119B – diversion of certain highways for purposes of crime prevention etc.;			

Part 3.2 (Table 2) RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS (Cont'd)			
Function	**Decision-making body**	**Membership**	**Delegation of functions**
(xii) Section 119C – application by proprietor of school for special diversion order;	Cabinet	All Cabinet Members	Corporate Lead Officer Highways & Environmental Services and Corporate Lead Officer Economy & Regeneration
(xiii) Section 119D – diversion of certain highways for protection of sites of special scientific interest;			
(xiv) Section 120 – exercise of powers of making public path extinguishment and diversion orders;			
(xv) Section 121B – register of applications;			
(d) the functions contained in the following provisions of Part IX of the Highways Act 1980 (lawful and unlawful interference with highways and streets)-			
(i) Section 130 – protection of public rights;	Cabinet	All Cabinet Members	Corporate Lead Officer Highways & Environmental Services and Corporate Lead Officer Economy & Regeneration
(ii) Sections 139 – control of builders' skips;	Cabinet		

Part 3.2 (Table 2) RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS (Cont'd)				
Function		**Decision-making body**	**Membership**	**Delegation of functions**
(iii)	Section 140 – removal of builders' skips;	Cabinet	All Cabinet Members	Corporate Lead Officer Highways & Environmental Services and Corporate Lead Officer Economy & Regeneration
(iv)	Section 140A(7) – builders' skips: charges for occupation of the highway;			
(v)	Section 142 – licence to plant trees, shrubs etc. in a highway;	Cabinet	All Cabinet Members	Corporate Lead Officer Highways & Environmental Services
(vi)	Section 147 – power to authorise erection of stiles etc. on footpath or bridleway;	Cabinet	All Cabinet Members	Corporate Lead Officer Highways & Environmental Services and Corporate Lead Officer Economy & Regeneration and Corporate Lead Officer Porth Gofal Targeted Intervention Services
(vii)	Section 147ZA – agreements relating to improvements for benefit of persons with mobility problems;			
(viii)	Section 149 – removal of things so deposited on highways as to be a nuisance etc.;	Cabinet	All Cabinet Members	Corporate Lead Officer Highways & Environmental Services and Corporate Lead Officer Policy Performance and Public Protection

Part 3.2 (Table 2) RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS (Cont'd)			
Function	**Decision-making body**	**Membership**	**Delegation of functions**
(ix) Section 169 – control of scaffolding on highways;	Cabinet	All Cabinet Members	Corporate Lead Officer Highways & Environmental Services and Corporate Lead Officer Economy & Regeneration
(x) Section 171 – control of deposit of building materials and making of excavations in streets			
(xi) Section 171A and regulations made under that section – works under s169 or s171: charge for occupation of the highway;			
(xii) Section 172 – hoardings to be set up during building etc.;			
(xiii) Section 173 – hoardings to be securely erected;			
(xiv) Section 178 – restriction on placing of rails, beams etc. over highways;			
(xv) Section 179 – control of construction of cellars etc. under street;			
(xvi) Section 180 – control of openings into cellars etc. under streets, and pavement lights and ventilators			

Part 3.2 (Table 2) RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS (Cont'd)			
Function	**Decision-making body**	**Membership**	**Delegation of functions**
(e) exercising functions under section 35 of the Wildlife and Countryside Act 1982 (limestone pavement orders); and	Cabinet	All Cabinet Members	Corporate Lead Officer Economy & Regeneration
(f)exercising functions under section 53 of the Wildlife and Countryside Act 1981 (duty to keep definitive map and statement under continuous review)			
19. The appointment of any individual (a) to any office other than an office in which he is employed by the authority; (b) to anybody other than — (i) the authority; (ii) a joint committee of two or more authorities; or (c) to any committee or sub-committee of such a body, and the revocation of any such appointment.	Council in relation to Council-related functions Cabinet in relation to Cabinet-related functions	All Members of the Council or Cabinet where appropriate	None
20. Power to make payments or provide other benefits in cases of maladministration etc.	Council	All Members of the Council	Monitoring officer in relation to payments of £1,000 or below
21. The discharge of any function by an authority acting as a harbour authority.	Cabinet	All Cabinet Members	Corporate Lead Officer Highways & Environmental Services

Part 3.2 (Table 2) RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS (Cont'd)			
Function	**Decision-making body**	**Membership**	**Delegation of functions**
22. Functions in respect of the calculation of council tax base in accordance with any of the following— (a) the determination of an item for T in section 33(1) and 44(1) of the Local Government Finance Act 1992; (b) the determination of an amount for item TP in sections 34(3), 45(3) 48(3) and 48(4) of the Local Government Finance Act 1992; (c) the determination of an amount required for determining an amount for the item mentioned in paragraph (a) or (b) above.	Cabinet	All Cabinet Members	None
23. Licensing functions in accordance with Part 2 of the Licensing Act 2003 except section 6.	Council	All Members of the Council	Licensing Committee
24a. Functions in respect of gambling under the following provisions of the Gambling Act 2005 – (i) Section 29 – licensing authority information; (ii) Section 30 – other exchange of information;	Council	All Members of the Council	Corporate Lead Officer Policy Performance and Public Protection

Part 3.2 (Table 2) RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS (Cont'd)			
Function	**Decision-making body**	**Membership**	**Delegation of functions**
(iii) Section 284 – removal of exemption; (iv) Section 304 – authorised persons; (v) Section 346 – prosecutions by licensing authority; (vi) Section 350 – exchange of information; (vii) Part 5 of Schedule 11 – registration with local authority			
24b. Functions in respect of gambling under the following provisions of the Gambling Act 2005 – (i) Section 166 – resolution not to issue casino licences; (ii) Section 349 – three-year licensing policy;	Council	All Members of the Council	
24c. Functions in respect of gambling under the following provisions of the Gambling Act 2005 – (i) Section 212 and regulations made under that section – fees;	Cabinet	All Members of Cabinet	
25a. Functions in respect of approval by a local authority under section 51 or a determination by a Local Authority under section 53 of the School Standards and Organisation (Wales) Act 2013 (i) Section 41 proposals to	Council	All Members of the Council	

establish mainstream schools (ii) Section43: proposals to discontinue mainstream schools (iii) Section 44:proposals to a) establish a new community special school b) to discontinue such a school			
25b. Functions in respect of approval by a local authority under section 51 or a determination by a Local Authority under section 53 of the School Standards and Organisation (Wales) Act 2013 (ii) Section 42 proposals to alter mainstream schools (iii) Section 44-proposals to make a regulated alteration to a community special school (iv) Section 45 proposals to change a school category	Cabinet	All Cabinet Members	
25c. Functions in respect of approval of the Council's Welsh in education strategic plan for submission to the Welsh Ministers for approval, for publication and implementation by the Council under sections 84 and 85 of the School Standards and Organisation (Wales) Act 2013 (i) S.84 Preparation of Welsh in education strategic plans;	Cabinet	All Cabinet Members	

(iii) S.85 Approval, publication and implementation of Welsh in education strategic plans			
26. Functions in respect of Section 108 – Local Government and Elections (Wales) Act 2021 • a)S91 (a) self-assessment: report • b) section 91(8) (response to recommendations about report b)S91(8) response to report of panel performance assessment); c)S92(1) appointment of performance assessment panel; d)S93(1) response to recommendations about response to report of panel assessment e)S93(5) response to recommendations about response to report of panel; f)S96(1) Auditor General for Wales reports: response to recommendations from the Auditor General for Wales, g)S96(5) response to recommendations about response to the Auditor General for Wales, h) S102 request to the Welsh Ministers for support and assistance	Cabinet Cabinet Cabinet Cabinet Cabinet Cabinet Cabinet	All Cabinet Members All Cabinet Members All Cabinet Members All Cabinet Members All Cabinet Members All Cabinet Members All Cabinet Members	

	Cabinet Cabinet Council	All Cabinet Members All Cabinet Members All Members of the Council	
27. Functions in respect of the appropriation of land held by the Council for any purpose or function for which the Council is authorised to acquire land by statute including but not limited to: Section 122 Local Government Act 1972: Appropriation of land by principal councils; Section 229 Town and Country Planning Act 1990: Appropriation of land forming part of common, etc; Section 19 Housing Act 1985: Appropriation of land;	Council	All Members of the Council	
28.Power to determine (Town/Village) Green applications, pursuant to S15 Commons Act 2006	Council	All Members of the Council.	

Part 3.3 (Table 3) COMMITTEES OF THE COUNCIL

Committee	Functions	Delegation of Functions
Development Management Committee **(15 Members (may include Cabinet Members)** **Quorum** As set out in Article 8 of Part 2 to the Constitution	Development Management Committee – Terms of Reference 1. Functions relating to town and country planning and development control as specified in Part A of Part 3.1 Table 1 above ('Functions relating to town and country planning and development control'), together with functions under items 3 and 4 of Part I of Table 1 ('Miscellaneous functions'). 2. To carry out the Authority's statutory planning functions in relation to the determination of applications and allied issues relating to development and the regulation of uses and activities. 3. To consider and determine applications, so as to advance and contribute to the Council's Corporate Strategy and Priorities through thorough consideration of major developments county-wide. 4. To make planning decisions based on sound material planning considerations, and not personal circumstances, opinions or feelings. 5. To take into account the sustainable development principle in determining planning applications. 6. The power to act, all the powers and duties of the Authority relating to the consideration of planning, listed building and conservation area applications, notification schemes, tree preservation orders, the control of development and the enforcement of such control, and other consultation schemes where appropriate. 7. To receive reports from time to time from the Chief Executive or Corporate Lead	See Part 3.1 Table 1(Part A) above ('Functions relating to town and country planning and development control')

	Officer for Economy and Regeneration and other Officers on the exercise of any functions relating to the control of development which may have been delegated to them. 8. To deal with all applications: a. made by the Council as landowner; b. relating to major developments; c. made by a Member or close personal associates; or d. made by I. Chief Officers (Chief Executive, Executive Corporate Directors, Executive Corporate Lead Officers, and Corporate Lead Officers); II. All staff employed by the Planning Service(s) including development management and Forward Planning; and III. Any other Staff closely linked to the planning services or a particular planning application or by their close personal associates. 9. To prioritise making sound planning judgements in line with all relevant national and local planning policy that advances the corporate strategies and priorities of the Council unless there are other material considerations. 10. To determine applications in accordance with the Local Development Plan, the central tenants of the Well-being of Future Generations (Wales) Act 2015, and to deliver the Council's Corporate Priorities: o Corporate Priority 1 – Boosting the Economy; o Corporate Priority 2 – Investing in	

	People's Future; ○ Corporate Priority 3 – Enabling individual and Family Resilience; and ○ Corporate Priority 4 – Promoting Environmental and Community Resilience.	

Committee	Functions	Delegation of Functions
Licensing Committee **(11 Members)**	Licensing and Registration Functions as specified in Part B of Table 1 above, together with functions under item 10 of Part I of Table 1. Licensing Functions and Functions in respect of Gambling as specified in Table 2 above, Functions 23 & 24). To recommend to the Council additions and/or amendments to policy in relation to the functions of the Committee. To determine suspension/revocation of personal licences pursuant to s132 of the Licensing Act 2003 To determine contentious applications for the initial granting or renewal of licences to drive a hackney carriage or a private hire vehicle. To determine contentious applications for the initial grant or renewal of operators licences. To determine contentious applications and requests for licence reviews under the Licensing Act 2003 and the Gambling Act 2005. To determine applications for permits for house to house and street collections. To suspend, vary, revoke or refuse house to house, street collections, drivers, operators and vehicle licences. To determine contentious applications under the Motor Salvage Operators'' Registration Scheme. To hear representations and determine relevant applications under the Scrap Metal	See Table 1 (Parts B and I) and Table 2 above.

	Dealers Act 2013 as appropriate. Licensing Sub Committee to determine applications for the grant of 3 or more gaming machines on alcohol licensed premises, or applications which are subject to objection	

Committee	Functions	Delegation of Functions
Ethics and Standards Committee **(9 Members: 2 County Councillors, 2 Town and Community Members and 5 Independent Members)**	As set out in Article 9 of Part 2 to the Constitution	None

Committee		Functions	Delegation of Functions
Governance and Audit Committee **(3 Lay Persons and 6 County Councillors – 1/3 Lay Person composition)**		Governance and Audit Committee – Terms of Reference On 12/06/2025, Council resolved that meetings be held by remote means only.	
		<u>Statement of Purpose</u>	
	1	The Governance and Audit Committee is a key component of the Council's corporate governance framework. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.	
	2	To provide independent assurance to full Council and management of the adequacy of the risk management framework and the internal control environment. It provides an independent review of the Councils governance, risk management and control frameworks and oversees the financial reporting and annual governance process. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.	
		<u>Governance, Risk and Control</u>	
	3	To review the Council's corporate governance arrangements against the governance framework, including the ethical framework and consider the Governance Framework.	
	4	To review the Annual Governance Statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall	

		adequacy and effectiveness of the Council's framework of governance, risk management and control.	
	5	To maintain an overview of the Council's Constitution in respect of: Contract Procedure Rules, Finance Regulations	
	6	To review the governance and assurance arrangements for significant partnerships or collaborations, where applicable.	
	7	To consider the Corporate Risk Register.	
	8	To consider annual assurance reports on key areas, such as Cyber Security.	
	9	To consider the Council's framework of assurance and ensure that it adequately addresses the risks and priorities of the Council.	
	10	To monitor the effective development and operation of risk management in the Council.	
	11	To monitor progress in addressing risk-related issues reported to Committee.	
	12	To consider reports on the effectiveness of internal controls and the implementation of agreed actions.	
		Counter Fraud	
	13	To monitor the counter-fraud and anti-corruption strategy, protocol, actions, arrangements and resources.	
	14	To review the assessment of fraud risks and potential harm to the Council from fraud and corruption.	
	15	To receive annual reports on fraud risks, incidents, and mitigation to ensure compliance with governance standards and legislation	
		Internal Audit	

	16	Approve and periodically review the **Internal Audit Charter**, ensuring it reflects: a) The Internal Audit Mandate b) Scope and types of services (assurance and advisory). c) Independence and objectivity safeguard.	
	17	Support the Head of Internal Audit to ensure they have: a) Unrestricted access to records, personnel, and physical properties. b) Direct reporting lines to the Governance and Audit Committee. c) Independence from management in oversight and reporting.	
	18	Champion the internal audit function and ensure it is: a) Properly resourced. b) Strategically aligned with organisational objectives. c) Positioned independently within the governance structure.	
	19	Ensure Internal Audit contributes to: a) Governance, risk management and control processes b) Strategic planning and decision-making c) Annual governance reviews and major projects	
	20	To approve the risk based Internal Audit Plan, including Internal Audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.	
	21	To approve significant interim changes to the risk based Internal Audit Plan and resource requirements.	
	22	To make appropriate enquiries of both management and the Head of Internal Audit ("Chief Internal Auditor") to determine if there are any inappropriate scope or resource limitations.	

	23	Meet privately with the Head of Internal Audit at least once a year, without other officers present, to allow open discussion of concerns or observations	
	24	To consider the Head of Internal Audit's annual report regarding: a) The statement of the level of conformance with the Global Internal Audit Standards and Local Government Application Note and the results of the Quality Assurance and Improvement Programme that supports the statement – these will indicate the reliability of the conclusions of internal audit, and b) The opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control together with the summary of the work supporting the opinion – these will assist the committee in reviewing the Annual Governance Statement.	
	25	To consider summaries of specific Internal Audit reports as requested.	
	26	To receive reports outlining the action taken where the Head of Internal Audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of actions.	
	27	To contribute to the Quality Assurance and Improvement Programme and in particular, to the external quality assessment of internal audit that takes place at least once every five years.	
	28	Receive regular results of the Quality Assurance and Improvement Programme.	
	29	Consider instances where the internal audit function does not conform to the Global Internal Audit Standards and Local	

		Government Application Note, and determine whether any non-conformance is significant enough to be included in the Annual Governance Statement	
	30	To consider reports from the Head of Internal Audit on internal audit's performance during the year, including the performance of any external providers of internal audit services. These will include: a) Internal Audit's conformance with the GIAS in the UK Public Sector. b) Quality assurance and improvement programmes. c) Gap analysis and action plans for compliance. d) Updates on the work of Internal Audit including key findings, issues of concern and action in hand as a result of internal audit work. e) Audit findings and management actions. f) Emerging risks and trends. Resource or budgetary constraints affecting audit delivery.	
	31	Participate in the Head of Internal Audit's annual performance assessment and input into their objectives.	
	32	To consider a report on the effectiveness of Internal Audit to support the Annual Governance Statement, where required to do so by the Accounts and Audit (Wales) Regulations 2014.	
	33	To consider proposals made in relation to the appointment of any external providers of internal audit services.	
		Financial Reporting	
	34	To review the annual statement of accounts and related reports. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to	

		the attention of the Council.	
	35	To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.	
	36	To consider the Council's arrangements to secure value for money on the Council's capital projects and review assurances and assessments on the effectiveness of these arrangements.	
		External Audit & Regulators	
	37	To consider the external auditor's annual letter, relevant reports and the report to those charged with governance.	
	38	To consider specific reports as agreed with the external auditor.	
	39	To comment on the scope and depth of external audit work and to ensure it gives value for money.	
	40	To commission work from external audit.	
	41	To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.	
	42	To consider reports from external regulators (including but not exclusive to: Audit Wales, PSOW, GRO, CSIW, Estyn).	
	43	To review and assess the Council's draft response to any External Audit report and make any recommendations for changes to the statements made in the Council's draft response relating to what action, if any, the Council intends to take in response to External Audit's recommendations.	
		Performance Reporting	
	44	To consider the Council's Annual	

		Improvement Report.	
	45	To review and assess the performance assessment of the Council.	
	46	To review the Council's draft Self-assessment Report and make any recommendations for changes to the conclusions or actions the Council has or intends to take or to increase the extent to which it meets the performance requirements of Part 6 of the Local Government and Elections (Wales) Act 2021.	
	47	To consider the Panel Performance Assessment Report, review the Council's draft Response to the Panel Performance Assessment, and make any recommendations for changes.	
	47B	To review Special Inspection Reports carried out by the Audit General for Wales, review the Council's Response to Special Inspections, and make any recommendations for changes.	
	48	To consider reports on compliments, complaint and Freedom of Information activity.	
	49	Review the Council's complaint handling, including the Ombudsman's Annual Letter, and recommend improvements for process and transparency in handling complaints effectively.	
		Accountability Arrangements	
	50	To report to those charged with governance on the Audit Committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements, and internal and external audit functions.	
	51	To report to full Council on the Audit Committee's performance in relation to the terms of reference and the effectiveness of	

		the Committee in meeting its purpose and conformance to the Global Internal Audit Standards in the UK Public Sector.	
	52	To publish an annual report on the work of the Committee.	

Committee	Functions	Delegation of Functions
Democratic Services Committee **(6 members)** **Chair and Vice-chair from an Opposition group (unlimited duration)**	On 12/06/25, Council resolved that meetings be held by remote means only. To carry out the local authority's function of designating the Head of Democratic Services (HDS). Keep under review the provision of staff, accommodation and other resources made available to the HDS, in order to ensure that it is adequate for the responsibilities of the post. Make reports, at least annually, to the full council in relation to these matters. To consider, and make recommendations to the Council, concerning the timing of meetings. To oversee the training and development of Members.	None
Appeals Panel **(3 Members out of a pool of 7 members)**	To determine appeals by members of staff in accordance with the Council's policies and procedures save for those referred to in Part 4 Document H.	
Short-listing Committee **(7 Members)**	To produce a shortlist of qualified applicants for Chief Executive, Executive Corporate Director, Executive Corporate Lead Officer and Corporate Lead Officer Posts, to include interviewing of such applicants if needs be, for recommending to Council.	

Committee	Functions	Delegation of Functions
Language Committee **(7 Members)** **Chair and Vice-chair from an Opposition group (unlimited duration)**	To provide direction for the promotion and facilitation of the Welsh Language in Ceredigion. The Committee may require any member or officer of the Council to attend before it to answer questions and may invite other persons to attend meetings of the Committee. The committee is responsible for fulfilling the following functions: • To set strategic direction in response to the Language Standards set by the Welsh Language Commissioner, • Monitor progress with the implementation of the Welsh Language Standards • Agree an annual report on progress with the Welsh Language Standards to the Welsh Language Commissioner • Play an active role in the development of other key areas of work relating to the Welsh Language - Welsh Language in Education Strategy; 'More than Just Words' Strategic Framework, Local Development Plan • To receive progress reports on the work of Cered (Menter Iaith Ceredigion) and Theatr Felinfach • To offer recommendations to promote and increase the use of the Welsh language in all aspects of the Council's work • To review the implementation of the Ceredigion Language Strategy, paying attention to the Council's work and any partnership work or joint working • Receiving information / consultations on matters relating to the Welsh Language as required and respond as appropriate. • Make recommendations to Cabinet and/or Council as appropriate	None

Committee	Functions	Delegation of Functions
Charity Trustee Committee **(10 members)**	**<u>Terms of reference of the Charity Trustee Committee</u>** **Role:** • To act as trustee in respect of all trusts that the Council is the trustee of. • To make decisions in relation to charitable assets in the best interests of the charity. • To receive reports on charitable issues and to ensure the requirements of the Charity Commission and charity law are adhered to in so far as they relate to the charitable assets held by the Council on trust. **<u>Purpose:</u>** • Charitable trustees are required to act in the best interests of the charity when making decisions in respect of it and must exercise reasonable skill and care in doing so. • The decisions of the Committee and responsibility for them will be collective. • Members of the Committee will benefit from the general indemnity granted by the Council to Members and Officers, provided that they act honestly, within their powers and that of the charity, and in good faith. **Membership:** The 5 Chairs of the Council's Overview and Scrutiny Committees will be members of the Committee, with voting rights. The 5 Vice-Chairs of the Council's Overview and Scrutiny Committees will be members of the Committee, with voting rights. **Quorum**	See Art. 9.3 above

	Charity Trustee Committee quorum is 3 (of all voting members). **Meetings:** Meetings of the Charity Trustee Committee be provisionally scheduled to take place following each Overview and Scrutiny Co-ordinating Committee but not held if there is no trustee business to attend to. **Delegation of trustee responsibilities:** A power is delegated to the Chair of the Charity Trustee Committee (or the Vice-Chair in the Chair's absence) to decide on any matters arising which require authorisation within a timeframe of 10 working days subject to the following conditions: a) The relevant power is to be exercised exclusively by the Chair (or Vice-Chair during the Chair's absence). b) No expenditure may be incurred on behalf of the charity unless it relates to emergency works on a trust asset to include, but not be limited to, making the same safe or avoiding harm to the public or neighbouring land. c) The Chair (or Vice-Chair, where they Chair was absent during the time when the decision was taken) must report back the decision at the next meeting of the Charity Trustee Committee; and d) The trustees should keep the decision to delegate under constant review.	
Overview and Scrutiny Committees	See Article 6 above	

Part 3.4 (Table 4) RESPONSIBILITY FOR CABINET FUNCTIONS

Cabinet functions comprise all the functions of the Council, with the exception of.

3.4.1 Council functions set out in Table 1 above.

3.4.2 Those local choice functions allocated to the Council set out in Table 2 above.

3.4.3 Functions that cannot be the sole responsibility of the Cabinet as set out in Article 4 of Part 2 of the Constitution.

3.4.4 Potential decisions that conflict with.

- the Council's budget or borrowing plans.
- Financial Regulations or financial standing orders.
- the Council's overall strategy or policy framework.

and in such cases the Cabinet must pass the decision to the Council for final determination.

3.4.5 Article 7.1 of the Constitution provides that all of the Council's functions which are not the responsibility of any other part of the Council whether by law or under the Constitution will be carried out by Cabinet. This section sets out:

- the role of Cabinet Members within their respective portfolios,
- the allocation of service responsibilities to individual Cabinet Members, and
- those Cabinet Functions which have been delegated to individual Cabinet Members.

Portfolio	Roles, Service Responsibilities and Functions
Leader of the Council	**Roles and responsibilities of the Leader** a) To provide political leadership to the Council, including: • being the principal spokesperson for the Council • providing strong, clear leadership in the development and co-ordination of policies, strategies, plans and service delivery. • to recommend to Council the appointment of Member Champions b) Appointing the Cabinet, including: • choosing the number of Councillors to serve on the Cabinet and their respective portfolios. • designating a Deputy Leader • determining the executive functions delegated to the Cabinet, committees of the Cabinet, individual Cabinet Members, Officers and those undertaken via joint arrangements. c) To provide community leadership, including. • acting as a leader of the local community by demonstrating and promoting the Council's Vision, aims and objectives. • providing leadership to local strategic partnerships in the pursuit of common aims and priorities, including the Ceredigion Public Service Board d) Representing the Council on external organisations, including: • representing the Council on the WLGA (including the Co-ordinating Committee) and LGA • representing the Council on the following local, regional and national organisations: - Central and Southwest Wales WLGA Regional Partnership Board - Joint Council for Wales • acting as the Council member of the Mid Wales Corporate Joint Committee. Where the Leader

	is unable to discharge their functions in respect of the Mid Wales Corporate Joint Committee, the Council shall appoint another member of the Cabinet to discharge those functions on behalf of the Council. • Acting as one of the Council's Representatives on the Ceredigion Public Services Board. o The Leader shall be one of the Council's two representatives at meetings of the Ceredigion Public Services Board. o The Leader may designate another member of the Cabinet to attend a meeting of the Ceredigion Public Services Board in their absence. The leader shall designate the Deputy Leader to attend in their absence unless the Deputy Leader is also not available in which case the Leader shall designate another Member of Cabinet. e) Managing and leading the work of the Cabinet, including: • chairing meetings • effectively managing the work of the Cabinet • ensuring that a Cabinet Forward Work Plan is in place. f) Providing portfolio leadership for the following: • Service delivery • Community leadership • Finance and budgetary control • Employee relations • Welsh Language Standards g) Working with others, including: • participating in the collective decision-making of the Cabinet • working with Cabinet Members, Non-executive Members and Officers in order to ensure Council policies, the budgetary framework and the continuous improvement agenda is carried out

	effectively in order to ensure the delivery of high-quality services within existing resources to local people

All Cabinet Members	Roles and responsibilities of the Cabinet members
	A - General
	a) Providing portfolio leadership, including: • reporting to the Cabinet, Leader, Council, Overview and Scrutiny Committees in respect of services within the portfolio • giving political direction to officers working within the portfolio • formulating and developing plans, policies and strategies in respect of services within the portfolio for adoption and revision by the Council • liaising with the Chairperson of the respective Overview and Scrutiny Committee in respect of services within the portfolio • having an overview of the performance management, efficiency and effectiveness of the services within the portfolio b) Working with others, including: • Participating in the collective decision-making of the Cabinet • Working with the Leader of the Council, Cabinet Members, Non-executive Members and Officers in order to ensure Council policies, the budgetary framework and the continuous improvement agenda is carried out effectively in order to ensure the delivery of high quality services within existing resources to local people c) Contributing towards community leadership, including; • promoting the Council's Vision, aims and objectives within the community • representing the Council on local strategic partnerships and the promotion of common aims and priorities d) Representing the Council on external organisations, as appointed.

	B - Specific portfolio roles and responsibilities
Leader of the Council and Cabinet Member for: Democratic Services, Policy, Performance and People and Organisation.	**Services:** Democratic Services, Policy, Performance and People and Organisation. **Internal panels/working groups/fora:** Asset Management Group, Development Group, Corporate Employee Forum, Housing Grants Panel, Equalities Group and Performance Management Board. **Partnerships/Joint Committees/Agencies:** Ceredigion Public Service Board, Mid-Wales Corporate Joint Committee, Mid Wales Joint Committee for Health and Care, and Growing Mid Wales Partnership, and Growing Mid Wales Joint Committee. **External bodies:** WLGA, WLGA Rural Forum, WLGA Association Executive Board, Aberystwyth University Court of Governors, Joint Council for Wales and Consortium Local Authorities Wales ('CLAW') (Cabinet Member for Economy & Regeneration to deputise in Leader's absence).

	B - Specific portfolio roles and responsibilities
Deputy Leader of the Council and Cabinet Member for: Through Age and Wellbeing	**Services:** Through Age and Wellbeing. **Internal panels/working groups/fora:** Corporate Employee Forum, Performance Management Board, Emergency and Business Continuity Management Group, Corporate Parenting Group, Housing Grants Panel and Development Group. **Partnerships/Joint Committees/Agencies:** Aberystwyth-Shrewsbury Railway Line Liaison Committee, Corporate Passenger and Transport Unit Reference Group, Cinch Caron Project Board, Carers Alliance, West Wales Partnership Board, Youth Justice Management Board and Mid Wales Adoption Panel. **External bodies:** WLGA, Ceredigion Sports Council

	B - Specific portfolio roles and responsibilities
Cabinet Member for: Schools, Lifelong Learning and Skills.	**Services:** Schools, Lifelong Learning and Skills. **Internal panels/working groups/fora:** **Partnerships/Joint Committees/Agencies:** Corporate Passenger and Transport Unit Reference Group. **External bodies:**

	B - Specific portfolio roles and responsibilities
Cabinet Member for: Finance and Procurement Services.	**Services:** Finance and Procurement Services. **Internal panels/working groups/fora:** Asset Management Group, Development Group, Housing Grants Panel, Community Grants Panel and Capital Monitoring Group. **Partnerships/Joint Committees/Agencies:** **External bodies:** Ceredigion Sports Council.

	B - Specific portfolio roles and responsibilities
Cabinet Member for: Culture, Leisure and Customer Services.	**Services:** Culture, Leisure and Customer Services. **Internal panels/working groups/fora:** **Partnerships/Joint Committees/Agencies:** Growing Mid Wales Joint Committee **External bodies:**

	B - Specific portfolio roles and responsibilities
Cabinet Member for: Partnerships, Housing, Legal & Governance and Public Protection	**Services:** Partnerships, Housing, Legal & Governance and Public Protection **Internal panels/working groups/fora:** Emergency and Business Continuity Management Group **Partnerships/Joint Committees/Agencies:** Cylch Caron Project Board (non-voting right), Strategic Housing Partnership, West Wales Care & Repair Board of Management and Growing Mid Wales Joint Committee. **External bodies:**

	B - Specific portfolio roles and responsibilities
Cabinet Member for: Highways and Environmental Services and Carbon Management.	**Services:** Highways and Environmental Services and Carbon Management. **Internal panels/working groups/fora:** Asset Management Group, Waste Strategy Group, Corporate Health and Safety Forum and Carbon Management Group. **Partnerships/Joint Committees/Agencies:** Trafnidiaeth Canolbarth Cymru (TraCC), Growing Mid Wales Partnership, Harbour Users Group, Traffic Management Consultative Group, Corporate Passenger and Transport Unit Reference Group, PATROL (Parking and Traffic Regulations Outside London Adjudication Joint Committee) and Growing Mid Wales Joint Committee. **External bodies:** North and Mid Wales Trunk Road Agency, Penllyn and Sarnau Special Area of Conservation and Dyfi Biosphere Partnership.

	B - Specific portfolio roles and responsibilities
Cabinet Member for: Economy and Regeneration	**Services:** Economy and Regeneration. **Internal Panels/working groups/fora:** Asset Management Group, Community Grants Panel, Housing Grants Panel and Development Group. **Partnerships/ Joint Committees/Agencies:** Enterprise & Innovation Project Group ('PSB'), Trafnidiaeth Canolbarth Cymru (TraCC), Local Access Forum, Growing Mid Wales Partnership and Growing Mid Wales Joint Committee. **External bodies:** Consortium Local Authorities Wales ('CLAW') (to deputise in Leader's absence) .

Part 3.5 SCHEME OF DELEGATION TO OFFICERS

Responsibility for Council and Cabinet Functions – Onward limits on delegation

This scheme delegates certain functions of the Council and Cabinet to officers and should be interpreted widely rather than narrowly. It is divided into the following subsections:

- A – Delegation to Officers – General Conditions
- B – General Delegations to Chief Executive, Executive Corporate Director, Executive Corporate Lead Officers and Corporate Lead Officers
- C – Delegations to the Chief Executive
- D – Delegations to the Monitoring Officer
- E – Delegations to the Head of Democratic Services
- F – Delegations to the Corporate Lead Officer Highways & Environmental Services.
- G– Delegations To the Head of Policy, Performance and Public Protection
- H- Delegations to the Corporate Lead Officer Economy & Regeneration
- I. – Delegations to the Corporate Lead Officer Porth Cymorth Cynnar
- J – Delegations in respect of Corporate Lead Officer Porth Gofal Targeted Intervention (Deputy Director of Social Services) and Executive Corporate Lead Officer Porth Cynnal Specialist Through Age Services (Statutory Director of Social Services)
- K – Delegations to the Executive Corporate Lead Officer-Schools and Corporate Lead Officer – Lifelong Learning
- L– Delegations to the Executive Corporate Lead Officer Finance & Procurement (Section 151 Officer / Chief Finance Officer)
- M – Delegations to the Corporate Lead Officer Customer Contact, ICT and Digital.
- N – Delegations to the Corporate Lead Officer People and Organisation

PROVIDED ALWAYS that the decision is:

a) within the Council's budget or borrowing plans.

b) within the Council's overall strategy or policy framework.

c) Within Financial Regulations and Accompanying Financial Procedures; and

d) Not a matter specifically reserved for Full Council, a Committee of the Council, Cabinet, a Statutory Officer, the Chief Executive, or Executive Corporate Director, Executive Corporate Lead Officers or Corporate Lead Officers.

A DELEGATION TO OFFICERS - GENERAL CONDITIONS

This Part 3.5 in conjunction with Part 3.1 sets out the Council (non-Cabinet) and Cabinet functions which have been delegated to Officers.

Where decisions are taken or powers are exercised by Officers in pursuance of authorisations given by the Council, its Committees and Cabinet, the following principles and conditions shall apply:-

1. Powers shall be exercised only in accordance with the Constitution of the Council which includes this Scheme of Delegation, the Contracts Procedure Rules and the Financial Procedure Rules of the Council and in pursuance of all Acts, Measures, Regulations and Orders made from time to time or any Statutory re- enactments or modification thereof.

2. The Officer exercising such power shall give effect to the established policies of the Council and to any resolution of the Council upon any matter of principle or policy in relation to the function of the Council concerned.

3. Where a designated Executive Corporate Director, Executive Corporate Lead Officer or Corporate Lead Officer is authorised to take decisions by the Council, a Committee or Cabinet, the decision shall be taken in the name of (but not necessarily personally by) that Executive Corporate Director, Executive Corporate Lead Officer or Corporate Lead Officer and the Proper Officer shall maintain a record of the Executive Corporate Directors, Executive Corporate Lead Officer or Corporate Lead Officers authorised to take decisions and the extent of their authority; save for those occasions where an individual officer has been named in a specific minute or in specific legislation.

4. Where inter-service consultation is required in the exercise of an authority delegated by the Council/Cabinet and inter-service agreement is not reached the matter shall be referred to the Chief Executive for consideration.

5. In any case where the Officer about to exercise a power, considers that a new departure in policy is likely to be involved, or if the implications are such that the Officer considers that reference should be made to Members, the matter shall be referred to the appropriate Cabinet Member for consideration at the Cabinet and, if necessary, Council.

6. Save where any function is reserved by statute to a specified officer, all powers delegated to Executive Corporate Directors, Executive Corporate Lead Officers and Corporate Lead Officers (and any officers authorised by them) can be exercised by the Chief Executive.

B GENERAL DELEGATIONS TO THE CHIEF EXECUTIVE, EXECUTIVE CORPORATE DIRECTORS, EXECUTIVE CORPORATE LEAD OFFICERS AND CORPORATE LEAD OFFICERS

Save as specified in paragraph 16 below, the following functions are to be delegated to the Chief Executive, Executive Corporate Directors, Executive Corporate Lead Officers and Corporate Lead Officers and to any Officers authorised by the Chief Executive, Executive Corporate Directors, Executive Corporate Lead Officers and Corporate Lead Officers from time to time as appropriate:-

1. The approval, renewal and signing of all permits, licences, registrations or permissions for matters within their jurisdiction (other than the renewal of permits, licences, registrations or permissions specifically dealt within the Scheme of Delegation).
2. The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976
3. To authorise emergency and health and safety repairs in consultation with the relevant Cabinet Member
4. the issue of Notices.
5. To authorise individuals in accordance with the relevant legal power, whether they are officers of the Council or otherwise, as is considered appropriate to assist in discharging the Council's statutory responsibilities from time to time.
6. The carrying out of work and purchase of supplies and equipment within approved estimates for use in and by the Service concerned and where tenders are not required.
7. Routine and recurring expenditure within approved estimates.
8. The virement of budget resources in accordance with the virement rules.
9. To undertake all relevant operational and administrative duties, responsibilities and functions contained in legislation or otherwise falling to the relevant Service to implement.
10. All delegations of powers to officers, as appropriate, that are expressed or implied in the Contracts and Financial Procedure Rules.
11. To conduct negotiations in relation to external funds and to authorise submission of bids for grant funding in consultation with the relevant Cabinet Member
12. The acceptance of tenders and quotations and registration of contracts as specified in the Contract Procedure Rules.
13. The acceptance of tenders and registration of contracts as specified in the Contract Procedure Rules subject to the agreement of the appropriate Cabinet Member.

14. The preparation and submission of tenders and bids for projects, schemes, services and contracts on behalf of the Council in order for the Council to provide services and negotiation of contracts in this respect as specified in the Contract Procedure Rules.

15. To act as Authorised Signatory in respect of applications and bids made for European funding, Lottery funding, capital challenge bids and other relevant funding.

16. The issue of authorities to Officers of the Council, Consultants and Contractors to enter premises for the purpose of the reasonable exercise of their duties and where such entry is lawful.

17. To take urgent decisions as authorised in Paragraph 4 of the Budget and Policy Framework Procedure Rules.

18. To lay Informations and Complaints and to instruct –the Head of Legal Services (Corporate Lead Officer Legal & Governance Services) and other officers duly authorised including Corporate Manager Legal Services, where appropriate to conduct proceedings in the Civil and Criminal Courts, Panels, Tribunals and Inquiries.

19. To sign documents, certificates, letters, invoices, orders, correspondence and other documents arising from the relevant functions.

20. To authorise the attendance of Members and Officers at conferences and seminars subject to the costs being met from the relevant service budget.

21. Human Resources Matters.

21.1 To act as the nominated officer for the advertising and filling of vacancies in their Services, with the assistance of Corporate Lead Officer for People & Organisation, of all posts below Corporate Lead Officer level, provided that the vacancy is within budget and provided that a record is kept of ALTE levels and DBS requirements in accordance with the Council's policies and procedures which are available in the Council's website at www. Ceredigion.gov.uk and

21.2 To determine the terms and conditions on which employees hold office, in accordance with nationally and locally agreed terms and conditions of service, including fixing starting salaries at any point within the grade or grades of a post having regard to qualifications and experience, granting accelerated increments within gradings, provided that the cost can be met from existing departmental budgets.

21.3 To act as the nominated officer for the termination of employment of members of staff in their Services in any relevant circumstances with the assistance of the Corporate Lead Officer for People & Organisation.

21.4The making of temporary appointments within Service Budgets.

21.5 The making of payments following consultation with the Corporate Lead Officer for People & Organisation and other appropriate Officers to employees undertaking additional duties.

21.6 To effect variations in the staffing establishments of their respective Services up to and excluding Corporate Lead Officers, and providing that the cost of such variations are met from within approved budgets and are satisfactory to the Chief Executive, relevant Executive Corporate Director and the Corporate Lead Officer for People & Organisation.

21.7 Save as provided for in Part 4 Document H, where the Chief Executive, Executive Corporate Director, Executive Corporate Lead Officers or Corporate Lead Officer feels that there may be capable internal candidates for a vacant post, he/she may internally advertise the post (across the Council) in the first instance. Any internal applicants shall then be rigorously assessed in the normal way against the person specification and an offer will only be made if the candidate meets all the selection criteria.

21.8 To act as the nominated officer for the taking of disciplinary action in accordance with employees' conditions of service and the Council's policies and procedures, including suspensions and dismissal in respect of members of staff in their Services.

21.9 To grant employees up to the maximum number of leave days to be carried over from one leave year to the next in line with the Council's policies and procedures.

21.10 The granting of compassionate leave and special leave will be in accordance with the Council's policies and procedures.

21.11 Authorisation of attendance of employees on training and study courses (the cost being within approved budget estimates) in accordance with the Council's policies and procedures.

21.12 To take action on behalf of the Council in consultation with the relevant Cabinet Member in any urgent matter (in addition to the power in 18 above) which does not allow for prior authorisation to be obtained.

21.13 The granting of honoraria in appropriate circumstances in consultation with the Corporate Lead Officer for People & Organisation. Corporate Lead Officer for People & Organisation shall have the power to issue Termination Notices in cases of ill-health and redundancy following consultation with the relevant Executive Corporate Lead Officers or Corporate Lead Officer.

21.14 The Corporate Lead Officer for People & Organisation shall have the power to consider and approve, or not approve, applications for car purchase loans and any other related scheme which may be implemented from time to time.

21.15 To provide Human Resources, Payroll and Health & Safety services for other organisations and bodies.

22 Coronavirus Legislation

22.1 The following functions are delegated to all Executive Corporate Lead Officers and Corporate Lead Officers:

22.1.1 Delegated powers in relation to functions arising from the Coronavirus Act 2020.

C DELEGATIONS TO THE CHIEF EXECUTIVE

The following functions are to be delegated to the Chief Executive.

The designation of the Chief Executive is specified in Article 11 of Part 2 of the Constitution.

1. The following elections functions as referred to in Table 1 in Part 3 of the Constitution: D2, 7 and 10-16.
2. Arrangements for civic welcomes, receptions etc., including hospitality for visiting professional people, MPs, AMs, Councillors and Officers in the course of meeting such persons in connection with official duties.
3. To take decisions in relation to any Cabinet functions where urgent action is required in accordance with Paragraph 4 of Article 12 of the Constitution.
4. To issue, in consultation with Executive Corporate Lead Officers or Corporate Lead Officers, certificates sought by staff seeking exemption from political restriction under the Local Government and Housing Act 1989, in those cases where the Chief Executive is of the opinion that the duties of the post do not fall within Section 2(3) of the Act.
5. To affix and to attest the Common Seal of the Council to all relevant deeds and documents.
6. To sign contracts and other documents on behalf of the Council.
7. Leading on strategic corporate resources.
8. Being named a Member of the Gold Emergency Planning Rota and to ensure business continuity plans and emergency response procedures.
9. Power in respect of holding elections pursuant to Elections Act 2022 (for the purposes of UK Parliament General Elections and Police and Crime Commissioner Elections).
10. Power to move/merge Polling Stations outside of the Polling Station Review, pursuant to Elections Act 2022.

D DELEGATIONS TO THE CORPORATE LEAD OFFICER LEGAL AND GOVERNANCE SERVICES AND MONITORING OFFICER

The following specific functions are to be delegated to the Corporate Lead Officer Legal and Governance (and Monitoring Officer).

1. To receive Notices of Motion as provided for by this Constitution (Part 4, Document A, Section 10)
2. To make minor changes to the Constitution
3. To act as “Senior Responsible Officer” for the purposes of the Regulations of Investigating Powers Act 2000.
4. To make minor amendments to the Regulation of Investigatory Powers Act 2000 Directed Surveillance, Use of Covert Human Intelligence Sources & Obtaining Communications Data Corporate Policy and Procedures Document (December 2016).
5. To affix and attest the Common Seal of the Council to all relevant deeds and documents.
6. To sign all licences, registrations, permits and notices issued in the name of the Council in pursuance of its statutory authority.
7. To sign contracts, deeds and other documents on behalf of the Council.
8. To act as the Deputy Electoral Registration Officer.
9. To undertake investigations referred by the Public Services Ombudsman (Wales).
10. To approve compromise settlements in any proceedings or hearings relating to the Council, in consultation with relevant Officers.
11. To conduct proceedings in the Civil and Criminal Courts, Panels, Tribunals and Inquiries on behalf of the Council.
12. To authorise (and sign as necessary) claims, counter claims, informations, defences and other related documentation within legal proceedings on behalf of the Council.
13. To arrange the Clerking of School Admissions, Exclusions and Transport Appeal Panel Meetings.
14. To serve byelaws on other authorities and certify byelaws by virtue of s 236(9) and s.238 of the Local Government Act 1972 as amended.
15. To act as the lead Officer in the Council’s Whistleblowing Policy.

CORPORATE MANAGER-LEGAL SERVICES

the following functions are to be delegated to the Corporate Manager-Legal Services (in the absence of the Corporate Lead Officer-Legal & Governance Services).

1. To approve compromise settlements in any proceedings or hearings relating to the Council, in consultation with relevant Officers.
2. To conduct proceedings in the Civil and Criminal Courts, Panels, Tribunals and Inquiries on behalf of the Council.
3. To authorise (and sign as necessary) claims, counter claims, informations, defences and other related documentation within legal proceedings on behalf of the Council.
4. To arrange the Clerking of School Admissions, Exclusions and Transport Appeal Panel Meetings.
5. To act as the Deputy Monitoring Officer.
6. To sign non-contentious related documentation on behalf of the Council, to include: contracts, agreements, Land Registry applications, consents, releases, authorities and certificates.
7. To affix and attest the Common Seal of the Council to all relevant deeds and documents.

E DELEGATIONS TO THE CORPORATE LEAD OFFICER DEMOCRATIC SERVICES & HEAD OF DEMOCRATIC SERVICES

The following functions are to be delegated to the Corporate Lead Officer Democratic Services:

1. To receive requests to call in a decision for scrutiny by the relevant committee as provided for by this Constitution (Part 4, Document E, Section 16)
2. To act as the Proper Officer for all purposes excluding Civil Registration and where specified otherwise.
3. To affix and to attest the Common Seal of the Council to all relevant deeds and documents.
4. To sign licences, registrations, permits and notices issued in the name of the Council in pursuance of its statutory authority.
5. To sign contracts and other documents on behalf of the Council.
6. To act as the Council's Proper Officer in appropriate circumstances as required by the Local Government Act 1972, Local Government and Housing Act 1989, the Local Government (Committees and Political Groups) Regulations 1990, the Local Authorities (Referendum) (Petition and Directions) (Amendment) (Wales) Regulations 2003 and other relevant legislation from time to time and in particular in relation to the 1972 Act.

    6.1. To sign summonses to attend Council meetings pursuant to Schedule 12, Paragraph 4(2);
    6.2 To receive and retain documents which have been deposited in accordance with Section 225;
    6.3 to certify documents in accordance with Section 229.

7. To act as Deputy Electoral Registration Officer.

F DELEGATIONS TO THE CORPORATE LEAD OFFICER HIGHWAYS & ENVIRONMENTAL SERVICES

The following functions are to be delegated to the Corporate Lead Officer Highways & Environmental Services, and to any officers authorised by him/her from time to time as appropriate subject to such officers being suitably qualified for the discharge of those duties and functions:.

1. Table 2 in Part 3.2 of the Constitution.
2. To decide upon and put into effect changes to speed limits
3. To appoint a CDM Co-ordinator as required under the Construction Design and Management Regulations for all appropriate projects.
4. To enter, if necessary, into short term contracts for the disposal of waste collected by the Council.
5. To seek and accept highest tenders for the granting of annual licences in consultation with the appropriate Cabinet Member and Local Member(s) to consider requests received for alternative temporary or partial use of County Council owned car parks, excepting applications for complete closure of a "Pay and Display" car park.
6. To negotiate and enter agreements under the Highways Act and other legislation where not already specified in the Contract Procedure Rules.
7. To authenticate and/or sign and issue Statutory Notices and other documentation where appropriate in respect of all matters falling within the areas of responsibility undertaken by the Services including but not limited to the following legislation Highways Act 1980, Coast Protection Act 1949, New Roads and Street Works Act 1991, Environmental Protection Act 1990, Traffic Management Act 2004,, Land Drainage Act 1991, Water Resources Act 1991.
8. To make arrangements for and/or carry out the execution of works in default in the event of any non-compliance of the terms of any Statutory Notice.
9. To negotiate and complete minor variations of existing agreements.
10. To undertake functions contained in the Highways Act 1980: including Section 24 – Construction of new highways, Section 47 - Power of magistrates' court to declare unnecessary highway to be not maintainable at public expense, Section 62 - General power of improvement, Section 82 - Provision of cattle-grids and by-passes, Section 91 – Construction of bridge to carry existing highway maintainable at public expense, Section 100 – Drainage of Highways. Section 148 – Penalties for depositing things or pitching booths etc. on highway, Section 154 – Cutting or felling trees etc. that overhang or are a danger to roads or footpaths, Section 163 – Prevention of water falling on or flowing onto highway, Section 170 – Control of mixing of mortar etc. on highways

11. To exercise functions under Section 30 of the Dyfed Act 1987 Awnings and Footways and under Section 31 Prohibition of Parking or Camping on Highway verges.

12. To exercise functions under Section 71 of the Road Traffic Regulations Act 1984 Part V – Traffic Signs

13. In consultation with the Cabinet Portfolio Member, to decide upon changes or introduction of off-street parking charges and to amend the schedules in the relevant Orders accordingly

14. To act as authorised signatory for road traffic orders and any objections to such orders.

15. To exercise the Council's enforcement powers in relation to the Civil Parking

16. To authorise entry by officers consultants and contractors under:

16.1 The powers to make Traffic Regulation Orders under Sec 194 of the Road Traffic Regulation Act 1981 including the making of:

- Emergency closures
- Temporary closures
- Permanent closures

17. To undertake all duties and responsibilities under the following sections of the Highways Act 1980:-

- Section 41 - Duty to maintain highways maintainable at public expense
- Section 62 – General power of improvement
- Section 66 – Power to provide and maintain barriers, rails or fences for the purpose of safeguarding persons using the highway.
- Section 76 – Power to carry out works for levelling the highway
- Section 77 – Power to change the levels of the highway Alteration of levels
- Section 82 – Power to provide install cattle grids & by-passes
- Section 83 – Power to remove of cattle grids & by-passes
- Section 91 – Power to construct a bridge to carry existing highway maintainable at public expense.
- Section 92 – Power to reconstruction a bridge maintainable at public expense.
- Section 94 – Powers of highway authorities & bridge owners to enter into agreements1
- Section 100 – Power to undertake drainage of the highway
- Section 101 – Power to fill in roadside ditches

- Section 102 – Power to carry out works to protect highways against hazards of nature
- Section 122 – Power to make temporary diversion where highway is about to be repaired or widened
- Section130 – Powers in respect of the duty to assert and protect the rights of the public to the use and enjoyment of any highway for which the highway authority, including any roadside waste which forms part of it.
- Section 131 – Powers to issue penalties for damaging highways
- Section 134 – Power of ploughing and cropping of Public Rights Of Way (PROW)
- Section 135 – Power to temporary divert footpath or bridleway
- Section 137 – Power to issue penalty for wilful obstruction
- Section 143 – Power to remove obstructions from highways
- Section 145 – Powers as to gates across highways
- Section 146 – Duty to maintain stiles etc. on footpaths & bridleways
- Section 147 – Power to authorise new structures on PROW
- Section 149 – Power to remove nuisances on highways
- Section 150 – Duty to remove snow & soil from highways
- Section 154 – Power to remove dangerous trees
- Section 163 – Duty to prevent water falling on or flowing on to the highway
- Section 164 – Power to require removal of barbed wire
- Section 178 – Restriction on placing rails, beams etc. over highways
- Section 239 – Power to acquire land for the construction and improvement of highways
- Section 250 - Land acquisition powers to extend to creation as well as acquisition of rights.
- Section 289 – Power of entry of highway authority for the purpose of survey
- Section 290 – Supplementary provisions as to power of entry for the purpose of survey
- Section 291 – Powers of entry of highway authority for purpose of maintenance
- Section 293 – Power of entry onto land for PROW works
- Section 296 – Power of council to execute works by agreement
- Section 297 – Power of highway authority to require ownership details
- Section 300 – Right to use vehicles and appliances on footpaths and bridleways for maintenance and improvements

17.1 The power to obtain landownership details under Section 297 of the Highways Act 1981

18. To exercise functions under s.32 and Schedule 3 of the Flood and Water Management Act 2010 and secondary legislation made thereunder in relation to sustainable drainage. In addition, the delegation to negotiate and enter an agreement on behalf of the sustainable drainage systems approving body with the local planning authority as to the undertaking of enforcement under s.32 and Schedule 3 of the Flood and Water Management Act 2010 and secondary legislation made thereunder.
19. To undertake all duties in relation to all Coronavirus Act 2020 associated legislation, including but not limited to The Traffic Orders Procedure (Amendment) (Wales) (Coronavirus) Regulations 2020
20. To take action on behalf of the Council as landowner, in absence, unavailability or conflict of the Corporate Lead Officer - Economy and Regeneration being able to act.

G DELEGATIONS TO THE CORPORATE LEAD OFFICER POLICY, PERFORMANCE & PUBLIC PROTECTION

The following functions are to be delegated to the Corporate Lead Officer Policy, Performance & Public Protection including Strategic Partnerships, Engagement and Equalities, Complaints, Compliments and Freedom of Information, Public Protection Services, (including Environmental Health, Animal Health, Food Safety and Trading Standards, Licensing and related activities), Corporate Performance, Research, Policy and counter-terrorism, and to any officers authorised by the relevant Corporate Lead Officer from time to time as appropriate subject to such officers being suitably qualified for the discharge of those duties and functions. These powers can also be exercised by the Chief Executive and Corporate Directors as necessary.

Freedom of Information and Complaints

1. To make suitable and appropriate payments in settlement of complaints against the Council and in local settlement of Ombudsman complaints, such payments to be made from the appropriate budget following consultation with the appropriate Corporate Lead Officer and Cabinet Member.

2. To take all appropriate action in relation to Reports by virtue of sections 16,17 and 21 of the Public Services Ombudsman (Wales) Act 2005.

3. Senior Officer with responsibility over the Internal Review process under FOI and EIR legislation and senior contact officer with the ICO and PSOW.

4. To undertake all relevant operational duties, responsibilities and functions contained in legislation or otherwise falling to Policy and Performance support to implement.

Public Protection Services

1. Definitions

1.1 For the purpose of the matters dealt with in this arrangement, the Corporate Lead Officer means the Corporate Lead Officer Policy, Performance & Public Protection.

1.2 Any reference to an Act in these arrangements includes a reference any amendment thereto or re-enactment thereof or any secondary legislation under it.

2. General Delegation- Specific Powers

2.1 The Corporate Lead Officer (having consulted with the relevant Cabinet Portfolio Holder where necessary and appropriate) is authorised to take any

action necessary to protect or promote the Council's interests, subject to the restrictions noted in Part A above.

2.2 Without prejudice to the generality of the above provisions, this includes exercising his/her professional judgement to take such decisions as are necessary to implement the Council's policies and to promote the management and delivery of the services which are his/her responsibility.

2.3 Any powers granted to the Corporate Lead Officer Policy, Performance & Public Protection may be discharged either in his/her absence by such officer(s) as may be authorised by him/her or in accordance with any general instructions or provisions made by him/her. In the absence of the Corporate Lead Officer Policy, Performance & Public Protection, any officer appointed by him/her to deputise on his/her behalf may also authorise the exercise of the delegated powers. Such authorisations may be granted to persons who are not officers of the Council in agreement with the relevant persons employing authority or organisation. If no such authority has been granted prior to the absence of the Corporate Lead Officer, then the Chief Executive or Corporate Director may authorise such other officer(s) or persons as she/he thinks fit to exercise the powers of the absent Corporate Lead Officer.

2.4 The Corporate Lead Officer may authorise his/her staff to exercise such powers as necessary to enter or inspect any land, buildings or properties and to provide any evidence or authority as necessary for discharging their duties in accordance with the Council's statutory powers,.

2.5 In relation to matters reserved to the Council, the Cabinet or other Committee or Sub-Committee, if the matter is urgent, the Corporate Lead Officer will be permitted to act in between meetings, in consultation with the relevant Cabinet Portfolio Holder or Chair/Vice Chair of the relevant regulatory committee as appropriate, on condition that any such action is consistent with the Council's general policies and that, if appropriate, a report on the action taken is presented to the next meeting of the Council, the Cabinet, Committee or Sub-Committee.

2.6 To determine the appointment of officers for specified purposes to undertake work as inspectors, proper officers, or other similar designations contained in existing or future legislation.

2.7 The Corporate Lead Officer Policy, Performance & Public Protection is authorised to act in relation to procurement and contracts within the approved budget and in accordance with the Contract Standing Orders including the power to remove contractors from the approved lists, where

there has been a failure to meet Council criteria.

2.8 The Corporate Lead Officer Policy, Performance & Public Protection is authorised to act on financial matters, in accordance with the relevant Financial Regulations.

2.9 The Corporate Lead Officer Policy, Performance & Public Protection is authorised for the issuing of determinations, consents, licences or notices on behalf of the Council.

2.10 Authority to undertake work or provide services to third parties subject to resources being available, to there being no adverse impact on the provisions of Council operations, and appropriate charges being levied.

3 Specific powers and duties of Corporate Lead Officer Policy, Performance and Public Protection

3.1 To act within the scheme of delegation, exercise all the Council's functions, duties, regulatory activity and powers, and any which become the Council's responsibility in the future, in relation to:

- Public Protection Services;
- Regulatory offences;
- Trading standards;
- Licensing and Licensing Enforcement;
- Public Health Protection;
- Community Warden Services
- Proper maintenance of land; or
- Environmental offences

including, but not limited to the areas, functions and legislation referenced in the Table at 3.3 below.

3.2 The functions, duties, regulatory activity and powers referred to in 3.1 above include but are not limited to, enforcement powers e.g. taking steps, which may be deemed necessary to prevent offences, educating, issuing statutory notices, issuing simple cautions, prosecuting for offences, appointing inspector(s) under, granting/refusing/varying/suspending/revoking/ reinstating licences, arranging for submission of reports, or charging fees.

3.3 Responsibilities for the following functions and relevant legislation:

Area	**Function**	**Legislation (including any other associated legislation)**

Public Protection: This includes Environmental Health, Licensing and Trading Standards	Environmental Protection and Environmental Health: to include: • Dangerous Trees	European Union (Withdrawal Agreement) Act 2020 Freedom of Information Act 2000 Local Government (Miscellaneous Provisions) Act 1982 Local Government (Miscellaneous Provisions) Acts 1953 and 1976 / 1982 Local Government (Wales) Act 1994 Local Government Act 2010 Local Government Acts 1972/1978/1985/1988/1992 / 2000 / 2003 Local Government and Housing Act 1989 National Assistance Act 1948 National Health Service (Amendment) Act 1986 National Health Service Act 1977 Police & Crime Act 2009 Public Interest Disclosure Act 1998
	Environmental Protection to include): • Local air quality, • Environmental Permitting • Contaminated land, • Private Water Supplies • Water quality, • Statutory nuisances • Removal and Disposal of Vehicles • Refuse Disposal • Single Use Plastic Products	Clean Air Act 1993 Climate Change Act 2008 Control of Pollution (Amendment) Act 1989 Control of Pollution act 1974 Energy Act 2004 Environmental Protection Act 1990 Environment Act 1995 Environmental & Safety Information Act 1988 Environmental Protection Act 1990 Flood & Water Management Act 2010 Highways Act 1980 Household Waste Recycling Act 2003 Housing Act 1985 Noise Act 1996 Noise and Statutory Nuisance Act 1993 Party Wall etc Act 1996 Planning Act 2008

		Planning and Hazardous Substances Act 1990 Pollution Prevention and Control Act 1999 Prevention of Damage by Pests Act 1949 Prevention of Oil Pollution Act 1971 Town and Country Planning Act 1990 Waste Minimisation Act 1998 Water (Fluoridation) Act 1985 Water Acts 1945/1948/1973/1989 / 2003 Water Consolidation (Consequential Provisional) Act 1991 Water Industry Act 1991 Water Resources Act 1991 Wildlife & Countryside Act 1981 Environmental Protection (Single-Use Plastic Products) (Wales) Act 2023
	Food Hygiene • Food Hygiene Ratings • Food Fraud	Food Hygiene Rating (Wales) Act 2013 Food Safety Act 1990
	• Health & Safety	Factories Act 1961 Fatal Accidents Act 1976 Fire and Safety of Places of Sport Act 1987 Health & Safety at Work etc Act 1974 Mines & Quarries Act 1954 Offices, Shops and Railway Premises Act 1963

	• Animal Health, Welfare and by products	Agriculture - (Safety, Health and Welfare Provisions) Act 1956 Agriculture (Miscellaneous Provisions) Act 1968 Animal Health Acts 1981 and 2002 Animal Health and Welfare Acts 1981/1984 Animal Welfare Act 2006 Animals Act 1971 Control of Horses (Wales) Act 2014 Protection Against Cruel Tethering Act 1988 Protection of Animals (Amendment) Act 1988 Protection of Animals (Anaesthetics) Act 1954/1964 Protection of Animals Act 1911 The Animal By-Products (Enforcement) (Wales) Regulations 2014
	Public Health • Infectious Diseases • Public Health Funerals • Smoking in public places and other locations where restrictions apply • Special Procedures Licensing • Health Impact Assessments	Aids Control Act 1987 Building Act 1984 Burial Act 1857 Burials Acts 1952-1906 Burials Law (Amendment) Act 1880 Cremation Act 1902 Cremation Act 1952 Defective Premises Act 1972 Equality Act 2010 Health Act 2009 Health and Social Care Act 2008/2012 Health Services & Public Health Act 1968 Public Health (Drainage of Trade Premises) Act 1937 Public Health (Wales) Act 2017 Public Health Act 1936 Public Health Act 1961 Health Impact Assessment (Wales) Regulations 2025
	Anti-social behaviour	Anti- Social Behaviour Crime and Policing Act 2014 Anti-social Behaviour Act 2003

		Clean Neighbourhoods and Environment Act 2005 Crime and Disorder Act 1998
	Food Standards (Composition & labelling)	Food Safety Act 1990 Food Act 1984 Food Safety Act 1990 Products Containing Meat etc (Wales) Regulations 2014 - Healthy Eating in Schools (Wales) Measure 2009 Tryptophan in Food (Wales) Regulations 2005 Condensed Milk and Dried Milk (Wales) Regulations 2018 Contaminants in Food (Wales) Regulations 2013 Fish Labelling (Wales) Regulations 2013 Food Additives, Flavourings, Enzymes and Extraction Solvents (Wales) Regulations 2013 Food Irradiation (Wales) Regulations 2009 Foods Intended for Use in Energy Restricted Diets for Weight Reduction Regulations 1997 Honey (Wales) Regulations 2015 Kava-Kava in Food (Wales) Regulations 2006 Novel Foods (Wales) Regulations 2017 Processed Cereal-based Foods and Baby Foods for Infants and Young Children (Wales) Regulations 2004 European Union (Withdrawal) Act 2018 as it continues to give effect to the following Regulations or Orders: Beef and Veal Labelling (Wales) Regulations 2011 Country of Origin of Certain Meats (Wales) Regulations 2015 Eggs and Chicks (Wales) Regulations 2010 Food for Specific Groups (Information and Compositional Requirements) (Wales) Regulations 2016 Food Information (Wales) Regulations 2014

		Fruit Juices and Fruit Nectars (Wales) Regulations 2013 Genetically Modified Food (Wales) Regulations 2004 Genetically Modified Organisms (Traceability and Labelling) (Wales) Regulations 2005 General Food Regulations 2004 Infant Formula and Follow-on Formula (Wales) Regulations 2020 Materials and Articles in Contact with Food (Wales) Regulations 2012 Natural Mineral Water, Spring Water and Bottled Drinking Water (Wales) Regulations 2015 Official Controls (Animals, Feed and Food, Plant Health Fees etc.) (Wales) Regulations 2020 Official Controls (Animals, Feed and Food, Plant Health Fees etc.) Regulations 2019 Official Feed and Food Controls (Wales) Regulations 2009 Olive Oil (Marketing Standards) Regulations 2014 Organic Products Regulations 2009 Poultry meat (Wales) Regulations 2011 Products of Animal Origin (Disease Control) (Wales) Regulations 2008 Quick Frozen Foodstuffs (Wales) Regulations 2007 Scotch Whisky Regulations 2009 Specified Products from China (Restriction on First Placing on the Market) (Wales) Regulations 2008 Spirit Drinks Regulations 2008 Trade in Animals and Related Products (Wales) Regulations 2011 Wine Regulations 2011.
	Agricultural standards including Feed Hygiene and fertilisers	Agriculture (Miscellaneous Provisions) Act 1968; Agriculture Act 1970

		Animal Feed (Composition, Marketing and Use) (Wales) Regulations 2016 Medicines Act 1968 European Union (Withdrawal) Act 2018 as it continues to give effect to the following Regulations or Orders: Animal Feed (Hygiene, Sampling etc. and Enforcement) (Wales) Regulations 2016; Official Controls (Animals, Feed and Food, Plant Health Fees etc.) (Wales) Regulations 2020; Official Feed and Food Controls (Wales) Regulations 2009; Official Controls (Animals, Feed and Food, Plant Health Fees etc.) Regulations 2019; EC Fertilisers (England and Wales) Regulations 2006; Quality Schemes (Agricultural Products and Foodstuffs) Regulations 2018.
Community Warden Services	Pest Control	Prevention of Damage by Pests Act 1949
	Fair Trading	Accommodation Agencies Act 1953 (& 1957) Administration of Justice Act 1970 Birmingham Commonwealth Games Act 2020 Cancer Act 1939 Christmas Day Trading Act 2004 Companies Act 2006 Consumer Credit Act 2006 Consumer Rights Act 2015 Copyright, Designs and Patents Act 1988 Criminal Justice Act 1988 Criminal Justice and Police Act 2001 Customs and Excise Management Act 1979 Education Reform Act 1988 Energy Act 2011 - Energy Efficiency (Private Rented Property)(England and Wales) Regulations 2015; Enterprise Act 2002

		Estate Agents Act 1979 Forgery and Counterfeiting Act 1981 Fraud Act 2006 Hallmarking Act 1973; Knives Act 1997 Legal Services Act 2007 Lifts Regulations 1997 Olympic Symbol (Protection) Act 1995 Pet Animals Act 1951 (S.2 prohibit pet sales in a street or public place) Police and Criminal Evidence Act 1984 Prices Act 1974 - Price Marking Order 2004 Public Health (Minimum Price for Alcohol) (Wales) Act 2018 Registered Designs Act 1949 Renting Homes (Fees etc.) (Wales) Act 2019 Climate Change Act 2008 (Single Use Carrier Bags Charge (Wales) Regulations 2010) Sunday Trading Act 1994 Theft Act 1968 Theft Act 1978 Trade Description Act 1968 Trade Marks Act 1994 Unsolicited Goods and Services Acts 1971 and 1975 Video Recordings Act 1984 Vehicles (Crime) Act 2001 European Union (Withdrawal) Act 2018 as it continues to give effect to the following Regulations or Orders:- Advanced Television Services Regulations 2003; Biofuel Labelling Regulations 2004; Business Protection from Misleading Marketing Regulations 2008; Cat and Dog Fur (Control of Import, Export and Placing on the Market) Regulations 2008; Consumer Contracts (Information, Cancellation and

		Additional Charges) Regulations 2013; Consumer Protection from Unfair Trading Regulations 2008; Consumer Rights (Payment Surcharges) Regulations 2012; Eco-design for Energy-Related Products Regulations 2010; Energy Information Regulations 2011; Energy Performance of Buildings (England and Wales) Regulations 2012; Financial Services (Distance Marketing) Regulations 2004; Footwear (Indication of Composition) Labelling Regulations 1995; Household Appliances (Noise Emission) Regulations 1990 Package and Linked Travel Arrangements Regulations 2018; Packaging (Essential Requirements) Regulations 2015 Passenger Car (Fuel Consumption and CO2 Emissions Information) Regulations 2001; Rights of Passengers in Bus and Coach Transport (Exemptions and Enforcement) Regulations 2013; Textile Products (Labelling and Fibre Composition) Regulations 2012; Timeshare, Holiday Products, Resale and Exchange Contracts Regulations 2010.
	Age Restricted Sales	Anti-social Behaviour Act 2003 (aerosol paint) Licensing Act 2003 (alcohol) Children and Young Persons Act 1933 Children and Young Persons (Protection from Tobacco) Act 1991 Children and Families Act 2014 The Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015

		Protection from Tobacco (Sales from Vending Machines) (Wales) Regulations 2011 The Pyrotechnic Articles (Safety) Regulations 2015 (fireworks) Video Recordings Act 1984 (films etc) Criminal Justice Act 1988 (knives) Psychoactive Substances Act 2016 The Sunbed (Regulation) Act 2010 (sunbeds) Gambling Act 2006 Offensive Weapons Act 2019
	Consumer & Product Safety	Botulinum Toxin and Cosmetic Fillers (Children) Act 2021 Clean Air Act 1993 (Motor Fuel (Composition and Content) Regulations 1999 & Biofuel (Labelling) Regulations 2004) Consumer Protection Act 1987 Environmental Protection Act 1990 - Environmental Protection (Microbeads) (Wales) Regulations 2018; Motor Vehicles (Safety Equipment for Children) Act 1991 Medicines and Medical Devices Act 2021 Motor Cycle Noise Act 1987 Road Traffic Acts 1988 and 1991 Tobacco Advertising and Promotion Act 2002 Violent Crime Reduction Act 2006 Violent Crime Reduction Act 2006 (Realistic Imitation Firearms) Regulations 2007 Aerosol Dispensers Regulations 2009 European Union (Withdrawal) Act 2018 as it continues to give effect to the following Regulations or Orders:- Construction Products Regulations 2013; Cosmetic Products Enforcement Regulations 2013 and the EU Cosmetic Products Regulation 1223/2009; Crystal Glass (Descriptions) Regulations 1973;

		Detergents Regulations 2010; Electrical Equipment (Safety) Regulations 2016; Electromagnetic Compatibility Regulations 2016; Fluorinated Greenhouse Gases Regulations 2015; Gas Appliances (Enforcement) and Miscellaneous Amendments Regulations 2018; General Product Safety Regulations 2005; Medical Devices Regulations 2002; Ozone-Depleting Substances Regulations 2015; Personal Protection Equipment (Enforcement) Regulations 2018; Pressure Equipment (Safety) Regulations 2016; Radio Equipment Regulations 2017; REACH Enforcement Regulations 2008; Recreational Craft Regulations 2017; Simple Pressure Vessels (Safety) Regulations 2016; Supply of Machinery (Safety) Regulations 2008; Tobacco and Related Products Regulations 2016; Toys (Safety) Regulations 2011; Volatile Organic Compounds in Paints, Varnishes and Vehicle Refinishing Products Regulations 2012; Specific legislation made under the Health & Safety at Work Act etc. 1974: The Ammonium Nitrate Materials (High Nitrogen Content) Safety Regulations 2003; The Biocidal Products and Chemicals (Appointment of Authorities and Enforcement) Regulations 2013; The Chemical (Hazard Information and Packaging for Supply) Regulations 2009;

		The Dangerous Substances and Explosive Atmospheres Regulations 2002; The Explosives Regulations 2014.
	Legal Metrology (Weight & Measures)	Weights and Measures Act 1985 Measuring Instruments (Beltweighers) Regulations 2006 Measuring Instruments (Capacity Serving Measures) Regulations 2006 Measuring Instruments (Liquid Fuel and Lubricants) Regulations 2006 Police Reform Act 2002 (S.41A) European Union (Withdrawal) Act 2018 as it continues to give effect to the following Regulations or Orders: Measuring Container Bottles (EEC Requirements) Regulations 1977; Measuring Instruments Regulations 2016; Non-automatic Weighing Instruments Regulations 2016; Weights & Measures (Packaged Goods) Regulations 2006; Measuring Instruments (EEC Requirements) Regulations 1988 Enforced exclusively by officers appointed as Weights and Measures Inspectors
Proper maintenance of land		
	Licensing of premises and personal registrations to carry out acupuncture, piercings and tattooing, semi-permanent skin colouring, cosmetic piercing, electrolysis	Public Health (Wales) Act 2017 – Part 5 Local Government (Miscellaneous Provisions) Act 1982

	Licensing of Petroleum sites	Health and Safety at Work etc Act 1974 - Petroleum (Consolidation) Regulations 2014
	Licensing of scrap metal dealers	Scrap Metal Dealers Act 2013
	Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975 (c. 52)
	Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.	Part III of the Fire Safety and Safety of Places of Sport Act 1987 (c. 27).
	Licensing and regulating all form of gambling (covers arcades, betting, bingo, casinos, gaming machines, society lotteries, and remote gambling (including online gambling)	Gambling Act 2005
	Licensing and regulating the sale and supply of alcohol, the provision of entertainment and the provision of late night refreshment	Licensing Act 2003
	Entertainment and alcohol licensing including premises licensing, Temporary Event Notices, Club Premises Certificates, Sex Establishments, Personal Licences, Licensing Act reviews, etc	Section 12 of the Children and Young Persons Act 1933 (c. 12); Crime and Disorder Act 1998, Criminal Justice and Police Act 2001 (s.19-25); Fire Safety & Safety at Places of Sports Act 1987; Hypnotism Act 1952; Licensing Act 2003; Local Government (Miscellaneous Provisions) Act 1982; Policing

		and Crime Act 2017; Theatres Act 1968;
	Animal related licensing including animal health and welfare	Animal Boarding Establishments Act 1963; Animal By Products (Wales) Regulations 2003; Animal Health and Welfare Acts 1981/1984; Animal Welfare Act 2006; Breeding of Dogs Act 1973; Game Act 1831; Guard Dogs Act 1975; Local Government Act 1988; Pet Animals Act 1951; Pet Animals (Amendment) Act 1983; Protection Against Cruel Tethering Act 1988; Protection of Animals (Amendment) Act 1988; The Riding Establishments Acts 1964 and 1970; Wild Animals and Circuses (Wales) Act 2020; Wildlife & Countryside Act 1981
	Power to register animal trainers and exhibitors	Performing Animals (Regulations) Act 1925
Licensing and Licensing Enforcement	Licensing premises for the breeding of dogs	The Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014
	Licensing pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business	Section 1 of the Pet Animals Act 1951 (c. 35) Section 1 of the Animal Boarding Establishments Act 1963 (c. 43) The Riding Establishments Acts 1964 and 1970 (c. 1964 c. 70 and 1970 c. 70) The Animal Welfare (Licensing of Activities Involving Animals) (Wales) Regulations 2021
	Animal Welfare/Licensing	Animal Welfare Act 2006 (including any subsequent

		legislation, to include (but not limited to): The Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014; and The Animal Welfare (Licensing of Activities Involving Animals (Wales) Regulations 2021).
	Licensing of zoos and dangerous wild animals	Section 1 of the Zoo Licensing Act 1981 (c. 37) Section 1 of the Dangerous Wild Animals Act 1976 (c. 37
	Licensing premises for manufacturing, storing and selling fireworks and explosives (enforcement of these laws carried out by Trading Standards)	Pyrotechnic Articles (Safety) Regulations 2015 (as amended by the Product Safety and Metrology etc (Amendment etc)(EU Exit) Regulations 2019); Fireworks Act 2003; Fireworks Regulations 2004; Explosives Act 1875; Consumer Protection Act 1987; Explosives Regulations 2014; Product Safety Amendment and Revocation Regulations 2012; Health and Safety at Work Act etc 1974; Public Health Acts 1936 and 1961; Health & Safety and Nuclear (Fees) Regulations 2021. Enforcement carried out by Trading Standards.
	Licensing of Hackney Carriages and Private Hire Vehicles, including licensing of drivers of hackney carriages and private hire vehicles, and licensing of operators of hackney carriages and private hire vehicle. Note: In certain circumstances it will be	i. As to hackney carriages – the Town Police Clauses Act 1847 (10 & 11 Vict. c. 89), as extended by section 171 of the Public Health Act 1875 (38 & 39 Vict. c. 55), and section 15 of the Transport Act 1985 (c. 67); and sections 47, 57, 58, 60 and 79 of the Local Government

	necessary for the Chair/ Vice Chair of the Council's Licensing Committee to be consulted upon to confirm whether or not an applicant, an existing licence holder should be referred to the Licensing Sub-Committee for determination.	(Miscellaneous Provisions) Act 1976 (c. 57); ii. As to private hire vehicles - sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.; iii. As to drivers of hackney carriages and private hire vehicles - Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976. iv. As to operators of hackney carriages and private hire vehicles - Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976. Also include: Town Police Clauses Act 1889; Road Traffic Act 1991 and 1988;
Well-being and sustainable development	Social Partnership and Public Procurement: promote the well-being of the people of Wales by enhancing sustainable development (including improving public services) through social partnership working, promoting fair work and socially responsible procurement.	Social Partnership and Public Procurement (Wales) Act 2023
Power to issue Special Procedure licences including tattooing,	Power to issue Special Procedure licence Delegated to Licensing Committee	Public Health Wales Act 2017. Schedule 3

piercing, acupuncture	Further delegated to: Corporate Lead Officer for Policy, Performance and Public Protection.	
Environmental Protection	Single-Use Vapes ban	The Environmental Protection (Single-use Vapes) (Wales) Regulations 2024

3.4 Authorised to Act as an Authorised and Authorising Officer for the purposes of the Regulation of Investigatory Powers Act 2000, the Monitoring Officer as Senior Responsible Officer, to be notified of any such application.

3.5 Authorised to Act as Authorising Officer for the purposes of the Protected Food Name Scheme: The Quality Schemes (Agricultural Products and Foodstuffs) Regulations 2018.

3.6 To act as Proper Officer for the management of outbreaks of notifiable infectious and communicable disease and to appoint and authorise Alternative Proper Officers to act on behalf of the authority in respect of legislative provisions relating to the prevention and control of outbreaks of disease or infection

3.7 To sign issue and serve Statutory Notices under all relevant legislation listed below together with all future legislation within the remit of Policy & Performance including requisitions for information.

3.9 To initiate and make arrangements for the execution of works in default in the event of any non-compliance or contravention of the terms of any Statutory Notice served under delegated powers.

3.10 To instruct the Legal Services in relation to proceedings for non-compliance with any provision of legislation falling to Policy & Performance to enforce.

3.11 To undertake all relevant operational and administrative duties, responsibilities and functions contained in legislation or otherwise falling to Policy, Performance & Public Protection to implement.

3.12 To undertake inspections, investigations, interviews, sampling, prohibitions, seizures, detentions, recording, monitoring (the issue of fixed penalty notices), service of notices, (including suspension notices), notifications, waivers, transfers, authorisations, licensing, registrations and legal proceedings under any legislation that falls within the remit of Policy & Performance, together with any regulations made thereunder, and any amendments or additions thereto together with all future legislation within the remit of Policy, Performance & Public Protection and

to exercise all other relevant powers, including powers of entry provided under such legislation.

3.13 To undertake all duties relating to Public Health (Coronavirus) associated legislation, as amended, including but not limited to:

3.13.1 The Health Protection (Coronavirus Restrictions) (Wales) Regulations; and

3.13.2 The Health Protection (Coronavirus Restrictions) (Functions of Local Authorities) (Wales) Regulations.

3.14 To act as the Senior Responsible Officer (Proceeds of Crime Act 2002).

3.15 Responsible for ensuring compliance with the Armed Forces Covenant Duty pursuant to section 343AB of the Armed Forces Act 2006 and any guidance issued under section 343AE of the same act.

Civil Contingencies & Business Continuity

To exercise all the Council's functions and powers and to take all appropriate action in relation to civil contingencies and business continuity including but not limited to:

1. The Civil Contingencies Act 2004.

Community Safety and Counter Terrorism

To exercise the Council's powers, duties and functions relating to the Crime and Disorder Act 1998, the Counter Terrorism and Security Act 2015 and the CONTEST strategy.

Serious Violence

To exercise all the Council's functions duties and powers and to take all appropriate action in relation to serious violence including but not limited to:

The Police Crime & Sentencing Courts Act 2022.

CHIEF INSPECTOR OF WEIGHTS AND MEASURES

The following functions are to be delegated to the current post holder: Trading Standards & Licensing Manager:

1. To act as the Council's Chief Inspector of Weights and Measures under Section 72 of the Weights and Measures Act 1985 (including any associated subsequent legislation).

Proper Officer Responsibilities- Public Health (Control of Disease) Act 1984

The Corporate Lead Officer Policy, Performance and Public Protection is designated Proper Officer in relation to Public Health (Control of Disease) Act 1984 (as amended by the Health and Social Care Act 2008) and any subordinate Regulations or legislative provisions.

The Proper Officer can authorise and delegate to competent persons as necessary to act on behalf of the Council.

H. DELEGATIONS TO CORPORATE LEAD OFFICER ECONOMY & REGENERATION

The following functions are to be delegated to the Corporate Lead Officer Economy & Regeneration and to any officers authorised by him/ her from time to time as appropriate subject to such officers being suitably qualified for the discharge of those duties and functions.

1. To negotiate and complete purchases and sales of land and property, granting of leases to and from the Council in accordance with the Asset Management Plan and Council's Capital Programme.
2. To negotiate and complete wayleave agreements, easements and licences.
3. To grant consents relating to the use of Council land and premises.
4. Certifying that valuations are acceptable for conveyancing, leasing and other relevant purposes in respect of any asset or interest to be disposed of, acquired or leased in accordance with the Asset Management Plan.
5. To accept and serve any notices required under the Agricultural Holdings Act 1986 (as amended) and the Agricultural Tenancies Act 1995.
6. To submit planning applications in respect of the Council's land, buildings or Engineering Works as required to assess the development potential prior to the sale of land or to carry out developments on behalf of the Council
7. In consultation with the Corporate Lead Officer, Legal & Governance Services to approve requests for the assignment of leases and the underletting and sub-letting of premises where consent for such requests cannot reasonably be withheld.
8. To take action on behalf of the Council as landowner and under the Criminal Justice and Public Order Act 1994 relating to unauthorised occupation of land and to utilise the services of process servers where appropriate.
9. With regard to the future management of farms and small-holdings the short listing of applicants for advertised farms, their letting and serving of Notices to Quit, in consultation with the appropriate Cabinet Member, and with the appropriate Local Member being kept informed.
10. To undertake rent reviews as is appropriate for those properties owned and managed by the Council.
11. To submit grant funding bids for regeneration projects and housing schemes,
12. To provide European support advisory services and monitoring support for County Council EU funded projects and to external projects

13. To determine, in consultation with the Cabinet Member for Economic and Community Development, applications for grant under the Community Grants and Business Grants schemes

14. To determine advertising and marketing programmes and expenditure to promote Ceredigion.

15. To accept articles and materials which are donations to the County Council Museum.

16. To exercise, in the absence of the Corporate Lead Officer – Porth Cymorth Cynnar, powers and duties, and to authorise Officers, under the provisions of:

    a. the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015; and

    b. The Renting Homes (Fees etc.) (Wales) Act 2019 (including Regulations made thereunder)

17. **Coast and Countryside**

To authorise entry by officers consultants and contractors under

17.1 To register Section 31 declarations under the Highways Act 1980 with regards to any legal deposits made by landowners to prevent new claims of public rights of way being made on their land under Sec 53 of the Wildlife & Countryside Act 1981which include a map of their holding and declaration that they do not intend to dedicate any public rights of way to the public.

17.2To make and confirm Tree Preservation Orders under the Town and Country Planning Act 1990

17.3 To determine applications for the cutting lopping or topping of any tree covered by a TPO.

17.4 To determine notifications for the removal of a hedgerow under the Hedgerow Regulations 1997.

17.5 To determine applications in respect of high hedges under the Anti-social Behaviour Act 1993 (Part 8).

17.6 To provide for the amendment of the registers maintained under the Commons Registration 1965 [Commons and Town and Village Green Registers] where;

I. any land registered under this Act ceases to be common land or a town or village green; or

II. any land becomes common land or a town or village green; or

III. any rights registered under this Act are apportioned, extinguished or released, or are varied or transferred in such

circumstances as may be prescribed in respect of Section 13 of the Commons Registration Act and Section 31 of the Highways Act 1980

17.7 To determine cases of presumed dedication under Section 31 of the Highways Act 1980.

17.8 To determine applications to modify the definitive map and statement under Section 53 of the Wildlife and Countryside Act 1981.

17.9 To make Public Path Orders Diversion Orders Extinguishment Orders and Creation orders under the relevant sections of the Town and Country Planning (Public Path Orders) Regulations 1993 Highways Act 1980 & Town & Country Planning Act 1990 and to confirm orders where no objections have been received, or where objections made are subsequently resolved27. To make Definitive Map Modification Orders under various sub –section of Section 53 of the Wildlife & Countryside Act 1981 including:

- Additions under Section 53 (3) (c) (i) of the Wildlife and Countryside Act 1981
- Deletions under Section 53 (3) (c) (iii) of the Wildlife and Countryside Act 1981
- Alignment changes under both Section 53 (3) (c) (i) of the Wildlife and Countryside Act 1981 and Section 53 (3) (c) (iii) of the Wildlife and Countryside Act 1981
- Status changes under Section 53 (3) (c) (ii) of the Wildlife and Countryside Act 1981

17.10 To upgrade or downgrade the Map and/or Statement under changes under both Section 53 (3) (c) (i) of the Wildlife and Countryside Act 1981 and Section 53 (3) (c) (iii) of the Wildlife and Countryside Act 198128. To make Roads Used Public Paths (RUPP's) Reclassification Orders under Sec 54 of the Wildlife & Countryside Act 1981 and Countryside and Right Of Way Act 2000 and confirm orders where no objections or withdrawn objections.

17.11 The Duties and responsibilities set out in Section 40 of the Natural Environment and Rural Communities Act 2006 relating to conserving biodiversity

17.12 To make Legal Event Modification Orders (LEMO'S) in relation to Public Path Orders, Definitive Map Modification Orders or RUPP reclassification orders.

17.13 The powers to make Traffic Regulation Orders of the Road Traffic Regulation Act 1984 including:

- Emergency closures
- Temporary closures
- Permanent closures

17.14 The powers to take enforcement action as appropriate.

17.15 Powers in respect of Common Land & Village Greens, including management / enforcement action as appropriate under section 9 of the Commons Registration Act 1965, protection of unclaimed Common Land.

17.16 To undertake all duties and responsibilities under the following sections of the Highways Act 1980:-

- Section 41 - Duty to maintain highways maintainable at public expense
- Section 62 – General power of improvement
- Section 66 – Power to provide and maintain barriers, rails or fences for the purpose of safeguarding persons using the highway.
- Section 76 – Power to carry out works for levelling the highway
- Section 77 – Power to change the levels of the highway Alteration of levels
- Section 82 – Power to provide install cattle grids & by-passes
- Section 83 – Power to remove of cattle grids & by-passes
- Section 91 – Power to construct a bridge to carry existing highway maintainable at public expense.
- Section 92 – Power to reconstruction a bridge maintainable at public expense.
- Section 94 – Powers of highway authorities & bridge owners to enter into agreements1
- Section 100 – Power to undertake drainage of the highway
- Section 101 – Power to fill in roadside ditches
- Section 102 – Power to carry out works to protect highways against hazards of nature
- Section 122 – Power to make temporary diversion where highway is about to be repaired or widened
- Section130 – Powers in respect of the duty to assert and protect the rights of the public to the use and enjoyment of any highway for which the highway authority, including any roadside waste which forms part of it.
- Section 131 – Powers to issue penalties for damaging highways
- Section 134 – Power of ploughing and cropping of Public Rights Of Way (PROW)
- Section 135 – Power to temporary divert footpath or bridleway
- Section 137 – Power to issue penalty for wilful obstruction

- Section 143 – Power to remove obstructions from highways
- Section 145 – Powers as to gates across highways
- Section 146 – Duty to maintain stiles etc. on footpaths & bridleways
- Section 147 – Power to authorise new structures on PROW
- Section 149 – Power to remove nuisances on highways
- Section 150 – Duty to remove snow & soil from highways
- Section 154 – Power to remove dangerous trees
- Section 163 – Duty to prevent water falling on or flowing on to the highway
- Section 164 – Power to require removal of barbed wire
- Section 178 – Restriction on placing rails, beams etc. over highways
- Section 239 – Power to acquire land for the construction and improvement of highways
- Section 250 - Land acquisition powers to extend to creation as well as acquisition of rights.
- Section 289 – Power of entry of highway authority for the purpose of survey
- Section 290 – Supplementary provisions as to power of entry for the purpose of survey
- Section 291 – Powers of entry of highway authority for purpose of maintenance
- Section 293 – Power of entry onto land for PROW works
- Section 296 – Power of council to execute works by agreement
- Section 197 – Power of highway authority to require ownership details
- Section 300 – Right to use vehicles and appliances on footpaths and bridleways for maintenance and improvements

17.17 To undertake all duties and responsibilities under the following section of the Countryside and Right Of Way Act 2000:-

17.18 Section 63 (6) – Duty of enforcement to prevent obstructions

17.19 Section 137ZA – Power to order offender to remove obstruction

17.20 To undertake the duty of signposting footpaths and bridleways under Section 27 of the Countryside Act 1968.

17.21 The power to obtain landownership details under Section 297 of the Highways Act 1981.

17.22 Duty to issue penalties and require the removal of misleading notices and signs under Section 57 of the National Parks and Access to the Countryside Act 1949

17.23 The power to order the removal of obstructions under Section 137ZA of the CROW Act 2000.

18 Proper Officer Responsibilities

The Corporate Lead Officer Economy & Regeneration is designated Proper Officer for Ceredigion County Council in relation to the following matters:

- Section 78 Building Act 1984: Exercise powers to deal with dangerous buildings, etc.

19 Specific powers and duties

19.1 To act on a day to day basis and within the scheme of delegation in the following areas

a) Development Management and Building Control (including Listed Buildings).

b) Dangerous buildings and unsafe structures

c).The determination of building regulations applications, serving of statutory notices, the enforcement of and implementation of measures relating to dangerous buildings and to administer statutory duties relating to Building Regulations.

d) To manage the Council's Local Land Charges Service.

20 To negotiate and enter an agreement on behalf of the local planning authority with the sustainable drainage systems approving body as to the undertaking of enforcement under s.32 and Schedule 3 of the Flood and Water Management Act 2010 and secondary legislation made thereunder.

21 To undertake all duties in relation to Coronavirus Act 2020 associated legislation, including but not limited to:

• The Town and Country Planning (General Permitted Development) Order 1995 and the Town and Country Planning (General Permitted Development) (Amendment) (Wales) (No.2) Order 2020

22. Authorised to act as an Authorising Officer for the purposes of the Regulation of Investigatory Powers Act 2000 (and associated legislation).

DEVELOPMENT MANAGEMENT SERVICE

SCHEME OF DELEGATION

This Scheme of Delegation enables Officers within the Development Management Service to deal with a wide range of applications, notifications, consultations, pre-application advice requests, general enquiries and enforcement / compliance matters without formal authorisation from the Council's Development Management Committee.

The Scheme of Delegation seeks to strike an appropriate balance in ensuring an efficient planning service and a customer focused approach, whilst ensuring that the more sensitive planning applications are given the appropriate scrutiny by members of the Development Management Committee. The scheme aims to allow members to concentrate on those strategically important cases, major developments or controversial cases and remove those cases which typically would not warrant member discussion and evaluation at committee.

PART 1 – OFFICER LEVEL DECISIONS

(Subject to the provisions of Part 2), Part 1 authorises the Corporate Lead Officer (CLO) for Economy & Regeneration, along with the Corporate Manager for Planning Services, the Service Manager Development Management and the Development Management Area Team Leaders (as so authorised by the CLO) to determine the range of applications, notifications, consultations, pre-application enquiries, general enquiries and enforcement / compliance actions as listed below:

The determination of planning or other applications (including for works which have already been carried out):

1. The determination of planning applications for householder and minor developments (incl. outline and full applications)).
2. The determination of planning applications for the winning and working of minerals.
3. The determination of planning applications for waste developments.
4. The determination of applications for the approval of reserved matters, following the grant of outline planning permission.
5. The imposition of conditions on planning permissions and other consents and approvals.
6. The determination of applications for the approval of details required by conditions attached to a planning permission other than “matters reserved”.
7. The determination of planning applications to develop land without compliance with a condition attached to a planning permission (S.73 TCPA 1990 – Removal of a condition)
8. The determination of planning applications which seek to vary a condition attached to a planning permission (S.73 TCPA 1990 – Variation of a condition).
9. The determination of planning applications for the removal of agricultural occupancy, rural enterprise or affordable housing conditions attached to a planning permission, where such an application is made by a bank or building society in possession.
10. The determination of planning applications whereby Officers are recommending **refusal** and such recommendation represents a significant departure from the adopted policies of the Development Plan.
11. The determination of applications for non-material amendments under S.96A of the Town and Country Planning Act 1990 including for those applications subject to the provisions of Part 2 of this scheme.

12. The determination of applications made under the prior notification provisions of the General Permitted Development Order (GPDO) 1995 (as amended) and any associated subsequent legislation (including agriculture, forestry, telecommunications and demolition determinations).
13. The determination of consultations by utility companies in relation to overhead lines and other utilities infrastructure.
14. The determination of applications for listed building consent. (In consultation with CADW where required).
15. The determination of applications for conservation area consent.
16. The determination of applications for Certificates of Lawfulness for an Existing Use or Development (CLEUD) (S.191 TCPA 1990)
17. The determination of applications for Certificates of Lawfulness for a Proposed Use or Development (CLOPUD) (S.192 TCPA 1990)
18. The determination of applications for Certificates of Appropriate Alternative Development (under the Land Compensation Act 1961)
19. The determination of applications for express consent for the display of advertisements. (S.220 TCPA 1990)
20. The determination of applications for Hazardous Substances Consent.
21. The power to decline to determine applications for planning permission under Section 32 (where an enforcement notice has been served prior to the submission of the application) and Section 70A of the Town and Country Planning Act 1990.
22. The power to make minor amendments to the wording of planning conditions / reasons for refusal on applications determined at the Development Management Committee, in order to give effect to the relevant decision of the Development Management Committee, where the substance of the suggested change(s) does not significantly depart from the Committee's decision.
23. To make all necessary decisions on procedural matters in connection with the processing of all applications.

To determine planning applications where the same decision has been made within the past 12 months from the valid date and no changes have occurred. 25. To respond to consultation requirements of Developments of National Significance (DNS).

26. To determine planning applications where Nutrients (pursuant to the Conservation of Habitats & Species Regulations 2017) are an issue (in consultation with the Cabinet Member).

Planning Obligations (S.106 of the Town and Country Planning Act 1990):

27. Power to enter into planning obligations regulating development or use of land.
28. The determination of applications for the modification and / or discharge of a planning obligation.
29. To negotiate and determine the heads of terms of planning obligations.
30. To make use of any commuted sums generated by planning obligations for the use of affordable housing or community benefit as set out in the agreement.

The determination of pre-application enquiries and general enquiries:

31. To provide all types of pre-application advice (including both statutory and non-statutory and including householder, minor, major and large major developments).
32. To respond to all general enquiries which require a response from the Service.
33. To respond to all formal consultations from neighbouring authorities in relation to planning applications.

Enforcement / Compliance Issues:

34. To investigate complaints of unauthorised development.
35. To determine the expediency (or not as the case may be) of taking formal planning enforcement action.
36. To authorise entry onto land without warrant. (Sections 196A, 214B and 324 of the TCPA 1990, under s.88 of the Planning (Listed Building and Conservation Areas) Act 1990 and section 36 of the Planning (Hazardous Substances) Act 1990)
37. To authorise the issuing of Rights of Entry Notices (S.196A TCPA 1990) (Right of entry to a dwellinghouse)
38. The serving of planning related enforcement notices including –
    i. Planning Contravention Notices (PCN) (S.171 of the TCPA 1990) (Also to consider offers and representations made under Section 171C(4) of the Act (responses to Planning Contravention Notices)).
    ii. Under S.330 of the Town and Country Planning Act 1990 to require information as to interests in land and any other relevant requisition for information.
    iii. Enforcement Warning Notices (EWN) (under S.173ZA of the TCPA 1990)
    iv. Planning Enforcement Notices (under S.172 of the TCPA 1990)
    v. Temporary Stop Notices (under S.171E of the TCPA 1990 and under S.44B of the Planning (Listed Buildings and Conservation Areas) Act 1990)
    vi. Stop Notices (under S.183 of the TCPA 1990)
    vii. Breach of Condition Notices (under S.187A of the TCPA 1990)
    viii. Power to require proper maintenance of land "Amenity Notices" (Under S.215 of the TCPA 1990)
    ix. Completion Notices (Under S.95 of the TCPA 1990).
    x. Hazardous Substances Contravention Notices (Under s.24 / 24A of Planning (Hazardous Substances) Act 1990)
    xi. Advertisement Discontinuance Notices (Under s.224 / 225 of the TCPA 1990)
    xii. Power to remove or obliterate unauthorised advertisements, placards and posters under Sections 224 and 225 of the TCPA 1990.
    xiii. Power to require the discontinuance of a use of land (under S.102 of the TCPA 1990 (Discontinuance Orders))
    xiv. Listed Building Enforcement Notices (under S.38 of the Listed Building and Conservation Areas Act 1990)

xv. Conservation Area Enforcement Notices (under S.X of the Listed Building and Conservation Areas Act 1990)
xvi. Urgent Works Notices (Listed Buildings) (Under s.54 / 55 of the Planning (Listed Buildings and Conservation Areas) Act 1990.)
xvii. Listed Building Repairs Notices (under s.48 of the Planning (Listed Building and Conservation Areas Act 1990)
xviii. Building Preservation Notices (under Section 3A of the Planning (Listed Buildings and Conservation Areas) Act 1990)

39. The withdrawal of such notices where appropriate.
40. Power to apply for an injunction restraining a breach of planning control.
41. To take legal action in association with a planning related enforcement notice where there has been failure to comply with the notice (including direct action, the carrying out of works in default and the recovery of expenses in connection therewith and prosecution)
42. To issue proceedings under the Proceeds of Crime Act, in consultation with the Corporate Lead Officer for Legal and Governance.
43. Power to modify and revoke a planning permission (under S.97 of the TCPA 1990)
44. The closure of planning enforcement investigation files which have been investigated by the Service and which require no further action.

Planning related appeals:

45. To advise on the type of planning appeal process to be adopted.
46. To defend the Council's position at planning related appeals, having regard to the Royal Town Planning Institute's Code of Professional Conduct.
47. To negotiate on behalf of the Council at Planning Inquiries and Examinations.
48. To make all decisions relating to the conduct of appeals, including agreeing Statements of Common Ground, instructing expert witnesses, seeking awards of costs etc.
49. In the case of appeals against non-determination, determining the Council's case to be presented at appeal. (Subject to the provisions of Part 2 of this scheme of delegation).
50. **Validation appeals:** When a planning application is deemed invalid, to issue an Invalid Notice and defend the Council's position where there is an appeal made against such a Notice.

Environmental Impact Assessment (EIA):

51. The determination of all EIA screening and scoping requests under the EIA regulations.

PART 2 – DEVELOPMENT MANAGEMENT COMMITTEE LEVEL DECISIONS:

The scheme of delegations requires referral of the following matters to the Development Management Committee for formal determination.

This means that the following matters would not fall within Part 1 of this scheme:

52. Strategic & Major Developments:

The determination of planning applications for large major and major development, where the site does not already benefit from an extant consent (outline or detailed) for a similar type and scale of development. (Excluding the determination of applications for the winning and working of minerals or the use of land for mineral-working deposits and the determination of applications for waste developments).

53. The determination of planning applications which are the subject of an Environmental Impact Assessment (EIA) / Environmental Statement (ES).
54. Any application submitted by, or on behalf of, or on land in the ownership of Ceredigion County Council for which the Council has a direct interest.
55. Any application submitted by, or on behalf of, the Corporate Lead Officer-Economy & Regeneration, Corporate Manager or Officers in the Planning Service, and any other officer supporting the Development Management Committee, or by a close personal associate.
56. Any application submitted by, or on behalf of, any serving Elected Member of the Council or by a close personal associate.
57. Any application in which a serving local ward member has declared a prejudicial interest.
58. The determination of planning applications whereby Officers are recommending **approval** and such recommendation represents a significant departure from the adopted Development Plan.
59. The determination of planning applications following a written request of a Local Ward Member, in agreement with the Corporate Lead Officer-Economy & Regeneration, or the Corporate Manager for Planning Services, or has been accepted by the Planning Delegation Panel due to material planning reasons.
60. Any other application, notification, consultation and compliance matter, which the Corporate Lead Officer considers necessary to report to the Development Management Committee due to interest, circumstance or strategic importance to the county.

Extensions of Time (EOT's):

Notwithstanding the provisions of Part 2, the Corporate Lead Officer for Economy & Regeneration is hereby authorised to refuse applications for planning permission (as specified above), where the applicant has not agreed to an extension of time and where one or more of the following scenarios apply:

a) Additional or revised information / drawings are required to enable the determination of the application; and / or

b) The application needs to be reported to the Development Management Committee for determination; and / or

c) The completion of a S.106 planning obligation is required prior to the determination of the planning application.

PLANNING POLICY SERVICE

SCHEME OF DELEGATION

Local Development Plan (LDP) or any subsequent Plan

Minor Changes

Authority to the Corporate Lead Officer for Economy and Regeneration to agree minor changes to the Ceredigion Local Development Plan (LDP) or any subsequent plan which does not fundamentally alter the plan's basic strategy as agreed by County Council e.g., amend the policies where there are cartographical errors, typographical errors, omission of objections or amendments to reflect emerging policies and guidelines from Welsh Government (WG).

Consultations

Authority to Corporate Lead Officer for Economy and Regeneration to agree consultation documents for the Local Development Plan (LDP) or any subsequent Plan.

Annual Monitoring Report (AMR)

The AMR is factual in nature and therefore consultation is not necessary. Authority to the Corporate Lead Officer for Economy and Regeneration to submit to Welsh Government annually or as required.

Supplementary Planning Guidance (SPG), Interim Guidance Notes, Conservation Area Appraisals and Management Plans and Buildings of Local Interest

Consultations

Authority to the Corporate Lead Officer for Economy and Regeneration to agree consultation for Supplementary Planning Guidance (SPG), Interim Guidance Notes, Conservation Area Appraisals and Management Plans and Buildings of Local Interest.

Approve for final publication

Authority to Cabinet to approve for adoption and final publication of Supplementary Planning Guidance (SPG), Interim Guidance Notes, Conservation Area Appraisals and Management Plans and Buildings of Local Interest.

Neighbouring Authorities Planning Applications, Local Development Plans and Strategic Development Plans (SDP's) (or any subsequent plans)

Authority to the Corporate Lead Officer for Economy and Regeneration to provide observations to other authorities when the Council is consulted on planning applications, Local Development Plans and Strategic Development Plans (or any

subsequent plans) in neighbouring areas in accordance with the requirements of national policy.

Strategic Development Plans (SDP's), Regional Minerals & Waste Policy (or any subsequent plans) and Nutrient management Boards

Authority to the Corporate Lead Officer for Economy and Regeneration to act on behalf of the Council on the development of Strategic Planning Guidance for Mid Wales and Minerals & Waste Planning Policy for South West Wales with other persons and bodies involved in the formulation of national and regional planning policies involving Statements of Common Ground.

DEFINITIONS:

"Large Major Development" – Large major development is defined as development exceeding 24 dwellings, a site area above 0.99 hectares, or 1999 square metres of gross floorspace.

"Major development" – Major development is defined as development involving any one or more of the following—

(a) The winning and working of minerals or the use of land for mineral-working deposits;

(b) Waste development;

(c) The provision of dwellinghouses where—

(i) The number of dwellinghouses to be provided is 10 or more; or

(ii) The development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within sub-paragraph (c)(i);

(d) The provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or,

(e) Development carried out on a site having an area of 1 hectare or more.

"Planning application" – An application for outline or full planning permission, including those applications made under S.73 of the TCPA 1990.

All other types of applications (including applications for listed building consent, advertisement consent etc) are delegated to officers under Part 1 of the scheme of delegation, with the exception of those submitted by, or on behalf of, or on land in the ownership of Ceredigion County Council for which the Council has a direct interest or those applications which have been submitted by or on behalf of Council Officers who are employed within Planning Services or by any serving Elected Member of the Council.

“Significant Departure” – Any proposal, which would conflict with the fundamental intentions of the adopted Development Plan.

I. DELEGATIONS TO THE CORPORATE LEAD OFFICER PORTH CYMORTH CYNNAR

The following functions are delegated to the Corporate Lead Officer Porth Cymorth Cynnar and to any officers authorised by him/her from time to time as appropriate subject to such officers being suitably qualified for the discharge of those duties and functions.

1. Strategic housing functions, housing standards and Homelessness prevention

1.1 To have lead responsibility for the administration of the Common Housing Register for the allocation of social housing by Registered Landlords operating in the County.

1.2 To make nominations from the Housing Register to enable individuals to have access to the Private Sector, Registered Social Landlords and Social Lettings Agencies in accordance with Part 2 Housing Act 2014.

1.3 To approve applications for grants and loans and for supplementary amounts in accordance with legislation applicable at the time and in accordance with Council policy and practice at the time in consultation with the Cabinet Member.

1.4 To sign, issue and serve Statutory Notices under all relevant legislation including requisitions for information.

1.5 To make arrangements for and/or carry out the execution of works in default in the event of any non-compliance with the terms of any Statutory Notice

1.6 To secure temporary accommodation for the Homeless under Part 2 Housing (Wales) Act 2014 and any other current and relevant legislation and/or regulation. To achieve this by entering in to agreements and tenancies with Private and Registered Social landlords and Social Lettings Agencies.

1.7 To undertake homeless reviews as required in accordance with Part 2 Housing (Wales) Act 2014.

1.8 To grant waivers to mortgage lenders such as Building Societies in respect of the repayment of grant conditions relating to the Local Government and Housing Act 1989 grants in order to give the lending institutions the first charge on the value of the property should its sale be enforced following repossession in consultation with the Cabinet Member.

1.9 To enter into nomination agreements with private landlords on behalf of the Council in respect of the letting of units/flats created by conversion with discretionary grant assistance.

1.10 To determine whether to demand repayment of grant on the relevant disposal or transfer of a dwelling in instances which fall within the Council's

Housing Grants and Loans Policy and/or Section 45(5) of the Housing Grants Construction and Regeneration Act 1996 or the Grant Recovery General Consent of 1996 in consultation with the Cabinet Member.

1.11 Administer the provisions within S157 Housing Act 1985, including the restrictions placed on formal rural housing stock.

1.12 To approve or refuse applications for consent (other than under s.157 Housing Act 1985) under Conveyances/Transfers of former rural housing stock.

1.13 In relation to the Housing Act 2004:

1.13.1 to make Management Orders and exercise powers of entry to carry our work (Section 131 of the Housing Act 2004);

1.13.2 to give notice to a relevant person requiring him / her to produce any documents under (section 235 of the Housing Act 2004 power to require documents to be produced);

1.13.3 to exercise a power of entry (section 239 Housing Act 2004 powers of entry);

1.13.4 to exercise a power of entry to carry out work (paragraph 25 of Schedule 7 of the Housing Act 2004 (Empty Dwelling Management Orders "EDMO's"), and

1.13.5 to issue improvement notices for the purposes of exercising a power to enter to carry out work (paragraph 3(4) of Schedule 3 Housing Act 2004).

1.14 To make arrangements for the execution of works in default in the event of any non-compliance or contravention of the terms of any Statutory Notices arising under 1.11 above.

1.15 To instruct the legal section in relation to proceedings for non-compliance with any provision of legislation falling to the Corporate Lead Officer to enforce.

1.16 To determine housing grant and loan applications and to determine requests for additional discretionary payments as appropriate and which are within budget, in consultation with the relevant Cabinet Member.

1.17 To manage and maximise the use of Social Housing Grants and other funding streams to assist the Authority in meeting both its statutory housing obligations and enable local housing needs to be met.

1.18 To implement and operate a management grant subsidy scheme for Registered Social Landlords operating within Ceredigion who assist with Homelessness temporary accommodation placements using their own housing stock.

1.19 To exercise powers and duties, and to authorise Officers, under the provisions of:

1.19.1 The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015; and

1.19.2 The Renting Homes (Fees etc.) (Wales) Act 2019 (including Regulations made thereunder).

2. Specific powers and duties

2.1 To act on a day to day basis and within the scheme of delegation in the following areas:

2.1.1 Active and creative lifestyles;

2.1.2 Sports and physical recreational activity delivered or facilitated by Ceredigion Actif;

2.1.3 Housing (including the strategic housing function, affordable housing (including assisting and advising the Local Planning Authority in relation to S.106 agreements), specialist housing, prevention of homelessness/housing options, common housing register, home safety and Licensing of Houses in Multiple Occupation (HMO's);

2.1.4 Housing standards and renewals, landlord accreditation, home energy; and

2.1.5 Efficiency, Disabled Facilities Grants.

2.2 To exercise the Council's functions in relation to homelessness/housing options.

2.3 To exercise the Council's functions in relation to unfit housing.

2.4 To exercise the Council's functions in relation to houses in multiple occupation including the determination of applications for licences, to issue notices and to take enforcement proceedings as necessary.

2.5 To exercise the Council's enforcement powers in the private housing sector.

2.6 To exercise the Council's function in delivery of a common housing register.

2.7 To exercise the Council's function in relation to the delivery of affordable housing/ grant funding.

2.8 To approve or refuse and administer housing improvement/repair grant applications, housing loan schemes and Disabled Facilities Grants.

2.9 The power to exercise enforcement action in relation to anti-social behaviour, including steps necessary to prevent offences, educate and issue fixed penalty notices and, in consultation with the relevant Cabinet

Member, to apply for and make an Order under the Anti- Social Behaviour Crime and Policing Act 2014.

2.10 To undertake enforced sales of properties.

2.11 To carry out all relevant operational and administrative duties, responsibilities, and functions required by legislation or otherwise associated with the Porth Cymorth Cynnar service.

3.5 J DELEGATIONS IN RESPECT OF EXECUTIVE CORPORATE LEAD OFFICER - PORTH CYNNAL SPECIALIST THROUGH AGE WELLBEING SERVICES (STATUTORY DIRECTOR OF SOCIAL SERVICES/RESPONSIBLE INDIVIDUAL) AND CORPORATE LEAD OFFICER – PORTH GOFAL (DEPUTY DIRECTOR OF SOCIAL SERVICES)

Functions delegated to Executive Corporate Lead Officer - Porth Cynnal Specialist Through Age Wellbeing Services

1) STATUTORY DIRECTOR OF SOCIAL SERVICES- Executive Corporate Lead Officer - Porth Cynnal Specialist Through Age Wellbeing Services

The Executive Corporate Lead Officer - Porth Cynnal Specialist Through Age Wellbeing Services is designated and appointed Statutory Director of Social Services in accordance with Section 6 of the Local Authority Social Services Act 1970 and the Social Services and Well-Being (Wales) Act 2014. The role and accountabilities of the Director of Social Services is set out in the Protocol, 'Role and Accountabilities of the statutory Director of Social Services', which is Document P in Part 5 of this Constitution. The Protocol was formally adopted by the Council on 23/1/18.

2) Authorised to Act as an Authorised and Authorising Officer for the purposes of the Regulation of Investigatory Powers Act 2000, the Monitoring Officer as Senior Responsible Officer, to be notified of any such application.

3). To exercise the Council's powers, duties and functions relating to the Channel Panel under the Counter Terrorism and Security Act 2015 including designation of appropriate Officers to be Channel Chair and Deputy Channel Chair.

4) to carry out the functions of the Council as appointed Deputy under any Deputyship Order granted to the Council by the Court of Protection under Section 16 of the Mental Capacity Act 2005.

5) to carry out the functions of the Council where appointed to act as an Appointee under regulation 33 of Part VI of the Social Security (Claims and Payments) Regulations 1987 and under regulations 57 and 58 of the Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Claims and Payments) Regulations 2013.

Functions delegated to the Executive Corporate Lead Officer - Porth Cynnal Specialist Through Age Wellbeing Services and Corporate Lead Officer - Porth Gofal

1. The following functions are delegated to the:

- Executive Corporate Lead Officer - Porth Cynnal Specialist Through Age Wellbeing Services;

- Corporate Lead Officer - Porth Gofal; and
- In their absence, to any officers duly authorised by the said Corporate Lead Officers from time to time as appropriate subject to such officers being suitably qualified for the discharge of those duties and functions: -

    1.1 To represent the Council at the West Wales Regional Partnership Board and/or the West Wales Care Partnership and, through such representation, make associated relevant decisions on behalf of the Council, and exercise the Council's functions, powers and duties, as appropriate.

    1.2 The following functions, under relevant legislation (as amended) and to any officers authorised by them from time to time as appropriate, subject to such officers being suitably qualified for the discharge of those duties and functions (see below): (including but not limited to), under relevant legislation (in so far as they are still in force and/or subsequently amended), and delegated to any officers authorised by them from time to time as appropriate, subject to such officers being suitably qualified for the discharge of those duties and functions (see below):

Through Age Wellbeing /Social Services Functions

- Social Services and Well-Being (Wales) Act 2014
- Local Authority Social Services Act 1970
- Children & Young Persons Act 1933
- National Assistance Act 1948
- Mental Health (Scotland) Act 1984
- Health & Social Care Act 2001
- Health Services and Public Health Act 1968
- Adoption Act 1976
- Children Act 1975
- Children Act 1989
- Children Act 2004
- National Health Service (Wales) Act 2006
- Mental Health Act 1983
- Housing Act 1996
- Care Act 2014
- Children and Families Act 2014
- Public Health (Control of Disease) Act 1984
- Adoption (Intercountry Aspects) Act 1999
- Disabled Persons (Services, Consultation and Representation) Act 1986
- Health and Care Act 2022,
- Mental Capacity (Amendment) Act 2019

DEPUTY DIRECTOR OF SOCIAL SERVICES

The Corporate Lead Officer - Porth Gofal is the designated Deputy Director of Social Services.

K - DELEGATIONS TO THE EXECUTIVE CORPORATE LEAD OFFICER - SCHOOLS AND THE
EXECUTIVE CORPORATE LEAD OFFICER - LIFELONG LEARNING (& CHIEF EDUCATION OFFICER)

The Executive Corporate Lead Officer - Lifelong Learning is designated and appointed Chief Education Officer and also Lead Director for Children and Young People's Services role, in accordance with Section 27 Children Act 2004.

The Executive Corporate Lead Officer - Schools is designated and appointed Deputy Chief Education Officer.

Functions Delegated to the Executive Corporate Lead Officer - Schools and the Corporate Lead Officer - Lifelong Learning

The following functions are to be delegated to both the Executive Corporate Lead Officer - Schools and the Executive Corporate Lead Officer - Lifelong Learning, and to any officers authorised by either Corporate Lead Officer from time to time as appropriate subject to such officers being suitably qualified for the discharge of those duties and functions:

1. Representing at judicial proceedings, tribunals and panels

To authorise the attendance of nominated Officers at judicial proceedings, tribunals and panels to represent the interests of the Council.

2. Admissions

2.1 To implement and administer the procedures and arrangements for the admission of pupils to schools, in accordance with Council policies and national statutory regulations and guidance.

2.2 To approve or otherwise individual arrangements for "education otherwise" and, if necessary, initiate legal action.

2.3 To supervise the employment of children.

3. Attendance at school

3.1 To exercise the powers and duties of the Council in respect of children excluded from school and to make suitable arrangements for the continuing education of pupils who are excluded or otherwise unable to attend school, in accordance with Council policy and national statutory regulations and guidance.

4. To undertake the powers and duties of the Council regarding Education

Supervision Orders in conjunction with the Corporate Lead Officer Porth Cynnal Specialist Through Age Curriculum

4.1 To promote high standards in primary and secondary education in accordance with the requirements of legislation including the School Standards and Framework Act 1998 and the practice advocated in the Welsh Office Code of Practice on LEA - School Relations.

4.2 To investigate complaints relating to curriculum and assessment matters under the provision of the Education Act 1996.

4.3 To secure and determine Community Education provision in accordance with Council policy and in consultation with the Cabinet Member.

5. Special educational needs

To determine special education provision for individual pupils, including initiation of assessment, the maintenance and review of statements of special educational needs.

6. Staffing

6.1 To make arrangements for staffing appointments in schools subject to the provisions of the Articles of Government and/or relevant legislation.

6.2 To appoint persons selected by Governing Bodies to fill vacant posts in schools, unless the person so recommended does not meet the staff qualification requirements applicable to the appointment.

6.3 To determine applications for leave of absence for teachers employed by the Council (other than those appointed by Governing Bodies) to work in schools and other establishments.

6.4 In the case of aided schools to exercise any advisory rights relating to the appointments of Head teachers, Deputy Head teachers or other teaching or ancillary staff conferred by agreement or legislation.

6.5 In the case of Community and voluntary controlled schools, to nominate persons to fill vacancies in other teaching posts in schools where Governing Bodies have notified their intention to fill those vacancies.

6.6 To operate redeployment procedures in accordance with County Council procedures.

6.7 To act on the determination of Governing Bodies relating to potential dismissals and any subsequent appeals against such dismissals, which are within the Council's powers to determine and in accordance with the Council policy.

6.8 To implement and administer, as appropriate, the procedures determined by the Council for dealing with the Conduct and Performance of staff.

6.9 To exercise the powers of the Local Education Authority in respect of the Licensed Teacher Scheme.

6.10 To operate the Head-teacher Performance Management Scheme.

6.11 To determine applications for attendance at conferences and for external professional duties of staff approved by the Council to work in schools and other establishments (but not appointed by Governing Bodies).

6.12 To decide on the provision and implementation of the INSET programme.

7. In relation to governing bodies

7.1 To ensure that the Governing Bodies of the Council's schools are properly constituted.

7.2 To design and implement a training programme for Governors.

8. Finance

8.1 To determine and authorise the payment of boarding awards, grants towards tuition fees and expenses at schools where fees are payable, major further education awards, maintenance allowances and tuition fees for correspondence courses and requests for the refund of grants.

8.2 To initiate action in respect of the recovery of grant payments in consultation with the Cabinet Member.

8.3 To decide on individual applications for discretionary awards in accordance with Council policy.

8.4 To determine applications for assistance towards travelling expenses from further education students.

8.5 To approve the payment of recoupment charges for pupils and students at out of County establishments and to recoup fees, where appropriate.

8.6 To allocate and monitor grants obtained from time to time.

8.7 To determine applications for free school meals in accordance with the policy adopted by the Council.

8.8 To determine applications for grants under the Coe Memorial and Cardiganshire Intermediate Funds in consultation with the Cabinet Member.

9. Welsh in Education

The preparation of the Council's Welsh in education strategic plan under S.84 School Standards and Organisation (Wales) Act 2013 including any review, revision or consultation required and the carrying out of any assessment of the demand among parents in its area for Welsh medium education for their children

required by the Welsh Ministers under S.86 School Standards and Organisation (Wales) Act 2013.

Functions Delegated to the Executive Corporate Lead Officer - Lifelong Learning

The following functions are to be delegated to the Executive Corporate Lead Officer Schools, and in their absence to any officers authorised by the Executive Corporate Lead Officer from time to time as appropriate subject to such officers being suitably qualified for the discharge of those duties and functions:

1. Grants

To secure and determine the allocation of County Council grant support for arts and culture.

L - DELEGATION TO THE EXECUTIVE CORPORATE LEAD OFFICER FINANCE & PROCUREMENT & CHIEF FINANCE OFFICER & S.151 OFFICER.

The Executive Corporate Lead Officer Finance & Procurement is designated and appointed:

- Section 151 Officer and Chief Finance Officer for Ceredigion County Council; and
- Chief Finance Officer and Section 151 Officer for the Growing Mid Wales Board and the Mid Wales Corporate Joint Committee, to include the following duties: ensuring that the financial affairs are properly managed (including record keeping and preparing accounts), accepting and receiving funds, making orders and payments, be an authorised signature, accepting grant offers, completing and submitting grant claims and returns, opening bank accounts and investing surplus monies, ensuring appropriate taxation issues are duly dealt with and nominating corporate managers that are appropriately qualified to undertake and supervise tasks on behalf of the Section 151 Officer.

The following functions are to be delegated to the Executive Corporate Lead Officer Finance & Procurement and to any officers authorised by the Executive Corporate Lead Officer Finance & Procurement from time to time as appropriate subject to such officers being suitably qualified for the discharge of those duties and functions.

1. The assessment, administration, billing, collection and recovery of Council Tax and Non-Domestic Rates, and all other revenues, local taxes and monies due to the Council including recovery through Magistrates Courts and the paying in of all such monies to the County Fund or other appropriate fund.

2. To award Mandatory Non-Domestic Rates Relief, and to determine applications for Discretionary Non-Domestic Rates Relief in accordance with the Council's policy and/or regulations.

3. To award hardship relief following determination of applications for Section 49 (Non Domestic Rates) or Section 13A (Council Tax) Hardship Relief by the Cabinet Members for Finance & Personnel following consultation with members of the Section 49 Panel, or as determined by the Section 49 Appeals Panel.

4. The imposition and waiving of penalties under the Local Government Finance Act 1992.

5. The servicing of notices of objection upon the Valuation Officer or Listing Officer and the execution of valuation agreements.

6. The submission of proposals to amend the Valuation List.

7. The assessment, administration and payment of Housing Benefit and Council Tax Benefit.

8. The administration of Counter-Fraud work in relation to Housing and Council Tax Benefit. This includes administering sanctions and instigating prosecution proceedings in accordance with the Council's Benefit Fraud Prosecution Policy.

9. To investigate, carry out surveillance where necessary (subject to proper authorisation), and report on any fraud and/or corruption in accordance with the Council's Anti-Fraud and Corruption Strategy.

10. To write off irrecoverable amounts due to the Council in accordance with the Council's write off policy.

11. To write off redundant stocks and/or equipment.

12. To implement and monitor the Treasury Management Statement and Annual Investment Strategy. To raise loans and make investments (temporary investment of surplus monies and longer term investment of monies held for specific purposes) as and when required at appropriate rates. To maintain and update credit rating criteria of institutions for investment purposes and to amend the specified and non specified categories and individual investment limits.

13. To effect movement between the separately agreed limits for borrowing and other long term liabilities.

14. To make appropriate arrangements for the appointment of the Council's Bankers and any other necessary professional advisers/consultants.

15. To open and close bank and building society accounts for investment purposes and to open and close credit card accounts for payment and income purposes.

16. To determine and declare local average rates (interest) in accordance with legislation.

17. To award advances by way of loan under the Housing Acts or other legislation in accordance with regulations prevailing from time to time.

18. To administer the Council's Assisted Car Purchase (Car Loan) Scheme in accordance with its terms and conditions, to periodically review and revise the terms and conditions, and to determine the interest rate to apply.

19. To agree terms, complete and sign lease agreements for vehicles, plant and equipment leases.

20. To make payments out of the County Fund in accordance with any relevant legislation or Financial Procedure Rules.

21. To determine the fees to be charged for miscellaneous items that relate specifically to the Financial Services.

22. To implement nationally agreed salary, remuneration (Chief Executive) and Wales Government awards; and nationally agreed, or Council approved, travelling, subsistence and other allowances.

23. To manage any Trust Funds under the stewardship of the Council.

24. To arrange provision of adequate and appropriate insurance cover for the Council, and manage the processing and determination of insurance claims.

25. To manage the Self Insurance Reserve and all matters relating to it, including risks to be covered and payments to be made from, or to, the Reserve.

26. To provide financial services for other organisations and bodies.

27. To implement the Council's Procurement Strategy.

28. To review and amend the Council's Financial Procedure Rules in consultation with the Section 151 Officer.

29. To nominate officers to represent the Council at Magistrates Court pursuant to the provision of Section 223 (1) of the Local Government Finance Act 1975.

30. To nominate officers to represent the Council at Valuation Tribunals in Accordance with Rule 5 of the Rating Appeal (Local Valuation Courts) Regulations, and Schedule 11 of the Local Government Finance Act 1988, as amended:

31. To authorise signatories for authorising banking transactions and authorising financial grant claims

32. To authorise signatories for authorising financial grant claims and all associated transactions.

33. To sign contracts and other documents on behalf of the Council.

34. To authorise the issue of On-line Money Claim debt recovery proceedings, and to designate officers to represent the Council in such proceedings.

35. To determine whether to exercise the Option to Tax (from a VAT perspective) on Land and Buildings.

M - DELEGATION TO THE CORPORATE LEAD OFFICER CUSTOMER CONTACT & SIRO & PROPER OFFICER FOR CIVIL REGISTRATION

The following functions are to be delegated to the Corporate Lead Officer Customer Contact

1. To act as the Council's Proper Officer for the Civil Registration Service including the power to approve premises for the solemnisation of marriages and the registration of civil partnerships.

2. To act as Senior Responsible Information Officer ('SIRO') with responsibility for and delegated duties regarding the following:

   2.1 The Public Service Network Code of Connection; and

   2.2 Cyber resilience, including cyber security.

3. Take the lead on setting and delivering information management and Cyber Resilience strategy.

4. Provide support where appropriate to the Data Protection Officer in all aspects of information security.

5. Oversee the information security function within the broader information governance team.

6. Oversee incident management and risk management of Cyber Resilience and Information governance issues.

7. Oversee security management and reporting.

8. Ensure corporate leadership are informed and engaged with security and resilience issues.

N - DELEGATION TO THE CORPORATE LEAD OFFICER PEOPLE AND ORGANISATION

The following functions are to be delegated to the Corporate Lead Officer People and Organisation

1. Authorised to Act as an Authorised and Authorising Officer for the purposes of the Regulation of Investigatory Powers Act 2000, the Monitoring Officer as Senior Responsible Officer, to be notified of any such application.

PART 4

RULES OF PROCEDURE

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Document A

Council Procedure Rules

Cyngor Sir
CEREDIGION
County Council

Date approved by Council: 3.3.2025
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1. ANNUAL MEETING OF THE COUNCIL

1.1 TIMING AND BUSINESS

In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the annual meeting will take place on a date in May to be agreed by the Council.

The annual meeting will:

1.1.1 elect a person to preside if the Chairperson of Council is not present;

1.1.2 elect the Chairperson of Council;

1.1.3 receive any disclosures of personal and prejudicial interests;

1.1.4 elect the Vice Chairperson of Council;

1.1.5 approve the minutes of the last meeting;

1.1.6 receive any announcements from the Chairperson and/or Chief Executive;

1.1.7 to receive an address by the Leader of the Council;

1.1.8 to be told by the Leader of the names of Councillors they have chosen to be members of the Cabinet;

1.1.9 appoint at least one Overview and Scrutiny Committee, an Ethics and Standards Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Cabinet functions (as set out in Part 3, Table 1 of this Constitution);

1.1.10 decide the size and terms of reference for those committees

1.1.11 decide which Committees to establish for the municipal year;

1.1.12 decide the allocation of seats to political groups in accordance with the political balance rules;

1.1.13 receive nominations of Councillors to serve on each Committee and outside body except where appointment to those bodies has been delegated by the Council or is only exercisable by the Cabinet;

1.1.14 appoint to those Committees and outside bodies; and

1.1.15 agree such parts of the scheme of delegation as the Constitution determines it is for the Council to agree (as set out in Part 3 Table 3 of this Constitution);

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

1.1.17 consider any business set out in the notice convening the meeting.

2. ORDINARY MEETINGS

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

2.1 elect a person to preside if the Chairperson and Vice Chairperson are not present (such person not being a member of the Cabinet);

2.2 receive any disclosures of personal and prejudicial interests from members in accordance with the members Code of Conduct;

2.3 confirm as a true record the minutes of the last meeting;

2.4 receive any announcements from the Chairperson, Chief Executive, Leader and/or Cabinet Members;

2.5 deal with any business from the last Council meeting;

2.6 receive reports from the Cabinet and the Council's Committees and receive questions, answers and any observations in relation to those reports;

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

2.8 consider motions of which notice has been given; and

2.9 any other business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the Council's budget and policy framework.

2.10 to elect Chairmen and Vice-Chairmen of Committees in the event of a vacancy arising mid-term

2.11 appoint members to fill vacancies on Committees

3. SPECIAL MEETINGS

3.1 CALLING SPECIAL MEETINGS

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

3.1.1 the Council by resolution;

3.1.2 the Chairperson of the Council;

3.1.3 the Leader;

3.1.4 the Chief Executive;

3.1.5 the Monitoring Officer; and

3.1.6 any five members of the Council if they have signed a requisition presented to the Chairperson of the Council.

3.2 BUSINESS

No business shall be considered at any Special Meeting save such as shall be specified in the notice convening the meeting and be accompanied by a copy of any report for the meeting.

4. TIME AND PLACE OF MEETINGS

4.1 The time and place of meetings will be determined by the Proper Officer and notified in the summons.

4.2 Where the meeting is to be conducted in accordance with the Council's arrangements for multi-location meetings (Protocol for Attendance at Local Authority Meetings and Electronic Broadcasts of Meetings- see Part 5 Doc R) the summons will also include details of how to access the meeting by remote means.

4.3 Members will be regarded as present at a meeting where they attend that meeting by remote means in accordance with the Council's arrangements for multi-location meetings (Protocol for Attendance at Local Authority Meetings and Electronic Broadcasts of Meetings- see Part 5 Doc R) providing that they can speak to, hear and be heard by, other attendees at the meeting.

4.4 For the purposes of section 4.3 above, attendance 'by remote means' means attendance in a different physical location to that of other participants and participating through an online meeting platform.

5. NOTICE OF AND SUMMONS TO MEETINGS

5.1 The Proper Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least three clear days before a meeting, the Proper Officer will send a summons signed by him or her by post or e-mail to every member of the Council or leave it at their usual place of residence.

5.2 The summons will give the date, time and place of each meeting and, where meetings are conducted in accordance with the Council's arrangements for multi-locations meetings (Protocol for Attendance at Local Authority Meetings and Electronic Broadcasts of Meetings- see Part 5 Doc R) details of how to access the meeting by remote means. The summons will also specify the business to be transacted, and will be accompanied by such reports as are available.

6. CHAIR OF MEETING

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

7. QUORUM

The quorum for the meeting will be one-quarter of the overall Council membership, namely 10 of 38 members (for quorum for the Development Management Committee, see Part 2, Article 8 para 8.2.1).

During any meeting if the Chairperson counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Any remaining business will be considered at a time and date fixed by the Chairperson. If they do not fix a date, the remaining business will be considered at the next ordinary meeting."

8. DURATION OF ITEMS OF BUSINESS

If an item of business at the meeting has not been concluded within one hour of its commencement, the Chairperson may draw attention to that fact and may call for the vote immediately on the item under discussion. The vote will then be taken in the usual way without any further discussion.

9. QUESTIONS BY MEMBERS

9.1 ON REPORTS OF THE CABINET OR COMMITTEES

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

9.2 QUESTIONS ON NOTICE AT FULL COUNCIL

Subject to Rule 9.4, a member of the Council may ask:

- the Chairperson of the Council;
- the Leader and/or a member of the Cabinet; or
- the Chairperson of any Committee or Sub-Committee

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

9.3 QUESTIONS ON NOTICE AT COMMITTEES AND SUB-COMMITTEES

Subject to Rule 9.4, a member of a Committee or Sub-Committee may ask the Chairperson a question on any matter in relation to which the Council has powers or duties or which affect Ceredigion and which falls within the terms of reference of that Committee or Sub-Committee.

9.4 NOTICE OF QUESTIONS

A member may only ask a question under Rule 9.2 or 9.3 if either:

9.4.1 they have given at least five working days notice in writing of the question to the Proper Officer; or

9.4.2 the question relates to an urgent matter and they have the consent of the Chairperson to whom the question is to be put and the content of the question is given to the Proper Officer by 1.00pm on the day prior to the meeting.

9.5 RESPONSE

An answer may take the form of:

9.5.1 a direct oral answer;

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

9.5.3 where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

9.6 SUPPLEMENTARY QUESTION

A member asking a question under Rule 9.2 or 9.3 may ask one supplementary question without notice of the member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

10. MOTIONS ON NOTICE

10.1 NOTICE

Except for motions which can be moved without notice under Rule 11, written notice of every motion, signed by at least 2 (proposer and seconder) members, must be delivered to the Proper Officer (which for these purposes shall be the Monitoring Officer) not later than 5.00pm 10 working days before the date of the meeting. These will be entered in a record open to public inspection. No motion moved by notice will be debated at the Annual meeting of the Council.

10.2 MOTION SET OUT IN AGENDA

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

Any members of the Council may give notice of not more than one motion for consideration at any meeting of the Council.

10.3 SCOPE

Motions must be about matters for which the Council has a responsibility and which substantially affect the administrative area of Ceredigion.

10.4 Amendments to Motions

Written amendments to Notices of Motion must be received by the Proper Officer not later than 5pm, 2 working days before the date of the Council meeting, signed by the Proposer and Seconder and will be circulated in written form to all members at the Council meeting. Verbal amendments will be allowed at the discretion of the Chairman. A motion under Rule 10 or notice of motion to amend must be formally moved and seconded at the relevant meeting. In the absence of the recorded proposer or seconder, another member may propose or second the motion or amendment to the motion. If the motion is not moved or is not seconded then it will be treated as withdrawn.

11 MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

11.1 to appoint a Chairperson of the meeting at which the motion is moved;

11.2 in relation to the accuracy of the minutes;

11.3 to change the order of business in the agenda;

11.4 to refer something to an appropriate body or individual;

11.5 to appoint a Committee or member arising from an item on the summons for the meeting;

11.6 to receive reports or adoption of recommendations of Committees or officers and any resolutions following from them;

11.7 to withdraw a motion;

11.8 to amend a motion;

11.9 to proceed to the next business;

11.10 that the question be now put;

11.11 to adjourn a debate;

11.12 to adjourn a meeting;

11.13 to suspend a particular Council procedure rule;

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

11.15 to not hear further a member named under Rule 18.3 or to exclude them from the meeting under Rule 18.4; and

11.16 to give the consent of the Council where its consent is required by this Constitution.

12 RULES OF DEBATE

12.1 NO SPEECHES UNTIL MOTION SECONDED

No speeches may be made after the mover has moved a motion and explained the purpose of it and until the motion has been seconded. The proposer of the motion shall have the right to make the first speech in relation to the motion.

12.2 RIGHT TO REQUIRE MOTION IN WRITING

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

12.3 SECONDER'S SPEECH

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

12.4 CONTENT AND LENGTH OF SPEECHES

12.4.1 Speeches must be directed to the question under discussion or to a personal explanation or point of order.

12.4.2 No speech may exceed five minutes without the consent of the Chairperson.

12.5 WHEN A MEMBER MAY SPEAK AGAIN

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

12.5.1 to speak once on an amendment moved by another member;

12.5.2 to move a further amendment if the motion has been amended since they last spoke;

12.5.3 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 they spoke was carried);

12.5.4 in exercise of a right of reply;

12.5.5 on a point of order; and

12.5.6 by way of personal explanation.

12.6 AMENDMENTS TO MOTIONS

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

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

12.6.1.2 to leave out words;

12.6.1.3 leave out words and insert or add others;

12.6.1.4 to insert or add words; or

12.6.1.5 to substitute another proposition.

as long as the effect of 12.6.1.2 to 12.6.1.4 above is not to negate the motion

12.6.2 Any amendments to motions will be called by the Chairperson in an order determined by the Chairperson in consultation with the Monitoring Officer, to facilitate coherent debate and to, wherever possible, allow the opportunity for all amendments to be voted upon. Each amendment will be proposed and seconded and then put to the vote in the order determined by the Chairperson.

12.6.3 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.

12.7 ALTERATION OF MOTION

12.7.1 A member may alter a motion of which they have given notice with the consent of the meeting. The meeting's consent will be signified without discussion.

12.7.2 A member may alter a motion which they have moved without notice with the consent of both the meeting and the seconder.

12.7.3 Only alterations which could be made as an amendment in accordance with 12.6.1 may be made.

12.8 WITHDRAWAL OF MOTION

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

12.9 RIGHT TO REPLY

12.9.1 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.

12.9.2 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.

12.9.3 The mover of the amendment has no right of reply to the debate on their amendment.

12.9.4 A member may not speak after a proposition has been voted on except on a point of order relating to it.

12.10 MOTIONS WHICH MAY BE MOVED DURING DEBATE

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

12.10.1 to withdraw a motion;

12.10.2 to amend a without notice motion;

12.10.3 to proceed to the next business;

12.10.4 that the question be now put;

12.10.5 to adjourn a debate;

12.10.6 to adjourn a meeting;

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

12.10.8 to not hear further a member named under Rule 18.3 or to exclude them from the meeting under Rule 18.4.

12.11 CLOSURE MOTIONS

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

12.11.1.1 to proceed to the next business;

12.11.1.2 that the question be now put;

12.11.1.3 to adjourn a debate; or

12.11.1.4 to adjourn a meeting.

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

12.11.3 If a motion that the question be now put is seconded and the Chairperson thinks the item has been sufficiently discussed, they will put the procedural motion to the vote. If it is passed they will give the mover of the original motion a right of reply before putting their motion to the vote.

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

12.12 POINT OF ORDER

A member may raise a point of order at any time. The Chairperson will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The member must indicate the rule of law and the way in which they consider it has been broken. The ruling of the Chairperson on the matter will be final.

12.13 PERSONAL EXPLANATION

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

13. PREVIOUS DECISIONS AND MOTIONS

13.1 MOTION TO RESCIND A PREVIOUS DECISION

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

13.2 MOTION SIMILAR TO ONE PREVIOUSLY REJECTED

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

14. VOTING

14.1 MAJORITY

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those members voting and present in the meeting at the time the recommendation or proposal was presented.

14.2 CHAIRPERSON'S CASTING VOTE

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

14.3 SHOW OF HANDS

Unless a ballot or recorded vote is demanded under Rules 14.4 and 14.5, the Chairperson will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

14.4 BALLOTS

The vote will take place by ballot if a majority members present at the meeting demand it. The Chairperson will announce the numerical result of the ballot immediately the result is known.

14.5 RECORDED VOTE

If the Council so decides by resolution, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot save in relation to the appointment of officers.

14.6 RIGHT TO REQUIRE INDIVIDUAL 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.

14.7 VOTING ON APPOINTMENTS OF ELECTED MEMBERS TO POSITIONS TO BE FILLED BY THE COUNCIL

Those entitled to vote shall each vote for only one person. 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.

15. MINUTES

15.1 SIGNING THE MINUTES

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

15.2 NO REQUIREMENT TO SIGN MINUTES OF PREVIOUS MEETING AT SPECIAL MEETING

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

15.3 FORM OF MINUTES

15.3.1 Minutes will contain all motions and amendments in the exact form and order the Chairperson put them.

15.3.2 Where parts of the minutes are excluded because they refer to exempt information and the minutes available do not provide a reasonably fair and coherent record, a written summary will be provided which provides such a record without disclosing the exempt information.

16. RECORD OF ATTENDANCE

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

17. ELECTRONIC BROADCAST OF MEETINGS

Meetings of the full Council at the Council Chamber, Neuadd Ceredigion, Penmorfa, Aberaeron will be broadcast live electronically so that members of the public not in attendance at the meeting can see and hear the proceedings. Recordings of the meeting will be available for 6 years after the meeting such footage to be available for viewing on the Council's website at www.ceredigion.gov.uk. For details of multi-location meetings procedures see Part 5 Document R.

18. EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 19 (Disturbance by Public).

19. MEMBERS' CONDUCT

19.1 SPEAKING

When a member speaks at full Council they must address the meeting through the Chairperson.

19.2 CHAIRPERSON STANDING

When the Chairperson stands during a debate, any member speaking at the time must stop. The meeting must be silent.

19.3 MEMBER NOT TO BE HEARD FURTHER

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

19.4 MEMBER TO LEAVE THE MEETING

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

19.5 GENERAL DISTURBANCE

If there is a general disturbance making orderly business impossible, the Chairperson may adjourn the meeting for as long as they think necessary.

20. DISTURBANCE BY PUBLIC

20.1 REMOVAL OF MEMBER OF THE PUBLIC

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

20.2 CLEARANCE OF PART OF MEETING ROOM

If there is a general disturbance in any part of the meeting room open to the public, the Chairperson may call for that part to be cleared. If there is a general disturbance on the online meeting platform, the Chairperson may call for the online meeting platform to be muted, temporarily suspended or closed.

21. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

21.1 SUSPENSION

All of these Council Rules of Procedure except Rule 14.6 and 15.2 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

21.2 AMENDMENT

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

22. APPLICATION TO COMMITTEES AND SUB-COMMITTEES

Save as set out in paragraph 24 below, all of the Council Rules of Procedure apply to meetings of full Council. None of the rules apply to meetings of the Cabinet. Only Rules 4–22 apply to meetings of Committees and Sub-Committees.

23. OFFICER ADVICE

23.1 Any report placed for decision before Council should contain all necessary advice to enable Members to take a decision. Reports will be circulated in advance of the meeting and if a Member requires clarification on an issue related to the report, this should be sought prior to the meeting.

23.2 Further officer advice will only be available at the meeting of Council with the consent of the Chairperson, in consultation with the Chief Executive, Head of Finance or the Monitoring Officer. If there is a need for further detailed legal or financial advice to be provided, the meeting should be adjourned.

Document B

ACCESS TO INFORMATION PROCEDURE RULES

Cyngor Sir
CEREDIGION
County Council

Date approved by Council: 19 March 2019
Publication date: 19 March 2019

1. SCOPE

These rules apply to all meetings of the Council, the Cabinet, Overview and Scrutiny Committees, the Ethics and Standards Committee, the Development Management Committee, the Governance and Audit Committee, the Licensing Committee and the Shortlisting Committee and any other public meetings.

2. ADDITIONAL RIGHTS TO INFORMATION

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

3. RIGHTS TO ATTEND MEETINGS

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

Assistants to the Cabinet are entitled to attend, and speak at, any meeting of the Cabinet or a Committee of the Cabinet.

4. NOTICES OF MEETING

The Council will give at least three clear days' notice of any meeting by posting details of the meeting on the public notice board at Neuadd Cyngor Ceredigion, Penmorfa, Aberaeron or on the Council's website:- **www.ceredigion.gov.uk,** or, if the meeting is convened at shorter notice, then at the time it is convened, and such notice shall state the time of the meeting, how to access the meeting and location (if appropriate).

Where the meeting is to be conducted in accordance with the Council's arrangements for multi-location meetings (Protocols for Attendance at Local Authority Meetings and Electronic Broadcasts of Meetings-see Part 5 Doc R) the notice will also include details of how to access the meeting by remote means.

References to a meeting held through remote means are to a meeting held by means of any equipment or other facility which enables persons who are not in the same place to speak to and be heard by each other (whether or not the equipment or facility enables those persons to see and be seen by each other).

4.1 Where the meeting or part of the meeting is open to the public and is

held wholly through remote means, the notice must include details of the time of the meeting, and how to access it.

4.2 Where the meeting or part of the meeting is open to the public and is held partly through remote means, the notice must include details of the time and place of the meeting and how to access it.

4.3 Where the meeting is not open to the public and is held partly through remote means or not held through remote means, the notice must include details of the time and place of the meeting and the fact that it is not open to the public.

4.4. Where the meeting is not open to the public and is held through remote means only, the notice must include details of the time of the meeting, the fact that it is being held through remote means only and the fact that it is not open to the public.

5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

The Council will make the agenda and reports open to the public available for inspection electronically (via the Council's website: www.ceredigion.gov.uk) at least three clear days before the meeting or, if the meeting is convened at shorter notice, then at the time it is convened. If an item is added to an agenda, which has been published, the item or the revised agenda (and any report(s) for the meeting relating to the item) shall be published at the time that the item is added to the agenda.

6. SUPPLY OF COPIES

The Council will supply copies of:

6.1 any agenda and reports which are open to public inspection;

6.2 any further statements or particulars necessary to indicate the nature of the items in the agenda; and

6.3 if the Proper Officer thinks fit, copies of any other documents supplied to Councillors in connection with an item

to any person either electronically or on payment of a charge for postage and any other printing and handling costs.

7. ACCESS TO MINUTES ETC AFTER THE MEETING

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

7.1 the minutes of the meeting or record of decisions taken by the Council and Cabinet excluding any part of the minutes of proceedings when the meeting was not open to the public because exempt or confidential information was being considered.

7.2 The Council shall (whether this information is included in the minutes or a separate note) publish electronically, as soon as reasonably practicable after a Council meeting, and in any event, before the end of 7 working days beginning with the day on which the meeting is held, setting out;

7.2.1.1 the names of the Members who attended the meeting;

7.2.1.2 any apologies for absence received;

7.2.1.3 any personal interests declared;

7.2.1.4 all decisions made at the meeting (excluding any decisions made when the meeting was not open to the public because exempt or confidential information was being considered);

7.2.1.5 the outcomes of any votes taken at the meeting (excluding any votes taken when the meeting was not open to the public because exempt or confidential was being considered);

7.3 a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;

7.4 the agenda for the meeting; and

7.5 reports relating to items when the meeting was open to the public.

8. BACKGROUND PAPERS

8.1 List of Background Papers

The Reporting Officer will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in their opinion:

8.1.1 disclose any facts or matters on which the report or an important part of the report is based; and

8.1.2 which have been relied on to a material extent in preparing the report but does not include published works or those which

disclose exempt or confidential information (as defined in Rule 10).

8.2 Public Inspection of Background Papers

The Council will make available for public inspection electronically for six years after the date of the meeting each of the documents on the list of background papers, but, where they are open to inspection at the offices of the Council under subsection 8.1 above, be open to inspection by members of the public at the offices of the Council until the expiration of that period.

9. SUMMARY OF PUBLIC'S RIGHTS

A written summary of the public's rights to attend meetings and to inspect and copy documents is kept at and available to the public at Neuadd Cyngor Ceredigion, Penmorfa, Aberaeron and is also available on the Council's website.

10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

10.1 Public and Private Meetings of the Cabinet

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

10.2 Confidential Information – Requirement to Exclude Public

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

10.3 Exempt Information – Discretion to Exclude Public

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

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6. Due regard will be given to the wishes of the individual should they so elect that the hearing be held in private where the law so permits.

10.4 Meaning of Confidential Information

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

10.5 Meaning of Exempt Information

Exempt information means information falling within the following 10 categories (subject to any qualification):

CATEGORY	QUALIFICATION
Para 12. Information relating to any individual	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
Para 13. Information which is likely to reveal the identity of an individual	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information

CATEGORY	QUALIFICATION
Para 14. Information relating to the financial or business affairs of any particular person (including the Council) *Note : 'financial or business affairs' includes contemplated, as well as past or current, activities*	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Information falling within paragraph 14 is not exempt information by virtue of that paragraph if it is required to be registered under – (a) the Companies Act 1985 (b) the Friendly Societies Act 1974 (c) the Friendly Societies Act 1992 (d) the Industrial and Provident Societies Acts 1965 to 1978 (e) the Building Societies Act 1986 (f) the Charities Act 1993
Para 15. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the Council or a Minister of the Crown and employees of, or office holders under, the Council *Note : 'Labour relations matters' are as specified in paragraphs (a) to (g) of Section 218(1) of the Trade Union and Labour Relations (Consolidation) Act*	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information

CATEGORY	QUALIFICATION
1992 i.e. matters which may be the subject of a trade dispute	
Para 16. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings	
Para 17. Information which reveals that the Council proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
Para 18. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
In addition to the categories referred to above, the following categories will apply to the proceedings of the Ethics and Standards Committee and its Sub-Committee only in connection with the investigation and consideration of an allegation(s) of a breach of the	

CATEGORY	QUALIFICATION
Council's Member Code of Conduct	
18A. Information which is subject to any obligations of confidentiality.	Information is exempt only where a meeting of the Ethics and Standards Committee is convened to consider a matter referred under the provisions of sections 60(2) or (3), 64(2), 70(4) or (5), or 71(2) of the Local Government Act 2000
18B. Information which relates in any way to matters concerning national security.	Information is exempt only where a meeting of the Ethics and Standards Committee is convened to consider a matter referred under the provisions of sections 60(2) or (3), 64(2), 70(4) or (5), or 71(2) of the Local Government Act 2000
18C. The deliberations of the Ethics and Standards Committee or of a Sub-Committee of the Standards and Ethics Committee in reaching any finding on a matter referred under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred to it.	
Information falling within any of paragraphs 12-18 is not exempt by virtue of that paragraph if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and	

CATEGORY	QUALIFICATION
Country Planning General Regulations 1992.	

10.6 Disclosure by Members of Confidential or Exempt information

Members will not make public Confidential or Exempt Information without the consent of the Council or divulge information given in confidence to anyone other than a Member or Officer entitled to know it unless otherwise authorised by law.

Members must be aware that an unauthorised disclosure of such Confidential or Exempt information may be dealt with as a breach of the Code of Conduct for Members.

10.7 Public Interest

Information within Categories 12 to 15 and 17 and 18 set out in Rule 10.5 may only be treated as exempt if an assessment of the public interest has been made by the Monitoring Officer.

The public interest will be assessed on a case by case basis having regard to all relevant factors, including but not limited to the following, to ensure a proper balance is achieved between the right to know, the right to personal privacy and the delivery of effective government.

In making such an assessment the Monitoring Officer shall have regard to any relevant prejudice which may be caused to the Council or any other party if the information were disclosed, having regard to the full context of any disclosure. Account may be taken of whether disclosure would breach any obligation of confidence not within Rule 10.5, or the rights of any individual under Data Protection Legislation or the Human Rights Act 1998.

Account will be taken of the fact that the public interest test may be served by allowing access to information which would:

10.7.1 further the understanding of and participation in debating issues of the day;

10.7.2 facilitate transparency and accountability in and enhance scrutiny of decisions taken by the Council;

10.7.3 facilitate transparency and accountability in the spending of public money;

10.7.4 help individuals understand the decisions made by the Council affecting their lives;

10.7.5 bring to light information affecting public safety or danger to the environment;

10.7.6 contribute to the administration of justice and enforcement of the law or the prevention or detection of crime or the apprehension or prosecution of offenders;

10.7.7 protect the public from unsafe products or rogue traders or practices.

In making such an assessment the following factors shall be regarded as irrelevant:

- possible embarrassment to the Council or its Officers;
- possible loss of confidence in the Council or another public body;
- the seniority of persons involved in the subject matter;
- the risk of the public misinterpreting the information.

10.8 Exclusion of the Public

A decision to exclude the public from a meeting under this Rule shall be made in accordance with the Council Procedure Rules (Part 4 Document A of this Constitution) and Committee Procedure Rules (Overview and Scrutiny Procedure Rules at Part 4 Document E) or Cabinet Procedure Rules (Part 4 Document D of this Constitution) as appropriate.

11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

If the Monitoring Officer

so recommends, the meeting may exclude access by the public to reports which in their opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed. After the meeting, access to the Report is subject to Rule 7.2.

Where the decision to exclude access has required a determination of the public interest, the Proper Officer shall keep a note of the reasons for the decision.

12. THE FORWARD WORK PROGRAMME

12.1 Period of Forward Work Programme

The forward work programme will be prepared by the Proper Officer to cover a period of four months. It will be updated on a quarterly basis.

12.2 CONTENTS OF FORWARD WORK PROGRAMME

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

12.2.1 the timetable for considering the budget and any plans forming part of the policy framework and requiring Council approval, and which body is to consider them;

12.2.2 the timetable for considering any plans which are the responsibility of Cabinet;

12.2.3 any individual matters which are outside the budget or policy framework on which Cabinet intends to consult in advance of taking a decision, and the timetable for consultation and decision;

12.2.4 the work programme of the Overview and Scrutiny Committees, to the extent that it is known.

13. CONSULTATION ON PROPOSALS TO BE CONSIDERED BY CABINET

At least 3 weeks should be permitted in the forward work programme timetable for consultation with relevant Overview and Scrutiny Committees and ward members where a matter as defined in 12.2.3 above is to be considered by Cabinet and is not urgent (as defined below) or confidential or exempt (as defined in Para 10).

A matter may be considered urgent where the events which it addresses were unforeseen at the time that the last forward work programme was produced and a decision is required within the above period.

A decision can only be treated as urgent if the decision taker (if an individual) or the chair of the body making the decision obtains the agreement of the chair of a relevant Overview and Scrutiny Committee that the taking of the decision cannot be reasonably deferred. If there is no chair of a relevant Overview and Scrutiny Committee, or if the chair of each relevant Overview and Scrutiny Committee is unable to act, then the agreement of the Chairperson of the Council, or in their absence the Vice Chairperson will suffice. Any decisions taken under this urgency procedure will be recorded as having been taken in the absence of consultation in the decision record.

14. RECORD OF DECISIONS OF CABINET

14.1 The Decision Record

14.1.1 A written record will be made of every Cabinet decision made by Cabinet and its Committees (if any) and individual Cabinet members, and of Joint Committees and Joint Sub-Committees whose members are all members of a Council's Executive.

14.1.2 This decision record will include a statement, for each decision, of:

- the Members present
- any apologies for absence received
- the decision made
- the date the decision was made
- the reasons for that decision;
- any personal interest declared;
- any dispensation to speak granted by the Council's Ethics and Standards Committee;
- the consultation undertaken prior to the decision and, if such consultation has not taken place, the reason why.

14.2 PREPARING THE DECISION RECORD

14.2.1 The Proper Officer or their representative shall attend any meeting of Cabinet, a Committee of Cabinet or a Joint Committee or Joint Sub-Committee where all its members are members of a local authority Executive, and shall as soon as reasonably practicable after the meeting produce a decision record, which shall be published on the Council's website as soon as is reasonably practicable.

14.2.2 Where an individual Cabinet member has made any Cabinet decision;

14.2.2.1 that Cabinet member shall as soon as reasonably practicable instruct the Proper Officer to produce a decision record; and

14.2.2.2 the decision shall not be implemented until that decision record has been produced, subject to 14.2.3 below.

14.2.3 Where the date by which a Cabinet decision made by an individual member must be implemented makes compliance with 14.2.2.2 above impracticable, the decision may be implemented if the decision maker has the agreement of:-

- the Chairperson of the relevant Overview and Scrutiny Committee, or
- if there is no such person or that person is unable to act, the Chairperson of the Council, or
- if there is no Chairperson of the relevant Overview and Scrutiny Committee or the local Council, the Vice-Chairperson of the Council
- that the making of the decision is urgent and cannot reasonably be deferred.

14.3 Publishing a note of all meetings of the Cabinet and its Committees

14.3.1 The Council shall (whether this information is included in the minutes or a separate note) publish electronically, as soon as reasonably practicable after a Cabinet meeting, and in any event, before the end of 7 working days beginning with the day on which the meeting is held, setting out;

14.3.1.1 the names of the Members who attended the meeting;

14.3.1.2 any apologies for absence received;

14.3.1.3 any personal interests declared;

14.3.1.4 all decisions made at the meeting (excluding any decisions made when the meeting was not open to the public because exempt or confidential information was being considered);

14.3.1.5 the outcomes of any votes taken at the meeting (excluding any votes taken when the meeting was

not open to the public because exempt or confidential was being considered);

15. DECISIONS BY AN INDIVIDUAL MEMBER OF CABINET

15.1 Reports Intended to be Taken Into Account

Where an individual member of Cabinet receives a report which they intend to take into account in making any decision, then they will not make the decision until at least 3 clear days after receipt of that report.

15.2 Provision of Copies Report to Overview and Scrutiny Committees

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

15.3 RECORD OF INDIVIDUAL DECISION

The decision recording rules in Para 14 will apply.

16. OVERVIEW AND SCRUTINY COMMITTEE MEMBERS' ACCESS TO DOCUMENTS

16.1 Rights of Access

Subject to Rule 16.2 below and subject to paragraph 5 of the Code of Conduct for members, an Overview and Scrutiny Committee (including its Sub-Committees) will be entitled to access to any document which is in the possession or control of Cabinet or its Committees and which contains material relating to

16.1.1 any business transacted at a meeting of Cabinet or its Committees; or

16.1.2 any decision taken by an individual member of Cabinet.

16.2 Limit on Rights

An Overview and Scrutiny Committee or Sub-Committee will not be entitled to receive any part of a document that contains confidential or exempt information unless that information is relevant to an action or decision that is being reviewed or scrutinised or any review contained in a programme of work of that Committee or Sub-Committee.

17. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS

17.1 Rights of Access

All members will be entitled to inspect any document which is in the possession or under the control of Cabinet or its Committees and contains material relating to any business transacted at a meeting of a decision-making body of that authority or by an individual member of Cabinet. This provision is subject to paragraph 5 of the Code of Conduct for Members.

17.2 Nature of Rights

These rights of a member are additional to any other right they may have.

Document C

BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

Cyngor Sir
CEREDIGION
County Council

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1. THE FRAMEWORK FOR CABINET DECISIONS

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

2. PROCESS FOR DEVELOPING THE FRAMEWORK

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

2.1 The Cabinet will publicise, by including in the forward plan available at the Council's offices, and by other methods – e.g. on its web site and in local press, a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework, and its arrangements for consultation after publication of those initial proposals. The chairs of Overview and Scrutiny Committees will also be notified. The consultation period shall in each instance be not less than 4 weeks.

2.2 At the end of that period, the Cabinet will then draw up firm proposals having regard to the responses to that consultation. If a relevant Overview and Scrutiny Committee wishes to respond to the Cabinet in that consultation process, then it may do so. As the Overview and Scrutiny Committees have responsibility for fixing their own work programmes, it is open to the Overview and Scrutiny Committee to investigate, research or report in detail with policy recommendations before the end of the consultation period.

2.3 The Cabinet will take any response from an Overview and Scrutiny Committee into account in drawing up firm proposals for submission to the Council, and its report to Council will reflect the comments made by consultees and the response of the Overview and Scrutiny Committee.

If the Cabinet intends to approve firm proposals for the budget other than those recommended by the Section 151 Officer, the meeting must be adjourned for a period of 5 working days to allow sufficient time for the Section 151 Officer to prepare a report on the impact of the proposals. That report will be presented back to Cabinet. Such requirement to adjourn to be removed where the Section 151 Officer confirms that no report is necessary or such period to be shortened where the Section 151 Officer prepares a report in a shorter period and confirms that they are content to reconvene the Cabinet meeting.

2.4 Once the Cabinet has approved the firm proposals, the Proper Officer will refer them at the earliest opportunity to the Council for decision.

2.5 In reaching a decision, the Council may:

- adopt the Cabinet's proposals,
- amend them,
- refer them back to the Cabinet for further consideration, or
- in principle, substitute its own proposals in their place.

  If the Council intends to substitute its own proposals in place of those recommended by Cabinet, the meeting must be adjourned for a period of 5 working days to allow sufficient time for the Section 151 Officer to prepare a report on the impact of the Council's proposals. That report will be presented back to Council. Such requirement to adjourn to be removed where the Section 151 Officer confirms that no report is necessary or such period to be shortened where the Section 151 Officer prepares a report in a shorter period and confirms that he/she is content to reconvene the Council meeting, notwithstanding that at all times the Council meeting must be reconvened before 11th March of the financial year preceding that for which the Budget and Council Tax are being set, in order to satisfy the requirements of the Local Government Finance Act 1992.

2.6 If Council accepts the recommendation of the Cabinet without amendment, the Council may make a decision which has immediate effect. Otherwise, it may only make an in-principle decision. The decision will be made on the basis of a simple majority of votes cast at the meeting.

2.7 The decision will be publicised in accordance with Article 4 and a copy shall be given to the Leader.

2.8 An in-principle decision will automatically become effective 5 working days from the date of the Council's decision, unless the Leader informs the Proper Officer in writing within 5 working days that he/she objects to the decision becoming effective and provides reasons why.

2.9 In that case, the Proper Officer will call a Council meeting within a further 5 working days. The Council will be required to re-consider its decision and the Leader's Written Submission within five working days. The Council may;

2.9.1 approve the Cabinet's recommendation by a simple majority of votes cast at the meeting; or

2.9.2 approve a different decision which does not accord with the recommendation of the Cabinet by a simple majority.

2.10 The decision shall then be made public in accordance with Article 4, and shall be implemented immediately.

2.11 In approving the budget and policy framework, the Council will also specify the extent of virement within the budget and degree of in-year changes to the policy framework which may be undertaken by Cabinet, in accordance with paragraphs 5 and 6 of these Rules (virement and in-year adjustments). Any other changes to the policy and budgetary framework are reserved to the Council.

3. DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

3.1 Subject to the provisions of paragraph 5 (virement), the Cabinet, a Committee of the Cabinet, an individual member of Cabinet and any officers or joint arrangements discharging Cabinet functions may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by full Council, then that decision may only be taken by the Council, subject to 4 below.

3.2 If the Cabinet, a Committee of the Cabinet, an individual member of Cabinet and any officers or joint arrangements discharging Cabinet functions want to make such a decision, they shall take advice from the Monitoring Officer and/or the Chief Financial Officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 4 (urgent decisions outside the budget and policy framework) shall apply.

4. URGENT DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

4.1 The Cabinet, a Committee of the Cabinet, an individual member of Cabinet or officers, area committees or joint arrangements discharging Cabinet functions may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:

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

4.1.2 if the chair of a relevant Overview and Scrutiny Committee agrees that the decision is a matter of urgency.

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

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

5. VIREMENT

5.1 For the purposes of this section a budget head, or head of estimates, is defined as any area of operation which has a budget heading within the Council's detailed estimates of income and expenditure as they appear in the Council's annual budget book.

5.2 Cabinet may not incur expenditure which cannot be met from the amount provided in the approved revenue budget under a head of estimate (including any virement made in accordance with items 5.3 and 5.4 below) to which that expenditure would be charged or would result in an over-spending in the year on that head of estimate unless a supplementary estimate has been submitted to and approved by the Cabinet or the Council. This shall apply to a reduction in income and/or to an increase in expenditure.

5.3 Amounts provided under the several heads of the approved annual revenue budget shall not be diverted to other purposes without the approval of the Cabinet, or the approval of the Chief Financial Officer in accordance with the authority delegated to him/her by the Council.

5.4 Recommendations by Executive Corporate Directors, Executive Corporate Lead Officers and Corporate Lead Officers are in agreement with the respective Portfolio Member, for Virement of revenue expenditure must be notified to the Chief Financial Officer in accordance with the Scheme of Virement as laid out in the Council's 'Financial Regulations and Accompanying Financial Procedures' section of the Constitution.

5.5 The Cabinet shall keep the approved programme of capital expenditure under review and approve any virement within that programme.

5.6 Virement of revenue and capital expenditure of any amount must not result in any future annual financial commitments without the express approval of the Cabinet; and virement cannot be exercised to alter the Council's policy or service priority without the approval of the full Council.

6. IN-YEAR CHANGES TO POLICY FRAMEWORK

The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by the Cabinet, a Committee of the Cabinet, an individual member of Cabinet or officers or joint arrangements discharging Cabinet functions must be in line with it. No changes to any policy and strategy

which makes up the policy framework may be made by those bodies or individuals except those changes:

6.1 which will result in the closure or discontinuance of a service or part of a service to meet a budgetary constraint;

6.2 necessary to ensure compliance with the law, ministerial direction or government guidance;

6.3 in relation to the policy framework in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration.

6.4 which relate to policy in relation to schools, where the majority of school governing bodies agree with the proposed change.

7. CALL-IN OF DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

7.1 Where an Overview and Scrutiny Committee is of the opinion that a Cabinet decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the Monitoring Officer and/or the Chief Financial Officer.

7.2 In respect of functions which are the responsibility of Cabinet, the Monitoring Officer's report and/or Chief Financial Officer's report shall be to the Cabinet with a copy to every member of the Council. Regardless of whether the decision is delegated or not, the Cabinet must meet to decide what action to take in respect of the Monitoring Officer's and/or Chief Financial Officer's report and to prepare a report to Council in the event that the Monitoring Officer or the Chief Finance Officer conclude that the decision was a departure, and to the Overview and Scrutiny Committee if the Monitoring Officer or the Chief Financial Officer conclude that the decision was not a departure.

7.3 If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Chief Financial Officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the Overview and Scrutiny Committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has

met and considered the matter. The Council shall meet within 21 days of the request by the Overview and Scrutiny Committee. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Financial Officer. The Council may either:

7.3.1 endorse a decision or proposal of the Cabinet decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or

7.3.2 amend the Council's budget or policy concerned to encompass the decision or proposal of the body or individual responsible for that Cabinet function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or

where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require Cabinet to reconsider the matter in accordance with the advice of the Monitoring Officer and/or the Chief Financial Officer.

Document D

CABINET PROCEDURE RULES

Cyngor Sir
CEREDIGION
County Council

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1.1 WHO MAY MAKE CABINET DECISIONS?

The Leader will decide how Cabinet functions are discharged by:

1.1.1 the Cabinet as a whole;

1.1.2 a Committee of the Cabinet;

1.1.3 an individual member of Cabinet;

1.1.4 an officer;

1.1.5 joint arrangements; or

1.1.6 another local authority.

1.2 DELEGATION BY THE LEADER

1.2.1 Annual General Meeting

At the annual meeting of the Council, the Leader will present to the Council a written record of delegations made by them for inclusion in the Council's scheme of delegation at Part 3 of this Constitution. The document presented by the Leader will contain the following information about Cabinet functions in relation to the coming year:

. the names, addresses and electoral divisions of the people appointed to Cabinet by the Leader;

. the extent of any authority delegated to Cabinet members individually, including details of the limitation on their authority;

. the terms of reference and constitution of such Cabinet Committees as the Leader appoints and the names of Cabinet members appointed to them;

. the nature and extent of any delegation of Cabinet functions to any other authority or any joint arrangements and the names of those Cabinet members appointed to any Joint Committee for the coming year; and

the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.

1.2.2 EMERGENCY POWERS-URGENT DECISIONS

1.2.2.1 In the event of an emergency and urgent situation arising, in order to protect the Council and the public's interests,

in circumstances where the decision is deemed urgent such that any delay would seriously prejudice the Council's or the public's interests, then,

in respect of the exercise of executive functions as outlined in the Council's Constitution (Art 7, and Part 3.4 (Table 4)

and taking into account the Local Authorities Executive Arrangements (Functions & Responsibilities) Wales Regulations (as amended)

and taking into account Section 15(4) of the Local Government Act 2000, then,

1) in the absence or unavailability of both:

- the Leader, and
- the Deputy Leader,

the Leader and the Deputy Leader may both:

arrange for the discharge of any executive functions,

so as to temporarily delegate such power and responsibility of exercising those executive functions to:

- the remaining Members of the Cabinet (Executive) and
- the Chief Executive (and in absence, an Executive Corporate Director)

to:

- make decisions and undertake the actions required to ensure key services continue to operate,
- ensure the Council and its residents interests are protected, and
- suspend the operation of such services as may be necessary

2) In circumstances set out in 1.2.2.1 above, and where none of the remaining Members of the Cabinet are available, the matter is to be reported to Council for consideration of further delegated powers.

1.2.2.2 Delegations granted pursuant to 1.2.2.1 above, will expire when the Leader and/or Deputy Leader are next available, or after 21 days, whichever is the earlier.

1.2.2.3 Decisions made pursuant to 1.2.2.1 above will be reported to the next available Cabinet meeting.

1.2.2.4 The above is separate and distinct from the Council's functions/ duties pursuant to the Civil Contingencies Act 2004 which may include establishment of strategic incident co-ordination groups such Gold Command.

1.3 SUB-DELEGATION OF CABINET FUNCTIONS

1.1.7 Where the Cabinet, a Committee of the Cabinet or an individual member of Cabinet is responsible for a Cabinet function, they may delegate further by joint arrangements or to an officer.

1.1.8 Unless the Council directs otherwise, if the Leader delegates functions to the Cabinet, then Cabinet may delegate further to a Committee of the Cabinet or to an officer.

1.1.9 Unless the Leader directs otherwise, a Committee of the Cabinet to whom functions have been delegated by the Leader may delegate further to an officer.

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

1.4 THE COUNCIL'S SCHEME OF DELEGATION AND CABINET FUNCTIONS

1.4.1 Subject to 1.4.2 below the Council's scheme of delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in Article 7 and set out in Part 3 of this Constitution.

1.4.2 With the Leader being able to decide whether to delegate Cabinet functions, he/she may amend the scheme of delegation relating to Cabinet functions at any time during the year. To do so, the Leader must give written notice to the Proper Officer and to the person, body or Committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, Committee or Cabinet as a whole. The Proper Officer will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.

1.4.3 Where the Leader seeks to withdraw delegation from a Committee of the Cabinet, notice will be deemed to be served on that Committee when he/she has served it on its Chairperson.

1.5 CONFLICTS OF INTEREST

1.5.1 Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

1.5.2 If every member of Cabinet has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution and in consultation with the Monitoring Officer.

1.5.3 If the exercise of a Cabinet function has been delegated to a Committee of the Cabinet, an individual member or an officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Local Code of Conduct for Members in Part 5 of this Constitution and in consultation with the Monitoring Officer.

1.6 CABINET MEETINGS – WHEN AND WHERE?

1.6.1 The Cabinet will meet at least 10 times per year, at times to be agreed by the Leader. The Cabinet shall meet at the Council's main offices at Neuadd Cyngor Ceredigion, Penmorfa, Aberaeron, or another location to be agreed by the Leader.

1.6.2 Members will be regarded as present at a meeting of the Cabinet or a committee of the Cabinet where they attend that meeting by remote means in accordance with the Council's arrangements for multi-location meetings (Protocol for Attendance at Local Authority Meetings and Electronic Broadcasts of Meetings- see Part 5 Doc R) providing that they can speak to, and be heard by, other attendees at the meeting.

1.6.3 For the purposes of section 1.6.2, attendance 'by remote means' means attendance in a different physical location to that of other participants and participating through an online meeting platform.

1.7 PUBLIC OR PRIVATE MEETINGS OF THE CABINET?

All meetings of the Cabinet will be open to the public subject to the Access to Information Rules in Part 4 of this Constitution.

1.8 QUORUM

The quorum for a meeting of the Cabinet, or a Committee of it, shall be 3 including the Leader or Deputy Leader.

See Article 7.8 Part 2 Constitution for the requirements of a quorum and job sharing: where any meeting is attended by more than one of the Members who share the same office and those Members are attending in their capacity as a Member of the Cabinet, they together count as only one person for the purpose of determining whether the meeting is quorate.

1.9 HOW ARE DECISIONS TO BE TAKEN BY THE CABINET?

1.9.1 Cabinet decisions which have been delegated to the Cabinet will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.

1.9.2 Where Cabinet decisions are delegated to a Committee of the Cabinet the rules applying to Cabinet decisions taken by them shall be the same as those applying to those taken by the Cabinet.

1.10 VOTING

1.10.1 MAJORITY

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

See Article 7.8, Part 2 of this Constitution for the rules on voting and job sharing: the Members of Cabinet who share the same office will have one vote between them in respect of any matter on which they have a right to vote because they are a Member of Cabinet.

1.10.2 CHAIRPERSON'S CASTING VOTE

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

1.10.3 ASSISTANTS TO THE CABINET

Assistants to the Cabinet are not entitled to vote at Cabinet Meetings nor Cabinet Committee Meetings.

2. HOW ARE THE CABINET MEETINGS CONDUCTED?

2.1 Who Presides?

The Leader will preside at any meeting of the Cabinet or its Committees at which he/she is present, or may appoint the Deputy Leader or another person to do so.

2.2 Who May Attend?

These details are set out in the Access to Information Rules in Part 4 Document B of this Constitution.

2.3 What Business?

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

2.1.1 consideration of the Minutes of the last meeting;

2.1.2 disclosures of personal interest, if any;

2.1.3 matters referred to the Cabinet (whether by an Overview and Scrutiny Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules (Document E) or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;

2.1.4 consideration of reports from Overview and Scrutiny Committees; and

2.1.5 matters set out in the agenda for the meeting, and which shall indicate decisions which are not in accordance with the Access to Information Procedure rules set out in Part 4 Document B of this Constitution.

2.4 General Disturbance

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

2.5 Disturbance by the Public

2.5.1 Removal of member of the public

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

2.5.2 Clearance of part of meeting room

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

2.6 Consultation

All reports to the Cabinet from any member of Cabinet or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant Overview and Scrutiny Committees, and the outcome of that consultation. Reports about other matters will

set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

2.7 Who can put Items on the Cabinet Agenda?

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

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

The Proper Officer will make sure that an item is placed on the agenda of the next available meeting of the Cabinet where a relevant Overview and Scrutiny Committee or the full Council have resolved that an item be considered by the Cabinet.

There will be a standing item on the agenda of each meeting of the Cabinet for matters referred by Overview and Scrutiny Committees.

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

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

Financial Officer.

3. Publication of Decisions

3.1 When a decision is made by the Cabinet, an individual member of Cabinet or a Committee of the Cabinet or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be

available at the main offices of the Council normally within 2 working days of being made. Members will be sent copies of the records of all such decisions within 2 working days, by the person responsible for publishing the decision. (See Document E)

3.2 The decision notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decision, unless any three members of the relevant Overview and Scrutiny Committee whose terms of reference relate to the Cabinet decision (as described in Article 6 of Part 2 of the Constitution) or six elected members of the Council and the chair of that Committee, object to it and call it in. (See Document E)

Document E

OVERVIEW AND SCRUTINY PROCEDURE RULES

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1. WHAT WILL BE THE NUMBER AND ARRANGEMENTS FOR OVERVIEW AND SCRUTINY COMMITTEES?

The Council will have the Overview and Scrutiny Committees set out in Article 6 and will appoint to them as it considers appropriate from time to time. Such Committees may appoint Sub-Committees. Overview and Scrutiny Committees may also be appointed for a fixed period, on the expiry of which they shall cease to exist. The list of current Overview and Scrutiny Committees and the Terms of Reference is included at Article 6 of this constitution.

2. WHO MAY SIT ON OVERVIEW AND SCRUTINY COMMITTEES?

All Councillors except members of Cabinet may be members of an Overview and Scrutiny Committee. However, no member may be involved in scrutinising a decision in which they have been directly involved.

3. CO-OPTEES

Each Overview and Scrutiny Committee or Sub-Committee shall be entitled to recommend to Council the appointment of non-voting co-optees, subject to a maximum of 2 per Committee, with the exception of the Learning Communities Overview and Scrutiny Committee which will include 9 non-voting co-optees from teachers organisations and the free churches in Ceredigion.

4. EDUCATION REPRESENTATIVES

Each relevant Overview and Scrutiny Committee/Sub-Committee dealing with education matters shall include in its membership the following voting representatives:

- 1 Church in Wales representative;
- 1 Roman Catholic Church representative;
- Independent Churches representative.
- 2 parent governor representatives.

A relevant Overview and Scrutiny Committee/Sub-Committee in this paragraph is an Overview and Scrutiny Committee or Sub-Committee of a Local Education Authority, where the Committee or Sub-Committee's functions relate wholly or in part to any education functions which are the responsibility of the Authority's Cabinet. If the Overview and Scrutiny Committee/Sub-Committee deals with other matters, these representatives shall not vote on those other matters and

may only attend as co-opted members of the Committee for discussion of those other matters if invited to do so.

5. MEETINGS OF THE OVERVIEW AND SCRUTINY COMMITTEES

There shall be at least 5 ordinary meetings of each Overview and Scrutiny Committee in each year. In addition, Special meetings may be called from time to time as and when appropriate. An Overview and Scrutiny Committee meeting may be called by the chair of the relevant Overview and Scrutiny Committee, by any 6 members of the Committee or by the Proper Officer if they consider it necessary or appropriate.

6. QUORUM

The quorum for an Overview and Scrutiny Committee shall be as set out for Committees in the Council Procedure Rules in Part 4 of this Constitution.

7. VOTING

7.1 MAJORITY

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Committee members voting and present in the meeting at the time the recommendation or proposal was presented.

7.2 CHAIRPERSON'S CASTING VOTE

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

8. WHO CHAIRS OVERVIEW AND SCRUTINY COMMITTEE MEETINGS?

The Chairperson will be determined in accordance with the Section 75 of the Local Government (Wales) Measure 2011.

9. WORK PROGRAMME

The Overview and Scrutiny Committees/Sub-Committees will, subject to the Co-ordinating Committee, be responsible for setting their own work programme and in doing so, they shall take into account the wishes of members on that Committee who are not members of the largest political group on the Council.

10. AGENDA ITEMS

Any member of an Overview and Scrutiny Committee or Sub-Committee shall be entitled to give notice to the Proper Officer that they wish an item relevant to the functions of the Committee or Sub-Committee to be included on the agenda for, and be discussed at, a meeting of the Committee or Sub-Committee.

On receipt of such a request, the Proper Officer will ensure that it is included on the next available agenda.

Any 6 members of the Council who are not members of the Overview and Scrutiny Committee may give written notice to the Proper Officer that they wish an item to be included on the agenda of a relevant Overview and Scrutiny Committee. If the Proper Officer receives such a notification, then they will include the item on the first available agenda of the relevant Overview and Scrutiny Committee for consideration by the Committee.

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

11. POLICY REVIEW AND DEVELOPMENT

11.1 The role of the Overview and Scrutiny Committees in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.

11.2 In relation to the development of the Council's approach to other matters, not forming part of its policy and budget framework, Overview and Scrutiny Committees or Sub-Committees may make proposals to Cabinet for developments in so far as they relate to matters within their terms of reference.

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

12. REPORTS FROM OVERVIEW AND SCRUTINY COMMITTEE

12.1 Once it has formed recommendations on proposals for development, the Overview and Scrutiny Committee will prepare a formal report and submit it to the Proper Officer for consideration by Cabinet (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework).

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

13. MAKING SURE THAT OVERVIEW AND SCRUTINY REPORTS ARE CONSIDERED BY THE CABINET

13.1 Once an Overview and Scrutiny report on any matter which is the responsibility of the Cabinet has been completed, it shall be included on the agenda of the next available meeting of Cabinet, unless the matter which is the subject of the report is scheduled to be considered by the Cabinet within a period of 4 weeks from the date the report was adopted by the Overview and Scrutiny Committee. In such cases, the report of the Overview and Scrutiny Committee shall be considered by the Cabinet when it considers that matter. If for any reason the Cabinet does not consider the Overview and Scrutiny report within 6 weeks, then the matter will be referred to Council for review, and the Proper Officer will call a Council meeting to consider the report and make a recommendation to the Cabinet.

13.2 Where an Overview and Scrutiny Committee prepares a report for consideration by Cabinet in relation to a matter where the Leader or Council has delegated decision-making power to another individual member of Cabinet, then the Overview and Scrutiny Committee will submit a copy of their report to that individual for consideration. At the time of doing so, the Overview and Scrutiny Committee shall serve a copy on the Proper Officer and the Leader. If the member with delegated decision-making power does not accept the recommendations of the Overview and Scrutiny Committee then they must then refer the matter to the next available meeting of the Cabinet for debate before exercising his/her decision-making power and responding to the report in writing to the Overview and Scrutiny Committee. Cabinet members to whom the decision-making power has been delegated will respond to the Overview and Scrutiny Committee within 4 weeks of receiving it. A copy of their written

response to it shall be sent to the Proper Officer and they will attend a future meeting to respond.

13.3 Overview and Scrutiny Committees will have access to Cabinet's forward work programme for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from an Overview and Scrutiny Committee following a consideration of possible policy/service developments, the Committee will be able to respond in the course of Cabinet's consultation process.

14. RIGHTS OF OVERVIEW AND SCRUTINY COMMITTEE MEMBERS TO DOCUMENTS

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

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

15. MEMBERS AND OFFICERS GIVING ACCOUNT

15.1 Any Overview and Scrutiny Committee or Sub-Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of Cabinet, the Chief Executive and any Executive Corporate Director, Executive Corporate Lead Officer, or Corporate Lead Officer to attend before it to explain in relation to matters within their remit:

15.1.1 any particular decision or series of decisions; and/or

15.1.2 the extent to which the actions taken implement Council policy; and/or

15.1.3 service performance.

and it is the duty of those persons to attend for this purpose if so required.

15.2 Where any member or officer is required to attend an Overview and Scrutiny Committee under this provision, the chair of that Committee will

inform the Proper Officer. The Proper Officer shall inform the member or officer in writing giving at least 10 working days' notice of the meeting at which they are required to attend. The notice will state the nature of the item on which they are required to attend in order to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

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

16. ATTENDANCE BY OTHERS

An Overview and Scrutiny Committee may invite people other than those people referred to in paragraph 15 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and may invite such people to attend.

17. CALL-IN

17.1 When a decision is made by the Cabinet, an individual member of Cabinet or a Committee of the Cabinet or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within 2 working days of being made. Members will be sent copies of the records of all such decisions within 2 working days, by the person responsible for publishing the decision. (See Document D)

17.2 The decision notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decision, unless the decision is called-in (see below).

17.3 A call-in is the referral of a decision made, but not yet implemented, to the relevant Overview and Scrutiny Committee. Call in powers relate to (executive) Cabinet functions. Any decision made by Cabinet or a key decision made by an officer under delegated authority may be called-in (subject to exceptions).

A decision can be called-in when Members:

- believe it may be contrary to normal requirements of decision-making
- believe it is contrary to the Council's agreed policy framework and/or budget
- need further information from the decision-maker to explain why it was taken.

17.4 A decision is deemed to have been called in when:

- any three members of the relevant Overview and Scrutiny Committee ('the Committee') whose terms of reference relate to the Cabinet decision (as described in Article 6 of Part 2 of the Constitution); or
- six elected members of the Council, and the chair of that Committee, object to it and call it in by giving a valid call-in request to the Proper Officer (Head of Democratic Services).

17.5 On receipt of a valid Call-In request, the Proper Officer shall convene a meeting of the Committee on such date as the Proper Officer may determine, where possible after consultation with the Chair of the Committee, within 8 working days of the decision to call-in. The Proper Officer shall then notify the decision taker of the call-in.

17.6 A called-in decision cannot be implemented until it has been considered by the Committee.

17.7 If, following receipt of a valid call-in request, the Committee, having considered the decision, does not refer the matter back to the decision-making person or body, the decision shall take effect on the date of the Committee meeting.

17.8 If, having considered the decision, the Committee is still concerned about the decision, then the Committee may refer the decision either

a) back to the decision-making person or body for reconsideration, setting out in writing the nature of its concerns and giving reasons OR

b) to Council if the decision relates to the Council's policy framework or budget

17.9 If referred back to the decision maker, the decision-making person or body shall then reconsider the decision within a further 10 working days. Having reconsidered the decision, the decision-making person or body shall either confirm the decision, amend the decision or revoke the decision. The decision is deemed to be final and will become effective immediately.

Referrals to Council

17.10 If a decision is referred to Council by the Committee, a Council meeting shall be convened by the Proper Officer within 15 working days of the date of the Committee meeting.

17.11 If the Council does not meet within 15 working days the decision will become effective at the expiry of the 15 days from the Committee meeting.

17.12 If Council does meet within 15 working days, it shall decide whether it objects to the decision or not

If Council:

a) does not object to the decision, then no further action is necessary, and the decision will be effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.

b) does object to the decision Council will refer the decision to which it objects back to the decision-making person or body, together with its views and reasons on the decision.

17.13 Where the decision was taken by the Cabinet as a whole or a Committee of it, a meeting will be convened to reconsider the decision within 10 working days of the Council request. Where the decision was made by an individual, the individual will reconsider within 10 working days of the Council request.

17.14 The decision-making body or person shall, having reconsidered the decision, choose to confirm, amend or revoke the original decision. The decision will be final and effective immediately.

Urgent decisions

17.15 The call-in procedure set out above shall not apply where the decision being taken by Cabinet is certified as urgent in accordance with the Rules of Procedure Set out in the Constitution.

17.16 A decision is deemed to be urgent if any delay in the implementation of the decision likely to be caused by the call-in process would seriously prejudice the Council's or the public' interests. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision-making person or body, the decision is an urgent one, and therefore not subject to call-in.

17.17 Having taken the advice of the Monitoring Officer into account, the Chairperson of the Council must, agree that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chairperson, the Vice-Chairperson's consent shall be required. In the absence of the Vice Chairperson, the consent of the Chairperson of the Overview and Co-ordinating Scrutiny Committee is required. In the absence of all of the above the Chief Executive or the Monitoring Officer' consent shall be required.

17.18 Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

17.19 The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

18. THE PARTY WHIP

The party whip will be considered in accordance with Section 78 of the Local Government (Wales Measure) 2011.

19. PROCEDURE AT OVERVIEW AND SCRUTINY COMMITTEE MEETINGS

19.1 Overview and Scrutiny Committees and Sub-Committees shall consider the following business:

19.1.1 minutes of the last meeting;

19.1.2 disclosures of interest (including whipping declarations);

19.1.3 consideration of any matter referred to the Committee for a decision in relation to call in of a decision;

19.1.4 responses of Cabinet to reports of the Overview and Scrutiny Committee; and

19.1.5 the business otherwise set out on the agenda for the meeting.

19.2 where the Overview and Scrutiny Committee conducts investigations (e.g. with a view to policy development), the Committee may also ask people to attend to give evidence at Committee meetings which are to be conducted in accordance with the following principles:

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

19.2.2 that those assisting the Committee by giving evidence be treated with respect and courtesy; and

19.2.3 that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

19.3 following any investigation or review, the Committee/Sub-Committee shall prepare a report, for submission to Cabinet and/or Council as appropriate, and shall make its report and findings public.

20. MATTERS WITHIN THE REMIT OF MORE THAN ONE OVERVIEW AND SCRUTINY COMMITTEE

Where a matter for consideration by an Overview and Scrutiny Committee also falls within the remit of one or more other Overview and Scrutiny Committees, the decision as to which Overview and Scrutiny Committee will consider it will be resolved by the Co-ordinating Committee.

APPENDIX 1:

TERMS OF REFERENCE FOR OVERVIEW AND SCRUTINY COMMITTEES

1. OVERVIEW AND SCRUTINY CO-ORDINATING COMMITTEE

Membership

Chairperson and Vice Chairperson appointed by Council together with the Chairmen and Vice-Chairmen of the four individual Overview and Scrutiny Committees (10).

Terms of Reference

1.1 To approve an annual Overview and Scrutiny work programme, including the programme of any Sub-Committees appointed, to ensure that there is efficient use of the Committees' and Sub-Committees' time, and that the potential for duplication of effort is minimised; and to suggest areas of work for examination and report by those Committees.

1.2 Where matters fall within the remit of more than one Overview and Scrutiny Committee or Sub-Committee, to determine which of them will assume responsibility for any particular issue and to resolve any issues of dispute between Overview and Scrutiny Committees.

1.3 To receive requests from the Cabinet and/or the full Council for reports from Overview and Scrutiny Committees and to allocate them if appropriate to one or more Overview and Scrutiny Committees.

1.4 To put in place and maintain a system to ensure that referrals from Overview and Scrutiny to Cabinet, either by way of report or for reconsideration are managed efficiently and do not exceed the limits set out in this Constitution.

1.5 To prioritise reports produced by individual Overview and Scrutiny Committees for consideration by Cabinet, should such a request be made by Cabinet.

1.6 To have the powers of an Overview and Scrutiny Committee in relation to Cabinet decisions made but not implemented as set out in section 21(3) of the Local Government Act 2000.

1.7 To request reports either to the Co-ordinating Committee or to an individual Overview and Scrutiny Committee.

1.8 To perform all the functions of an Overview and Scrutiny Committee as they relate to Transformation of Services, Public Service Board, Ceredigion Local Well-being Plan, Corporate Strategy, Partnerships, Collaboration, Budget, Safeguarding and Community Safety/Crime and Disorder.

2. CORPORATE RESOURCES OVERVIEW AND SCRUTINY COMMITTEE

Membership

13 Councillors

Terms of Reference

To fulfil all the functions of an Overview and Scrutiny Committee as they relate to Corporate Services (to include human resources, customer services, ICT, treasury management and legal services), Inclusion/Equal Opportunities, Civil Contingencies, Business Continuity, Estates Management and Civil Registration.

3. HEALTHIER COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE

Membership

13 Councillors

Terms of reference

To fulfil all the functions of an Overview and Scrutiny Committee as they relate to Social Services, Integrated Care Services, Housing Services, Leisure and Recreation Facilities, Environmental Health, Public Protection and Licencing.

4. LEARNING COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE

Membership

13 Councillors, 4 voting church and parent governor representatives and 9 non-voting co-opted members.

Terms of reference

To perform all the functions of an Overview and Scrutiny Committee as they relate to Lifelong Learning, Children and Young People, Schools, Training, Youth Services and Cultural Services.

5. THRIVING COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE

Membership

13 Councillors

Terms of reference

To perform all the functions of an Overview and Scrutiny Committee as they relate to Economic Development, Regeneration, Tourism, Marketing, Stronger Communities, European Grant Aid, Business Support, Capital Programme, Transport and Highways Infrastructure, Town and Country Planning and Sustainability Coast and Countryside and Waste and other Municipal Services

Document F

FINANCIAL REGULATIONS AND

ACCOMPANYING FINANCIAL PROCEDURES

Cyngor Sir
CEREDIGION
County Council

Chief Finance Officer: Stephen Johnson
Audit Committee: 17th October 2017
Date approved by Council: 22 March 2018

FINANCIAL REGULATIONS AND

ACCOMPANYING FINANCIAL PROCEDURES

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SECTION 1

1. INTRODUCTION

The Authority's governance structure is laid down in its Constitution which sets out how the Council operates, how decisions are made and the procedures that are followed.

The Council collects and spends large sums of public money. Sound financial control is essential in order to maintain accountability and to achieve maximum efficiency and effectiveness. An effective system of financial control must be supported by a written code which sets out precisely a clear pattern of financial administration. These Financial Regulations and Procedures therefore provide the framework for managing the authority's financial affairs. They apply to every Member and employee of the Authority and anyone acting on its behalf.

The Regulations identify the financial responsibilities of the Council, Cabinet and Overview and Scrutiny Members, the Chief Executive, the Monitoring Officer, the Chief Finance Officer and other Chief Officers (also referred to as Executive Corporate Directors) and Chief Executive. The Council's Constitution sets out the decision-making arrangements.

The Authority's detailed Financial Procedures, setting out how the regulations will be implemented, are contained after the section on Financial Regulations.

SECTION 2

2. STATUS OF FINANCIAL REGULATIONS

All Members and employees have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, is properly authorised, provides value for money and achieves best value.

The Chief Finance Officer is responsible for maintaining a continuous review of the financial regulations and submitting any additions or changes necessary to the Council for approval. The Chief Finance Officer is also responsible for reporting, where appropriate, breaches of the Financial Regulations to the Council and/or to the Cabinet Members.

The Council's detailed financial procedures, setting out how the regulations will be implemented, are contained after the section on Financial Regulations.

Chief Officers are responsible for ensuring that all staff in their departments are aware of the existence and content of the Council's Financial Regulations and other internal regulatory documents which have been issued and which supplement this current document and that they comply with them. They must also ensure that an adequate number of copies are available for reference within their directorates.

The Chief Finance Officer is responsible for issuing advice and guidance to underpin the Financial Regulations that Members, employees and others acting on behalf of the Council are required to follow.

SECTION 3

3. FINANCIAL REGULATION DETAILS

3.1. FRAMEWORK

The details of the Regulations are subdivided into five key areas for ease of reference and interpretation. These are:

- Financial Management
- Financial Planning
- Risk Management and Control of Resources
- Systems and Procedures
- External Arrangements

3.2 FINANCIAL MANAGEMENT

Introduction

Financial management covers all financial accountabilities in relation to the running of the Council, including the policy framework and budget.

All Council Members and employees have a duty to abide by the highest standards of probity in dealing with financial issues. This is facilitated by ensuring everyone is clear about the standards to which they are working and the controls that are in place to ensure these standards are met.

3.3 ROLES AND RESPONSIBILITIES

The Council

The Council is responsible for adopting the Council's constitution and Members' code of conduct and for approving the policy framework and budget within which the Cabinet operates. It is also responsible for approving and monitoring compliance with the Council's overall framework of accountability and control. The framework is set out in its constitution. The Council is also responsible for monitoring compliance with the agreed policy and related executive decisions.

The Council is responsible for approving procedures for recording and reporting decisions taken. This includes those decisions delegated by and decisions taken by the Council and its committees. These delegations and the details of who has responsibility for which decisions are set out in the constitution.

The Cabinet

The Cabinet is responsible for proposing the policy framework and budget to the Council, and for discharging executive functions in accordance with the policy framework and budget.

Executive decisions can be delegated to a committee of the Cabinet, an individual Cabinet member, an Officer or a joint committee.

If individual Cabinet members are given delegated authority to take decisions, protocols will be established to ensure that individual Cabinet members consult with relevant officers before taking a decision within his or her delegated authority (if so granted by the Council). In doing so, the individual member must take account of legal and financial liabilities and risk management issues that may arise from the decision.

Committees

Governance and Audit Committee

The Governance and Audit Committee is a key component of the Council's governance framework. Its function is to provide an independent and high level resource to support good governance and strong public financial management.

Overview and Scrutiny Committees

The Overview and Scrutiny Committees are responsible for scrutinising executive decisions or proposals and for holding the Cabinet to account.

Ethics and Standards Committee

The Standards Committee is established by the Council and is responsible for promoting and maintaining high standards of conduct amongst Councillors. In particular, it is responsible for advising the Council on the adoption and revision of the members' code of conduct, and for monitoring the operation of the code.

Other Committees of the Council

These include committees to cover Development Control, and Licensing.

The Statutory Officers

The responsibilities of the following statutory officers are set out in Article 12 of the Constitution:

(i) Chief Executive
(ii) Chief Finance Officer (Chief Finance Officer)
(iii) The Monitoring Officer (Corporate Lead Officer - Legal Services and Governance)

Chief Officers

Chief Officers are responsible for ensuring that Cabinet members are advised of the financial implications of all proposals and that the financial implications have been discussed with the Chief Finance Officer.

It is the responsibility of Chief Officers to consult with the Chief Finance Officer on any matter liable to materially affect the Council's finances before any commitments are incurred.

3.4 OTHER FINANCIAL ACCOUNTABILITIES

Virement

Chief Officers are responsible for managing their Budgets within the overall cash limit approved by Council, and may vire amounts between budget heads in accordance with the Council's approved Virement Scheme.

Treatment of Year End Balances

The Council is responsible for agreeing procedures for carrying forward under and overspendings on budget headings.

Accounting Policies

The Chief Finance Officer is responsible for selecting accounting policies and ensuring that they are applied consistently.

Accounting Records and Returns

The Chief Finance Officer is responsible for determining the accounting procedures and records for the Council.

The Annual Statement of Accounts

The Chief Finance Officer is responsible for ensuring that the annual statement of accounts is prepared in accordance with the *Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice* (CIPFA/LASAAC). The Council is responsible for approving the annual statement of accounts.

3.5 FINANCIAL PLANNING

Introduction

In terms of financial planning, the key elements are:

- the General Fund Revenue Budget; and
- the Capital Programme.

3.5.1 Policy Framework

The Council is responsible for approving the policy framework and budget which is set out in Article 4 of the Constitution.

The Council is also responsible for approving procedures for agreeing variations to approved budgets, plans and strategies forming the policy framework and for determining the circumstances in which a decision will be deemed to be contrary to the budget or policy framework.

The Council is responsible for setting the level at which the Cabinet may reallocate budget funds from one service to another. The Cabinet is responsible for taking in-year decisions on resources and priorities in order to deliver the budget policy framework within the financial limits set by the Council.

3.5.2 Budgeting

Budget Format

The general format of the budget will be approved by the Cabinet on the advice of the Chief Finance Officer. The proposed budget should include allocation to different services and projects, payment of precepts and levies, proposed taxation levels and contingency funds.

Budget Preparation

The Chief Finance Officer is responsible for ensuring that a revenue budget is prepared on an annual basis, and a financial strategy on a three yearly basis, for consideration by the Cabinet, before submission to the Council. The Council may amend the budget or ask the Cabinet to reconsider it before approving it.

It is the responsibility of Chief Officers to ensure that budget estimates reflecting agreed service plans are submitted to the Cabinet and that these estimates are prepared in line with guidance issued by the Cabinet.

Budget Monitoring and Control

The Chief Finance Officer is responsible for providing appropriate financial information to enable budgets to be monitored effectively. He or she must monitor expenditure against budget allocations and report to the Cabinet on the overall position on a regular basis.

It is the responsibility of Chief Officers to control income and expenditure within their area and to monitor performance, taking account of financial information provided by the Chief Finance Officer. They should report on variances within their own areas. They should also take any action necessary to avoid exceeding their budget allocation and alert the Chief Finance Officer to any problems.

Resource Allocation

The Chief Finance Officer is responsible for developing and maintaining a resource allocation process that ensures due consideration of the Council's policy framework.

Preparation of the Capital Programme

The Chief Finance Officer is responsible for ensuring that a capital programme is prepared on an annual basis for consideration by the Cabinet before submission to the Council.

Guidelines

Guidelines on budget preparation will take account of:

- legal requirements;
- medium-term planning prospects;
- community strategy plan;
- available resources;
- spending pressures;
- best value and other relevant government guidelines;
- policy agreements with the NAW/Welsh Government;
- other internal policy documents;
- cross-cutting issues (where relevant).

Maintenance of Reserves

It is the responsibility of the Chief Finance Officer to advise the Cabinet and/or the Council on prudent levels of reserves for the Council.

3.6 RISK MANAGEMENT AND CONTROL OF RESOURCES

Introduction

It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant operational risks to the Council. This should include the proactive participation of all those associated with planning and delivering services.

Risk Management

The Cabinet is responsible for approving the Council's risk management policy statement and strategy and for reviewing the effectiveness of risk management. The Cabinet is responsible for ensuring that proper insurance exists where appropriate.

The Chief Executive in conjunction with the Chief Officers' Leadership Group is responsible for preparing the Council's risk management policy statement and for promoting it throughout the Council. The Chief Finance Officer is

responsible for advising the Cabinet on proper insurance cover where appropriate.

3.6.1 Internal Control

Internal control refers to the systems of control devised by management to help ensure the Council's objectives are achieved in a manner that promotes economic, efficient and effective use of resources and that the Council's assets and interests are safeguarded.

The Chief Finance Officer is responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. They should ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with the statutory and other authorities that govern their use.

It is the responsibility of Chief Officers to establish sound arrangements of internal control and for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial performance targets.

3.6.2 Audit Requirements

The Accounts and Audit (Wales) Regulations 2014 require every Council to undertake an effective internal audit to evaluate the effectiveness of its risk management, control and governance processes.

Audit Wales undertakes the role of the external auditors of the Council.

The Council may, from time to time, be subject to audit, inspection or investigation by external bodies that have statutory rights of access.

3.6.3 Preventing Fraud and Corruption and Malpractice

The Chief Finance Officer is responsible for the development and maintenance of an Anti-Fraud and Corruption Strategy policy document.

3.6.4 Assets

Chief Officers should ensure that records and assets are properly maintained and securely held. They should also ensure that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place.

3.6.5 Treasury Management

The Council has adopted CIPFA's *Code of Practice for Treasury Management in Local Authorities.*

Accordingly, the Council will create and maintain, as the cornerstones for effective treasury management:

- a treasury management policy statement (TMPS), stating the policies and objectives of its treasury management activities;
- suitable treasury management practices (TMP), setting out the manner in which the organisation will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.

All money in the hands of the Council is controlled by the officer designated for the purposes of Section 151 of the Local Government Act 1972, referred to in the code as the 'responsible officer', i.e. in this Council the Chief Finance Officer.

The Council has delegated responsibility for the implementation and monitoring of its treasury management policies and practices to the Cabinet, and for the execution and administration of treasury management decisions to the Chief Finance Officer who will act in accordance with the Council's policy statement and TMPs and CIPFA's Standard of Professional Practice on Treasury Management.

The Cabinet will receive at least two reports in each financial year on its treasury management policies, practices and activities; an annual strategy and plan in advance of the year; and an annual report after the close of the year in the form prescribed by its TMPs.

3.6.6 Staffing

The Council is responsible for determining how officer support for executive and non-executive roles within the Council will be organised.

The Chief Executive is responsible for providing overall management to staff. He or she is also responsible for ensuring that there is proper use of the evaluation or other agreed systems for determining the remuneration of a job.

Chief Officers are responsible for controlling total staff numbers by:

- advising the Cabinet on the budget necessary in any given year to cover estimated staffing levels;
- adjusting the staffing to a level that can be funded within approved budget provision, varying the provision as necessary within that constraint in order to meet changing operational needs;
- the proper use of appointment procedures.

3.7 SYSTEMS AND PROCEDURES

Introduction
Sound systems and procedures are essential to an effective framework of accountability and control.

General
The Chief Finance Officer is responsible for the operation of the Council's accounting systems, the form of accounts and the supporting financial records. Any changes made by Chief Officers to the existing financial systems or the establishment of new systems must be approved by the Chief Finance Officer. However, Chief Officers are responsible for the proper operation of financial processes in their own directorates.

Any changes to agreed procedures by Chief Officers to meet their own specific service needs should be agreed with the Chief Finance Officer.

Chief Officers should ensure that their employees receive relevant financial training that has been approved by the Chief Finance Officer.

Chief Officers must ensure that, where appropriate, computer and other systems are registered in accordance with data protection legislation. Chief

Officers must ensure that employees are aware of their responsibilities under freedom of information legislation.

3.7.1 Income and Expenditure

It is the responsibility of Chief Officers to ensure that a proper scheme of delegation has been established within their area and is operating effectively. The scheme of delegation should identify employees authorised to act on the Chief Officers behalf, or on behalf of the executive, in respect of payments, income collection and placing orders, together with the limits of their authority. The Cabinet is responsible for approving procedures for writing off debts as part of the overall control framework of accountability and control.

3.7.2 Payments to Employees and Members

The Chief Finance Officer is responsible for all payments of salaries and wages to all employees, including payments for overtime, and for payment of allowances to Members.

3.7.3 Taxation

The Chief Finance Officer is responsible for advising Chief Officers, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the Council.

The Chief Finance Officer is responsible for maintaining the Council's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date.

3.7.4 Trading Accounts/Business Units

It is the responsibility of the Chief Finance Officer to advise on the establishment and operation of trading accounts and business units.

3.8 EXTERNAL ARRANGEMENTS

Introduction

The Council provides a distinctive leadership role for the community and brings together the contributions of the various stakeholders. It must also act to achieve the promotion or improvement of the economic, social or environmental well-being of its area.

3.8.1 Partnerships

The Cabinet is responsible for approving delegations, including frameworks for partnerships. The Cabinet is the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.

The Cabinet can delegate functions – including those relating to partnerships – to Chief Officers. These are set out in the scheme of delegation that forms part of the Council's constitution. Where functions are delegated, the Cabinet remains accountable for them to the Council.

The Chief Executive and other Chief Officers represent the Council on partnership and external bodies, in accordance with the scheme of delegation.

The Monitoring Officer is responsible for promoting and maintaining the same high standards of conduct with regard to financial administration in partnerships that apply throughout the Council.

The Chief Finance Officer must ensure that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory. He or she must also consider the overall corporate governance arrangements and legal issues when arranging contracts with any external bodies. He or she must ensure that the risks have been fully appraised before agreements are entered into with any external bodies.

Chief Officers are responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies.

3.8.2 External Funding

The Chief Finance Officer is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the Council's accounts.

3.8.3 Work for Third Parties

The Cabinet is responsible for approving the contractual arrangements for any work or provision of services for third parties or external bodies (excluding rechargeable works).

DOCUMENT F Financial Regulations and Accompanying Financial procedures

APPENDIX

FINANCIAL PROCEDURES

1. FINANCIAL PROCEDURES

Introduction

The following financial procedures outline how the previously stated Financial Regulations are to be implemented.

At the commencement of each relevant section, there is a statement which is intended to outline the standing and importance of the following issues:

- Key Controls – this explains the key internal controls that set the framework for ensuring the Financial Regulations are operating effectively.
- Responsibilities outlined of the Chief Finance Officer or, in certain circumstances, his/her nominated officer.
- Responsibilities outlined of Chief Officers.

1.1 FINANCIAL MANAGEMENT STANDARDS

All employees and members have a duty to abide by the highest standards of probity in dealing with financial issues. This is facilitated by ensuring everyone is clear about the standards to which they are working and the controls that are in place to ensure that these standards are met.

Key Controls

a) their promotion throughout the Council;

b) a monitoring system to review compliance with financial standards, and regular comparisons of performance indicators and benchmark and/or target standards that are reported to the Cabinet and Council.

Responsibilities of the Chief Finance Officer

- To ensure the proper administration of the financial affairs of the Council.
- To set the financial management standards and to monitor compliance with them.
- To ensure proper professional practices are adhered to and to act as head of profession in relation to the standards, performance and development of finance employees throughout the Council.
- To advise on the key strategic controls necessary to secure sound financial management.
- To ensure that financial information is available to enable accurate and timely and timely monitoring and reporting of comparisons of national and local financial performance indicators.

Responsibilities of Chief Officers

- To promote the financial management standards set by the Chief Finance Officer in their directorates and to monitor adherence to the standards and practices, liaising as necessary with the Chief Finance Officer.
- To promote sound financial practices in relation to the standards, performance and development of staff in their directorates.

1.2 MANAGEMENT OF EXPENDITURE

Scheme of Virement

The scheme of virement is intended to enable the Cabinet, Executive Corporate Directors and their employees to manage budgets with a degree of flexibility within the overall policy framework determined by the Council, and therefore to optimise the use of resources.

Key Controls

a) It is administered by the Chief Finance Officer within guidelines set by the Council. Any variation from this scheme requires the approval of the Council.

b) The overall budget is considered by the Cabinet and recommended for approval by the Council. Chief Officers and budget managers are therefore authorised to incur expenditure in accordance with the estimates that make up the budget. The rules below cover virement; that is, switching resources between approved budgets (e.g. as shown on each budget page of the Budget Book) or budget headings (e.g. employees, premises etc.) within an approved budget.

c) Virement is not to create additional overall budget liability. Chief Officers are expected to exercise their discretion in managing their budgets responsibly and prudently. For example, they should aim to avoid supporting recurring expenditure from one-off sources of savings or additional income, or creating future commitments, including full-year effects of decisions made part way through a year, for which they have not identified future resources. Chief Officers must plan to fund such commitments from within their own budgets.

d) A transfer of budget headings, otherwise known as re-alignment, from one portfolio to another within the budget or from one Business Unit to another within the budget is not virement.

Responsibilities of the Chief Finance Officer

- To prepare jointly with the appropriate Chief Officers a report to the Council where revenue virements in excess of £250,000 on any one budget head are proposed which involve a significant variation in the level or nature of the delivery of the service approved by Council in the Revenue Budget.
- To prepare a report upon all adjusted virement.

Responsibilities of Chief Officers

- A Chief Officer in agreement with the Portfolio Member may exercise virement on revenue budgets under his or her control for amounts up to

£150,000 on any one budget head during the year, following notification to the Chief Finance Officer provided that:

a) overall expenditure and income is contained within the Revenue Budget Cash Limit;

b) the prior approval of the Council is required for any virement, of whatever amount, where it is proposed to vire between portfolios previously approved by Council;

c) virement that is likely to impact on the level of service activity of another Service should be implemented only after agreement with the relevant Chief Officer;

d) No virement relating to a specific financial year should be made after 31 March in that year.

- Amounts greater than £150,000 require the approval of the Cabinet, following a joint report by the Chief Finance Officer and the appropriate Chief Officer, which must specify the proposed expenditure and the source of funding, and must explain the implications in the current and future financial year. Amounts greater than £250,000 require the approval of the Council.
- Where an approved budget is a lump-sum budget or contingency intended for allocation during the year, its allocation will not be treated as a virement, provided that:
  a) the amount is used in accordance with the purposes for which it has been established; and

  b) the Cabinet has approved the basis and the terms, including financial limits, on which it will be allocated. Individual allocations in excess of the financial limits should be reported to the Cabinet.

1.3 TREATMENT OF YEAR-END BALANCES

The rules below cover arrangements for the transfer of resources between accounting years, i.e. a carry-forward.

Key Controls

a) Appropriate accounting procedures are in operation to ensure that carried forward totals are correct.

Responsibilities of the Chief Finance Officer

- To administer the scheme of carry-forward within the guidelines approved by the Council.
- To report all overspendings and underspendings on service estimates carried forward to the Cabinet and to the Council.

Responsibilities of Chief Officers

- Net underspending on service estimates under the control of the Officer may be transferred to Earmarked Reserves subject to the following:-
  a) 30% of a portfolio's controllable underspend to be retained by the Service with the agreement of the Chief Executive and the Chief Finance Officer in consultation with the Finance Portfolio Member in an Earmarked Reserve established for a specific non-recurring purpose and which will not create an increase in future revenue costs; and
  b) that in exceptional circumstances, and by an agreement with the Chief Executive and the Chief Finance Officer in consultation with the Finance Portfolio Member, all of a portfolio's underspend or 100% of a particular service element may be retained in an Earmarked Reserve.

1.4 ACCOUNTING POLICIES

The Chief Finance Officer is responsible for the preparation of the Council's Statement of Accounts, in accordance with proper practices.

Key Controls

a) Systems of internal control are in place to ensure that financial transactions are lawful.
b) Suitable accounting policies are selected and applied consistently.
c) Proper accounting records are maintained.
d) Financial statements are prepared which present fairly the financial position of the Council and its expenditure and income.

Responsibilities of the Chief Finance Officer

- To select suitable accounting policies and to ensure that they are applied consistently. The accounting policies are set out in the annual Statement of Accounts, for the year ending 31 March, and covers such items as:
  a) separate accounts for capital and revenue transactions;
  b) the basis on which debtors and creditors at year end are included in the accounts;
  c) details on substantial provisions and reserves;
  d) fixed assets;
  e) depreciation;
  f) capital charges;
  g) work in progress;
  h) stocks and stores;
  i) deferred charges;
  j) accounting for value added tax;
  k) government grants;
  l) leasing;
  m) pensions.

Responsibilities of Chief Officers

- To adhere to the accounting policies and guidelines approved by the Chief Finance Officer.

1.5 ACCOUNTING RECORDS AND RETURNS

Maintaining proper accounting records is one of the ways in which the Council discharges its responsibility for stewardship of public resources. The Council has a statutory responsibility to prepare its annual accounts to present fairly its operations during the year. These are subject to external audit. This audit provides assurance that the accounts are prepared properly, that proper accounting practices have been followed and that quality arrangements have been made for securing economy, efficiency and effectiveness in the use of the Council's resources.

Key Controls

a) All Cabinet members, finance employees and budget managers operate within the required accounting standards and timetables.

b) All the Council's transactions, material commitments and contracts and other essential accounting information are recorded completely, accurately and on a timely basis.

c) Procedures are in place to enable accounting records to be reconstituted in the event of systems failure.

d) Reconciliation procedures are carried out to ensure transactions are correctly recorded.

e) Prime documents are retained in accordance with legislative and other requirements – including criteria set out by external funding bodies.

Responsibilities of the Chief Finance Officer

- To determine the accounting procedures and records for the Council. Where these are maintained outside the finance department, the Chief Finance Officer should consult the Chief Officers concerned.
- To arrange for the compilation of all accounts and accounting records under his or her direction.
- To comply with the following principles when allocating accounting duties:
  a) separating the duties of providing information about sums due to or from the Council and calculating, checking and recording these sums from the duty of collecting or disbursing them; and
  b) employees with the duty of examining or checking the accounts of cash transactions must not themselves be engaged in these transactions.
- To make proper arrangements for the audit of the Council's accounts in accordance with statutory requirements. =.
- To ensure that all claims for funds including grants are made by the due date.
- To prepare and publish the audited accounts of the Council for each financial year, in accordance with the statutory timetable and with the requirement for the Council to approve the Statement of Accounts before 30 June following the year end.

- To administer the Council's arrangements for under and overspendings to be carried forward to the following financial year.
- To ensure the proper retention of financial documents in accordance with the requirements set out in the Council's agreed policy.

Responsibilities of Chief Officers

- To consult and obtain the approval of the Chief Finance Officer before making any changes to accounting records and procedures.
- To comply with the principles outlined in the preceding section regarding division of duties when allocating accounting duties.
- To maintain adequate records to provide a management trail leading from the source of income/expenditure through to the accounting statements.
- To supply information required to enable the statement of accounts to be completed in accordance with guidelines issued by the Chief Finance Officer.
- To ensure that all claims for funds including grants are made by the due date.

1.6 THE ANNUAL STATEMENT OF ACCOUNTS

The Council has a statutory responsibility to prepare its own accounts to present fairly its operations during the year. The Council is responsible for approving the statutory annual Statement of Accounts.

Key Controls

a) The Council is required to make arrangements for the proper administration of its financial affairs and to secure that one of its officers has the responsibility for the administration of these affairs. In this Council, that officer is the Chief Finance Officer.

b) The Council's Statement of Accounts must be prepared in accordance with proper practices as set out in the *Code of Practice on Local Council*

Accounting in the United Kingdom: A Statement of Recommended Practice (the SORP) (CIPFA/LASAAC).

Responsibilities of the Chief Finance Officer

- To select suitable accounting policies and to apply them consistently.
- To make judgements and estimates that are reasonable and prudent.
- To comply with the SORP.
- To sign and date the Statement of Accounts, stating that it presents fairly the financial position of the Council at the accounting date and its income and expenditure for the year ended 31st March.
- To draw up the timetable for final accounts preparation and to advise employees and external auditors accordingly.

Responsibilities of Chief Officers

- To comply with accounting guidance provided by the Chief Finance Officer and to supply the Chief Finance Officer with information when required.

1.7 FINANCIAL PLANNING

1.7.1 Performance Plans

The Council has a statutory responsibility to publish various improvement / performance plans, crime reduction strategies, community care plans, etc. The purpose of these plans is to explain overall priorities and objectives, current performance, and proposals for further improvement.

Key Controls

a) To ensure that all relevant plans are produced and that they are consistent.

b) To produce plans in accordance with statutory requirements.

c) To meet the timetables set.

d) To ensure that all performance information is accurate, complete and up to date.

e) To provide improvement targets which are meaningful, realistic and challenging.

Responsibilities of the Chief Finance Officer

- To advise and supply the financial information that needs to be included in improvement/performance plans in accordance with statutory requirements and agreed timetables.
- To contribute to the development of corporate and service targets and objectives and performance information.

Responsibilities of Chief Officers

- To contribute to the development of improvement/performance plans in line with statutory requirements.
- To contribute to the development of corporate and service targets and objectives and performance information.
- To ensure that systems are in place to measure activity and collect accurate information for use as performance indicators.
- To ensure that performance information is monitored sufficiently frequently to allow corrective action to be taken if targets are not likely to be met.

1.7.2 Budgeting

Format of the Budget

The format of the budget determines the level of detail to which financial control and management will be exercised. The format shapes how the rules around virement operate, the operation of cash limits, and sets the level at which funds may be reallocated within budgets.

Key Controls

a) The format complies with all legal requirements.

b) The format complies with CIPFA's *Best Value Accounting – Code of Practice.*

c) The format reflects the accountabilities of service delivery.

Responsibilities of the Chief Finance Officer

- To advise the Cabinet on the format of the budget that is approved by the Council.

Responsibilities of Chief Officers

- To comply with accounting guidance provided by the Chief Finance Officer.

1.7.3 Revenue Budget Preparation, Monitoring and Control

Budget management ensures that once the budget has been approved by the Council, resources allocated are used for their intended purposes and are properly accounted for. Budgetary control is a continuous process, enabling the Council to review and adjust its budget targets during the financial year. It also provides the mechanism that calls to account managers responsible for defined elements of the budget.

By continuously identifying and explaining variances against budgetary targets, the Council can identify changes in trends and resource requirements at the earliest opportunity. The Council itself operates within an annual cash limit, approved when setting the overall budget. To ensure that the Council in total does not overspend, each service is required to manage its own expenditure within the cash limited budget allocated to it.

Key Controls

a) Budget managers should be responsible for controllable income and expenditure.

b) There is a nominated budget manager for each cost centre heading.

c) Budget managers accept accountability for their budgets and the level of service to be delivered and understand their financial responsibilities.

d) Budget managers follow an approved certification process for all expenditure.

e) Income and expenditure are properly recorded and accounted for.

f) Performance levels/levels of service are monitored in conjunction with the budget and necessary action is taken to align service outputs and budget.

g) The requirements in terms of budget monitoring frequency are identified in the following table:

Frequency	**Requirements**
Monthly	1. Actual v. Budget for months two to twelve. 2. Projected out-turn. 3. Analysis of significant variances. 4. Full analysis of action to be taken to resolve any overspends – actual or projected. 5. Any emerging issues that may have an impact upon the financial position (a form of risk analysis). 6. Information reported as an aggregate report to the Cabinet quarterly with exception reporting in between the quarters when necessary.

Responsibilities of the Chief Finance Officer

- To establish an appropriate framework of budgetary management and control that ensures that:
  a) budget management is exercised within annual cash limits unless the Council agrees otherwise;
  b) each Chief Officer has available timely information on receipts and payments on each budget which is sufficiently detailed to enable managers to fulfil their budgetary responsibilities;

c) expenditure is committed only against an approved budget head;
d) all officers responsible for committing expenditure comply with relevant guidance, and the financial regulations;
e) each budget head has a single named manager, determined by the relevant Chief Officer. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making processes that commit expenditure;
f) significant variances from approved budgets are investigated and reported by budget managers regularly.

- To administer the Council's scheme of virement.
- To submit reports to the Cabinet and to the Council, in consultation with the relevant Chief Officer, where a Chief Officer is unable to balance expenditure and resources within existing approved budgets under his or her control.
- To prepare and submit reports on the Council's projected income and expenditure compared with the budget on a monthly basis – see Key Control 4.7.3(g) above for details of table contents. Reports may also be made on an ad hoc basis should there be a material issue, judged so, by the Chief Finance Officer.

Responsibilities of Chief Officers

- To maintain budgetary control within their directorates, in adherence to the principles described earlier, and to ensure that all income and expenditure are properly recorded and accounted for.
- To ensure that an accountable budget manager is identified for each item of income and expenditure under the control of the Chief Officers (grouped together in a series of cost centres). As a general principle, budget responsibility should be aligned as closely as possible to the decision-making that commits expenditure.
- To ensure that spending remains within the service's overall cash limit, and that individual budget heads are not overspent, by monitoring the budget and taking appropriate corrective action where significant variations from the approved budget are forecast.
- To ensure that a monitoring process is in place to review performance levels / levels of service in conjunction with the budget and is operating effectively.

- To prepare and submit to the Cabinet reports on the service's projected income and expenditure compared with its budget, in consultation with Chief Finance Officer.
- To ensure prior approval by the Council or Cabinet (as appropriate) for new proposals, of whatever amount, that:
  a) create financial commitments in future years

  b) change existing policies, initiate new policies or cease existing policies

  c) materially extend or reduce the Council's services.

- To ensure compliance with the scheme of virement.
- To agree with the relevant Chief Officers where it appears that a budget proposal, including a virement proposal, may impact materially on another service area or Chief Officer's level of service activity.

1.7.4 Budgets and Medium Term Financial Planning

The Council is a complex organisation responsible for delivering a wide variety of services. It needs to plan effectively and to develop systems to enable scarce resources to be allocated in accordance with carefully weighed priorities. The budget is the financial expression of the Council's plans and policies.

The revenue budget must be constructed so as to ensure that resource allocation properly reflects the service plans and priorities of the Council. Budgets (spending plans) are needed so that the Council can plan, authorise, monitor and control the way money is allocated and spent. It is illegal for any Council to budget for an unfunded deficit.

Medium-term financial planning involves a planning cycle in which managers develop their own plans. As each year passes, another future year will be added to the medium-term plan. This ensures that the Council is always preparing for events in advance.

Key Controls

a) Specific budget approval for all expenditure.

b) Budget managers are consulted in the preparation of the budgets for which they will be held responsible and accept accountability within delegations set by the executive for their budgets and the level of service to be delivered.

c) A monitoring process is in place to review regularly the effectiveness and operation of budget preparation and to ensure that any corrective action is taken.

Responsibilities of the Chief Finance Officer

- To prepare and submit reports on budget prospects for the Cabinet, including resource constraints set by the Welsh Assembly Government. Reports should take account of medium-term prospects, where appropriate.
- To determine the detailed form of revenue estimates and the methods for their preparation, consistent with the budget approved by the Council, and after consultation with the Cabinet and Chief Officers.
- To prepare and submit reports to the Cabinet on the aggregate spending plans of directorates and on the resources available to fund them, identifying, where appropriate, the implications for the level of Council Tax to be levied.
- To advise on the medium-term implications of spending decisions.
- To encourage the best use of resources and value for money by working with Chief Officers to identify opportunities to improve economy, efficiency and effectiveness, and by encouraging good practice in conducting financial appraisals of development or savings options, and in developing financial aspects of service planning.
- To advise the Council on Cabinet proposals in accordance with his or her responsibilities under Section 151 of the Local Government Act 1972.

Responsibilities of Chief Officers

- To prepare estimates of income and expenditure, in consultation with the Chief Finance Officer, to be submitted to the Cabinet.
- To prepare budgets that are consistent with any relevant cash limits, with the Council's annual budget cycle and with guidelines issued by the Cabinet.

The format should be prescribed by the Chief Finance Officer in accordance with the Council's general directions.

- To integrate financial and budget plans into service planning, so that budget plans can be supported by financial and non-financial performance measures.
- In consultation with the Chief Finance Officer and in accordance with the laid-down guidance and timetable, to prepare detailed draft revenue and capital budgets for consideration by the Cabinet and then Council.
- When drawing up draft budget strategy requirements, to have regard to:
  a) Corporate Strategy;
  b) customer consultation;
  c) spending patterns and pressures revealed through the budget monitoring process;
  d) legal requirements;
  e) policy requirements as defined by the Council in the approved policy framework;
  f) initiatives already underway.

1.7.5 Resource Allocation

A mismatch often exists between available resources and required resources. A common scenario is that available resources are not adequate to fulfil need/desire. It is therefore imperative that needs/desires are carefully prioritised and that resources are fairly allocated, in order to fulfil all legal responsibilities. Resources may include employees, money, equipment, goods and materials.

Key Controls

a) Resources are acquired in accordance with the law and using an approved authorisation process.

b) Resources are used only for the purpose intended, to achieve the approved policies and objectives, and are properly accounted for.

c) Resources are securely held for use when required.

d) Resources are used with the minimum level of waste, inefficiency or loss for other reasons.

Responsibilities of the Chief Finance Officer

- To advise on methods available for the funding of resources, such as grants from central government and borrowing requirements.

Responsibilities of Chief Officers

- To work within budget limits and to utilise resources allocated, and further allocate resources, in the most efficient, effective and economic way.
- To identify opportunities to minimise or eliminate resource requirements or consumption without having a detrimental effect on service delivery.

1.7.6 Capital Programmes

Capital expenditure involves acquiring or enhancing fixed assets with a long-term value to the Council, such as land, buildings, and major items of plant, equipment or vehicles. Capital assets shape the way services are delivered in the long term and create financial commitments for the future in the form of financing costs and revenue running costs.

The NAW/Welsh Government places strict controls on the financing capacity of the Council. This means that capital expenditure should form part of an investment strategy and should be carefully prioritised in order to maximise the benefit of scarce resources.

Key Controls

a) Specific approval by the Council for the programme of capital expenditure.
b) Development of three year capital programme.
c) Expenditure on capital schemes is in accordance with budget provision.

d) A scheme and estimate, including project plan, progress targets and associated revenue expenditure is prepared for each capital project.
e) Approval by the Cabinet where capital schemes are to be financed from the revenue budget, up to a specified amount, and subject to the approval of the Council, where the expenditure exceeds this amount.
f) Proposals for improvements and alterations to buildings must be approved by the appropriate Director.
g) Schedules for individual schemes within the overall budget approved by the Council must be maintained by the appropriate Department.
h) The development and implementation of asset management plans.
i) Accountability for each proposal is accepted by a named manager.
j) Monitoring of progress with approved budget, the project plan and agreed outputs.
k) Maximisation of potential external grant funding is achieved.
l) To comply with the CIPFA Prudential Code for Capital Finance in Local Authorities (2021 Edition) whilst setting capital programmes.

Responsibilities of the Chief Finance Officer

- To prepare an estimate of available resources to fund the capital programme in a financial year and/or for a longer period where medium term planning requires.
- To prepare capital programmes jointly with Chief Officers, the Chief Executive and the Corporate Development Group and to report them to the Cabinet for approval. The Cabinet will make recommendations on the capital estimates and on any associated financing requirements to the Council.
- To advise Cabinet on the use of prudential borrowing when setting the capital programme. To set, report and monitor the prudential indicators.
- To prepare and submit reports to the Cabinet on the projected income, expenditure and resources compared with the approved estimates.
- To issue guidance concerning capital schemes and controls, for example, on project appraisal techniques. The interpretation of 'capital' will be determined by the Chief Finance Officer, having regard to government regulations and accounting requirements.

- To obtain authorisation from the Cabinet for individual schemes where the estimated expenditure exceeds the capital programme provision by more than 10% of the scheme cost or £50,000 whichever is the lesser.

Responsibilities of Chief Officers

- To comply with guidance concerning capital schemes and controls issued by the Chief Finance Officer.
- To ensure that capital proposals have undergone a project appraisal as required by the Corporate Project Management Panel
- To prepare regular reports reviewing the capital programme provisions for their services. They should also prepare a regular return of estimated final costs of schemes in the approved capital programme for submission to the Chief Finance Officer.
- To ensure that adequate records are maintained for all capital contracts.
- To proceed with projects only when there is adequate provision in the capital programme and with the agreement of the Chief Finance Officer, where required.
- To prepare and submit reports, jointly with the Chief Finance Officer, to the Cabinet, of any variation in contract costs greater than the approved limits.
- To prepare and submit reports, to the Cabinet, on completion of all contracts where the final expenditure exceeds the approved contract sum by more than 10% or £50,000 whichever is the lesser.
- To ensure that credit arrangements, such as leasing agreements, are not entered into without the prior approval of the Chief Finance Officer and, if applicable, approval of the scheme through the capital programme.
- To consult with the Chief Finance Officer and to seek Cabinet approval where the Chief Officer proposes to bid for external capital grant aid to support expenditure that has not been included in the three year capital programme.

1.7.7 Maintenance of Reserves

The Council must decide the level of general reserves it wishes to maintain before it can decide the level of Council Tax. Reserves are maintained as a matter of prudence. They enable the Council to provide for unexpected events and thereby protect it from overspending, should such events occur. Reserves

for specific purposes may also be maintained, such as the purchase or renewal of capital items.

Key Controls

a) To maintain reserves in accordance with the *Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice* (CIPFA/LASAAC) and agreed accounting policies.
b) For each reserve established, the purpose, usage and basis of transactions should be clearly identified.
c) Authorisation from the Chief Finance Officer is required before transferring amounts to or from Earmarked Reserves unless the amounts are in accordance with approved budgets.

Responsibilities of the Chief Finance Officer

- To advise the Cabinet and/or the Council on prudent levels of reserves for the Council, and to take account of the advice of the external auditor in this matter.

Responsibilities of Chief Officers

- To ensure that reserves are used only for the purposes for which they were intended.

1.8 RISK MANAGEMENT AND CONTROL OF RESOURCES

Risk Management

It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant operational risks to the Council. This should include the proactive participation of all those associated with planning and delivering services.

All organisations, whether private or public sector, face risks to people, property and continued operations. Risk is the chance or possibility of loss, damage, injury or failure to achieve objectives caused by an unwanted or uncertain action or event. Risk management is the planned and systematic approach to the identification, evaluation and control of risk. Its objectives are to secure the assets of the organisation and to ensure the continued financial and organisational well-being of the organisation. In essence it is, therefore, an integral part of good business practice. Risk management is concerned with evaluating the measures an organisation already has in place to manage identified risks and then recommending the action the organisation needs to take to control these risks effectively.

It is the overall responsibility of the Cabinet to approve the Council's risk management strategy, and to promote a culture of risk management awareness throughout the Council.

Key Controls

a) Procedures are in place to identify, assess, prevent or contain material known risks, and these procedures are operating effectively throughout the Council.
b) A monitoring process is in place to review regularly the effectiveness of risk reduction strategies and the operation of these controls. The risk management process should be conducted on a continuing basis.
c) Managers know that they are responsible for managing relevant risks and are provided with relevant information on risk management initiatives.
d) Provision is made for losses that might result from the risks that remain.
e) Procedures are in place to investigate claims within required timescales.
f) Acceptable levels of risk are determined and insured against where appropriate.
g) The Council has identified business continuity plans for implementation in the event of disaster that results in significant loss or damage to its resources.

(h) The Council maintains an effective Internal Audit Service which enhances and protects organisational value by providing risk-based and objective assurance, advice and insight.

Responsibilities of the Chief Finance Officer

- To include all appropriate employees of the Council in a suitable fidelity guarantee insurance.
- To offer insurance cover to schools in accordance with Fair Funding arrangements.
- To effect corporate insurance cover, through external insurance and internal funding, and to negotiate all claims in consultation with other officers, and all other relevant parties*,* where necessary.
- To ensure a risk-based approach is taken in producing the internal audit strategy and plan

Responsibilities of Chief Officers

- The Chief Executive in conjunction with the Chief Officers' Management Team is responsible for preparing the Council's Risk Management Policy Statement and for promoting it throughout the Council.
- To develop risk management controls in conjunction with other Chief Officers.
- To notify the Chief Finance Officer immediately of any loss, liability or damage that may lead to a claim against the Council, together with any information or explanation required by the Chief Finance Officer or the Council's insurers.
- To take responsibility for risk management, having regard to advice from the Chief Finance Officer and other specialist officers (e.g. crime prevention, fire prevention, health and safety).
- To ensure that there are regular reviews of risk within their directorates.
- To notify the Chief Finance Officer promptly of all new risks, properties or vehicles that require insurance and of any alterations affecting existing insurances.
- To notify the Chief Finance Officer promptly of any identified failures in internal controls which require further investigation.

- To consult the Chief Finance Officer and the Council's Corporate Lead Officer – Legal & Governance on the terms of any indemnity that the Council is requested to give.

1.8.1 Internal Controls

The Council is complex and beyond the direct control of individuals. It therefore requires internal controls to manage and monitor progress towards strategic objectives.

The Council has statutory obligations and, therefore, requires internal controls to identify, meet and monitor compliance with these obligations.

The Council faces a wide range of financial, administrative and commercial risks, both from internal and external factors, which threaten the achievement of its objectives. Internal controls are necessary to manage these risks.

The system of internal controls is established in order to provide measurable achievement of:

a) efficient and effective operations;

b) reliable financial information and reporting;

c) compliance with laws and regulations;

d) risk management.

Key Controls

a) Key controls should be reviewed on a regular basis and the Council should make a formal statement annually to the effect that it is satisfied that the systems of internal control are operating effectively.
b) Managerial control systems, including defining policies, setting objectives and plans, monitoring financial and other performance and taking appropriate anticipatory and remedial action. The key objective of these systems is to promote ownership of the control environment by defining roles and responsibilities.

c) Financial and operational control systems and procedures, which include physical safeguards for assets, segregation of duties, authorisation, delegated decisions and approval procedures and information systems.
d) An adequate and effective internal audit function that is properly resourced. It should operate in accordance with the Public Sector Internal Audit Standards and

with any other statutory obligations and regulations.

Responsibilities of the Chief Finance Officer

- To assist the Council to put in place an appropriate control environment and effective internal controls which provide reasonable assurance of effective and efficient operations, financial stewardship, probity and compliance with laws and regulations.
- To ensure the required skills and resources are available to deliver the Internal Audit Annual Strategy and Plan.

Responsibilities of Chief Officers

- To manage processes to check that established controls are being adhered to and to evaluate their effectiveness, in order to be confident in the proper use of resources, achievement of objectives and management of risks.
- To review existing controls in the light of changes affecting the Council and to establish and implement new ones in line with guidance from the Chief Finance Officer. Chief Officers should also be responsible for removing controls that are unnecessary or not cost or risk effective – for example, if causing a duplication of work.

1.8.2 Audit Requirements

Internal Audit

The requirement for an internal audit function for local authorities is implied by Section 151 of the Local Government Act 1972, and section 112 of the Local Government Finance Act 1988, which require that authorities 'make arrangements for the proper administration of their financial affairs'. The

Accounts and Audit Wales Regulations 2015 (as amended) more specifically require that a 'relevant authority must undertake an effective internal audit to evaluate the effectiveness of its risk management, control and governance processes, taking into account public sector internal auditing standards or guidance'.

Accordingly, internal audit is an independent objective assurance and consulting activity designed to add value and improve the Council's operations. It helps the Council accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control and governance processes.

Key Controls

a) That Internal Audit:

- demonstrates integrity,
- demonstrates competence and due professional care,
- is objective and free from undue influence (independent),
- aligns with the strategies, objectives, and risks of the organisation,
- is appropriately positioned and adequately resourced,
- demonstrates quality and continuous improvement,
- communicates effectively,
- provides risk-based assurance,
- is insightful, proactive, and future-focused,
- promotes organisational improvement.

b) The Chief Internal Auditor has direct access to the Chief Finance Officer and the Chief Executive, all levels of management and directly to elected Members.

c) The internal auditors comply with the Public Sector Internal Audit Standards.

Responsibilities of the Chief Finance Officer

- To ensure that the Internal Audit Charter provides the Section with the authority to:
  a) Enter any Council premises or land at any reasonable times,
  b) access all assets, records, documents, correspondence and control systems relating to any financial or other transactions of the Council.
  c) require and receive any such information and explanation considered necessary concerning any matter under consideration/examination,
  d) require any employee of the Council to account for cash, stores or any other Council property under his or her control, and
  e) have access to records belonging to third parties, such as contractors or partnership agencies, according to the relevant contractual terms.
- The Chief Internal Auditor has direct access to the Chief Executive, the Chair of the Governance and Audit Committee, the Cabinet and Members.
- The Chief Internal Auditor is required and enabled to provide an annual audit opinion on assurance.
- To ensure that effective procedures are in place to investigate promptly any suspected fraud, irregularity or malpractice.

Responsibilities of Chief Officers

- To recognise that Internal Audit's remit extends to the entire control environment of the Council.
- To ensure that internal auditors are given access at all reasonable times to premises, land personnel, records documents and assets that the auditors consider necessary for the purposes of their work.
- To ensure that auditors are provided with any information and explanations that they seek in the course of their work.
- To consider and respond promptly to actions required in audit reports especially those deemed fundamental or significant.
- To ensure that any agreed actions are carried out in a timely and efficient manner.
- To notify the Chief Finance Officer immediately of any suspected fraud, theft, irregularity, improper use or misappropriation of the Council's property or resources. Pending investigation and reporting, the Officer should take all necessary steps to prevent further loss and to secure records and documentation against removal or alteration.

External Audit

The Government of Wales Act 1998 set up the office of the Auditor General for Wales, which is responsible for appointing external auditors to each local Authority in Wales.

The basic duties of the external auditor are defined in the Public Audit (Wales) Act 2004. In particular, under section 17 of that Act the Auditor General for Wales may issue a code of audit practice, which external auditors follow when carrying out their duties.

The code of audit practice issued in March 2000 sets out the auditor's objectives to review and report on:

a) the financial aspects of the audited body's corporate governance arrangements;

b) the audited body's financial statements; and

c) aspects of the audited body's arrangements to manage its performance, including the preparation and publication of specified performance information.

The Council's accounts are audited by external auditors, who must be satisfied that the statement of accounts 'presents fairly' the financial position of the Council and its income and expenditure for the year in question and complies with the legal requirements.

Key Controls

a) External auditors are appointed by the Auditor General of Wales normally for a minimum period of five years. The Wales Audit Office prepares a code

of audit practice, which external auditors follow when carrying out their audits.

Responsibilities of the Chief Finance Officer

- To ensure that external auditors are given access at all reasonable times to premises, personnel, documents and assets that the external auditors consider necessary for the purposes of their work.
- To ensure there is effective liaison between external and internal audit, to facilitate a mutual recognition and respect between the services, and to avoid the duplication of work.
- To work with the external auditor and advise the Council, Cabinet and Directors on their responsibilities in relation to external audit.
- To ensure access is permitted to appropriate records of any external bodies where a relationship with the Council exists, e.g. third party arrangements for grants.

Responsibilities of Chief Officers

- To ensure that external auditors are given access at all reasonable times to premises, personnel, documents and assets which the external auditors consider necessary for the purposes of their work.
- To ensure that all records and systems are up to date and available for inspection.
- To ensure that all working papers to support accounting entries, grant claims etc. are of a sufficiently high standard so as to be fully acceptable for external audit use.

1.8.3 Preventing Fraud and Corruption

The Council will not tolerate fraud, corruption or any acts of malpractice in the administration of its responsibilities, whether from inside or outside the Council.

The Council's expectation of propriety and accountability is that Members and employees at all levels will lead by example in ensuring adherence to legal requirements, rules, procedures and practices.

The Council also expects that individuals and organisations (e.g. suppliers, contractors, service providers) with whom it comes into contact will act towards the Council with integrity and without thought or actions involving fraud and corruption.

Key Controls

a) The Council has an effective anti-fraud, corruption and malpractice strategy policy documents, to include anti-money laundering and the Bribery Act requirements, and maintains a culture that will not tolerate fraud, corruption or any acts of malpractice.
b) All Members and employees act with integrity and lead by example.
c) Senior managers are required to deal swiftly and firmly with those who defraud or attempt to defraud the Council or who are corrupt.

Responsibilities of the Chief Finance Officer

- To develop and maintain an anti-fraud, corruption and malpractice strategy policy document.
- To maintain adequate and effective internal financial control arrangements.
- To ensure that all suspected irregularities which fall under necessary notification requirements are acted upon.

Responsibilities of Chief Officers

- To maintain adequate and effective internal control arrangements.
- To ensure that all suspected irregularities are reported to the Chief Finance Officer and the Chief Internal Auditor.
- To instigate the Council's disciplinary procedures where the outcome of an audit investigation indicates improper behaviour.

- To ensure that where financial impropriety is discovered, the Chief Finance Officer is informed, and where sufficient evidence exists to believe that a criminal offence may have been committed, the police are called in to determine with the Crown Prosecution Service whether any prosecution will take place.

1.8.4 Assets - Security

The Council holds assets in the form of property, vehicles, equipment, furniture and other items worth many millions of pounds. It is important that assets are safeguarded and used efficiently in service delivery, and that there are arrangements for the security of both assets and information required for service operations. An up-to-date asset register is a prerequisite for proper fixed asset accounting and sound asset management.

Key Controls

(a) Assets are used only for the purposes of the Council and are properly accounted for.

(b) Resources are available for use when required.

(c) Resources no longer required are disposed of in accordance with the law and the regulations of the Council so as to maximise benefits.

(d) An asset register is maintained for the Council, appropriate assets are recorded when they are acquired by the Council and this record is updated as changes occur with respect to the location and condition of the asset.

(e) All staff are aware of their responsibilities with regard to safeguarding the Council's assets and information, including the requirements of Data Protection Legislation and software copyright legislation.

(f) All staff are aware of their responsibilities with regard to safeguarding the security of the Council's computer systems, including maintaining restricted access to the information held on them and compliance with the Council's computer and internet security policies.

Responsibilities of the Chief Finance Officer

- To ensure that an asset register is maintained in accordance with proper practice for all capital expenditure in excess of £10,000 which enhances asset value and is contained within the Council's approved Capital Programme (the only exceptions being multiple items, e.g. vehicles, personal computers under £10,000 which are included in the Asset Register).
- The function of the asset register is to provide the Council with information about fixed assets so that they are:
  - safeguarded;
  - used efficiently and effectively;
  - adequately maintained; and
  - charged to the appropriate user within the Revenue Account.
- To receive the information required for accounting, costing and financial records from each Chief Officer.
- To ensure that assets are valued in accordance with the Statements of Asset Valuation Practice and Guidance Notes published by the Royal Institution of Chartered Surveyors in conjunction with the guidelines set out in CIPFA's Valuations for accounting purposes circa 1997.

Responsibilities of Chief Officers

- The appropriate Chief Officer shall maintain a property database for all properties, plant and machinery and moveable assets currently owned or used by the Council and to arrange for the valuation of assets for accounting purposes to meet requirements specified by the Chief Finance Officer. Any use of property by a directorate or establishment other than for direct service delivery should be supported by documentation identifying terms, responsibilities and duration of use.
- The appropriate Chief Officers to ensure that lessees and other prospective occupiers of Council land are not allowed to take possession or enter the land until a lease or agreement, in a form approved by the Corporate Lead Officer – Legal & Governance in consultation with the Chief Finance Officer has been established as appropriate.
- To ensure the proper security of all buildings and other assets under their control.

- Where land or buildings are surplus to requirements, a recommendation for sale should be the subject of a report by the appropriate Chief Officer.
- To pass title deeds to the Chief Officer who is responsible for custody of all title deeds.
- To ensure that no Council asset is subject to personal use by an employee without proper authority.
- To ensure the safe custody of vehicles, equipment, furniture, stock, stores and other property belonging to the Council.
- To ensure that the directorate maintains an inventory of moveable assets in accordance with arrangements defined by the Chief Finance Officer.
- To ensure that assets are identified, their location recorded and that they are appropriately marked and insured.
- To consult the Chief Finance Officer in any case where security is thought to be defective or where it is considered that special security arrangements may be needed.
- To ensure cash holdings on premises are kept to a minimum.
- To ensure that loss of any safe keys must be reported to the Chief Finance Officer as soon as possible.
- To record all disposal or part exchange of assets.
- To ensure that all employees are aware that they have a personal responsibility with regard to the protection and confidentiality of information, whether held in manual or computerised records. Information may be sensitive or privileged, or may possess some intrinsic value, and its disclosure or loss could result in a cost to the Council in some way.

1.8.5 Inventories

Responsibilities of Chief Officers

- To maintain inventories for security and insurance purposes in which an adequate description of furniture, fittings, plant and machinery and other valuable items of equipment with a cost in excess of £250 is recorded.
- To carry out an annual check of all items on the inventory in order to verify location, review condition and to take action in relation to surpluses or deficiencies, annotating the inventory accordingly. Attractive and portable items such as computers, projectors, cameras and video recorders should be identified with security markings as belonging to the Council and are

placed securely and, where possible, out of view when offices are not occupied, e.g. overnight.

- To make absolutely sure that property is only used in the course of the Council's business by keeping appropriate records as necessary, unless the Head of Service concerned has given permission otherwise.

1.8.6 Stocks and Stores

Responsibilities of Chief Officers

- To make arrangements for the care and custody of stocks and stores in the directorate.
- To ensure stocks are maintained at reasonable levels and are subject to a regular independent physical check. Reasonable levels of stocks are required in order to reduce the cost of holding the stock as well as the risk of stock becoming damaged or obsolete. All discrepancies should be investigated and pursued to a satisfactory conclusion.
- To remove from the Council's records (i.e. write off) discrepancies as necessary up to the value of £1,000. To seek the approval of the Chief Finance Officer for the write off of discrepancies in excess of £1,000.
- To authorise or write off the disposal of redundant stocks and equipment up to the value of £1,000.
- To seek the approval of the Chief Finance Officer for the write-off of redundant stocks and equipment in excess of £1,000.
- Provide the Chief Finance Officer with a certificate of the value of the amounts held at 31 March each year.

1.8.7 Intellectual Property

Intellectual property is a generic term covering the rights existing in, for example, literary works, designs and inventions. It will also apply to the creation of software. Intellectual property rights are regulated by statute, notably the Copyright, Design and Patents Act 1988. Rights created during employment will belong to the Council unless there is specific agreement to the contrary between the Council and an employee.

Key Controls

a) In the event that the Council decides to become involved in the commercial exploitation of inventions, the matter should proceed in accordance with the Council's approved intellectual property procedures.

Responsibilities of the Chief Finance Officer

- To develop and disseminate good practice through the Council's intellectual property procedures.

Responsibilities of Chief Officers

- To ensure that controls are in place to ensure that staff do not carry out private work in Council time and that employees are aware of an employer's rights with regard to intellectual property.

1.8.8 Asset Disposal

It would be uneconomic and inefficient for the cost of assets to outweigh their benefits. Obsolete, non-repairable or unnecessary assets should be disposed of in accordance with the law and the regulations of the Council.

Key Controls

a) Assets for disposal are identified and are disposed of at the most appropriate time, and only when it is in the best interests of the Council, and best price is obtained, bearing in mind other factors, such as environmental issues. For items of significant value, disposal should be by competitive tender or public auction.

b) Procedures protect employees involved in the disposal from accusations of personal gain.

Responsibilities of the Chief Finance Officer

- To issue guidelines representing best practice for disposal of assets.
- To ensure appropriate accounting entries are made to remove the value of disposed assets from the Council's records and to include the sale proceeds if appropriate.

Responsibilities of Chief Officers

- To seek advice from the appropriate officer on the disposal of surplus or obsolete materials, stores or equipment.
- To ensure that income received for the disposal of an asset is properly banked and coded.

1.9 TREASURY MANAGEMENT

Many millions of pounds pass through the Council's accounting records each year. This has led to the establishment of codes of practice. These aim to provide assurances that the Council's money is properly managed in a way that balances risk with return, but with the overriding consideration being given to the security of the Council's capital sum.

Key Controls

a) That the Council's borrowings and investments comply with the CIPFA *Code of Practice on Treasury Management* and with the Council's treasury policy statement.

1.9.1 Treasury Management and Banking

Responsibilities of Chief Finance Officer

- To arrange the borrowing and investments of the Council in such a manner as to comply with the CIPFA *Code of Practice on Treasury Management* and the Council's treasury management policy statement and strategy.

- To report no fewer than twice a year on treasury management activities to the Cabinet.
- To operate bank accounts as are considered necessary – opening or closing any bank account or credit/debit, or purchasing cards shall require the approval of the Chief Finance Officer.

Responsibilities of Chief Officers

- To follow the instructions on banking issued by the Chief Finance Officer.

1.9.2 Investments and Borrowing

Responsibilities of Chief Finance Officer

- To ensure that all investments of money are made in the name of the Council or in the name of nominees approved by the Council.
- To ensure that all securities that are the property of the Council or its nominees and the title deeds of all property in the Council's ownership are held in the custody of the Corporate Lead Officer – Legal & Governance.
- To effect all borrowings in the name of the Council.
- To act as the Council's registrar of stocks, bonds and mortgages and to maintain records of all borrowing of money by the Council.
- To ensure that all investments of money are made in accordance with current regulations and statutory guidance.

Responsibilities of Chief Officers

- To ensure that loans are not made to third parties and that interests are not acquired in companies, joint ventures or other enterprises without the approval of the Cabinet and the Council, following consultation with the Chief Finance Officer.

1.9.3 Trust Funds and Funds held for Third Parties

Responsibilities of Chief Officers

- To arrange for all trust funds to be held, wherever possible, in the name of the Council. All officers acting as trustees by virtue of their official position shall deposit securities, etc. relating to the trust with the Chief Finance Officer, unless the deed otherwise provides.
- To arrange, where funds are held on behalf of third parties, for their secure administration, approved by the Chief Finance Officer, and to maintain written records of all transactions.
- To ensure that trust funds are operated within any relevant legislation and the specific requirements for each trust.

1.9.4 Imprest Accounts

Responsibilities of the Chief Finance Officer

- Where it is deemed appropriate to provide employees of the Council with cash or bank imprest accounts to meet minor expenditure on behalf of the Council and to prescribe rules for operating these accounts. Minor items of expenditure should not exceed the prescribed amount, currently £50.
- To determine the petty cash limit issued to each imprest holder, and to maintain a record of all transactions and petty cash advances made, and to periodically review the arrangements for the safe custody and control of these advances.
- To reimburse imprest holders as often as necessary to restore the imprests, but normally not more than monthly.

Responsibilities of Chief Officers

To ensure that employees operating an imprest account:

- sign an undertaking on the issue of the account, to read and confirm their understanding of the guidelines issued by the Chief Finance Officer on the operation of the account;
- obtain and retain relevant vouchers to support each payment from the imprest account. Where appropriate, an official receipted VAT invoice must be obtained;

- make adequate arrangements for the safe custody of the account;
- produce upon demand by the Chief Finance Officer cash and all vouchers to the total value of the imprest amount;
- record transactions promptly;
- reconcile and balance the account at least monthly; reconciliation sheets to be signed and retained by the imprest holder;
- provide the Chief Finance Officer with a certificate of the value of the account held at 31st March each year;
- ensure that the float is never used to cash personal cheques or to make personal loans and that the only payments into the account are the reimbursement of the float and change relating to purchases where an advance has been made;
- on leaving the Council's employment or otherwise ceasing to be entitled to hold an imprest advance, an employee shall account to the Chief Finance Officer for the amount advanced to him or her;
- forward a claim to be forwarded to the Chief Finance Officer in sufficient time to prevent the account from being overdrawn;
- promptly notify the Chief Finance Officer of any change of signatories; and
- promptly notify the Chief Finance Officer of any suspected irregularities.

1.9.5 Staffing

In order to provide the highest level of service, it is crucial that the Council recruits and retains high calibre, knowledgeable employees, qualified to an appropriate level.

Key Controls

a) An appropriate staffing strategy and policy exists, in which staffing requirements and budget allocation are matched.
b) Procedures are in place for forecasting staffing requirements and cost.
c) Controls are implemented that ensure that employees' time is used efficiently and to the benefit of the Council.
d) Checks are undertaken prior to employing new employees to ensure that they are appropriately qualified, experienced and trustworthy.

e) An appropriate check is undertaken prior to employment with the Criminal Records Bureau in respect of employees working in designated posts.
f) The Council operates a full equal opportunities policy for all positions.

Responsibilities of the Chief Finance Officer

- To produce an annual and a three year staffing budget.
- To ensure that budget provision exists for all existing and new employees.
- To act as an advisor to Chief Officers on areas such as National Insurance and pension contributions, as appropriate.

Responsibilities of Chief Officers

- To produce an annual and three year staffing budget.
- To ensure that the staffing budget is an accurate forecast of staffing levels and is equated to an appropriate revenue budget provision (including on-costs and overheads).
- To appoint employees in accordance with equal opportunities and other human resource policies of the Council.
- To appoint employees with relevant experience, qualifications, references, additional checks, e.g. CRB where applicable, as required by the post.
- To monitor employee activity to ensure adequate control over such costs as sickness, overtime, training and temporary staff.
- To ensure that the staffing budget is not exceeded without due authority and that it is managed to enable the agreed level of service to be provided.
- To ensure that the Chief Finance Officer is immediately informed if the staffing budget is likely to be materially over or underspent.

1.10 FINANCIAL SYSTEMS AND PROCEDURES

General Issues

Directorates have many systems and procedures relating to the control of the Council's assets, including purchasing, costing and management systems.

Directorates are increasingly reliant on computers for their financial management information. The information must therefore be accurate and the systems and procedures sound and well administered. They should contain controls to ensure that transactions are properly processed and errors detected promptly.

The Chief Finance Officer has a professional responsibility to ensure that the Council's financial systems are sound and should therefore be notified at the outset of any new developments or changes.

Key Controls

(a) Basic data exists to enable the Council's objectives, targets, budgets and plans to be formulated.

(b) Performance is communicated to the appropriate managers on an accurate, complete and timely basis.

(c) Early warning is provided of deviations from target, plans and budgets that require management attention.

(d) Operating systems and procedures are secure and in accordance with the Council's terms and conditions.

Responsibilities of the Chief Finance Officer

- To make arrangements for the proper administration of the Council's financial affairs, including to:
  a) issue advice, guidance and procedures for officers and others acting on the Council's behalf;

  b) determine the accounting systems, form of accounts and supporting financial records;

  c) establish arrangements for audit of the Council's financial affairs;

  d) define minimum standards for financial matters; and

e) approve any changes to be made to existing financial systems.

Responsibilities of Chief Officers

- To ensure that accounting records are properly maintained and held securely.
- To ensure that vouchers and documents with financial implications are not destroyed, except in accordance with the Council's retention policy or arrangements approved by the Chief Finance Officer
- To ensure that a complete management trail, allowing financial transactions to be traced from the accounting records to the original document, and vice versa, is maintained.
- To incorporate appropriate controls to ensure that, where relevant:
  a) all input is genuine, complete, accurate, timely and not previously processed;

  b) all processing is carried out in an accurate, complete and timely manner;

  c) output from the system is complete, accurate and timely; and

  d) reconciliations are in place between subsidiary systems and the Council's main system.

- To ensure that the organisational structure provides an appropriate segregation of duties to provide adequate internal controls and to minimise the risk of fraud or other malpractice.
- To ensure there is a documented and tested disaster recovery plan to allow information system processing to resume quickly in the event of an interruption.
- To ensure that systems are documented and employees adequately trained in operations.
- To ensure that any financial systems within their service area meet the minimum standards laid down by the Chief Finance Officer.
- To establish a scheme of delegation identifying officers authorised to act upon the Director's behalf in respect of payments, income collection and placing orders, including variations, and showing the limits of their authority.

- To supply lists of authorised officers, with specimen signatures and delegated limits, to the Chief Finance Officer, together with any subsequent variations.
- To ensure that effective contingency arrangements, including back-up procedures, exist for computer systems in accordance with the Council's policies.
- To ensure that, where appropriate, computer systems are registered in accordance with data protection legislation and that employees are aware of their responsibilities under the legislation.
- To ensure that relevant standards and guidelines for computer systems issued by the Chief Finance Officer are observed, especially with regard to personal use.
- To ensure that computer equipment and software are protected from loss and damage through theft, vandalism, etc.
- To comply with the copyright, designs and patents legislation and, in particular, to ensure that:
  a) only software legally acquired and installed by the Council is used on its computers;

  b) staff are aware of legislative provisions; and

  c) in developing systems, due regard is given to the issue of intellectual property rights.

1.10.1 Income and Expenditure

Income can be a vulnerable asset and effective income collection systems are necessary to ensure that all income due is identified, collected, receipted and banked promptly and properly. All efforts must be made to obtain income in advance of supplying goods or services as this improves the Council's cash flow and also avoids the time and cost of administering debts.

Key Controls

a) All income due to the Council is identified and charged correctly, in accordance with an approved charging policy, which is regularly reviewed.

b) All income is collected from the correct person, at the right time, using the correct procedures and the appropriate stationery.
c) All money received by an employee on behalf of the Council is receipted and paid without delay to the Chief Finance Officer or, as he or she directs, to the Council's bank accounts, and properly recorded. The responsibility for cash collection should be separated from that:
   – for identifying the amount due
   – or reconciling the amount due to the amount actually banked.
d) Effective action is taken to pursue non-payment within defined timescales.
e) Formal approval for debt write off is approved by the Chief Finance Officer.
f) Appropriate write-off action is taken within defined timescales.
g) Appropriate accounting adjustments are made following write-off action.
h) All appropriate income documents are retained and stored for the defined period in accordance with the document retention schedule.
i) Money collected and deposited is reconciled to the bank account by a person who is not involved in the collection or banking process.

Responsibilities of the Chief Finance Officer

- To agree arrangements for the collection of all income due to the Council; to approve the procedures, systems and documentation for its collection; and ensuring these methods comply with statutory requirements, e.g. as set by HM Revenue & Customs.
- To agree the write-off of bad debts or seek approval from the Cabinet.
- To ensure that appropriate adjustments are made following write-off action.
- To set the debt recovery policies for the Council including the minimum standards of information required to support any debts outstanding.
- To advise service areas where appropriate of the level and details of debt outstanding for their areas.
- To set appropriate levels of bad debt provisions taking account of the level of outstanding debt.
- To follow appropriate recovery procedures, including legal action where necessary, for debts that are not paid promptly.

Responsibilities of Chief Officers

- To ensure that wherever possible income is received in advance of the service being provided.
- To establish a charging policy for the supply of goods or services, including the appropriate charging of VAT, and to review it regularly, in line with corporate policies, and seeking Member approval. This review is likely to be at least on an annual basis in accordance with budget setting requirements.
- To ensure that all income is correctly coded to the appropriate cost centre/fund.
- To separate the responsibility for identifying amounts due and the responsibility for collection, as far as is practicable.
- To order and supply all receipt forms, books or tickets and similar items and to satisfy himself or herself regarding the arrangements for their control.
- To issue official receipts or to maintain other documentation for income collection.
- To ensure that at least two employees are present when post is opened, or cash is collected, e.g. from a vending machine, so that money received is properly identified and recorded.
- To hold securely receipts, tickets and other records of income for the appropriate period.
- To lock away all income to safeguard against loss or theft, and to ensure the security of cash handling. Only up to approved limits of cash can be held on the premises as advised by the Chief Finance Officer.
- To ensure that income is paid fully and promptly into the appropriate Council bank account in the form in which it is received. Appropriate details including correct VAT indicator (liability) should be recorded on to paying-in slips to provide an audit trail. Money collected and deposited must be reconciled to the bank account on a regular basis.
- To ensure income is not used to cash personal cheques or other payments.
- To supply the Chief Finance Officer with details relating to work done, goods supplied, services rendered or other amounts due, to enable the Chief Finance Officer to record correctly the sums due to the Council and to ensure accounts are sent out promptly. Income should ONLY be pursued by using the Council's official accounts via the sundry debtor system.

- Chief Officers should use established performance management systems to monitor recovery of income and flag up areas of concern to the Chief Finance Officer. Chief Officers have a responsibility to assist the Chief Finance Officer in collecting debts that they have originated, by providing any further information requested by the debtor, and in pursuing the matter on the Council's behalf.
- To keep a record of every transfer of money between employees of the Council. The receiving officer must sign for the transfer and the transferor must retain a copy.
- To notify the Chief Finance Officer of outstanding income relating to the previous financial year as soon as possible after 31st March in line with the timetable determined by the Chief Finance Officer and not later than 30th April.
- To notify the Chief Finance Officer and Chief Internal Auditor of any suspicious transactions which may fall under the Money Laundering and Proceeds of Crime Act.

1.10.2 Ordering and Paying for Work, Goods and Services

Public money should be spent with demonstrable probity and in accordance with the Council's policies. Authorities have a statutory duty to achieve best value in part through economy and efficiency. The Council's procedures should help to ensure that services obtain value for money from their purchasing arrangements. These procedures should be read in conjunction with the Council's Standing Orders with Regards to Contracts and associated procurement policies.

General Issues

Every Officer and Member of the Council has a responsibility to declare any links or personal interests that they may have with purchasers, suppliers and/or contractors if they are engaged in contractual or purchasing decisions on behalf of the Council, in accordance with appropriate adopted codes of conduct.

Official orders must be in a form approved by the Chief Finance Officer. Official orders must be issued for all work, goods or services to be supplied to the

Council, except for supplies of utilities, periodic payments such as rent or rates, petty cash purchases or other exceptions specified by the Chief Finance Officer.

Each order must conform to the guidelines approved by the Council on central purchasing and the standardisation of supplies and materials. Standard terms and conditions must not be varied without the prior approval of the Chief Finance Officer.

Apart from petty cash and other payments from advance accounts, the normal method of payment from the Council shall be by electronic or other payment instrument, cheques or approved method, drawn on the Council's bank account by the Chief Finance Officer. Other payment means shall require the prior agreement of the Chief Finance Officer.

Official orders must not be raised for any personal or private purchases, nor must personal or private use be made of Council contracts.

Key Controls

a) All goods and services are ordered only by appropriate persons and are correctly recorded.
b) All goods and services shall be ordered in accordance with the Council's Standing Orders with Regards to Contracts and any associated procurement policies, or practices, including compliance with any and all corporately awarded procurement contracts unless they are purchased from sources within the Council.
c) Goods and services received are checked to ensure they are in accordance with the order. Goods should not be received by the person who placed the order.
d) Payments are not made unless goods have been received by the Council to the correct price, quantity and quality standards.

e) All payments are made to the correct person, for the correct amount and are properly recorded, regardless of the payment method.
f) All appropriate evidence of the transaction and payment documents are retained and stored for the defined period, in accordance with document retention policies.
g) All expenditure, including VAT, is accurately recorded against the right budget and any exceptions are corrected.
h) In addition, the effect of e-business/e-commerce and electronic purchasing /credit cards requires that processes are in place to maintain the security and integrity of data for transacting business electronically.

Responsibilities of the Chief Finance Officer

- To approve the form of official orders and associated terms and conditions.
- To make payments from the Council's funds in accordance with National Performance Indicators on the Director's authorisation that the expenditure has been duly incurred in accordance with financial regulations.
- To make payments, whether or not provision exists within the estimates, where the payment is specifically required by statute or is made under a court order.
- To make payments to contractors on the certificate of the appropriate Chief Officer, which must include details of the value of work, retention money, amounts previously certified and amounts now certified.
- To provide advice and encouragement on making payments by the most economical means.
- To be satisfied that a budgetary control system exists within the service that enables, where possible, commitments incurred by placing orders to be shown against the appropriate budget allocation so that they can be taken into account in budget monitoring reports.

Responsibilities of Chief Officers

- In general terms, to adhere to effective and timely procedures in order to facilitate compliance with the Council's set performance indicator for payment of all invoices.
- To ensure that official order numbers are quoted for all orders for goods and services.
- To ensure that orders are only used for goods and services provided to the directorate. Individuals must not use official orders to obtain goods or services for their private use.
- To ensure that only those staff authorised by him or her sign, or electronically approve, orders and to maintain an up-to-date list of such authorised staff, including specimen signatures identifying in each case the limits of their authority. The authoriser of the order should be satisfied that the goods and services ordered are appropriate and needed, that there is adequate budgetary provision and that quotations or tenders have been obtained if necessary.
- To ensure that goods and services are checked on receipt to verify that they are in accordance with the order. This check should, where possible, be carried out by a different Officer from the person who authorised the order. Appropriate entries should then be made in inventories or stores records.
- To ensure that payment is not made unless a proper VAT invoice has been received, checked, coded and certified for payment, confirming:
  a) receipt of goods or services;
  b) that the invoice has not previously been paid;
  c) that expenditure has been properly incurred and is within budget provision;
  d) that prices and arithmetic are correct and accord with quotations, tenders, contracts or catalogue prices;
  e) correct accounting treatment of tax, including the deduction and administration of the Construction Industry Scheme (CIS) where appropriate;
  f) that the invoice is correctly coded;
  g) that discounts have been taken where available; and
  h) that appropriate entries will be made in accounting records.
- To ensure that a budgetary control system exists within the service that enables, where possible*,* commitments incurred by placing orders to be

shown against the appropriate budget allocation so that they can be taken into account in budget monitoring reports.

- To ensure that two authorised employees are involved in the ordering; receiving and payment process. One employee cannot perform all three tasks, and at the most may perform two of the three tasks only.
- To ensure that the service maintains and reviews periodically a list of staff approved to authorise invoices. Names of authorising officers together with specimen signatures and details of the limits of their authority shall be forwarded to the Chief Finance Officer and kept up to date.
- To ensure that payments are not made on a photocopied or faxed invoice, statement or other document other than the formal invoice unless suitably endorsed and certified.
- To encourage suppliers of goods and services to receive payment by the most economical means for the Council.
- To ensure that the Service obtains best value from purchases by taking appropriate steps to obtain competitive prices for goods and services of the appropriate quality, with regard to the best practice guidelines issued by the Chief Finance Officer, which are in line with best value principles and contained in the Council's Standing Orders with Regard to Contracts and associated procurement policies.
- To ensure that employees are aware of the employee code of conduct for local government employees as adopted by the Council.
- To ensure that loans, leasing or rental arrangements are not entered into without prior agreement from the Chief Finance Officer. This is because of the potential impact on the Council's borrowing powers, to protect the Council against entering into unapproved credit arrangements and to ensure that value for money is being obtained.
- To notify the Chief Finance Officer of outstanding expenditure relating to the previous financial year as soon as possible after 31st March in line with accounts closure procedures issued by the Chief Finance Officer.
- To notify the Chief Finance Officer immediately of any expenditure to be incurred as a result of statute/court order where there is no budgetary provision.
- To ensure that all appropriate payment records are retained and stored for the defined period, in accordance with document retention policies.

1.10.3 Contracts for Work

Specific requirements exist in relation to larger scale contracts for building, constructional or engineering works. These requirements will exist equally for in-house and external contractors and are covered by the Council's Contracts Procedure Rules.

Key Controls

- Contracts must comply with the Council's Contracts Procedure Rules and these Financial Procedures relating to Contracts.
- Any standard form of contract adopted by the Council for the purpose in hand.
- National and European Union legislation.

Responsibilities of the Chief Finance Officer

- To ensure that formal procedures are in place including the maintenance of a contract register(s) to control all contracts from tendering/quotation to final payment stages. The register shall show the state of accounts on each contract between the Council and the contractor, together with any payments and related professional fees.

Responsibilities of Chief Officers

- To maintain a contracts register or appropriate records to control all contracts within their service areas from tendering/quotation to final payment stages.
- All payments to contractors shall be made on a certificate signed by the appropriate Chief Officer in a form approved by the Chief Finance Officer. This certificate shall show the total amount of the contract, the value of work executed to date, retention money, amount paid to date and the amount now certified.
- Any variation of, addition to or omission from a contract duly authorised shall be given in writing to the contractor by the responsible Chief Officer.

- In every case, before a final certificate is issued by or on behalf of a Chief Officer, the Chief Finance Officer shall be informed, and all documentation relating to individual contracts shall be made available to him for examination, when required.
- Where professional architects, engineers or surveyors are employed to design or supervise work for the Council, it shall be a condition of their employment:
  – that they be engaged on the basis of collaboration with the relevant Chief Officer and at fee rates competitively and fairly set; and

  – that before a final certificate of costs is issued, they make available to the appropriate Chief Officer and the Chief Finance Officer all documents relating to the contract for which they are acting on the Council's behalf.

- Each Chief Officer, in consultation with the Chief Finance Officer, shall be responsible for reporting to Cabinet, for information only, any variations, additional payments and likely overspending in excess of 10%, or £50,000 if lower, of the contract sum unless covered by the initial report. No payment above these values will be made without approval, other than in exceptional circumstances (e.g. potential breach of contract) which must be agreed with the Chief Finance Officer. In every case, before a Chief Officer issues a final certificate, the Chief Finance Officer shall be informed, and all documentation relating to individual contracts shall be made available for examination, when required.
- The Supervising Officer for the contract shall draw the potential for the deduction of liquidated and ascertained damages to the client Chief Officers, who shall make the decision to pursue or otherwise based upon the full facts, including the nature of the claim, materiality and any relevant legal considerations. Any proposal not to deduct liquidated damages, where such a right has accrued, shall be reported by the Chief Officer to the Chief Finance Officer.
- Technical and financial vetting of prospective contractors shall be carried out for all contracts exceeding £500,000 in value and all others where considered necessary.
- A detailed report on the progress and costs of capital schemes shall be made regularly to Cabinet; the detailed format and frequency of these reports to be agreed by the Chief Finance Officer.

- A Performance Bond will be required where it is felt that special circumstances make this prudent. The surety shall be approved by the Corporate Manager Legal Services.

1.10.4 Payments to Employees and Members

Employee costs are the largest item of expenditure for most Council services. It is therefore essential that payments are accurate, timely, made only where they are due for services to the Council and that payments accord with individuals' conditions of employment. It is also important that all payments are accurately and completely recorded and accounted for and that Members' allowances are authorised in accordance with the scheme adopted by the Council.

Key Controls

b) Proper authorisation procedures are in place and that there is adherence to corporate timetables in relation to:
   – starters
   – leavers
   – variations
   – enhancements

   and that these payments / amendments are made on the basis of timesheets or claims.

c) Appropriate validation procedures exist and division of duties is adhered to.
d) Frequent reconciliation of payroll expenditure against approved budget and bank account.
d) All appropriate payroll documents are retained and stored for the defined period in accordance with document retention policies.

e) That taxation and other applicable regulations are complied with.

Responsibilities of the Chief Finance Officer

- To arrange and control secure and reliable payment of salaries, Wales Governments, compensation or other emoluments to existing employees, in accordance with procedures prescribed by him or her, on the due date.
- To ensure that the workforce and Members are paid in accordance with various conditions of service and in compliance with all statutory regulations in respect of Tax, National Insurance, Pensions and other deductions (Court Orders etc.).
- To record and make arrangements for the accurate and timely payment of both statutory and non-statutory deductions.
- To make arrangements for payment of all travel and subsistence claims and allowances in accordance with National and Local Policy.
- To make arrangements for paying Members travel or other allowances upon receiving the prescribed form, duly completed and authorised.
- To provide advice and encouragement to secure payment of salaries and Wales Governments by the most economical means.
- To ensure that there are adequate arrangements for administering Superannuation matters on a day-to-day basis including effective liaison with the administering body.
- To ensure a monthly and year-end reconciliation is undertaken of the payroll value according to each of the payroll system ledger system and BACS.

Responsibilities of Chief Officers

- To ensure appointments are made in accordance with the regulations of the Council and approved establishments, grades and scale of pay and that adequate budget provision is available.
- To notify the Chief Finance Officer of all appointments, terminations or variations which may affect the pay or pension of an employee or former employee, in the form and to the timescale required by the Chief Finance Officer.
- To ensure that adequate and effective systems and procedures are operated, so that:
  - payments are only authorised to bona fide employees;
  - payments are only made where there is a valid entitlement;
  - conditions and contracts of employment are correctly applied;

– employees' names listed on the payroll are checked at regular intervals to verify accuracy and completeness.

- To send an up-to-date list of the names of officers authorised to sign records to the Chief Finance Officer, together with specimen signatures. The payroll provider should have signatures of Corporate Manager - Corporate Human Resources and Officers authorised to sign timesheets and claims.
- To ensure that payroll transactions are processed only through the payroll system. Chief Officers should give careful consideration to the employment status of individuals employed on a self-employed consultant or sub-contract basis. The Inland Revenue applies a tight definition for employee status, and in cases of doubt, advice should be sought from the Chief Finance Officer.
- To certify travel and subsistence claims and other allowances (submission to Chief Finance Officer within 10 days of the end of the monthly period in which they are incurred). Certification is taken to mean that journeys were authorised and expenses properly and necessarily incurred, and that allowances are properly payable by the Council, ensuring that cost-effective use of prescribed travel arrangements is achieved. VAT Invoices/receipts must be obtained and submitted for all non-mileage expenses claims, and to support the mileage claim. Claims submitted more than 3 months after the expenses were incurred must be accompanied by a letter of explanation for the delay, and shall be paid only with express approval of the Chief Finance Officer. Continuous failure to meet the submission deadline would result in claims not being paid with approval only being granted if there appeared to be an exceptional reason to the delay.
- To ensure that the Chief Finance Officer is notified of the details of any employee benefits in kind, to enable full and complete reporting within the income tax self-assessment system.
- To ensure that all appropriate payroll documents are retained and stored for the defined period in accordance with document retention policies.
- To ensure that appropriate terms and conditions of employment are issued to all new employees.

Responsibilities of Members

- To make claims for travel and subsistence allowances in accordance with National and Local Policy.
- To submit claims for travel and subsistence allowances in the prescribed format on a monthly basis.

1.10.5 Taxation

In common with all organisations, the Council is responsible for ensuring its tax affairs are in order. Tax issues are often very complex and the penalties for incorrectly accounting for tax are severe. It is therefore very important for all Officers to be aware of their role.

Key Controls

a) Budget managers are provided with relevant information and kept up to date on tax issues.
b) Budget managers are instructed on required record keeping.
c) All taxable transactions are identified, properly carried out and accounted for within stipulated timescales.
d) Records are maintained in accordance with instructions.
e) Returns are made to the appropriate authorities within the stipulated timescale.

Responsibilities of the Chief Finance Officer

- To comply with current taxation regulations with regard to PAYE, Corporation Tax, CIS, VAT and complete all required returns.
- To ensure that guidance and advice is available to all Council employees on taxation issues.

Responsibilities of Chief Officers

- To ensure details are returned to the Inland Revenue regarding the Construction Industry Scheme (CIS).

- To ensure that the correct VAT liability is attached to all income due and that all VAT recoverable on purchases complies with regulations.
- To ensure that, where construction and maintenance works are undertaken, the contractor fulfils the necessary construction industry tax deduction requirements.
- To ensure that all persons employed by the Council are added to the Council's payroll and tax deducted from any payments, except where the individuals are bona fide self-employed or are employed by a recognised staff agency.
- To follow the guidance on taxation issued by the Chief Finance Officer in the Council's relevant procedural notes.
- To inform the Chief Finance Officer of any items of expenditure and/or income that may have a material effect on the taxation position of the Council.

1.10.6 Trading Accounts and Business Units

Trading accounts and business units have become more important as local authorities have developed a more commercial culture. Authorities are required to keep trading accounts for services provided on a basis other than straightforward recharge of cost.

Responsibilities of the Chief Finance Officer

- To advise on the establishment and operation of trading accounts and business units.

Responsibilities of Chief Officers

- To consult with the Chief Finance Officer where a business unit wishes to enter into a contract with a third party where the contract expiry date exceeds the remaining life of their main contract with the Council. In general, such contracts should not be entered into unless they can be terminated within the main contract period without penalty.
- To observe all statutory requirements in relation to business units, including the maintenance of a separate revenue account to which all relevant income is credited and all relevant expenditure, including overhead costs, is charged, and to produce an annual report in support of the final accounts.

- To ensure that the same accounting principles are applied in relation to trading accounts as for other services or business units.

1.11 EXTERNAL ARRANGEMENTS

1.11.1 Partnerships

Partnerships are likely to play a key role in delivering community strategies and in helping to promote and improve the well-being of the area. Local authorities are working in partnership with others – public agencies, private companies, community groups and voluntary organisations. Local authorities still deliver some services, but their distinctive leadership role is to bring together the contributions of the various stakeholders. They therefore need to deliver a shared vision of services based on user wishes.

Local authorities will mobilise investment, bid for funds, champion the needs of their areas and harness the energies of local people and community organisations. Local authorities will be measured by what they achieve in partnership with others.

General Issues

The main reasons for entering into a partnership are:

a) the desire to find new ways to share risk;
b) the ability to access new resources;
c) to provide new and better ways of delivering services;
d) to forge new relationships; and
e) community involvement.

A partner is defined as either:

a) an organisation (private, public or community) undertaking, part funding or participating as a beneficiary in a project; or

b) a body whose nature or status give it a right or obligation to support the project.

Partners participate in projects by:

a) acting as a project deliverer or sponsor, solely or in concert with others;

b) acting as a project funder or part funder;

c) being the beneficiary group of the activity undertaken in a project.

Partners have common responsibilities:

a) to be willing to take on a role in the broader programme appropriate to the skills and resources of the partner organisation;
b) to act in good faith at all times and in the best interests of the partnership's aims and objectives;
c) be open about any conflict of interests that might arise;
d) to encourage joint working and promote the sharing of information, resources and skills between public, private and community sectors;
e) to hold confidentially any information received as a result of partnership activities or duties that is of a confidential or commercially sensitive nature; and
f) to act wherever possible as ambassadors for the project.

Key Controls

a) If appropriate, to be aware of their responsibilities under the Council's Financial Regulations and Standing Orders with Regards to Contracts.
b) To ensure that risk management processes are in place to identify and assess all known risks.
c) To ensure that project appraisal processes are in place to assess the viability of the project in terms of resources, staffing and expertise.

d) To agree and accept formally the roles and responsibilities of each of the partners involved in the project before the project commences.

e) To communicate regularly with other partners throughout the project so that problems can be identified and shared to achieve their successful resolution.

Responsibilities of the Chief Finance Officer

- To advise on effective controls that will ensure that resources are not wasted.
- To advise on the key elements of funding a project. They include:
  a) a scheme appraisal for financial viability in both the current and future years;
  b) risk appraisal and management;
  c) resourcing, including taxation issues and loan guarantees;
  d) audit, security and control requirements; and
  e) carry-forward arrangements.
- To ensure that the accounting arrangements are satisfactory.

Responsibilities of Chief Officers

- To maintain a register of all contracts entered into with external bodies in accordance with procedures specified by the Chief Finance Officer.
- To ensure that, before entering into agreements with external bodies, a risk management appraisal has been prepared.
- To ensure that such agreements and arrangements do not impact adversely upon the services provided by the Council.
- To ensure that all agreements and arrangements are properly documented.
- To ensure agreements and arrangements stipulate the Council's Internal Audit's authority's access to relevant records etc.
- To provide appropriate information to the Chief Finance Officer to enable a note to be entered into the Council's Statement of Accounts concerning material items.
- To ensure that the Chief Finance Officer is notified of any request of providing a financial guarantee.

1.11.2 External Funding

External funding is potentially a very important source of income, but funding conditions need to be carefully considered to ensure that they are compatible with the aims and objectives of the Council. Local authorities are increasingly encouraged to provide seamless service delivery through working closely with other agencies and private service providers. Funds such as the National Lottery grants, European Union grants and other sources provide additional resources to enable the Council to deliver services to the local community. However, in some instances, although the scope for external funding has increased, such funding is linked to tight specifications and may not be flexible enough to link to the Council's overall plan.

Key Controls

a) To ensure that key conditions of funding and any statutory requirements are complied with and that the responsibilities of the accountable body are clearly understood.
b) To ensure that funds are acquired only to meet the priorities approved in the policy framework by the Council.
c) To ensure that any match-funding requirements are given due consideration prior to entering into long-term agreements and that future revenue budgets reflect these requirements.

Responsibilities of the Chief Finance Officer

- To ensure that all funding notified by external bodies is received and properly recorded in the Council's accounts.
- To ensure that the match-funding requirements are considered prior to entering into the agreements and that future revenue budgets reflect these requirements.
- To ensure that audit requirements are met.

Responsibilities of Chief Officers

- To ensure that all claims for funds are made by the due date.

- To ensure that the project progresses in accordance with the agreed criteria and that all expenditure is properly incurred and recorded.
- To ensure that sufficient project management skills and resources are assigned to schemes to facilitate successful completion of all projects.
- To ensure that third party agreements are notified to the Chief Finance Officer
- To ensure that all relevant documentation is retained in accordance with the Council's Documents Retention policies.

1.11.3 Work for Third Parties

Current legislation enables the Council to provide a range of services to other bodies. Such work may enable a unit to maintain economies of scale and existing expertise. Arrangements should be in place to ensure that any risks associated with this work is minimised and that such work is intra vires.

Key Controls

a) Proposals are costed properly in accordance with guidance provided by the Chief Finance Officer.

b) Contracts are drawn up using guidance provided by the Chief Finance Officer and that the formal approvals process is adhered to.

c) Guidance is issued with regard to the financial aspects of third party contracts and the maintenance of the contract register.

Responsibilities of the Chief Finance Officer

- To issue guidance with regard to the financial aspects of third party contracts and the maintenance of the contract register.
- To ensure that appropriate insurance arrangements are made.

Responsibilities of the Chief Officers

- To ensure that Cabinet approval is obtained before any negotiations are concluded to work for third parties.
- To maintain a register of all contracts entered into with third parties in accordance with procedures specified by the Chief Finance Officer.

- To ensure that the Council is not put at risk from any bad debts.
- To ensure that no contract is subsidised by the Council.
- To ensure that, wherever possible, payment is received in advance of the delivery of service.
- To ensure that the service area has the appropriate expertise to undertake the contract.
- To ensure that such contracts do not impact adversely upon the services provided by the Council.
- To ensure that all contracts are properly documented.

To provide appropriate information to the Chief Finance Officer to enable a note to be entered into the Statement of Accounts.

Cyngor Sir
CEREDIGION
County Council

Part 4 Document G

Contract Procedure Rules 2025

Author: Jeanette Jones
Service: Procurement & Commissioning
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Section 1 - Introduction

1.1 Procurement is the process by which the Council manages the acquisition of all its goods, services and works. It includes the identification of need, consideration of options, the procurement process and the subsequent management and review of the contracts. These contract procedure rules (CPR) apply to all areas of Council activity and any type of sub-contracting, apart from contracts for employment or the acquisition and sale of interests in land and the Exempt Contracts described in CPR 7.80 "Exempt Contracts". They do apply to services relating to recruitment (outside of employed staff) and land transactions (eg the employment of agents, and agencies). Complying with the CPR will ensure the Council complies with legislation, achieves value for public money and is the best defence against allegations that a purchase has been made incorrectly or fraudulently.

1.2 Officers of the Council responsible for purchasing or disposal must comply with the CPR. The CPR set minimum requirements, and a more thorough procedure may be appropriate for a particular contract if advised by the Procurement and Commissioning service. The CPR complement the Financial Regulations and Accompanying Financial Procedures which must also be followed.

1.3 Procurement and Commissioning guidance for Officers may be found on the Council's intranet, including information on Corporate Contracts. Advice may also be sought from the Procurement and Commissioning or Internal Audit services.

1.4 These CPR cover the procurement activities of the Council including those contracts governed by the Procurement Act 2023 ("Act") and the Procurement (Wales) Regulations 2024/782 ("Regulations"). Compliance with the Act and the Regulations is a strict legal requirement upon the Council, and it is not open to the Council to waive compliance.

1.5 These CPR apply to procurements which are to be commenced on or after 24 February 2025. Any procurements commenced prior to that date shall continue to be governed by the requirements of the Public Contracts Regulations 2015 ("PCR"), Utilities Contracts Regulations 2016 ("UCR"), and/or the Concession Contracts Regulations 2016 ("CCR"), and the Council's previous version of the CPR, as applicable, including the award of a call-off contract from a framework, where the procurement for the framework commenced before that date. Any contracts awarded under previous legislation will continue to be managed under that

legislation until such a time as the contract ceases to exist. These CPR also set out where relevant, whether officers should refer back to the requirements of any previous legislation and comply with the requirements of those.

1.6 The Health Service Procurement (Wales) Act 2024, and the Health Services (Provider Selection Regime) (Wales) Regulations 2024 introduce a new regime for arranging the procurement of specific health services called the Provider Selection Regime (PSR). The PSR has the effect of disapplying the Procurement Act 2023 in respect of health services covered by a small number of CPV codes only and if applicable the PSR must be used and not the Procurement Act. If a procurement is required for services thought to be covered by the PSR then it will be necessary to apply the Welsh Government toolkit provided to accompany the official guidance to ensure the correct process is followed.

1.7 In accordance with transitional arrangements, any procurements which have commenced under previous legislation, eg the PCR, UCR, CCR, including those resulting in Below Threshold Contracts, will continue to be procured under that legislation and any resulting contracts or contracts awarded will continue to be procured and subsequently managed (which includes Modification and Termination) under the previous legislation until:

1.7.1 the end of the contract (for whatever reason) that is awarded under the previous legislation (including contracts that have had valid extensions);

1.7.2 where no contract is awarded, the procurement process ends because the procurement does not result in the award of a contract, for example because the Council has discontinued the procurement;

1.7.3 where the procurement in question relates to a Framework Agreement the end (for whatever reason) of the last contract awarded under the Framework Agreement during the term of the Framework Agreement;

1.7.4 where the procurement in question relates to a Dynamic Purchasing System, the end (for whatever reason) of the last contract awarded under the Dynamic Purchasing System during the period of validity of the Dynamic Purchasing System.

1.8 These CPR have the following key objectives:

1.8.1 To ensure that the Council obtains value for money and complies with its duty of achieving best value as defined in section 3 of the Local Government Act 1999;

1.8.2 To ensure that the Council complies with UK and Welsh law and regulations that govern the procurement and commissioning of goods, services and works;

1.8.3 To establish procurement and commissioning procedures which, when followed, should protect Members and officers of the Council from any allegation of acting unfairly or unlawfully which may be made in connection with any procurement and commissioning by the Council relating to goods, services or works;

1.8.4 To ensure that any risks associated with commencing procurement and commissioning processes and subsequently entering into contracts are assessed as part of the procurement and commissioning process;

1.8.5 To ensure that fairness and transparency remains at the forefront of all procurement and commissioning activity undertaken by officers and approved by Members on behalf of the Council; and

1.8.6 To ensure that sound contract management processes are followed to protect public money and monitor contract performance.

1.8.7 To maximise local procurement opportunities where possible, providing this offers value for money and can be done compliantly as well as considering where/if there are barriers for Small and Medium-sized enterprises that these are removed or reduced as far as possible.

1.9 Procurement by the Council is governed by the Procurement Act, the Social Partnership and Public Procurement (Wales) Act 2023, the Health Service Procurement (Wales) Act 2024, and Regulations. The law requires all Council procurement and contracting to be conducted transparently, fairly and in a non-discriminatory manner. In the event of statutory or other legal requirements exceeding the requirements contained within these CPR, then statute shall take precedence over any provision within these CPR.

1.10 The Procurement Act defines procurement as “the award, entry into and management of a contract” and Covered Procurement means “the award, entry into and management of a public contract”. A Public Contract is a contract of value above the World Trade Organisation Agreement on Government Procurement

(GPA) thresholds (and is not an Exempt Contract) and are subject to the full provisions of the Procurement Act.

A 'below-threshold contract' is defined in the Act as a contract of lower monetary value than a Public Contract and is not a Covered Procurement which means that fewer obligations, such as reduced noticing requirements, apply. For Below Threshold Contracts there is flexibility which allows the Council to apply its own rules, for example to request quotes, proposals or tenders from targeted known suppliers only, if appropriate to the circumstances.

For Welsh Contracting Authorities, a 'Notifiable Below-threshold Contract' is a regulated below-threshold contract with a value of not less than £30,000 including VAT. Different noticing requirements apply including the requirement to publish a Below Threshold Tender Notice if the procurement is being advertised; and a Contract Details Notice (previously known as an award notice) for all contracts awarded.

Procurement Objectives

1.11 The Council must have regard to the importance of the objectives set out in the Act.

1.11.1 (a) Delivering value for money;
(b) Maximising public benefit;
(c) Sharing information for the purpose of allowing suppliers and others to understand the authority's procurement policies and decisions;
(d) Acting, and being seen to act, with integrity.

the "**Procurement Objectives**".

Duty to Consider Small and Medium-sized Enterprises (SMEs)

1.12 Additionally, in carrying out a covered procurement, the Council must:

1.12.1 (a) have regard to the fact that small and medium-sized enterprises may face particular barriers to participation; and
(b) consider whether such barriers can be removed or reduced.

Procurement Principles

1.13 In addition to the statutory requirements, the Council commits to undertake both regulated and unregulated procurements, observing and applying the following principles:

1.13.1 (a) Proportionality;
(b) Transparency;
(c) Equal treatment; and
(d) Non-discrimination.

Wales Procurement Policy Statement

1.14 Section 14 of the Act binds the Council to follow the Wales Procurement Policy Statement (WPPS), issued by the Welsh Government on 5 March 2021 and which has been and may be amended from time to time. The WPPS sets out a number of important obligations and principles upon the Council for procurement including:

1.14.1 Leveraging collaborative procurement activity in Wales to maximise long-term sustainable social and economic value outcomes from public spend;

1.14.2 Integrating procurement into the heart of Welsh policy development and implementation;

1.14.3 Progressing long-term sustainable procurement, which builds on and scales best practice and sets clear steps that show how procurement is supporting the delivery of organisational well-being objectives;

1.14.4 Raising the long-term standing and profile of the procurement profession and its role as an enabler for procurement policy;

1.14.5 Supporting the Welsh Government policy objectives relating to progressive procurement, such as the Foundational and Circular Economy, through collaborative, place-based (whether national, regional or local) procurement activity which nurtures resilient local supply chains;

1.14.6 Acting to prevent climate change by prioritising carbon reduction and zero emissions through more responsible and sustainable procurement to deliver the ambition of net zero public sector Wales by 2030;

1.14.7 Aligning ways of working and increasing stakeholder involvement to support innovative and sustainable solutions through procurement;

1.14.8 Collaborating with stakeholders to promote equal opportunities and Fair Work in Wales;

1.14.9 Improving integration and user experience of our digital solutions and applications, maximising the use of our procurement data to support decision making; and

1.14.10 Promoting value-based procurement which delivers optimum long-term outcomes for Wales.

1.15 The WPPS states "Each contracting authority is encouraged to have regard to all the principles but may exercise its judgement to decide if each principle is relevant to a procurement and/or its procurement activity".

https://www.gov.wales/sites/default/files/publications/2022-08/wales-procurement-policy-statement-2022.pdf

Well-being of Future Generations (Wales) Act 2015

1.16 The Well-being of Future Generations (Wales) Act 2015 (WBFGA) is the overarching framework for public procurement in Wales. The WBFGA requires that public procurement must be undertaken in accordance with the sustainable development principle, which means that the Council must act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

1.17 The Council must consider the five ways of working of Collaboration, Integration, Involvement, Long-term and Prevention and procurement need should be influenced by the National Well-being Goals and be aligned to achieving the Council's Corporate Well-being Objectives.

1.18 The best way of ensuring procurement of goods and services is aligned to the WBFGA is to include the Welsh Government sustainable risk assessment as part of pre-procurement planning as advised by Welsh Procurement Policy Note WPPN 01/23: Procurement – sustainable risk assessments.
https://www.gov.wales/wppn-01-23-procurement-sustainable-risk-assessments-html

Social Partnership and Public Procurement (Wales) Act 2023 ("SPPP Act") Socially Responsible Procurement Duties

1.19 The SPPP Act imposes the following duties on the Council:

1.19.1 General duties

(i) To improve the economic social, environmental and cultural well-being of its area by carrying out public procurement in a socially responsible way, in accordance with the sustainable development principle;

(ii) Prepare strategy, and set and publish objectives;

(iii) Provisions must be proportionate;

(iv) Requirements on "prescribed contracts" (major construction contracts and outsourcing services contracts).

1.19.2 Major construction contracts

(i) Social Public Works Clauses;

(ii) Contract management to ensure implementation;

(iii) Exception reporting if clauses not used;

(iv) Ensure obligations are implemented throughout the supply chain.

1.19.3 Outsourcing services contracts

(i) Revised Workforce Code;

(ii) Social Public Workforce Clauses;

(iii) Contract management to ensure implementation;

(iv) Exception reporting if clauses not used;

(iv) Ensure obligations are implemented throughout the supply chain.

1.19.4 Reporting and accountability

(i) Prepare and publish annual report, including a review;

(ii) Summary of procurements carried out over the year and expected to carry out over the next two years;

(iii) Contracts register.

1.19.5 £2m including VAT is the value at which a works contract becomes a prescribed contract subject to the Social Partnership and Public Procurement (Wales) Act 2023.

Social Value and Community Benefits

1.20 It is a requirement of every procurement that the Council considers the incorporation of requirements for the delivery of social value/Community Benefits. The Council is obliged by the Social Partnership and Public Procurement (Wales) Act 2023 to consider how the procurement might improve the economic, environmental, social and cultural well-being in Wales. However, the Council's commitment to deliver social value goes further than the statutory requirement and requires all procurements to be undertaken with the inclusion of appropriate social value measures, where this is proportionate and relevant to the content and scope of the procurements being undertaken.

1.21 Community Benefits must be a consideration for all contracts for goods, services and works, and incorporated into works contracts of greater than £2m in value.

Net Zero

1.22 The Council's procurement activities should support the Council's Carbon Management Plan, the Welsh Government's ambition of a carbon neutral public sector by 2030 and commitment to a net zero UK by 2050. This is supported by the Welsh Government Procurement Policy Statement, Principle 6.

1.23 A significant amount of an organisation's carbon footprint is in the supply chain. The Council's supply chain partners are expected to understand and address their own carbon footprint. Carbon reduction measures and environmental considerations may be a part of any procurement exercise as deemed appropriate by the Lead Officer.

1.24 Welsh Government WPPN 06/21 Decarbonisation Through Procurement - Taking Account of Carbon Reduction Plans makes the inclusion of a Carbon Reduction Plan (CRP) a requirement at the selection stage of the procurement of Public Contracts valued at £6 million (including VAT) or more.
Welsh Procurement Policy Note WPPN 06/21: Decarbonisation through procurement - Taking account of Carbon Reduction Plans [HTML] | GOV.WALES

1.25 To simplify the CRP process for both buyers and suppliers the requirement to use the CRP template as it appears on the Gov.UK PPN 06/21 webpage is strongly recommended.
Procurement Policy Note 06/21: Taking account of Carbon Reduction Plans in the procurement of major government contracts - GOV.UK

1.26 CRPs are only to be used as a supplier qualification pass / fail requirement. They must not be used to differentiate between suppliers as the information on a CRP relates to a prospective bidder's own carbon footprint.

Code of Practice on Ethical Employment in Supply Chains

1.27 The Council has signed up to the Welsh Government's Code of Practice on Ethical Employment in Supply Chains. Procurement activity should have regard to that Code. The Council publicises the Code of Practice on Ethical Employment in Supply Chains by asking suppliers if they will sign up to it as part of the tender process.

National Framework for Commissioning Care and Support: Code of Practice

1.28 When commissioning care and support services officers must check with the Commissioning team on the requirements in relation to the principles and standards of the National Framework for Commissioning Care and Support: Code of Practice. This code of practice applies principles and standards to the commissioning of care and support services by local authorities, local health boards and NHS trusts in Wales. It applies to services provided and those commissioned from third parties, for example by a third sector or private organisation or co-operative. It does not apply to care and support provided to an individual via direct payments.

1.29 The code of practice states:

1.29.1 "For the purpose of this Code commissioning involves making decisions about what services are required to respond to the care and support needs of children and young people, families, and adults, including carers, in Wales. It also involves making decisions about the capacity, location, cost and quality of services together with how and who will deliver them";

1.29.2 "Commissioning encompasses both the planning, procurement and evaluation or review of services. It is about fulfilling the statutory responsibilities of the local authority, and the NHS in shaping services to both prevent or delay, where possible, a need for care and support and to respond to the care and support needs of people both now and in the future";

1.29.3 "Commissioning should be underpinned by the core values of the Social Services and Well-being Act: voice and control, prevention and early intervention, well-being, co-production, multi-agency working and having due regard to duties relating to the United Nations Convention on the Rights of the Child (UNCRC), United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and United Nations Principles for Older Persons.

1.30 When Commissioning Care and Support the Council must give due regard to the Principles and Standards for Commissioning Care and Support set out in the code of practice.

PPNs and WPPNs

1.31 UK Government Procurement Policy Notes and Welsh Government Wales Procurement Policy Notes are published from time to time. Some policy notes are mandatory whilst others are advisory. The Council must have regard to the PPNs which are adopted by the Welsh Government and WPPNs, and implement instructions as directed.

Contract Values and VAT

1.32 All values referred to in these CPR are exclusive of VAT unless stated otherwise. The Procurement Act Thresholds are inclusive of VAT and certain other thresholds, such as the threshold for requiring a Project Bank Account have been amended for consistency.

1.33 **In summary:**

1.33.1 Appraise the purchasing need and undertake appropriate and proportionate options appraisal, including the make or buy option – use of in-house services such as translators, reprographics, ICT, insurance, legal services, ICT etc first;

1.33.2 Follow the CPR if you purchase goods, materials or services or order construction works;

1.33.3 Take all necessary professional advice including taking advice from and consulting with the Council's Procurement & Commissioning team;

1.33.4 Undertake a conflicts of interest assessment at the pre-procurement stage and at key stages in the procurement and contract management process;

1.33.5 Declare any personal and/or financial interest in a contract. Refer to the Employee and Members Code of Conduct and do not accept gifts or rewards in respect of the award or performance of any contract. Corruption is a criminal offence. Inform your line manager, the Procurement and Commissioning team and contact the Monitoring Officer for advice on Declaration of Interest;

1.33.6 Involve and consult service users and collaborate to co-produce specifications where appropriate and proportionate;

1.33.7 Ensure that specifications are clear and do not discriminate either for or against a supplier or category of supplier;

1.33.8 Consider completing the Welsh Government Sustainable Risk Assessment for procurements over £30,000 including VAT;

1.33.9 Consider whether the project proposals need to be submitted to the Corporate Project Management Panel for consideration and advice;

1.33.10 When commissioning care and support services have regard to the principles and standards of the National Framework for Commissioning Care and Support: Code of Practice;

1.33.11 Engage with potential suppliers pre-procurement where appropriate;

1.33.12 Normally allow four weeks for the submission of bids;

1.33.13 Keep complete and accurate records of dealings and correspondence with suppliers throughout the procurement period and the contract term;

1.33.14 Keep bids confidential;

1.33.15 Complete a written contract and/or Council order before the supply of goods, services or works begin;

1.33.16 Identify a Contract Manager with responsibility for ensuring the contract delivers as intended;

1.33.17 Monitor and assess the performance of the supplier or contractor during and following completion of the contract;

1.33.18 Assess each contract afterwards to see how well it met the purchasing need and Value for Money requirements and feed lessons learned into service reviews and future procurements;

1.33.19 Subject to the procurement sourcing hierarchy paragraph 1.34 all contracts must be subject to competition, as detailed in Table 1

1.33.20 For Disposal of assets see paragraphs 7.7 to 7.10.

1.34 Before deciding on the sourcing strategy for a procurement first apply the procurement sourcing hierarchy to check whether there is:

a. Council Corporate Contract;

b. Council corporate Framework, DPS, or Dynamic Market;

c. Regional contract, Framework, DPS, Dynamic Market;

d. Welsh contract, Framework, DPS, Dynamic Market;

e. UK wide public sector buying organisations such as Crown Commercial Services, ESPO or YPO.

1.35 If a Council Corporate Contract or agreement exists it must be used. Ignoring such a contract to purchase from an established source or elsewhere is a disciplinary matter.

Section 2 – Tables

Thresholds and Advertising Requirements

2.1 The thresholds and advertising requirements set out below will apply to new procurements where existing Council contracts or other buying arrangements such as frameworks are not available or deemed unsuitable following an options appraisal (to include option of in-house or other public sector provision) – refer to the procurement strategy hierarchy (paragraph 1.34).

Table 1

Thresholds and Advertising Requirements		
Estimated Value of Goods, Services or Works Over Full Contract Term* Excluding VAT	**Number of Quotations or Tenders Required****	**Method of Obtaining Quotations or Tenders**
BAND T1 £0 - £12,499	Sufficient number to demonstrate best value and integrity of process	Verbal or email enquiry confirmed by email

	Consideration of local suppliers must be part of the process At least 1 local supplier must be considered if one is available The Council Procurement & Commissioning team should be contacted for advice on what to procure and/or where to source it Existing Council contracting arrangements must be considered first	Internet searches including Sell2wales, trade paper, electronic catalogues etc.
BAND T2 £12,500 - £24,999	A minimum of 3 quotations to be sought and at least 2 received or an open tender Consideration of local suppliers must be part of a quotation process if local suppliers are available At least 1 quotation to be sought from a local supplier if available Refer to the Procurement & Commissioning Team for advice on the action to be taken if there are not enough suppliers to invite or if the minimum number of quotes has not been received – an Exemption from the CPR may be required	Quotation or formal tender eTenderWales or Sell2wales Quick Quotes to be considered as advised by Council Procurement & Commissioning team
BAND T3 £25,000 up to the relevant GPA (Government Procurement Agreement) Threshold for a Public Contract	Open call for competition or a minimum of 5 formal tenders invited At least 2 tenders to be received If the minimum 5 suppliers cannot be identified to invite to a closed tender process, then an open call for competition should be conducted If a closed tender process is used at least 1 tender to be sought from a local supplier if a suitable, qualified local supplier is available	In the first instance a check must be made to ensure the contract value over its proposed period of validity is under the Procurement Act threshold Current information on thresholds can be found at: https://www.gov.uk/government/publications/procurement-act-2023-guidance-documents-define-phase/guidance-thresholds-html Tenders shall be electronic and conducted through the Council's

	Refer to the Procurement & Commissioning Team for advice on the action to be taken if there are not enough suppliers to invite or if the minimum number of quotes has not been received; or it is considered that an open call for competition is not appropriate, and it is not possible to identify the minimum 5 suppliers to invite to tender – an Exemption from the CPR may be required	electronic tendering system – eTenderWales at the time of writing If a tender opportunity is intended to be advertised through any channel, then a Contract Notice must be published to advertise it via Sell2Wales/Find a Tender Service first to comply with the Procurement Act The appropriate Notices must be published through Sell2Wales The Council's Procurement & Commissioning Team will manage this process
BAND T4 Covered Procurement Contracts of value above the relevant GPA Threshold for a Public Contract	Where the estimated value of a contract exceeds current thresholds for Covered Procurement, then the contract must be procured in accordance with the Procurement Act 2023, and these CPRs In all such circumstances appropriate advice must be sought from the Council's Procurement & Commissioning team, who will manage the procurement process The Procurement Act thresholds can be checked at: https://www.gov.uk/government/publications/procurement-act-2023-guidance-documents-define-phase/guidance-thresholds-html Tenders shall be electronic and conducted through the Council's electronic tendering system – eTenderWales at the time of writing	
*When assessing which threshold applies to the proposed procurement, buyers need to consider the Council's aggregated annual expenditure for the goods/works/services being purchased and not the individual procurement value.		
**It is important to appreciate that potential suppliers must be informed of how their quotations or tenders will be evaluated, and this information should be set out when potential suppliers are asked to bid.		
**When contracting from frameworks it is important to follow the rules on further competition and contract award as set out in the over-arching framework agreement. Framework agreements will have already been through an open competitive process, and so the minimum number of suppliers to be invited to quote/tender as set out in the framework rules takes precedence over the table above.		

The minimum number of quotes/tenders received and requested will vary from the above in the following circumstances:

(i) in the case of single supplier frameworks;

(ii) where the number of suppliers on the framework or framework lot are fewer than the number required to invite to bid all appropriate framework suppliers must be invited;

(iii) excepting (i) above, where the number of suppliers on the framework or framework lot will be insufficient to satisfy the requirement in these CPRs for the minimum number of bids received, a minimum of 2 bids should be received.

2.2 Guidance on valuation of contracts to comply with the Procurement Act and UK GPA thresholds should be consulted at the start of the procurement process. Official guidance on valuing contracts to determine whether a contract is above or below the relevant threshold is available here:

https://www.gov.uk/government/publications/procurement-act-2023-guidance-documents-define-phase/guidance-valuation-of-contracts-html

2.3 Procurements must not be artificially subdivided to evade the rules. This involves a basic rule that contracting authorities should where possible seek to aggregate the value of similar purchases for the purposes of valuation, but exceptions may be permitted where there are good reasons to do so.

2.4 Where it can be demonstrated that there are insufficient suitably qualified candidates to meet the competition requirement, an Exemption is to be requested to these CPRs and if granted, all suitably qualified candidates must be invited to bid.

2.5 Where insufficient compliant bids have been received to meet the competition requirements stated above, an Exemption is to be requested to these CPRs. The Exemption request should include an assessment of how the preferred bid demonstrates value for money.

Tender Acceptance and Contract Award Approval Thresholds

2.6 A tender acceptance form, in a format provided by the Council's Procurement and Commissioning team, must be completed for all contract awards of £12,500 and over.

Table 2

Standard Contracts: **Tender Acceptance and Contract Award Approval Thresholds**	
Value of Standard Contracts Excluding VAT	**Authority to Sign Off Tender Acceptance**
BAND S1 Up to £12,499	• An Officer designated by the appropriate Service / member of School senior management team (including a School Business Manager) (provided they have sufficient delegated authorisation) One signature required
BAND S2 From £12,500 to £24,999	• An Officer designated by the appropriate Service / member of School senior management team (including a School Business Manager) (provided they have sufficient delegated authorisation) AND • their Corporate Manager / Head Teacher Two signatures required A tender acceptance form to be completed
BAND S3 From £25,000 to £174,999	• Corporate Manager / Head Teacher AND • their Executive Corporate Lead Officer/ Corporate Lead Officer / Chair of School Governing Body Two signatures required A tender acceptance form to be completed
BAND S4 From £175,000 to £499,999	One of the following: • Chief Executive • an Executive Corporate Director • Executive Corporate Lead Officers • Corporate Lead Officer for the Service • Chair of School Governing Body AND • Executive Corporate Lead Officer for Finance and Procurement AND • Executive Corporate Lead Officer for Schools and Lifelong Learning (where it relates to delegated schools budget) Two signatures required (three signatures for delegated schools budget) A tender acceptance form to be completed

BAND S5 From £500,000 to £1,999,999	One of the following: • Chief Executive • An Executive Corporate Director • Executive Corporate Lead Officer • Corporate Lead Officer for the Service AND • Executive Corporate Lead Officer for Finance and Procurement AND One of the following: • The appropriate Cabinet Member for the Service • The Cabinet Member for Finance & Procurement Three signatures required A tender acceptance form to be completed
BAND S6 £2 million and above	Cabinet approval is required

Table 3

Framework Agreement or Dynamic Market and Individual Call-off Contracts: Tender Acceptance and Contract Award Approval Thresholds	
Value of Framework Agreement or Dynamic Market and Individual Call-off Contracts	**Authority to Sign Off Tender Acceptance**
BAND F1 Up to £12,499	• An Officer designated by the appropriate Service / member of School senior management team (including a School Business Manager) (provided they have sufficient delegated authorisation) One signature required
BAND F2 From £12,500 to £24,999	• An Officer designated by the appropriate Service / member of School senior management team (including a School Business Manager) (provided they have sufficient delegated authorisation) AND • their Corporate Manager / Head Teacher Two signatures required A tender acceptance form to be completed
BAND F3 From £25,000 to £174,999	• Corporate Manager / Head Teacher AND • their Corporate Lead Officer / Chair of School Governing Body

	Two signatures required A tender acceptance form to be completed
BAND F4 From £175,000 to £499,999	One of the following: • Chief Executive • An Executive Corporate Director • Corporate Lead Officer for the Service • Chair of School Governing Body AND • Executive Corporate Lead Officer for Finance and Procurement AND • Executive Corporate Lead Officer for Schools and Lifelong Learning (where it relates to delegated schools budget) Two signatures required (three signatures for delegated schools budget) A tender acceptance form to be completed
BAND F5 From £500,000 to £1,999,999	One of the following: • Chief Executive • An Executive Corporate Director • Corporate Lead Officer for the Service AND • Executive Corporate Lead Officer for Finance and Procurement AND One of the following: • Cabinet Member for the Service • Cabinet Member for Finance & Procurement Three signatures required A tender acceptance form to be completed
BAND F6 £2m and up to £4m	• Chief Executive OR • An Executive Corporate Director AND • Executive Corporate Lead Officer for Finance & Procurement AND • Cabinet Member for the Service AND • Cabinet Member for Finance & Procurement Four signatures required A tender acceptance form to be completed
BAND F7	Cabinet approval is required

£4 million and above	

Contract Signing or Execution

2.7 Contracts and Framework Agreements shall be completed as follows:

Table 4

Total Value	Method of Completion	By
Up to £99,999	Signature or e-procurement or Purchasing Card authorisation	Officer designated by the appropriate Service (provided they have sufficient delegated authorisation)
£100,000 and over	Sealing by the Council Signature of other party	See CPR 10.57-10.60 Signatures
Where the contract needs to be by deed	1) Executed as a deed by the Council affixing its common seal 2) By the other party if a Limited Company by either: a) affixing its common seal; or b) by signatures of: - two authorised signatories (such as a director or the secretary of the company); or - a director of the company attested by a witness If the other party is a partnership/ LLP/ limited partnership or an Attorney or a Charity or a Trustee or another corporation and legal person, then different formalities apply and should be discussed with the Legal Service in advance	See CPR 10.61-10.62 Deeds

Section 3 – General Arrangements

Over-riding Principles

3.1 These CPRs are not intended to conflict with UK and Welsh law. Statutory legal obligations shall always take precedence over these CPRs.

3.2 These CPRs govern organisational behaviour in the conduct of procurement. Procurement by the Council is undertaken in support and delivery of the wider policies and objectives of the Council, it's partners and the Welsh and UK Government.

3.3 Nothing in these CPRs shall relieve the Council from its duty to spend public money wisely. Officers must always seek value for money, which is itself a required objective under the Procurement Act.

3.4 The nature and extent of procurement activity must be appropriate and proportionate to the nature and value of the goods and services being procured. Procurement sourcing strategies should be optimised to make the most of resources.

3.5 Utmost probity and professionalism must be demonstrated at all times.

3.6 Procurement for contracts made by schools shall be subject to these CPRs.

3.7 Where there is any doubt about the interpretation or implementation of any of the CPRs, clarification and guidance should always be sought from the corporate Procurement and Commissioning team.

Compliance

3.8 Every contract entered into by the Council shall be entered into pursuant to or in connection with the Council's functions and shall comply with:

a. All relevant statutory provisions;

b. Insofar as they apply, the relevant UK and Welsh procurement rules; and

c. The Council's constitution, including these Contract Procedure Rules, the Council's financial regulations, schemes of delegation, the Officer Code of

Conduct, the Council's Corporate Well-being Objectives, procurement strategy and relevant Council policies.

3.9 Any failure by officers to comply with any of the provisions of these CPRs may result in disciplinary action.

Welsh Language Standards

3.10 All advertisements in Sell2Wales and Find a Tender (where relevant) must be published bilingually in Welsh and English where this facility is available. The advertisement must state that quotations or tenders may be submitted in Welsh, and that a quotation or tender submitted in Welsh will be treated no less favourably than and will be subject to the same timescales as, a quotation or tender submitted in English.

3.11 Where the circumstances below exist all tender documentation (including criteria and evaluation methodology, draft contract/terms and conditions and specification) must be available in Welsh as well as English, and at the same time:

a. the subject matter of the contract suggests that it should be produced in Welsh; or
b. the anticipated audience, and their expectations, suggests that the documents should be produced in Welsh.

3.12 Where a quotation or tender has been submitted in Welsh, this must be treated no less favourably than a submission in English (including, amongst other matters, in relation to the closing date for receiving submissions, and in relation to timescale for informing bidders of decisions).

3.13 Interviews or contract initiation meetings must be undertaken through the medium of Welsh if this is the language of choice of the bidder.

3.14 When informing a bidder of the decision in relation to a quotation or tender, you must do so in Welsh if the quotation or tender was submitted in Welsh.

3.15 Where relevant to the subject matter of the contract, contracts must contain provision requiring the supplier to comply with all applicable requirements of:

a. the Council's Welsh Language Scheme; and

b. the Welsh Language (Wales) Measure 2011.

Well-being of Future Generations (Wales) Act 2015 (WBFGA)

3.16 The WBFGA is the overarching framework for public procurement in Wales. Procurement is one of the seven corporate areas for change in the WBFGA statutory guidance (Shared Purpose: Shared Future, SPSF 1: Core Guidance).

3.17 The Council should approach procurement decisions through the lens of the WBFGA by applying the five ways of working considering the Council and our partners' well-being objectives and how to maximise contribution to the seven well-being goals before initiating a procurement.

3.18 The first question that should be asked at the start of every procurement process is: how will this framework/contract/tender help us to deliver our strategic priorities and well-being objectives?

Procurement By Council Staff

3.19 Any Council officer may undertake procurement activity provided they are suitably authorised and under the direction of their line manager, provided also the corporate Procurement and Commissioning Team is involved or notified as required by CPR 3.38-3.42 corporate Procurement and Commissioning Team Involvement.

3.20 Due consideration should be taken of the officer in relation to their relevant experience, and if they have undertaken training to competently undertake the procurement appropriate to the complexity of the particular contract or procurement process.

Procurement by Consultants, Agency Staff or Other Non-Council Staff

3.21 Where the Council uses Consultants, agency staff and/or any other non-Council officer to act on its behalf in relation to any procurement, this shall be undertaken in accordance with these CPRs and all statutory procurement obligations.

3.22 No consultant shall make any decision on whether to award a contract or who the contract should be awarded to.

3.23 Where the Council uses consultants, agency staff and/or any other non-Council officer to act on its behalf in relation to any procurement, they must declare any potential conflict of interest that may arise prior to the commencement of the

procurement process or at such time as the contractor becomes aware of such potential conflict of interest. Where the Council considers that such a conflict of interest is significant the individual or company shall not be allowed to participate in the procurement process.

3.24 The Council, as the contracting authority, is responsible for all actions and decisions of non-Council staff in relation to the conduct of procurements. Proper governance procedures must be put in place to manage and monitor non-Council staff appropriately.

Declaration of Interests

3.25 No Member, officer or agent of the Council shall knowingly use their position to improperly obtain any personal or private benefit from any contract entered into by the Council.

3.26 Officers of the Council shall comply with the requirements of section 117 of the Local Government Act 1972 and the officers code of conduct and members shall comply with the members code of conduct set out in the Constitution in respect of the declaration of interests. Such interests must be declared to the Monitoring Officer.

3.27 Section 81(1) of the Procurement Act provides that contracting authorities must take all reasonable steps to identify, and keep under review, in relation to a procurement, any conflicts of interest, or potential conflicts of interest. Contracting authorities must also be aware of their obligations in relation to perceived conflicts of interest. See the Procurement Planning section of the CPR for further information on the process to follow.

Approved Lists

3.28 The Council does not operate any approved lists, and it is forbidden for any service to establish one.

Procurement of ICT Requirements

3.29 All ICT procurement - including hardware, software and licences must be undertaken with the involvement of the Council's ICT and Information

Management Service in addition to the corporate Procurement and Commissioning team.

Procurement of Transport Requirements

3.30 Except for schools operational requirements, all transport procurement – including learner transport, coach hire, service user taxis – shall be undertaken with the involvement of the Council's Corporate Passenger Transport Unit (CPTU) or with their advice. Any exception to this will need to be agreed with the CPTU. Exceptions may include arrangements being made on behalf of service users.

Procurement of Travel and Accommodation Requirements

3.31 Procurement of train tickets, car hire, hotel stays, flights etc must be arranged by the Council's corporate Procurement and Commissioning team through the Council's Corporate Contracts. Any exception to this requires agreement with the corporate Procurement and Commissioning team.

Procurement of Vehicles and Other Fleet

3.32 Any procurement in relation to fleet including any type of vehicle purchase or medium to long term hires must be undertaken with the involvement of the Fleet Manager.

Procurement of Property and Works Related Requirements

3.33 No works or additions to Council properties or highway assets shall be procured without the involvement of the Council's Property Services or Highways Services.

Land Contracts and Appointment of Developers

3.34 These CPR do not usually apply to land contracts. Any transactions involving acquisition, disposal or any other interests in land, including appointment of developers must only be undertaken with the involvement of the Council's Economy & Regeneration Service and Legal Service.

3.35 All land transactions must comply with section 120 – 123 of the Local Government Act 1972.

3.36 Any land transactions are deemed to be development agreements where:

a. the Council requires or specifies works to be undertaken by the developer; and/or
b. the developer enters into an enforceable written obligation to carry out work; and/or
c. the developer may have some pecuniary interest – which need not necessarily be a cash payment – in carrying out the works.

3.37 Any land transactions which involve development agreements may be subject to the Procurement Act and advice must be sought from the Legal Service and Procurement and Commissioning team.

Corporate Procurement Team Involvement and Notification Requirements

3.38 For procurement over £12,500 consult with the Procurement and Commissioning team prior to beginning a procurement exercise to ensure the correct sourcing approach is adopted. Procurement of £25,000 and over is to be managed by the Procurement and Commissioning Team.

3.39 It is imperative that the corporate Procurement and Commissioning team are consulted at an early stage in a procurement process to ensure that the transparency requirements of the Procurement Act are complied with, and the correct notices are published.

3.40 For requirements below £12,500 officers must ensure they are aware of any corporate buying arrangements before beginning a new procurement. Officers may contact the Procurement and Commissioning team for sourcing advice on procurement of any value.

3.41 For any Call-off Contracts awarded of £25,000 or over in value inform the Procurement and Commissioning team to enable the inclusion of the contract details in the Council's Contracts Register, and for the appropriate notices to be published.

3.42 For contracts or Call-off Contracts of £12,500 or over a Tender or Quotation Acceptance Form should be completed with the appropriate approvals to evidence compliance with these Contract Procedure Rules.

Procurement by Others

3.43 In some circumstances it may be beneficial for another organisation to undertake procurement on behalf of the Council. Examples of where this may be acceptable are as follows:

a. Another contracting authority is the lead authority for a collaborative procurement;
b. Where there is a joint procurement, and the participating organisations have agreed terms for their involvement;
c. Where the Council can take advantage of a procurement being run by another contracting authority and has been named in the Tender Notice;
d. Where the Council has a shared services or work-share agreement with another contracting authority;
e. Where the Council is a member of a Corporate Joint Committee (CJC), Regional Partnership Board (RPB), or other partnership arrangement with another contracting authority;
f. Where the Council is using a Framework or Dynamic Market (or legacy Dynamic Purchasing System under the previous Public Contracts Regulations 2015) established by another organisation and it is considered more efficient, or the Framework rules require, for that organisation to manage the procurement.

3.44 The list is not exhaustive, and advice must be sought from the corporate procurement and commissioning service before any commitment is made for another organisation to manage procurement on the Council's behalf.

3.45 Where the Council is collaborating with other organisations such as community or third sector organisations to deliver on grant funded projects, the other organisation must follow these CPRs unless the grant conditions say otherwise.

Vertical and Horizontal Procurement

3.46 Vertical and horizontal procurement involves contracts between contracting authorities, or organisations controlled by contracting authorities.

3.47 Procurement activity in relation to the above may be exempt from the provisions of the Procurement Act provided the tests specified in the Act are applied and satisfied.

3.48 A “vertical arrangement” means a contract between a contracting authority and an entity that is controlled by a contracting authority and more than 80 per cent of the activities carried out by the entity are for or on behalf of a contracting authority.

3.49 A “horizontal arrangement” means an arrangement entered into with the aim of achieving objectives the authorities have in common in connection with the exercise of their public functions; and is solely in the public interest; in which no more than 20 per cent of the activities contemplated by the arrangement are intended to be carried out other than for the purposes of the authorities’ public functions.

3.50 Officers considering vertical or horizontal procurement arrangements such as using other councils to undertake services on our behalf, must seek advice from the corporate procurement and commissioning service.

Electronic Procurement

3.51 Most requests for quotations of £12,500 and over in value and all tenders must be conducted using the Council’s approved electronic procurement system to assist with record keeping and audit requirements. There may be some circumstances whereby other methods are allowable, and these may only be sanctioned following discussion with the corporate Procurement and Commissioning team. It is the responsibility of Corporate Lead Officers to ensure their staff comply with this requirement.

3.52 Any officer required to use the Council’s electronic procurement system in the course of their duties must submit a written line management request to be considered by the corporate Procurement and Commissioning team before they can be registered on the system.

3.53 It is the responsibility of the relevant line manager to notify the corporate Procurement and Commissioning team of changes to any officer’s eligibility for using the system (eg staff leaving, changing roles, or disciplinary measures) at the earliest opportunity so that the user access can be deactivated.

Transfer of Undertakings (Protection of Employment) Regulations (TUPE)

3.54 Services must ensure that all TUPE issues are considered if a procurement involves the outsourcing of services, and /or potential transfer of a service contract to a new supplier. The Council's Legal and Human Resources services must be consulted before proceeding to invite tenders or quotations if any employee either of the Council, or of a service provider may be affected by a transfer arrangement.

Personal Data

3.55 In carrying out any procurement, the Lead Officer must take all reasonable steps, including incorporation of appropriate provision into tender documentation and contracts, to ensure that the personal data of individuals is protected in accordance with all legal requirements including the UK General Data Protection Regulation (GDPR) 2018 and in accordance with data protection principles and Codes of Practice from the Information Commissioner's Office (ICO).

3.56 Consideration of whether Cyber Essentials accreditation is applicable to the contract should be part of the procurement planning process.

Section 4 – Contract Documents and Retention of Records

4.1 Consideration of which contract document type is appropriate for the procurement must be undertaken at the procurement planning stage, see CPR Section 6.

Contracts Up to £12,499 Total Value

4.2 Where the total value is up to £12,499 the following documents shall be retained and kept safe:

a. Written confirmation from suppliers which can include email, quotation, web pages, advertisements, receipts, trade listings etc.

Contracts of £12,500 and above to £24,999 Total Value

4.3 Where the Total Value is under £25,000 and a quotation process is used, the following documents shall be retained and kept safe. If a full tender process is used the procedure to be followed is the same as for contracts of £25,000 and over:

a. Invitations to quote;

b. Quotations received;

c. Evidence of approval of any exemptions with reasons for it or them;

d. Evidence of how the quotation was evaluated;

e. To whom the contract was awarded and the reasons;

f. Signed Tender Acceptance Form for contracts over £12,500;

g. Records of any communications with any of the bidders.

Contracts of £25,000 Total Value

4.4 Where the Total Value is £25,000 or over the tender process is to be managed by the corporate Procurement and Commissioning team in most cases. An electronic tender must be undertaken unless with prior agreement from the Corporate Manager Procurement and Commissioning.

All Contracts

4.5 Executive Corporate Lead Officers and Corporate Lead Officers must:

a. Keep a record of contracts including expiry dates;

b. Retain and safeguard original contracts including copies of electronic contracts, and paper contracts where this is applicable;

c. Keep original contracts on Council premises;

d. Submit any exemptions using the prescribed form for approval and keep a copy with the contract records/files available for audit.

4.6 The corporate Procurement and Commissioning team will:

a. Support services with the preparation of contracts;

b. Manage the arrangements for signing and sealing of contracts of over £100,000. Certain services that regularly deal with engineering, construction, and transport contract documents namely Property Services, Highways Services, and Corporate Passenger Transport Unit may manage the signing and sealing process, however they must keep the Procurement and Commissioning Team informed.

c. Maintain a Corporate Contracts Register for all contracts let via the Procurement & Commissioning service.

Contracts of Total Value £150,000 or above

4.7 The following records must be retained:

a. Records that are sufficient to explain a 'material decision' made during the award of a contract;
b. Records of any communications with suppliers in relation to the award of the contract (prior to the award taking place).

4.8 Records relating to a 'material decision' may include, but are not limited to the following:

a. Notices and procurement documents;
b. Requests to participate / tender submissions;
c. Assessment summary;
d. Internal documents such as panel scoring sheets;
e. Internal governance documents such as minutes, stakeholder meetings, gateway reviews.

4.9 Records of supplier correspondence may include, but is not limited to the following:

a. Correspondence with suppliers such as pre-market engagement information, or invitations to participate;
b. Expressions of interest;
c. Any preliminary market engagement undertaken;
d. Tender queries;
e. Clarifications on tender submissions;
f. Formal or informal challenges received during a procurement;
g. Notifications of exclusion.

Retention Period

4.10 All records required by this rule must be kept for no less than six years after the end of the contract period, unless there is a requirement to retain them for a longer period such as contracts made under seal which must be retained for twelve years. At all times financial records must be retained for no less than the current financial year plus the six previous fully audited years.

Disposal of Documents

4.11 The disposal of tender and contract documentation must be completed in accordance with the Council's Information and Records Management and Data Protection and GDPR policies.

Section 5 - Types of Procurement Method

Standard Contract

5.1 The Council uses a mix of standard and bespoke terms and conditions dependent upon the subject matter of the contract as follows:

a. Short terms and conditions for contracts of value below £25,000;

b. Standard terms and conditions for services;

c. Bespoke terms and conditions developed especially for individual or similar type of contracts such as those for Housing Support Grant, domiciliary care, older people's care homes, and learner transport;

d. Industry standard terms and conditions such as JCT and NEC ECC.

5.2 Procuring officers must seek advice from the corporate Procurement and Commissioning Service on the appropriate form of contract for the requirement. And further advice may need to be sought from the Council's Legal Services.

Framework Agreements (Frameworks)

5.3 Frameworks are agreements between a contracting authority and one or more suppliers that provides for the future award of contracts by a contracting authority to the supplier or suppliers. Refer to the official e-learning for further detail on how Frameworks operate in addition to the following paragraphs.
Module 5: Frameworks and dynamic markets - GOV.UK

5.4 The term of any Framework must not exceed four years unless there are clear justifications for this, which must be set out in the Tender Notice or Transparency Notice relating to the Framework. Any intention to establish a Framework for longer than four years must first be agreed with the corporate Procurement and Commissioning Service.

5.5 Once a Framework is concluded it is closed, and no new suppliers can join for the period of the Framework. There is a static number of suppliers for the duration.

Some suppliers may leave the Framework or have their agreement terminated during the Framework term due to reasons such as poor performance, non-participation, or insolvency etc. which will be outlined in the framework agreement. It is permitted to award a number of ranked reserve places to suppliers who would be invited to join the Framework provided there has been no substantial change in their circumstances since submitting their bid. The purpose of this is to give the framework resilience in the case of reduced competition and effectiveness.

5.6 Call-Off Contracts should be awarded in accordance with the terms of the Framework (the framework rules) and are not subject to the Procurement Act's competitive tendering requirements (as these requirements will have already been met by the Council or other awarding contracting authority when establishing the Framework from which the Call-Off Contract will be awarded).

5.7 In the case where a Framework does not prescribe the form of contract to be used for Call-Off Contracts then a decision on which form of contract is most appropriate should be made following advice from the corporate Procurement and Commissioning Service.

5.8 The Procurement Act explicitly prohibits Frameworks being used to award another Framework or a Concession contract.

5.9 Call-off Contracts may be made by direct award or following a mini-competition process as allowed for in the Framework rules.

5.10 Where there is a single supplier Framework, or a direct award is made to the highest ranked supplier on a Framework there is no requirement to hold a further competition. There is no requirement for an Exemption request. The requirement to complete a Tender Acceptance Form for Call-off Contracts on or over £12,500 remains to ensure the award has been approved appropriate to the Total Value of the contract.

5.11 It is not mandatory to observe a standstill period when awarding a Call-off Contract under a Framework, however a voluntary standstill period may be observed and may be recommended by the corporate Procurement and Commissioning Team if the Call-off is high value or involved an assessment of quality/technical submissions as part of the award process. However, a standstill period is a

requirement before awarding the Framework itself. Any voluntary standstill period must not be less than eight working days.

5.12 The Council may use its own Frameworks or Frameworks established by other contracting authorities or public buying organisations such as Crown Commercial Services (CSS) provided the Council is named in the Tender Notice (or Contract Notice for Frameworks set up under the PCR 2015).

5.13 Before commencing any procurement process utilising Crown Commercial Services or other appropriate Frameworks the following procedures shall be observed:

a. Consult the corporate Procurement and Commissioning service;

b. Consider the appropriateness of the Framework rules and contract documentation, including the amendment of terms to ensure the Council's requirements are included, for example addition of Welsh language clause;

c. Ensure that proper consideration is given to the potential bidders' capabilities to fulfil the contract satisfactorily.

5.14 For any Frameworks established under the PCR 2015, those regulations still apply, and requirements of the Procurement Act can be disregarded.

5.15 For any Framework established after implementation of the Procurement Act by contracting authorities that are not Welsh contracting authorities then the full requirements of the Procurement Act must be observed (subject to other reservations and exceptions as detailed in the Procurement Act).

Open Frameworks

5.16 An Open Framework is one which after it is concluded, can be reopened during the framework period so that new suppliers may join. Essentially suppliers are appointed to a scheme of frameworks which provides for the award of successive frameworks on substantially the same terms. The terms and conditions of the Framework set out provisions which determine how to move from one framework to another, and in doing so confirms that the old framework ends, with the new framework (with its new suppliers) replacing the old.

5.17 The maximum term of an Open Framework is eight years. To take advantage of the eight-year term there must be a minimum of two suppliers appointed to the

Open Framework. If a framework under an Open Framework is awarded to only one supplier, the framework, and the Open Framework, must expire before the end of the period of four years beginning with the day on which the framework is awarded.

5.18 Except where there is only one supplier an Open Framework must provide for the award of a framework at least once in the first three years and at least every five years thereafter. The first framework can last for a maximum of three years, but subsequent frameworks can last for a maximum of five years.

5.19 The above is the minimum requirement. An Open Framework could be opened every year for example, the planned scheme must be set out at time of tendering the original Open Framework.

5.20 When an Open Framework is re-opened, existing suppliers have the choice to submit a new bid or let their original offer stand.

Dynamic Markets

5.21 The Council may establish arrangements for the purposes of awarding contracts under a Dynamic Market. Advice must be sought from the corporate Procurement and Commissioning Team before commencing the process, and the service will manage the initial tender.

5.22 In establishing a Dynamic Market, the Council must set conditions for membership which are a proportionate means of establishing whether suppliers have the legal and financial capacity and the technical ability to perform the contracts to be awarded under the Dynamic Market. The Dynamic Market remains open to new suppliers to join at any time. A Dynamic Market can be used to procure any type of purchases of goods, services or works, other than concession contracts. There is no limit on the term of a Dynamic Market, although it is allowable to limit the period.

5.23 Dynamic Markets are not Public Contracts in themselves. They are not subject to the standard transparency and notice requirements under the Procurement Act and Regulations, except for the following notices, Pipeline Notices (but only in so far as the Public Contracts awarded under the Dynamic Market), Planned Procurement Notices and Preliminary Market Engagement Notices. Dynamic

Markets are subject to an alternative set of notices which are mandatory for the Council to publish at various stages of the lifetime of a Dynamic Market (see Appendix A of these CPRs).

5.24 When admitting suppliers to membership of a Dynamic Market a standstill period does not have to be observed. It is not mandatory to observe a standstill period when awarding a Call-off Contract under a Dynamic Market, however a voluntary standstill period may be observed and may be recommended by the corporate Procurement and Commissioning service if the Call-off is high value or involved an assessment of quality/technical submissions as part of the award process. Any voluntary standstill period must not be less than eight working days.

5.25 All admitted participants on a Dynamic Market must be invited to submit a tender for each procurement. Where the DM has been divided into categories of works, products or services (called 'parts' in the Procurement Act), all participants having been admitted to the category corresponding to the specific procurement concerned must be invited to submit a tender.

5.26 In addition to the above every tender opportunity must be advertised openly on the Central Digital Platform (CDS), via Sell2Wales using the Competitive Flexible Procedure and publishing a Tender Notice allowing an opportunity for new potential suppliers to join the Dynamic Market and submit a bid.

5.27 When the opportunity is advertised the Council must include a statement that the Tender Notice is for the award of a Public Contract under a Dynamic Market.

5.28 There are many rules applicable to Dynamic Markets Lead Officers must ensure to consult the guidance for further detail. The following official e-learning is a good source in relating to how Dynamic Markets operate.
Module 5: Frameworks and dynamic markets - GOV.UK

Framework Agreements or Dynamic Purchasing Systems Pre PA 2023

5.29 Under the transitional arrangements, any Frameworks or Dynamic Purchasing Systems (DPS) that were established prior to 24th February 2025 will remain subject to the PCR 2015 and those rules must be observed. Further advice should be sought from the corporate procurement and commissioning service as and when required to ensure the correct processes are followed.

Lotting

5.30 Before publishing a Tender Notice for a Public Contract, the Council is required by the Procurement Act to consider whether the goods, works or services could reasonably be supplied under more than one contract and if these contracts could appropriately be awarded by reference to lots. This is the 'duty to consider lots'.

5.31 Consideration of using lots may encourage SMEs to bid and reduce some of the barriers to SME participation in procurement, which supports the 'duty to have regard to the particular barriers facing SMEs'.

5.32 A procurement does not have to be split if there are reasons for not doing so. Reasons may include the relative value of the contract, increased complexity of the procurement process for suppliers, or impacts on manageability of contracts with multiple suppliers.

Purchase Orders

5.33 All contracts or Call-off Contracts will require a Purchase Order to be raised on the Council's financial system in line with the Council's No PO No Pay policy, unless the Council's Purchasing Card is used to make the purchase.

5.34 Purchase Orders should be raised prior to the goods, works or services being delivered. If an order is being placed with the supplier verbally or via email, an official purchase order should be raised before confirmation is made. The supplier must be requested to include the official purchase order number on related invoices. In times of genuine emergency where it is not possible to raise an official purchase order immediately, one must be raised at the first available opportunity.

5.35 For contracts below £12,500 it is not essential to have a written contract. A Purchase Order will be sufficient; however, it is always wise to have a detailed written record of what has been agreed to be provided by a supplier in case of a dispute.

Section 6 – Procurement Planning

Before Commencing a Procurement

6.1 The Lead Officer must obtain the appropriate advice from other Council service areas such as finance, legal, ICT and digital, human resources, communications and procurement. To ensure all projects are delivered in a consistent corporate manner, aligned with the Council's priorities, it is recommended that new projects and changes to services, and proposals for new phases of projects are considered by the Council's Corporate Project Management Panel (CPMP) prior to commencing procurement activity. The Corporate Project Management process is designed to support officers through the planning, design and monitoring of Council projects. It covers capital, grant funded, transformation, efficiency and projects in business plans.

6.2 Every procurement exercise needs to be appraised to ensure it is conducted proportional to the complexity, risk and value of the proposed contract. Service teams must set out 'Why the Council needs to commission the service or works/goods including: the intended outcomes and or impact of delivering the service or works/goods; and if and or how it helps the Council meet its statutory duties.

6.3 The appraisal must take account of at least the following:

a. the requirements arising out of any relevant inspection or service review;

b. the objectives, outputs and outcomes of the procurement;

c. how the procurement aligns with the Council's Wellbeing Objectives and statutory duties;

d. what options have been considered for service delivery, including benefits and disadvantages of each (options appraisal);

e. reasons for selection of the preferred option, including reference to any decisions made by Council, Cabinet, Leadership Group etc;

f. the results of consulting users, or other stakeholders as appropriate, on the proposals including service/goods/works requirements, procurement method, contract standards, performance and user satisfaction monitoring;

g. feedback from current or previous contracts for the same requirements, if applicable;

h. consideration of the market conditions specific to the subject of the procurement including the availability of suppliers, capacity to deliver and scarcity of supply;

i. the procurement method most likely to achieve the objectives, including (but not limited to internal or external sourcing, sourcing through an All-Wales Framework Agreement or other appropriate framework agreement, contract packaging strategy, lotting, collaboration with other purchasers or partnering;

j. what form of contract would be most appropriate;

k. if the procurement is an Exempt contract and not subject to the CPRs.

6.4 A risk assessment should be undertaken at the planning stage to identify and mitigate risks such as not providing the goods, works or services, risks to the procurement process, and risks which may occur during the contract.

6.5 Risks may have a positive impact such as the materialisation of additional funding that wasn't previously confirmed. Identifying and including potential requirements to modify contracts during their term at an early stage and including these in Tender Notices may negate the need for publishing Contract Change Notices if those circumstances arise.

6.7 To secure Value for Money the Council may enter into collaborative procurement arrangements. Any contracts entered into through collaboration with other local authorities or public bodies, where a competitive process has been followed complying with the CPR of the lead organisation (but not necessarily with these CPR), will be deemed to comply with these CPR and no exemption is required. This will include All Wales Framework Agreements and other appropriate Framework Agreements subject to prior consultation with the corporate Procurement and Commissioning Team.

Sustainability Assessment

6.8 Welsh Government advises the completion of their sustainable risk assessment (SRA) tool as part of the procurement planning processes. This can be applied for procurements of any value. The SRA is designed to help public sector buyers to meet the Sustainable Development Principle of the Well-being of Future Generations Act (WFGA) 2015.

6.9 Completing an SRA will help ensure the procurement is aligned to the Wales Procurement Policy Statement (WPPS). For this reason, it is recommended that an SRA is undertaken for any procurement activity where the value of the contract is estimated to be greater than £30,000 (including VAT) as this is the value at which a contract becomes a Notifiable Below Threshold contract under the Procurement Act.

Pipeline Notices

6.10 In each financial year where the Council anticipates spending more than £100 million on relevant public services, works or supply of goods contracts whether below or above the thresholds in the Act (but not including any Exempted Contracts or establishment of Dynamic Markets), the Council will be required to publish a Pipeline Notice for each Above Threshold procurement. The Pipeline Notice must set out the following specified information as required by the Regulations in relation to any Public Contracts with an estimated value of £2 million or more, which the Council intends to publish a Tender Notice or Transparency Notice for during the reporting period. The reporting period means the period of 18 months beginning with the first day of the financial year.

6.11 CLOs shall be responsible for ensuring their service teams provide information on planned future procurements for inclusion in the Pipeline Notice on request and within the time limits specified by the corporate Procurement and Commissioning Service.

6.12 The required information shall include as a minimum, the proposed title of procurement; the contract subject matter; and estimated date when the Tender Notice or Transparency Notice will be published.

Conflicts of Interest Assessments

6.13 An Authorised Individual must undertake a Conflicts Assessment before the Council publishes an Above Threshold Tender Notice or Transparency Notice, or a Dynamic Market Notice. If a conflict of interest or potential conflict of interest is identified the Council must set out the steps it has taken or will take to mitigate against or remove the conflict. A Conflicts Assessment template is available from the Procurement and Commissioning Team.

6.14 The Authorised Individual must keep any assessment under review, and revise as necessary at key decision points such as before contract award and when considering Modifications.

6.15 The Conflicts Assessment will be compiled following completion of Conflicts of Interest Declarations by anyone who may have an influence over the procurement or contract, such as those writing specifications, assessing submitted tenders, or approving award of contracts. Template Conflicts of Interest Declaration forms are available from the Procurement and Commissioning team.

Planned Procurement Notices

6.16 The Council may choose to publish a Planned Procurement Notice at the pre-procurement stage to give advance notice of an upcoming procurement. It is designed to give as much advance information to the market as possible to enable potentially interested suppliers to determine if the upcoming procurement is of interest and whether they may want to bid, allowing maximum time for preparation. This could be the first notice published about an upcoming procurement, or it may follow a Pipeline Notice or a Preliminary Market Engagement Notice.

6.17 A Planned Procurement Notice is used to inform the market that the Council intends to publish a Tender Notice. If a Planned Procurement Notice is published this may allow the Council to reduce the tender period for a procurement in line with the stipulations of the Procurement Act, should this be desirable.

6.18 A Planned Procurement Notice should not be used when establishing a Dynamic Market; awarding a Call-off contract in accordance with a Framework; or making a Direct Award.

Preliminary Market Engagement

6.19 The Procurement Act permits the Council to engage with the market however this is not mandatory. It further provides guidance on the permitted purposes of such engagement and obligates the Council to take steps to ensure that participating suppliers are not unfairly advantaged.

6.20 A Preliminary Market Engagement Notice notifies the market that the Council intends to conduct or has conducted preliminary market engagement. Any officers

engaging with suppliers prior to procurement must be aware of the Council's obligations regarding publishing a Preliminary Market Engagement Notice.

6.21 Procuring officers may consult potential suppliers or providers prior to the issue of tenders or quotations in general terms on the nature, level and standard of the supply, contract packaging and other relevant matters provided this does not prejudice any potential bidder.

6.22 Officers must not:

a. base any specification on one supplier's offering such as to distort competition;
b. make any indication or commitment to contractors that their offer may be preferred by the Council;
c. enter negotiations about price where a competitive procurement process has yet to take place.

6.23 Bidders may be excluded from the procurement in circumstances where their prior involvement would potentially distort competition.

6.24 If the Council conducts preliminary market engagement, then it is obligated to either:

a. publish a Preliminary Market Engagement Notice before it publishes a Tender Notice; or if not,
b. explain in the Tender Notice, why it did not publish a Preliminary Market Engagement Notice.

6.25 A written record, including notes of any meetings held, the responses and the names of all individuals present must be kept of all preliminary market engagement activities. A summary of discussions, questions, responses etc should be provided in the tender pack so that no potential bidders are disadvantaged.

Estimating Total Value

6.26 Total Value is the whole of the value or estimated value (in money or equivalent) for a single purchase or disposal, whether or not it comprises several lots or stages, to be paid or received by the Council.

6.27 The Total Value shall be calculated as follows:

a. where the contract is for a fixed period, by taking the total price to be paid or which might be paid during the whole of the period, including if any optional extension terms, or options to supply additional works, goods or services were to be exercised;
b. where the purchase involves recurrent transactions for the same type of item, by aggregating the value of those transactions in the coming twelve months;
c. where the contract is for an uncertain duration by multiplying the monthly payment by 48;
d. for feasibility studies, the value of the study only may be taken unless a positive assessment automatically leads to the follow-on work;
e. for Nominated Suppliers and Sub-contractors, the value of that part of the main contract to be fulfilled by the Nominated Supplier or Sub- contractor;
f. for a Framework, the estimated value of all contracts which could be awarded under that Framework;
g. for Open Frameworks, the estimated value of all contracts which could be awarded under all the proposed Frameworks in the scheme;
h. for Concession contracts, the estimated value of the maximum amount the supplier could expect to receive.

6.28 The Total Value for the purposes of assessing if the procurement is above the Procurement Act thresholds is the Total Value **including VAT**.

6.29 If a Total Value cannot be estimated, then the contract is deemed to be valued as Above Threshold.

6.30 The Procurement Act thresholds are set out in Schedule 1 of the Procurement Regulations 2024.

6.31 When deciding if a procurement is a Works or Services Procurement refer to the Procurement Regulations 2024 Schedule 3 Works Activities. For avoidance of doubt, works includes the hire of plant with operator.

6.32 No procurement may be artificially split to avoid compliance with these CPRs, the Procurement Act or any legislation related to public procurement.

6.33 Where the same goods, services or works are purchased regularly by the Council it is the aggregated value of these purchases across the organisation that determines the Total Value. For those procurements to which the aggregation rule is likely to apply, the Council will seek to establish a corporate Framework, Dynamic Market, or utilise a collaborative arrangement such as an All-Wales Framework.

Record Keeping

6.34 The results of the planning stage should be properly documented in collaboration with the Procurement and Commissioning service. Completion of the procurement and commissioning service procurement business case standard template is strongly recommended to ensure all aspects of the planning stage including pre-procurement activity, options appraisal and alignment to the Council's Wellbeing Objectives are considered as appropriate.

Section 7 – Competition Requirement: Selecting the Procurement Procedure

7.1 When the Total Value has been determined, the procurement process of either inviting tenders or requesting quotations can be selected. Table 1 summarizes the threshold values and the competition requirements together with the appropriate methods.

7.2 Buyers should satisfy themselves the Council's aggregated annual expenditure does not exceed the threshold they are looking at for an individual procurement.

7.3 If the requirements set out in Table 1 cannot be satisfied, then an Exemption to these CPRs must be sought and approved. See section 14 Exemptions.

7.4 When procuring from Frameworks it is important to follow the rules on further competition and contract award as set out in the over-arching framework agreement. Framework agreements will have already been through an open competitive process, and so the minimum number of suppliers to be invited to quote/tender as set out in the Framework rules takes precedence over Table 1.

7.5 However, when procuring from Frameworks the minimum number of quotes/tenders received remains as specified in Table 1, except:

a. in the case of single supplier frameworks;

b. where there is a Schedule of Rates process prescribed in the Framework rules which allows comparison of pre-submitted prices;

c. where the number of suppliers on the Framework are fewer than stipulated but all qualified suppliers have submitted a bid.

7.6 In any of the above circumstances an Exemption from these CPRs will not be required.

Procedure for Disposals

7.7 Assets for disposal shall be sent to public auction whether by auction house or electronic auctions, tender, or quotation as appropriate. It is not permitted for service officers to use auction sites such as eBay or Marketplace without express permission to do so from the Executive Corporate Lead Officer Finance & Procurement.

7.8 Alternatively, low value items (under £2,000) may have a purchase price assigned to each of them and advertised for sale.

7.9 Advertising items for sale or inviting bids through the medium of the Council's official social media channels or the Council website is a good method of alerting potential buyers.

7.10 Value Added Tax must be added to sales as necessary, and an official Council invoice raised when dealing directly with buyers of disposed items.

Request for Quotations - RFQ

7.11 A request for quotation (RFQ) is less formal than a tender, and generally appropriate for lower value, lower risk procurement. The Council will provide a basic technical specification for the goods, services or works it requires, including when and where it is required. Bidders will quote their price, confirm they can supply to the requirements, and if requested, outline how they intend to undertake the supply of the goods, services or works required.

7.12 The Lead Officer must check Table 1 and seek quotations from at least the minimum specified number of suitable candidates. Inviting local suppliers should

always be considered. The use of eTenderWales or Sell2Wales Quick Quotes systems are recommended to manage workflow and provide an audit trail. Use of eTenderWales is required for procurements of £25,000 and above.

7.13 When undertaking quotations the Procurement Objectives in 1.11 and 1.12, and Procurement Principles in 1.13 must be observed, as for all public procurements.

7.14 Procurements of £25,000 and above that are advertised anywhere must first be advertised on Sell2Wales.

7.15 The RFQ must include a specification. The specification must describe clearly the Council's requirements in sufficient detail to enable the submission of competitive offers. It must be clear on as a minimum:

- what is to be provided/outputs or outcomes required;
- quantities;
- timescales for delivery of goods or services;
- length of contract;
- essential requirements;
- any relevant British, European or International standards that are required to ensure quality;
- how/when suppliers will be paid.

7.16 All potential suppliers invited to quote should be issued with the same information and at the same time, should this not be possible (for example if an additional supplier is identified after the RFQ has been issued) then consideration should be given to allowing more time for the return of bids so that no supplier is disadvantaged.

7.17 Every RFQ shall include:

a. description of selection process, methodology and award procedure;

b. a statement to confirm that the Council is not bound to accept the lowest or any quotation;

c. a statement to confirm that quotations may be submitted in Welsh or English and bids received in Welsh will not be treated any different;

d. proposed contract document.

7.18 The award criteria shall usually be:

- highest price for the disposal of goods, except if removal of an item in a limited timescale is of higher importance;
- most advantageous offer for provision of goods, works or services as set out in a price/quality weighted scoring matrix;
- for non-complex procurements is may be acceptable to award based 100% on price;
- if price is not a key factor it may be allowable (if agreed with the corporate Procurement and Commissioning Team) to award based 100% on quality.

7.19 When using scoring criteria for the award of a contract this shall be linked to the subject matter of the contract. Scoring criteria could include the following examples:

- Quality
- Price
- Technical merit
- Aesthetic and functional characteristics
- Running costs
- Environmental characteristics
- Period of completion
- After sales service
- Technical assistance
- Delivery date and delivery period
- Timeliness / Speed of response.

7.20 If quality of RFQ submissions is to be assessed using questions then these must be set out clearly, showing the percentage weighting and the maximum score available for each question.

7.21 Where feasible, the price component of Value for Money should reflect the whole life cost of the purchase considering, for example, relevant operating, maintenance and disposal costs. Where these are not part of the tendered price, reasonable estimates may be made and added to the tendered price. If this is likely to occur, then it should be explained in the tender pack so bidders are aware of how their bids will be evaluated.

7.22 The corporate Procurement and Commissioning Team has standard templates that may be adapted for RFQ, and it is recommended these are used to ensure consistency.

7.23 Should there be insufficient suppliers to comply with the competition requirements regarding number of bidders to invite to quote then an Exemption must be sought.

Invitation to Tender - ITT

7.24 Tenders may be invited for any value of procurement to allow any interested supplier to have the opportunity to submit a bid for work with the Council. This is particularly useful when little is known about what suppliers are available, there may be new or diversifying suppliers coming into a market. Tenders have increased visibility over RFQ as they are usually openly advertised.

7.25 For all tenders being advertised openly that have an estimated value of between £25,000 and the GPA Threshold a Below Threshold Tender Notice must be published on Sell2Wales. For procurements above the GPA Threshold a Tender Notice must be published on Sell2Wales, which will ensure publication on the Central Digital Platform (CDP).

7.26 Every Invitation to Tender (ITT) must be managed by the corporate Procurement and Commissioning Team and conducted electronically using the corporate system.

7.27 In the event of a technical failure the Executive Corporate Lead Officer Finance & Procurement has the authority to direct the corporate Procurement and Commissioning Team to conduct an alternative exercise which meets all the requirements set out in these CPRs. If such an alternative exercise is conducted the full details of the exercise must be uploaded to the corporate electronic system at the earliest opportunity after the functionality is restored.

7.28 When undertaking tenders the Procurement Objectives in 1.11 and 1.12, and Procurement Principles in 1.13 must be observed, as for all public procurements.

7.29 The tender pack must include a specification. The specification must describe clearly the Council's requirements in sufficient detail to enable the submission of competitive offers. It must be clear on as a minimum:

- what is to be provided including outputs or outcomes required;
- quantities;
- timescales for delivery of goods or services;
- length of contract;
- essential requirements;
- any relevant British, European or International standards that are required to ensure quality;
- how/when suppliers will be paid.

7.30 All potential suppliers must be issued with the same information and at the same time. All supplementary information must be given to all bidders on the same basis.

7.31 Every tender pack shall include the following information:

a. description of selection process, methodology and award procedure;

b. a statement to confirm that the Council is not bound to accept the lowest or any tender;

c. a statement to confirm that tenders may be submitted in Welsh or English and bids received in Welsh will not be treated any different;

d. proposed contract document;

e. Form of Tender;

f. Non-Collusive Tendering Certificate;

g. a requirement for bidders to declare that the tender content, price or any other figure or particulars concerning the tender have not been disclosed by the bidder to any other party (except where such a disclosure is made in confidence for a necessary purpose such as to involve sub-contractors or for a consortium bid);

h. a statement that no tender will be considered unless it is received by the date and time stipulated and that any tender received in contravention of this clause shall not be considered;

i. the procurement timetable including the tender return date and time, which shall allow a reasonable period for the applicants to prepare their tenders;

j. pricing mechanism and instructions for completion;

k. whether the Council is of the view that TUPE may apply;

l. any further information which will inform or assist bidders in preparing tenders;

m. a condition that the supplier may not assign or sub-contract without prior written consent;

n. insurance requirements;

o. health and safety requirements;

p. Welsh Language Standards and requirements;

q. where Agents are used to let contracts, that Agents must comply with the Council's CPR;

r. a right of access to relevant documentation and records of the contractor for monitoring and audit purposes if relevant;

s. a clause stating that "The Council may terminate this contract and recover all its losses if the supplier, its employees or anyone acting on the supplier's behalf do any of the following things:

(i) offer, give or agree to give to anyone any inducement or reward in respect of this or any other Council contract (even if the Contractor does not know what has been done); or

(ii) commit an offence under the Prevention of Corruption Acts 1889 to 1916 or Section 117(2) of the Local Government Act 1972; or

(iii) commit any fraud in connection with this or any other Council contract whether alone or in conjunction with Council members, suppliers or employees.

Any clause limiting the supplier's liability shall not apply to this clause".

7.32 The award criteria shall usually be:

- highest price for the disposal of goods, except if removal of an item in a limited timescale is of higher importance;
- Most Advantageous Tender (MAT) for provision of goods, works or services as set out in a price/quality weighted scoring matrix;
- for non-complex procurements is may be acceptable to award based 100% on price;
- if price is not a key factor it may be allowable (if agreed with the Corporate Manager Procurement & Commissioning) to award based 100% on quality.

7.33 The weighting of price, quality and social value (if applicable) scores must be agreed with the input of the corporate Procurement and Commissioning team.

7.34 Questions to assess the tender submissions must be set out clearly, showing the percentage weighting and the maximum score available for each question.

7.35 If it is intended to use sub-criteria then this must be declared and the sub-criteria scoring allocation made clear.

7.36 Where feasible, the price component of Value for Money should reflect the whole life cost of the purchase considering, for example, relevant operating, maintenance and disposal costs. Where these are not part of the tendered price, reasonable estimates may be made and added to the tendered price. If this is likely to occur, then it should be explained in the tender pack so bidders are aware of how their bids will be evaluated.

7.37 The corporate Procurement and Commissioning Teams have standard templates for ITT, and it is recommended these are used to ensure consistency.

TUPE

7.38 If the Council is of the view that TUPE may apply, officers should seek advice from Legal Services and / or People and Organisation Services as appropriate on what information to include in the ITT. If it is likely that there will be a supplier-to-supplier TUPE transfer, then the Council will need to consider what information will be required to pass on to bidders in respect of current contractual arrangements. Existing suppliers will need to provide information on current staff undertaking duties under the current contract in a standardised format as

directed by the Council. The Lead Officer for the service is responsible for requesting this information. Prospective tenderers may be asked to sign a confidentiality undertaking before providing any details on contractual arrangements should the information be deemed to be able to identify individuals or commercially sensitive.

Procurement Act 2023 Procurement Procedures

7.39 The procurement procedure chosen will depend upon a range of factors. These may include complexity of the works, supplies or services to be procured; market conditions such as single suppliers or innovative products and ideas; importance of a contract's outcomes versus the method to achieve it; urgency or emergency; intellectual property; if the item/service to be procured is defined by its CPV code as one that falls under the Provider Selection Regime (PSR) or Light Touch Regime or is a Concession Contract.

7.40 The competitive tendering procedures are the Open Procedure and the Competitive Flexible Procedure. Tenders are assessed on the basis of the Most Advantageous Tender (MAT).

Open Procedure

7.41 The Open Procedure is a single stage procedure under which any interested party can submit a tender. The tender is advertised openly and there is no prior selection process. The selection and evaluation stages are carried out after the submission of the tenders. The selection process will assess personal situation, economic and financial standing and capability and capacity of candidates (as defined in the Procurement Act) and any Conditions of Participation.

Competitive Flexible Procedure

7.42 The Competitive Flexible Procedure is non-prescriptive and allows the Council flexibility to design our own procurement process to suit our specific needs and requirements. The Council must have regard to the Procurement Objectives and meet the procedural requirements applicable to the competitive tendering procedure as set out in the Procurement Act, such as relating to time and transparency, de-selection, assessment methodology.

7.43 The Competitive Flexible Procedure may be broken into different stages with suppliers being de-selected following rounds of assessment. It may include demonstrations, presentations, site visits, dialogue on contract terms and requirements. It is important to note that when using this procedure, the methodology must be set out at the start in the original Tender Notice and/or tender pack.

7.44 The Competitive Flexible Procedure for Council-led procurements may only be used with agreement of the Procurement and Commissioning Team.

Direct Award

7.45 In special cases the Council may Direct Award a Public Contract without using a competitive tendering procedure. The Council must only consider the use of a Direct Award of a Public Contract where one or more of the grounds for Direct Award are met and should first consider whether it is possible to undertake a competitive tendering procedure. Direct Award should only be used where a competitive tendering procedure has been explored and is not appropriate or cannot be used, even under the reduced timescales permitted in a state of urgency or any other exemptions.

7.46 The Direct Award Justifications are the circumstances set out in section 41 and Schedule 5 of the Procurement Act whereby a Direct Award is allowable. The most relevant reasons are listed below:

7.46.1 <u>Prototypes and development</u>

The Public Contract concerns the production of a prototype, or supply of other novel goods or services, for the purpose of:

a. testing the suitability of the goods or services;

b. researching the viability of producing or supplying the goods or services at scale and developing them for that purpose; or

c. other research, experiment, study or development.

“Novel goods or services” means goods or services designed or developed at the request of the Council.

7.46.2 <u>Single suppliers</u>

a. The Public Contract concerns the creation or acquisition of a unique work of art or artistic performance.

b. Due to a particular supplier having intellectual property rights or other exclusive rights, only that supplier can supply the goods, services or works required, and there are no reasonable alternatives to those goods, services or works.

c. Due to an absence of competition for technical reasons, only a particular supplier can supply the goods, services or works required, and there are no reasonable alternatives to those goods, services or works.

7.46.3 Additional or repeat goods, services or works

a. The Public Contract concerns the supply of goods, services or works by the existing supplier which are intended as an extension to, or partial replacement of, existing goods, services or works in circumstances where:

(i) a change in supplier would result in the contracting authority receiving goods, services or works that are different from, or incompatible with, the existing goods, services or works; and

(ii) the difference or incompatibility would result in disproportionate technical difficulties in operation or maintenance.

b. The Public Contract concerns the supply of goods, services or works by the existing supplier that are similar to existing goods, services or works where:

(i) the existing goods, services or works were supplied under a Public Contract that was awarded in accordance with a competitive tendering procedure within the period of five years ending with the day on which the transparency notice is published; and

(ii) the tender notice or any tender document in respect of that earlier contract set out the Council's intention to carry out a subsequent procurement of similar goods, services or works.

"Existing goods, services or works" means goods, services or works already supplied, or contracted to be supplied, to the Council; and

"Existing supplier" means the supplier that has already supplied, or contracted to supply, the existing goods, services or works.

7.46.4 Commodities

The Public Contract concerns goods purchased on a commodity market.

7.46.5 Advantageous terms on insolvency

The award of the Public Contract to a particular supplier will ensure terms particularly advantageous to the Council due to the fact that a supplier, whether or not the one to whom the contract is to be awarded, is undergoing insolvency proceedings.

7.47.6 Urgency

Where the goods, services or works to be supplied under the Public Contract are strictly necessary for reasons of extreme and unavoidable urgency, and as a result, the Public Contract cannot be awarded on the basis of a competitive tendering procedure. Urgency is considered unavoidable if it:

a. is not attributable to any act or omission of the Council; and

b. could not have been foreseen by the Council.

7.47.7 User Choice contracts

The Public Contract is a contract for the supply of User Choice services and the conditions below are met. "User choice services" means services that are of a kind that are Light Touch contracts, that are supplied for the benefit of a particular individual, and in respect of which the Council would, in awarding a contract for their supply, be required to have regard to the views of the individual, or a person providing care to the individual (their "carer"), in relation to who should supply the services.

The conditions are that:

a. the individual to whom the services are to be supplied, or their carer has expressed a preference as to who should supply the services, or the nature of the services to be supplied is such that only one supplier is capable of providing them; and

b. the Council considers that it is not in the best interests of the individual to award the contract under a competitive tendering procedure.

7.47.8 Order to Protect Life

Direct Awards may also be made in order to protect life (under section 42 of the Procurement Act). Justification will only apply where secondary legislation has been made authorising such Direct Award. Secondary legislation may only be made by a Minister of the Crown who considers it necessary to protect human, animal or plant life or health, or to protect public order or safety. This is for situations such as during a pandemic.

7.47.9 No or no suitable tenders or RFQs received

The Council may switch to Direct Award from a competitive tendering procedure in circumstances where no, or no suitable Tenders or RFQs have been received in that competitive tendering procedure and the Council considers that the award of a contract via that competitive tendering procedure is not possible in the circumstances. In these circumstances, the Direct Award cannot be made to an Excluded Supplier.

7.47.10 Time limited grant offer – applies to Below Threshold Contracts only

The Council may Direct Award a contract that is in relation to time limited grant funding from an external body, where the time limitations will not allow a competitive process to be completed and where the grant conditions allow this. An Exemption form must be completed.

7.48 Before awarding a contract via a Direct Award, the Council must consider whether the supplier is an Excludable Supplier, if so, the Council will need to determine if it is appropriate for the supplier to be awarded the contract.

7.49 A Direct Award must not be made to an Excluded Supplier, unless there is an overriding public interest in awarding the contract to that supplier. An overriding public interest arises where:

a. the award is necessary for the construction, maintenance or operation of critical national infrastructure;
b. the award is necessary to ensure the proper functioning of a sector on which the defence, security or economic stability of the UK relies;
c. not awarding the contract to the supplier would prejudice the conduct of military or security operations or the effective operation of the armed forces or intelligence services; or
d. the contract is being awarded under the urgency provisions in Schedule 5 of the Procurement Act, and cannot be awarded to, or performed by, a supplier that is not an excluded supplier within the necessary time frame.

7.50 Justification for using the Direct Award procedure must be recorded using the CPR Exemption Form in Appendix B. Approval to use the Direct Award procedure should be sought prior to the award except in cases of real urgency, especially in relation to health and safety and safeguarding matters. Even in the case of urgency it is recommended to discuss with the Executive Corporate Lead Officer Finance & Procurement prior to making a Direct Award.

7.51 In all cases when deciding to Direct Award consideration should be given to:

- checking if the proposed supplier is an Excluded or Excludable supplier;
- for urgent requirements (not emergency), if there is time to undertake a quick RFQ process;
- if there is a capable supplier on site or already employed doing something similar;
- use of existing framework suppliers – direct award is often allowed on frameworks;
- use of trusted local suppliers;
- previous experience of using the suggested supplier including their quality of work, responsiveness and attitude to claims and costs;
- value for money and how costs will be controlled if it is not possible to estimate cost;
- possible conflicts of interest.

7.52 For contracts above the GPA threshold value, before making a Direct Award, the Council must first publish a Transparency Notice setting out that we intend to award a contract directly. This does not apply to direct awards off a Framework if the framework rules allow direct award as an appointment method. Transparency Notices are not required for User Choice contracts.

Direct Award to a Supplier on a Framework

7.53 Direct award is allowed in the following circumstances:

a. where the Framework is a single supplier framework;

b. where suppliers on a Framework are ranked, and an award is made to the highest ranked supplier (subject to availability);

c. where a supplier on a Framework is the only supplier of the item required;

d. where the framework rules give examples where direct award is allowable under discretion.

7.54 Consideration of value for money must always be a factor in the decision to direct award off a framework and should be documented.

7.55 Apart from d. an Exemption to the CPRs is not required in the above circumstances. For contracts awarded of £12,500 and over in value, a Tender Acceptance Form must be completed and approved in line with the requirements in Table 3. A Contract Details Notice is required to be published for call-off contracts over £30,000 including VAT.

Light Touch Regime

7.56 Light Touch contracts are contracts for certain social, health, education and other public services and are subject to more flexible procurement rules. They are services provided directly to individuals or groups of people and therefore the Procurement Act allows special treatment and greater flexibility.

7.57 Officers are directed to the guidance on Light Touch contracts.
Procurement Act 2023 guidance: light touch contracts [HTML] | GOV.WALES

When deciding if a procurement is a Light Touch procurement refer to the CPV Codes listed in the Procurement Act Regulations Schedule 1 Light Touch Services.

7.58 Where there are no specific provisions stated in the guidance that apply specifically to Light Touch contracts, there is no difference for those contracts and relevant standard guidance for the Procurement Act applies.

7.59 Schedule 1 to the Procurement (Wales) Regulations 2024 specifies which services are Light Touch services by description and reference to corresponding Common Procurement Vocabulary (CPV) codes. Light Touch contracts (that are not exempted contracts) are Public Contracts if they are above the relevant threshold in Schedule 1 of the Procurement Act for the type of contract. A list of Light Touch CPV codes is provided at Appendix C.

7.60 Light Touch contracts are subject to different thresholds, which may be higher than regular procurements. Refer to the guidance for confirmation of the appropriate thresholds.

7.61 Light Touch contracts must be advertised using a Tender Notice unless a Direct Award justification applies, and other standard noticing and competition requirements broadly remain.

7.62 Light Touch tender periods are not subject to the mandated time limits of the Procurement Act, allowing for these services to be procured more swiftly. However, the Council must ensure that timescales are reasonable, having regard to the nature of the requirement and the complexity of the contract being awarded.

7.63 Additional factors can be taken into account in award criteria for Light Touch contracts, such as to reflect that a service recipient may have the right to exercise their choice, or that proximity of the supplier and service user may be important for the effective and efficient supply of services.

7.64 For purposes of clarity the noticing requirements for Light Touch are similar to regular procurement. Including if a Light Touch contract is Directly Awarded the Council must generally publish a Transparency Notice before award, a Contract Award Notice must be published prior to award, and a Contract Details Notice

must be published within the defined timescales following the contract award. The exception to this is for User Choice contracts.

7.65 Modification of a Light Touch contract does not require the publication of a Contract Change Notice. This reflects the overall intent to maintain less onerous light touch rules. Light Touch contracts may therefore be modified under the Act in any circumstances, provided the Council has regard to the Procurement Objectives.
Should a contract require modification the corporate Procurement and Commissioning team must be consulted to ensure compliance with legislation.

User Choice Contracts

7.66 Schedule 5, paragraphs 15 to 17 (User choice contracts) of the Procurement Act permit the Council to directly award a User Choice contract. The contract must be for User Choice services and the Council must be under a legal obligation (for example, as required under the Social Services and Well-being (Wales) Act 2014) to have regard to the views of the individual receiving the services, or their carer, when selecting the supplier to be awarded the contract. This makes it clear that there is no requirement under the Act to carry out a competitive tendering procedure in a scenario where the individual, or their carer, has a legal right for their preference for a particular supplier to be taken into account.

7.67 The Procurement Act defines User Choice services as:

a. are of a kind specified in regulations under section 9 (Light touch contracts);
b. are supplied for the benefit of a particular individual; and
c. in respect of which a contracting authority would, in awarding a contract for their supply, be required under an enactment to have regard to the views of the individual, or a person providing care to the individual (their carer), in relation to whom should supply the services.

7.68 The service must also comply with the following requirements:

a. that the individual or carer has expressed a preference as to who should supply the services, or the nature of the services to be supplied is such that only one supplier is capable of providing them; and

b. that the Council considers it is not in the best interests of the individual for a competitive tendering procedure to apply.

7.69 User Choice contracts come under the Light Touch Regime. There is no requirement for publishing a Transparency Notice before directly awarding User Choice contracts, and no requirement for a Contract Award Notice or Contract Details Notice.
https://www.gov.uk/government/publications/procurement-act-2023-guidance-documents-procure-phase/guidance-contract-details-notices-html#annex-1-table-setting-out-when-contract-details-notices-contract-documents-and-kpis-are-required-to-be-published

Light Touch Frameworks

7.70 The definition of a Light Touch contract under the Procurement Act includes a 'light touch framework', which is a contract that provides for the future award of contracts that are wholly or mainly for Light Touch services. There is greater flexibility for Light Touch frameworks and the official guidance must be consulted before commencing a procurement. There is no maximum term for a Light Touch framework.

Concession Contracts

7.71 Under a Concession Contract, the supplier receives at least part of their remuneration from users of the works or services they are providing. As such, suppliers are exposed to a potential loss on their investment due to demand fluctuations.

7.72 There are two different types of concession contracts:

a. a concession contract for the supply of works; for example, for the construction and operation of a toll road where the supplier would receive income directly from users of the toll road; and
b. a concession contract for the supply of services; for example, a contract to operate a leisure centre where the supplier would receive income directly from customers using the centre.

7.73 For Concession Contracts always seek advice from the central Procurement and Commissioning Team and consult the Procurement Act guidance.

https://www.gov.uk/government/publications/procurement-act-2023-guidance-documents-plan-phase/guidance-concession-contracts-html
(Accessed 15/04/2025)

7.74 Concession Contracts have a higher threshold than services and supplies contracts and are valued differently from regular procurements. Concession Contracts should be valued by way of estimating the maximum amount the supplier could expect to receive from the contract including amounts received on the sale of assets held by the supplier under the Concession Contract.

7.75 Concession procurement is governed by the same transparency and noticing requirements as standard procurement under the Procurement Act with the following exceptions:

a. the obligation to publish information about payments under Public Contracts does not apply to Concession Contracts;
b. the obligation to publish Payments Compliance Notices does not apply to Concession Contracts; and
c. the obligation to set and publish Key Performance Indicators does not apply in relation to Concession Contracts and therefore the obligation to publish related performance information in the Contract Performance Notice also does not apply.

7.76 Concession Contracts may not be awarded under a Dynamic Market or Framework Agreement.

7.77 Requirements for Regulated Below Threshold Contracts do not apply to Concession Contracts.

Provider Selection Regime

7.78 The Health Service Procurement (Wales) Act 2024, and the Health Services (Provider Selection Regime) (Wales) Regulations 2024 introduce a new regime for arranging the procurement of specific health services called the provider selection regime ("PSR"). The PSR has the effect of disapplying the Procurement Act 2023 in respect of health services covered by defined CPV codes only as set out in the statutory guidance (see list in Appendix D).

Health service procurement draft statutory guidance: annex A [HTML] | GOV.WALES

7.79 If there is a possibility that the PSR will apply to a procurement, officers must contact the corporate Procurement and Commissioning Team. It will be necessary to apply the Welsh Government toolkit that accompanies the official guidance to ensure the correct process is followed.

Exempt Contracts

7.80 There are circumstances where the Procurement Act and/or these CPRs are not applicable. However, the overarching objectives of transparency, acting with integrity and maximising public benefit should always be considered. The following contracts are exempt:

a. internal purchases or service provision;

b. vertical arrangements, what is known as a 'Teckal' arrangement – a public contract awarded by a Council to a legal person controlled by the Council and which carries out at least 80% of its activities for the Council;

c. horizontal arrangements, where two or more contracting authorities genuinely co-operate with each other to meet public service obligations that each is entrusted to perform;

d. utilities contracts between a utility and a relevant joint venture to which that utility is party, where the joint venture was formed for the purpose of carrying out that utility activity for at least three years and the parties to the joint venture are committed, by way of written agreement to continue to be parties to the joint venture for a period of three years following the date of that agreement;

e. contracts relating solely to the acquisition (purchase or rental), of land or buildings, or of an interest in or right over any of them (with the exception of development agreements – see CPR 3.37;

f. contracts for the acquisition, development, production or co-production of material intended for broadcast by a contracting authority to the general public, including advertisements;

g. contracts to facilitate the provision to the general public of an electronic communications service (within the meaning of s.32 of the Communications Act 2003, an electronic communications network

provided wholly or mainly for the purpose of making electronic communications services available to members of the public");

h. contracts for the provision to a contracting authority of arbitration, mediation or conciliation or other similar services;
i. contracts for the provision of exempt legal services;
j. financial services – contracts for the lending of money in any currency to a contracting authority;
k. contracts of employment or worker's contracts;
l. contracts for the provision of research and development services;
m. international agreements and organisations;
n. Any contracts that a contracting authority determines should not, in the interests of national security, be subject to the Procurement Act;

7.81 "Exempted Contracts". Consult the Procurement Act Guidance for boundaries of the above. For example, not all legal or research and development services are exempt, most will come under the Light Touch regime or Direct Award exemption.

Individual Care Contracts

7.82 That is a contract for services entered into in pursuance of powers under The Social Services and Well-being (Wales) Act 2014 for the benefit of an individual. An individual care contract is not subject to the competition requirements set out in these CPR where:

a. the estimated Total Value is below the Light Touch Regime threshold under the Procurement Act;
b. the Council does not have any existing Framework or other purchasing arrangements in place in respect of the relevant service;
c. the individual care contract represents value for money; and
d. where the contract is required to honour the preference of the individual service user; or
e. there is no other alternative placement available
f. is required as a matter of emergency in the interest of the welfare of the individual service user.

Section 8 – Procurement Documentation Preparation

8.1 For procurement of value £12,500 or over an Instructions for Tenderers/Quotations document should always be included in the bidder tender/quotation pack. This document sets out the procurement procedure and tells prospective bidders how their bids will be evaluated including important details such as deadlines and essential requirements. The standard template must be used but may be adapted to suit the procurement.

8.2 Even for lower value procurement below £12,500 it is important to appreciate that potential bidders must be informed of how their quotations will be evaluated and this information should be set out when they are asked to quote.

8.3 All tenders and quotation packs must include as a minimum the following documents:

a. Instructions for Tenderers — Description of the requirement, contract duration, any essential requirements that need to be brought to bidders' attention, tender timescales, how to bid, how bids will be evaluated and awarded.

b. Specification/ Brief — Detailed description of project requirements, deliverables, outputs, timescales (for project, not tender), background information, staff qualification, training or DBS requirements and any mandatory requirements, constraints, reporting, KPIs etc.

c. Contract
- Council standard form of contract or Council bespoke contract – completed with known details including the GDPR schedule
- Short terms & conditions available for low value/non-complex purchases (mainly supplies)
- Suitable industry standard form contracts or bespoke contracts should be used for construction projects ie JCT / NEC
- When buying from a framework/DPS/DM follow the rules of that agreement.

d.	Form of Tender/ Quotation	For completion by bidder to confirm their bid is bona fide and sets out the time limit for the bid to remain valid.
e.	Certificate of Non-collusive Tendering	For completion by bidder to confirm they have not colluded with others in the completion and submission of their bid.
f.	Pricing Schedule	Provide a pricing document for completion by bidder, or instruction on how bidders should set out their commercial offer such as how it should be broken down to provide visibility to allow analysis and comparison.
g.	Additional Information	Any supporting material, reports, plans, drawings to assist bidders with their submission.
h.	Guidance Documents	Standard documents include but are not limited to: • Welsh Language (Wales) Measure – Ceredigion • CoP Ethical Employment in Supply Chains • Modern Slavery Policy.
i.	TUPE Information	If TUPE applies, then it will be necessary to provide information on employment contracts of the current providers' affected workers.
j.	Other Guidance Material	Dependent upon value and type of contract there may be a requirement to include guidance documents for the following: • Registering with the Central Digital Platform • Community Benefits • Bond Policy/Standard Form • Parent Company guarantee • Project Bank Accounts • Carbon Reduction Plans.

8.4 Standard forms and templates are available from the corporate Procurement and Commissioning team.

8.5 For all procurements of £30,000 (including VAT) and over the successful bidder must be asked to provide their Unique Identifier. For Above Threshold procurement the Unique Identifier must be requested as part of the tender qualification process.

Contract

8.6 For contracts of value £12,500 and above a formal contract is required. The contract shall be signed and/or sealed in accordance with Table 4.

8.7 For procurements made using a Framework, Dynamic Market or Dynamic Purchasing System the form of contract shall be as stipulated in that agreement.

8.8 Other than the above, the form of contract shall be as follows:

a. contracts of value up to £12,499 - the Council standard terms and conditions with a purchase order;
b. contracts between £12,500 and £99,999:
    i. for goods and supplies - the Council standard terms and conditions with a purchase order;
    ii. for services – Council standard services contract or bespoke contract;
    iii. for works – suitable industry standard contract (such as NEC or JCT) or bespoke contract;
c. contracts over £100,000 must have a formal written contract, which shall be signed and sealed.

Specification

8.9 Specifications must clearly set out the procurement requirement in detail. It must include as a minimum:

- what is to be provided/outputs or outcomes required;
- quantities;
- timescales for delivery of works, goods or services;
- length of contract;
- essential requirements;

- any relevant British, European or International standards that are required to ensure quality;
- how/when suppliers will be paid;
- how performance will be monitored such as reporting requirements.

8.10 Output or outcome specifications may be utilised if the Council does not have a fixed view over how a project is delivered. For example, a contract may have the requirement to increase internet access in an area but might be open to how this is accomplished. Potential suppliers' proposed methodology would be assessed during the tender. For output or outcome specifications to be effective, they require clear monitoring and evaluation processes to be included. This type of specification may be appropriate where an innovative solution is sought.

8.11 The Procurement and Commissioning team will advise on the appropriateness of specification proposals.

Standards

8.12 It is encouraged to use relevant British, EU, and International standards which apply to the subject matter of the contract to objectively and clearly define the required quality in specifications.

Nominated Products

8.13 All goods and services should be specified by reference to objective, non-product specific descriptions. Equivalent proposals should be considered on the facts of their technical, qualitative and practical suitability as an alternative to items specified. The words "or equivalent" should always be used unless this is not possible for genuine technical reasons. It is accepted that there will be occasions where particular parts or equipment are required for compatibility with existing arrangements.

Nominated or Named Suppliers and Sub-contractors

8.14 There are risks to the Council if bidders are directed to use nominated or named suppliers or sub-contractors. This should be avoided if at all possible. It is accepted that for some specialist equipment, components, systems or processes a particular sub-contractor may be required to undertake a part of a contract. It may be the case that specialist input is required during the design process to

understand technical requirements; or it could occur that it is more economical for the Council to procure key supplies or components in advance on advantageous terms or to secure scarce supplies. In most cases the main contractor will remain responsible for the performance of the sub-contractor.

8.15 Should a nominated or named supplier or sub-contractor be proposed this should be brought to the attention of the corporate Procurement and Commissioning Team and legal advice should be sought to ensure the contract document addresses contract risk allocation. Consider back-to-back contracting arrangements in the supply chain.

8.16 Ensure prior due diligence is undertaken on the capacity to deliver and financial stability of the proposed sub-contractor.

Community Benefits/Social Value

8.17 Including Community Benefits (or Social Value) in contracts helps the Council contribute towards its Wellbeing Objectives and meet the requirements of the Well-being of Future Generations (Wales) Act 2015. It also supports compliance with the Socio-economic Duty and the Wales Procurement Policy Statement (WPPS). In its intended outcomes the WPPS states:

- "Contracting authorities should use procurement to support local employment, skills and training opportunities for people of all ages";
- "Contracting authorities should seek to maximise the delivery of social value through all procurement contracts".

8.18 Community Benefits are a mandatory requirement for all construction contracts of £2 million and above. However, it should be considered if Community Benefits could be achieved for any procurement regardless of value. Community Benefits or Social Value does not have to be a burdensome requirement, small contributions can have a positive effect on communities or local projects / groups. The approach to Community Benefits may differ from contract to contract to ensure proportionality and realism as to what can be achieved.

8.19 For contracts over £1 million in value Community Benefits, where used, should be a core requirement which means that they will be scored as part of the tender evaluation and are included as conditions in the contract. In effect social outcomes are being purchased as an integral part of the contract and offers will

need to be assessed as to how well they meet the requirement. Specific requirements such as a defined number of person training weeks, or the employment of an apprentice may be set out in the tender pack. Where this is the case, the Council will use its Community Benefits Guidance and Method Statement as part of the tender documentation.

8.20 Welsh Government recommends that where Social Value requirements are to be evaluated and scored then a minimum weighting of 10% of the total award criteria should be applied to social value in the tender to ensure that it carries a heavy enough score to be a differentiating factor in bid evaluation.

8.21 Where Community Benefits are non-core, offers are not scored as part of the evaluation process. Specific requirements should not be set out by the Council. Offers will be made by bidders at tender stage and outputs and timescales will be agreed with successful bidders following award. Delivery of the Community Benefits should still become conditions of the contract.

8.22 For grant funded projects officers must refer to the grant conditions as the treatment of Community Benefits may be specified, including the requirement to use the Welsh Government Community Benefit Measurement Tool and reporting of benefits realised.

8.23 Officers should liaise with the officer responsible for Community Benefits at pre-tender stage and involve that officer in the evaluation of Community Benefit offers where practical and proportionate.

8.24 If Community Benefits are to be included in a tender, then a statement to that effect must be included in the qualification questionnaire of the electronic tender to confirm bidders' understanding of the requirement.

Performance Bonds

8.25 A performance bond provides protection to the Council against potential losses including the costs of re-procuring sustained as a result of the contracting party failing to perform its contractual obligations.

8.26 The relevant Executive Corporate Lead Officer or Corporate Lead Officer (in consultation with the Executive Corporate Lead Officer Finance & Procurement)

shall consider whether a performance bond is necessary for the performance of a construction / works contract of Total Value £500,000 or over and shall either:

a. certify that no such security is necessary giving reasons for such opinion; or
b. in consultation with appropriate technical and procurement officers, specify in the conditions of tender the nature and amount of the security to be given.

8.27 If no security is required, then the relevant Corporate Lead Officer and the Executive Corporate Lead Officer Finance & Procurement must complete a Bond Waiver form to record the decision.

8.28 If security is required, the Council's Bond Policy states that the preference of the Council is to accept a bond paid in cash. This option should be explained to bidders in the tender documentation / electronic tender questionnaire.

8.29 The Council will accept a bond secured by a third party and the Council's standard bond document will be supplied as part of the tender documentation.

8.30 The Finance & Procurement Service will undertake due diligence on the acceptability of contractors' proposed bond providers to ensure they have an appropriate long term credit rating as set out in the Bond Policy.

8.31 The relevant Corporate Lead Officer shall have the right to require a bond for any contract which is estimated to be less than £500,000 value where it is felt that special circumstances make this prudent and reasons recorded.

Parent Company Guarantees

8.32 The relevant Corporate Lead Officer and the corporate Procurement and Commissioning Team, in consultation with the Executive Corporate Lead Officer Finance & Procurement, shall consider whether to seek a Parent Company Guarantee when a potential supplier is a subsidiary of a parent company and

a. the award is based upon the evaluation of the parent company; or
b. there is some concern over the stability of the potential supplier.

Project Bank Accounts

8.33 The Project Bank Account (PBA) requirement has been introduced to increase and promote fair payment practice in Welsh Public Sector Contracts. Welsh Government policy requires that any construction / infrastructure projects, part or fully funded by them, and over £2 million in value, should operate a Project Bank Account. Ceredigion County Council will be adopting the Sole Account approach to PBA's.

Carbon Reduction Plans

8.34 Carbon Reduction Plans are a method of supporting the Council's Net Zero ambition, complying with the Wellbeing of Future Generations Act and the Welsh Government Procurement Policy Statement (WPPS).

8.35 For Welsh Government funded projects it is required that Carbon Reduction Plans (CRP) are considered as a supplier selection criterion in all procurements of £6 million and over.

8.36 Welsh Government recommend that Carbon Reduction Plans (CRP) are considered as a supplier selection criterion in all procurements of £6 million and over as best practice. For procurement of below £6 million a risk-based approach is encouraged.

8.37 To simplify the process for suppliers and buyers, it is recommended that the UK Government standard template for Carbon Reduction Plans be used where possible.

8.38 Should a Carbon Reduction Plan be included in a tender then it will be necessary to refer to the WG CRP compliance checklist (see WPPN-06-21), and a statement clarifying the requirement must be included in the electronic tender questionnaire.

Key Performance Indicators (KPI)

8.39 The Procurement Act includes specific requirements to include and report on Key Performance Indicators (KPI) in Public Contracts above £5 million (including VAT). KPIs are a useful tool for measuring performance against contractual obligations, outcomes, costs and delivery times. Appropriate KPIs should be considered for inclusion in any contract proportionate to its value and type, to ensure value for money and delivery of requirements.

8.40 If a Public Contract (Above Threshold contract) is likely to be above £5 million (including VAT) over its term Lead Officers must discuss the inclusion of relevant KPIs with the Procurement & Commissioning Team. For these contracts the Procurement Act requires the publication of at least three Key Performance Indicators before entering into the contract unless the Council considers that key performance indicators are not appropriate to assess the supplier's performance. If KPIs are not considered appropriate this decision must be justified as the Council is required to publish the reasons.

8.41 The Procurement Act requirement for KPIs does not apply to the setting up of frameworks, or to Light Touch or Concession contracts.

8.42 Wherever KPIs are used the relevance and usefulness of specific measures should be carefully considered to avoid overburdening suppliers in collecting the information and contract managers in reporting and analysing. A few well-chosen measures may be of greater value.

8.43 If KPIs are to be included this should be part of the specification and / or contract requirements at the start of the procurement process, although it could be agreed subsequently if both parties are willing.

8.44 In the circumstances where KPIs are mandatory under the Procurement Act, they should be measured according to the ratings below, as provided for in the Procurement Regulations 2024. This is in order that data is collected in the format required in the Contract Performance Notice.

8.55

Rating	**Description**
Good	Performance is meeting or exceeding the key performance indicators
Approaching target	Performance is close to meeting the key performance indicators
Requires improvement	Performance is below the key performance indicators
Inadequate	Performance is significantly below the key performance indicators

Other	Performance cannot be described as good, approaching target, requires improvement or inadequate

Section 9 - Advertising and Tender Periods

9.1 Advertising requirements vary according to the estimated Total Value of the Procurement. Refer to Table 1 for detail.

9.2 The Procurement Act requires that all procurements above the GPA Threshold (excluding call-offs from Frameworks) must be advertised on Sell2Wales. Sell2Wales automatically publishes on the Central Digital Platform (CDP) – also known as Find a Tender Service.

9.3 For all procurements with an estimated value of between £30,000 (including VAT) and the GPA Threshold that are advertised in any way, the Council must first publish a Below Threshold Tender Notice on Sell2Wales.

9.4 Below Threshold Tender Notices published on Sell2Wales must be published in Welsh and English. This facility is currently unavailable for Above Threshold procurement notices. Should it later become possible to publish Above Threshold Notices in the medium of Welsh then this should be done where possible.

9.5 Procurements estimated to be below £30,000 (including VAT) may be advertised locally. Any proposed advertisement of procurement opportunities must be approved by the corporate Procurement and Commissioning team prior to publishing to ensure compliance with the Council's regulatory responsibilities.

9.6 Different from Dynamic Purchasing Systems under the Public Contract Regulations 2015, call-offs from Dynamic Markets must be advertised openly using a Tender Notice. The Notice must include details of how new suppliers can apply to participate in the Dynamic Market.

9.7 Tender time periods for Above Threshold procurement are set out in the Procurement Act. These are minimum timescales, and the complexity and value of the procurement should always be taken into consideration to ensure that timescales are proportionate.

9.8 For Below Threshold procurement it is recommended that a minimum of three weeks is allowed for return of simple tenders and quotations. Always consider the potential suppliers' capacity to respond to the Council's requirements. Very simple price only quotations may have shorter deadlines if suppliers are able to provide quick responses in a particular sector. Exceptions are allowable for very urgent needs.

9.9 The Council has a duty under the Procurement Act to have due regard to SMEs. Allowing longer tender or quotation periods and having an understanding of capacity issues they may face during holiday periods and busy times will give SMEs a better opportunity of being able to participate in the Council's procurement exercises.

9.10 Factors to consider when setting a tender or quotation time period:

a. Procurement Act minimum time period, including any shortened timescales which may apply for set circumstances detailed therein;
b. if a call-off from a Framework, compliance with the framework rules;
c. nature and complexity of the contract or tender requirements and suppliers' ability to respond within timescales;
d. need for site visits, inspections or specialist or scarce equipment / materials;
e. need for sub-contracting;
f. importance of avoiding delay;
g. the Procurement Objectives.

9.11 Time periods should be set with agreement of the corporate Procurement and Commissioning Team.

9.12 Should tender documents require amendment, or new documents added during the tender period then consideration should be made as to whether an extension of time should be granted. There is an assumption that this would usually be the case unless the change or addition is minor.

The Electronic Tender

9.13 An electronic tender usually follows the pattern of two or three 'envelopes', which are opened sequentially to ensure integrity of the evaluation process.

The envelopes are usually:

- Qualification and Commercial; or
- Qualification, Technical / Quality, and Commercial.

Qualification Questionnaire

9.14 The Qualification Questionnaire will include standard recommended UK and Welsh Government questions along with questions bespoke to the Council and bespoke to individual procurements as appropriate to ensure compliance with mandatory and essential requirements. The range of questions will be designed to be proportionate to the size and complexity of the procurement.

9.15 For Above Threshold procurements the questionnaire must not ask the basic supplier data and mandatory and discretionary exclusion questions as these must be answered by suppliers in the Central Digital Platform.

9.16 For Above Threshold procurements the questionnaire must ask for suppliers' Unique Identifier and a share code to access the supplier data, or alternatively they may supply a pdf copy.

9.17 For Regulated Notifiable Below Threshold procurements (£30,000 including VAT up to the relevant Procurement Act threshold) the questionnaire must request the supplier's Unique Identifier to allow the contract to be awarded.

9.18 The Council must not put barriers in place that will deter SMEs from bidding. For example, copies of audited accounts must not be requested from organisations that are not required to produce audited accounts; we must not require that bidding organisations have a turnover of greater than twice the contract value. There could be other risk mitigations that could be considered.

9.19 The Council's Equal Opportunities Statement must be included in the questionnaire. Bidders must be asked if they understand and agree to the statement.

9.20 The purpose of the qualification questionnaire is to assess bidders' suitability and capacity to undertake the contract and is usually assessed on a pass/fail basis.

Quality / Technical Envelope

9.21 This section of the electronic tender contains the quality or technical questions that will be used to assess the quality of the potential suppliers' bids. This section is scored according to a pre-determined marking criteria which must be disclosed to all potential bidders. Questions need to be forward looking, focused on the delivery of the project being procured and questions must not be duplicated with those asked at Qualification stage.

Commercial Envelope

9.22 The commercial envelope is where bidders are asked to provide their commercial offers which will include price but may also include other commercial information such as alternative bids if allowed, discounts, combination pricing, mobilisation plans etc.

9.23 As with the quality / technical submission, how the commercial element is to be evaluated or scored must be set out in the tender documents at the beginning of the process.

Noticing Requirements

9.24 For full details of noticing requirements for the different values of procurement, procurement processes, and special regimes, including exceptions refer to the official Procurement Act guidance.

Tender Queries

9.25 During any procurement process prospective suppliers may have queries. When an electronic tendering platform is being used to host a tender, all communication during the tender period must be made using the secure messaging facility provided by the system. Exceptions to this will be in extreme urgency or if there are ICT issues affecting the supplier or the Council. Further exceptions will be if a market engagement event is held during the tender, or if a Competitive Flexible

procurement is being used and a stage of the procurement includes direct contact between suppliers and buyers such as a demonstration or site visit stage.

9.26 In all cases all suppliers must be treated equally and not advantaged or disadvantaged. If any query or other interaction results in information being provided to a prospective supplier that would benefit or be of interest to other suppliers, it must be shared with all participants.

9.27 Not all responses to queries are required to be shared, it will be up to the judgement of the corporate Procurement and Commissioning Team whether to share with all participants. Should a prospective bidder state that a query is commercially sensitive this should be considered but the decision on whether the response is shared lies with the Council. In this situation it may be possible to formulate a response in a format which does not reveal sensitive information.

9.28 Some tender queries may reveal mistakes or omissions in tender or contract documentation. If documents are revised these must be shared with all participants. For Above Threshold procurements it may be necessary to publish an amendment to the Tender Notice and republish documents, this will depend upon the significance of any change.

Cancelling a Procurement

9.29 Sometimes it might be necessary to cancel a tender at any point until a contract is awarded. If a procurement exercise for an Above Threshold contract is cancelled it is necessary to publish a Procurement Termination Notice. It is good practice for a Procurement Termination Notice to be published for Below Threshold contracts.

Procuring Second-hand or Ex-Demonstration Items

9.30 The Council recognises that buying pre-used or ex-demonstration items can offer an opportunity to acquire suitable items at often advantageous terms or reduces the procurement lead time which can be considerable for items such as specialist vehicles. This supports the Procurement Objectives of securing value for money and maximising public benefit.

9.31 The Council may procure second-hand or ex-demonstration items of value below the GPA Threshold without competition in the following circumstances:

a. If available, comparisons and quotations of similar advertised items may be used in the place of a formal quotation or tender to demonstrate fair pricing. Similar items must be similar in age, usage and specification to be considered suitable for comparison. The number of comparisons must match the number of quotations or tenders sought according to value as set out in Table 1.

b. If sufficient suitable price comparisons are not available, then approval must be sought from Leadership Group to Direct Award a Below Threshold contract via an Exemption request. Value for money must be evidenced. This may include suitable comparisons against costs for buying new, maintenance costs, opportunity cost of not acquiring sooner etc.

9.32 The reason for this allowance is that the market for pre-used items is different, and it is unlikely a quotation or tender exercise would reach the suppliers needed to participate and engagement is likely to be minimal. Advantageous terms on pre-used items often require acceptance within a limited timescale as suppliers can easily find other potential buyers.

9.33 Should an opportunity arise to purchase a pre-used item of value above the relevant GPA threshold, this would be dealt with under the Direct Award rules see CPR 7.46 to 7.52.

Section 10 – Submission, Evaluation and Contract Award

10.1 Tenders shall not be opened until the time limit for their submission has expired.

10.2 As stated in Table 1 Tenders of potential Total Value of £25,000 (excluding VAT) or above must be submitted electronically using the Council's electronic tendering platform.

10.3 In the event of system failure, Service Business Continuity planning should be in place so that contingency plans and options are available to ensure Council Services can remain operational.

10.4 Should this situation occur, and there is a need to revert to paper based tendering, then on receipt, each hard-copy submission must be:

a. date stamped and time of receipt recorded;

b. initialled by the receiving officer.

10.5 If emailed submissions are allowable then they must be submitted to the procurement and commissioning team mailbox and:

a. saved in a secure electronic folder until the deadline for the tender has expired;
b. folders to be named with the supplier name, date and time of submission.

Late Submissions

10.6 Late submissions shall not be accepted except in exceptional circumstances, which include:

a. the Council's electronic tendering platform is inaccessible to all bidders due to technical reasons (not including reasons that are individual bidder specific);
b. where only one bid has been received (that being the late bid).

10.7 Should bidders experience difficulties submitting tenders on time they are advised to contact the Procurement and Commissioning Team before the tender closing time. Requests for extension of time will be considered on a case by case basis, but if granted it must apply to all tenderers equally.

10.8 The electronic procurement platform records the time of submission. There is sometimes confusion from bidders regarding their submission time as the system does not notify bidders if they submit within one minute of the tender closing time. For example, if they submit at 5 seconds after 12:00 they believe they have submitted at 12:00. It is therefore accepted that the Council may accept bids if submitted within the minute following the closing time, in order to avoid challenges. This would mean a submission time of 12:00:59 would be acceptable and 12:01 would not be acceptable.

10.9 Acceptance of late bids is reserved to the Corporate Manager Procurement & Commissioning.

Non-Compliance

10.10 The Council has discretion to disregard any tender which breaches a procedural requirement in relation to the tender set out in the tender notice or associated tender documents. Potential exclusion must be discussed with the central Procurement and Commissioning Team to assess the impact on the procurement and any grounds for challenge to the decision.

10.11 Decisions to exclude a bidder from a procurement process must be communicated to that bidder at the earliest opportunity.

Evaluation

10.12 Confidentiality of quotations, tenders and the identity of bidders must be preserved at all times. Information about bidders' responses must not be shared with other bidders.

10.13 Tender and quotation submissions must be evaluated and awarded in accordance with the Award Criteria as set out in the tender documentation.

10.14 As a general rule a panel of three officers should evaluate quality/technical submissions. Evaluators should evaluate separately and meet to agree scores. Alternatively, officers may meet to evaluate and agree scores together.

10.15 For Above Threshold or complex, high-profile procurements, or where evaluators are inexperienced a member of the Procurement and Commissioning Team shall moderate the evaluation panel meeting to ensure objectivity, transparency and compliance.

10.16 Evaluators must ensure they take complete and detailed notes of the reasoning for their scoring decisions. Evaluators will be required to provide meaningful feedback on bidders' scoring allocation including positive and negative aspects of the submission which must be robust and stand up to challenge.

Errors and Omissions

10.17 Errors and omissions may be corrected at the Council's discretion. Errors or omissions discovered during the evaluation process shall be dealt with as follows:

a. where the error relates to the tender total as calculated from tendered rates and variable quantities, the rates will be regarded as the offer and the tender total adjusted accordingly;
b. for a fixed-price contract, the tender total will be regarded as the offer and the rate adjusted accordingly;
c. for omissions bidders may be asked to provide the missing information;
d. for unpriced items bidders shall be asked to confirm if they have omitted to price or that the price is zero.

10.18 The adjustments must be communicated to bidders, and they must be invited to confirm or withdraw the adjusted bid. Bidders should be given a defined timescale within which they must respond.

Clarification

10.19 Seeking clarification of a tender submission from a bidder, whether in writing or by way of a meeting, is permitted. All written correspondence must be conducted using the secure messaging facility within the corporate e-Tendering system. Meetings must be recorded by way of minuting and confirmed with the bidder via the messaging facility.

Abnormally Low Bids

10.20 The Council retains the right to disqualify abnormally low bids. It is entirely the Council's decision as to what constitutes an abnormally low bid.

10.21 Should a bid be deemed to be a potential abnormally low bid a clarification request must be made of the bidder to confirm their price. The bidder will be asked to justify that the bid is sufficient to deliver the contract.

10.22 The Council may disqualify a bid if the bidder is unable to evidence their bid is sufficient. If the supplier demonstrates to the Council's satisfaction that it will be able to perform the contract for the price offered, the Council may not disregard the tender.

10.23 If the bidder confirms that their price was incorrect then the Errors and Omissions rules apply (see CPR 10.7).

Post Tender Negotiation

10.24 For Above Threshold procurement:

a. when using the Open Procedure Post Tender Negotiation (PTN) is not permitted. Clarification may be sought. The Council may consider alternative bids if this was stated in the tender documents.

b. when using the Competitive Flexible Procedure negotiation is permitted if this is stated in the tender documents and is clearly set out as a stage in the tender process at the beginning.

10.25 It is recommended that the Competitive Flexible Procedure be used in cases where it is possible that bidders may offer alternative bids, or the Council wishes to consider options to maximise value for money or provider proposals for innovative service delivery methods.

10.26 For Below Threshold procurement:

It may be permissible to negotiate post tender to achieve an improved outcome with a Preferred Bidder. Prior consultation with the corporate Procurement and Commissioning Team is required to ensure compliance.

- Competition must not be distorted, and negotiation must not result in a change of preferred bidder or a lower tender score than other bidders;
- The Procurement Objectives of value for money, maximising public benefit, transparency and integrity always apply;
- Written record must be kept of meetings, and other communication, and the outcome of the negotiation.

Award of Contract

10.27 No contract can be awarded without an approved, associated budget which is sufficient to meet the financial obligations of the contract over its lifetime, unless extenuating circumstances apply whereby express permission is obtained from the Executive Corporate Lead Officer Finance & Procurement, or in the case of extreme urgency.

10.28 Before recommending a contract award due diligence appropriate to the value and risk of the contract must be undertaken. This may include financial capacity

checks, parent company checks, credit reports, accreditation claims, insurances, bond proposals, sub-contractors etc.

10.29 Before award of a contract the Council must check the debarment register and act in accordance with the requirements of the Procurement Act should this reveal any information regarding relevant excluded or excludable people or organisations.

10.30 All contracts must be awarded in accordance with these CPR. Should an Exemption be required, this must be agreed before contract award, except where a requirement is urgent. In cases of urgency an exemption form must be submitted for information at the earliest opportunity.

10.31 All quotations and tenders of £12,500 and over require a Tender Acceptance Form to be completed and approved in accordance with Table 2 or 3 before the contract may be awarded. This does not include call-offs from Corporate Contracts or Frameworks unless a mini-competition has been conducted, or schedule of rates comparison has been undertaken.

10.32 In accordance with Tables 2 and 3, tenders of a value that requires contract award to be approved by Cabinet must not be awarded before the expiry of the required Cabinet call-in period. If the decision is called in any resulting review must be completed before bidders are notified of the tender outcome.

10.33 For all tenders or quotes that are conducted using the Council's electronic procurement platform, all communication during the tender and in relation to the award of the contract must be undertaken via the secure messaging facility of the system.

10.34 If the contract is being awarded following a competitive tender, all bidders must be informed of the tender outcome at the same time, except for previously excluded bidders. See CPR Section 4.

10.35 Candidates that are excluded (not allowed to compete) must be informed. Candidates must be informed when they are deselected as opposed to the end of the tender exercise.

10.36 If the contract is an Above Threshold procurement and is being awarded following a competitive tender, notification of the outcome must include Assessment Summaries in an appropriate format to comply with the requirements of the Procurement Act.

10.37 An Assessment Summary must contain:

a. summary of award criteria and assessment methodology – each criterion title and weighting, the assessment/scoring rationale and the scores available for each criterion;
b. scores awarded and justification – including scores for any sub-criteria and the reasons for awarding those scores;
c. an explanation of why a supplier's bid has been unsuccessful – including if minimum score thresholds have not been reached;
d. it is recommended to give feedback which will help suppliers improve future bids, to encourage them to remain engaged, and raise bidding standards in future tenders.

10.38 Bidders must also be informed of the following:

a. The name and the score of the winning bidder (or those admitted to a framework);
b. The expected end date of the Standstill Period.

10.39 For Above Threshold procurements the Procurement Act requires a Contract Award Notice is published before the award of a Public Contract.

10.40 A mandatory standstill period of eight working days is applicable for Above Threshold contracts. The Council must not enter into a contract with a successful supplier before the expiry of the standstill period.

10.41 The Council may observe a voluntary standstill period where appropriate. It is strongly recommended to have a standstill period for any competitive procurement exercise that has involved evaluation of the technical or quality offering of bidders. A voluntary standstill period must not be less than eight working days.

10.42 For Direct Award contracts, procurement under the Light Touch Regime, and call-offs from Frameworks and Dynamic Markets, consult the official guidance on application of the standstill requirements.

10.43 If an informal or formal challenge is received during the standstill period, then consideration must be given on whether the period needs to be extended to allow for investigation of issues raised. If the standstill period is extended this must be communicated to all bidders except any excluded in previous rounds.

10.44 Following the expiry of a standstill period, if there are no reasons not to award the contract then the award must be confirmed with the winning bidder.

10.45 Pre-contract or mobilisation meetings may be held following confirmation of award. This is good practice to establish each party's responsibilities, confirm understanding of requirements, discuss proposed sub-contractors, and contract start date.

10.46 Appointed suppliers must inform the Council of the names and contact details of sub-contractors. The Council may verify whether there are grounds for exclusion of sub-contractors and may, at its discretion, require a supplier to replace a sub-contractor if there are mandatory grounds for exclusion.

10.47 Contract Documents must be concluded in accordance with Table 4 and CPR 10.54 to 10.62.

10.48 For Above Threshold procurements and for Notifiable Below Threshold procurements (above £30,000 including VAT but below the relevant GPA Threshold) the Procurement Act requires a Contract Details Notice is published within 30 days of the award.

10.49 The Council operates a 'No PO No Pay Policy'. Except where the Council Purchasing Card is used, an official Purchase Order (PO) must always be raised, however this may be for the whole value or on a phased basis as suitable to the contract. For example, a one-off project may require a PO for the whole value, but a contract over several years would be more suited to a yearly PO.

10.50 If the winning bidder is a new supplier to the Council, then a request must be made in a timely manner to add the new supplier to the Council's creditors system. Officers must not wait until an invoice is received before requesting a supplier is added to the creditor system. This process takes time which may impact upon

the supplier not being paid within the payment terms of the contract and may have an effect on the Council's overall payment performance.

10.51 To enable the Council to comply with the Procurement Act section 70 reporting requirements, it is encouraged that the ocid reference generated by Sell2Wales on publishing procurement notices is included on purchase orders and invoices where possible. The Council is required to identify and report on payments made under Public Contracts. The inclusion of the ocid reference will facilitate this requirement.

Letters of Intent

10.52 In exceptional circumstances it may be necessary or beneficial to the Council to award a contract or part of a contract to a supplier in advance of full funding or other significant requirements being confirmed. It may be permissible to issue a Letter of Intent in agreement with a supplier to enable essential works and services to commence before award of the contract is confirmed. This may only be agreed with the approval of the Executive Corporate Lead Officer Finance & Procurement and the Corporate Lead Officer Legal & Governance Services.

10.53 If a Letter of Intent approach is approved, then the drafting must be approved by the Executive Corporate Lead Officer Finance & Procurement and the Corporate Lead Officer Legal & Governance Services.

Conclusion of Contract Documents

10.54 Refer to Table 4 for the signing and sealing requirements.

10.55 Services must consult the Procurement and Commissioning Team prior to submission of draft contracts to Legal Services. The Procurement and Commissioning Team will advise in relation to the appropriate signing clauses, completion dates and sealing arrangements.

10.56 All contracts must be concluded formally in writing before the supply, service or construction work begins, except in exceptional circumstances, and then only with the written consent of the Corporate Lead Officer Legal & Governance Services.

10.57 Execution - Signatures

a. Signature of the party contracting with the Council:
   - the Officer responsible for securing signature of the contract must use best endeavours to ensure that the person signing for the other contracting party has authority to do so
   - if the signing party is a Limited Company, this will include a check of Companies House of active Directors/company Secretaries;
   - parties contracting with the Council may apply an electronic signature or a wet signature of a duly authorised person.

b. Signature of the Council:

   i) contracts up to £100,000 and not by Deed
      - the Council may apply either a wet signature or an authenticated electronic signature of a duly authorised Officer;

   ii) contracts of £100,000 or over
      - the Council must execute by way of seal.

10.58 Where contracts are completed by the Council affixing its formal seal, the Council's seal must be affixed in the presence of an authorised officer.

10.59 Every Council sealing will be consecutively numbered, recorded and signed by the person witnessing the seal.

10.60 The seal must not be affixed without the appropriate authority of the Council which may be delegated as appropriate.

Deeds

10.61 A contract must be entered into as a Deed by the Council and the party contracting with the Council where the law of England and Wales mandates the use of a deed in certain transactions or circumstances, and where:

a. it is desirable that a contract remain enforceable more than six years after its end; or
b. the price paid or received under the contract is a nominal price and does not reflect the value of the goods or services.

10.62 The method of completion for a Deed is as follows:

a. Council
- the method of completion by the Council is by Execution as a Deed by affixing its common seal;

b. other parties contracting with the Council
- the execution clause for other parties will depend on the legal personality of the executing party as set out below:

i) individual
for an individual to validly execute a deed, the instrument must be signed by the individual in the presence of a witness who attests the signature;

ii) company
a company may execute a document (including a Deed) by either:
- affixing its common seal;
- by the signatures of:
  - two authorised signatories (such as a director or the secretary of the company); or
  - a director of the company attested by a witness.

Section 11 – Contract Implementation and Management

Contract Owner

11.1 The Council has obligations to report on contract performance and contract termination and will need to have regard to these CPRs, Procurement Objectives, and Conflicts of Interest implications when making contract management decisions.

11.2 All contracts must have a named Contract Manager from the relevant Service for the entirety of the contract. This individual must have sufficient capability and capacity, appropriate to the complexity and value of the contract, to undertake this role effectively. It is the responsibility of the Corporate Lead Officer for the service where the goods, works or services are being supplied to ensure that this is the case.

11.3 The Contract Manager in the relevant Service is responsible for:

a. ensuring the contract is delivered in accordance with the terms and conditions, including delivery of Community Benefits where applicable;
b. keeping complete and accurate records;
c. keeping a contract risk register appropriate to the value and complexity of the contract and identifying contingency measures;
d. monitoring supplier performance, reporting on KPIs, and dealing with issues;
e. working with suppliers to continuously improve performance and value for money;
f. liaising and communicating with the procurement and commissioning team on potential for contract changes, contractor performance or any other matters related to the contract;
g. reviewing the contract following termination to assess how well it met the purchasing need and value for money requirements;
h. informing the procurement and commissioning team sufficiently in advance of the requirement to re-procure.
i. Working with the Procurement & Commissioning service to identify any adverse or anomalous trends in contract pricing or tender submissions either on individual contracts or from the same Supplier over a period of time.

Contract Performance and Breach

11.4 It is the responsibility of the Contract Manager to ensure that regular performance reviews are undertaken appropriate to the contract complexity and value. The review should cover good and bad performance, complaints, issues and defects arising under the contract, and a record of all reviews must be kept. If Key Performance Indicators have been included in a contract, then these must be monitored and corrective action taken if necessary.

11.5 Where the Council has been required to publish Key Performance Indicators for Public Contracts above £5m including VAT, the Contract Manager should assess the supplier's performance against the Key Performance Indicators in accordance with the contract and publish Contract Performance Notices as required by the Procurement Act. Notices shall be published in collaboration with the Procurement and Commissioning Team.

11.6 For all contracts it is the responsibility of the Contract Manager to raise any incidents of poor performance or breach immediately with the supplier and seek rectification. This may be in the form of an improvement plan.

11.7 In instances of particularly poor performance, or persistent poor performance, the Contract Manager and the Procurement and Commissioning Team can consider whether to recommend:

a. early termination of the contract;

b. where the contract has been awarded under a Framework or Dynamic Market, suspension of the supplier from that Framework or Dynamic Market;

c. where the contract has been awarded under a Framework or Dynamic Market managed by another Contracting Authority, raising the performance issues with the framework or dynamic market manager.

11.8 It is recommended that advice is sought from the Council's Legal Services when considering termination of a contract.

11.9 If a contract is terminated or serious performance issues are experienced the Procurement and Commissioning Team will need to assess the requirements for reporting to Welsh Ministers, and UK Government Procurement Review Unit (PRU), for consideration of whether the supplier should be investigated for possible inclusion on the Debarment List.

Contract Modifications

11.10 Following the award of a contract, Modifications may need to be made to that contract to ensure it can be successfully fulfilled, as demands and circumstances change throughout its lifetime.

11.11 Contract Modifications may be approved under the contract terms and conditions and in accordance with the procurement regime applicable to that contract. Transition arrangements provide that the rules of the regime in place when the contract, or over-arching Framework or Dynamic Purchasing System was originally let will apply.

11.12 For contracts tendered or awarded prior to 24 February 2025, and call-off contracts from Frameworks or DPS set up prior to the Procurement Act coming

into force, refer to the PCR 2015 and the Council's Contract Procedure Rules dated 21 June 2024.

11.13 For contracts tendered on or after 24 February 2025, the Procurement Act sets out the grounds which Public Contracts (Above Threshold contracts) or Convertible Contracts may be modified during their term, provided the relevant requirements are met. If a Modification cannot be justified on at least one of the grounds, the Modification is not permitted, and a new procurement must be carried out if the Council wishes to implement the subject-matter of the Modification.

11.14 Modifications to Below Threshold contracts (unless they are Convertible Contracts), and Light Touch contracts do not need to be justified on one of the set grounds; they may be freely modified under the Procurement Act. Except where expressly set out, the following rules apply to Public Contracts only and not Below Threshold contracts. The Council's own rules apply to Below Threshold and Light Touch contracts see CPR 11.33 to 11.35.

Public Contracts (Above Threshold Contracts) Modifications

11.15 Applicable grounds as set out in the official Procurement Act Guidance are set out below. However, for details on how to apply the grounds always refer back to the official Procurement Act guidance, which may be amended from time to time, especially as case law develops.

11.16 Non-substantial and below-threshold modifications

a.	Non-substantial Section 74(1)(b)	Modification is permitted on this ground if it is not a substantial modification as defined in section 74(3), if it does not: ● increase or decrease the term of the contract by more than 10% of the maximum term provided for on award; or ● materially change the scope of the contract; or ● materially change the economic balance of the contract in favour of the supplier.
b.	Below-threshold	Modification is permitted on this ground if it: ● does not increase or decrease the estimated value of a goods or services contract by more than 10%,

	Section 74(1)(c) and section 74(4) (meaning of 'below-threshold modification')	or a works contract by more than 15%; and ● the aggregated value of below-threshold modifications would be less than the threshold amount for the type of contract; and ● the modification would not materially change the scope of the contract; and ● the modification cannot be made on the permitted modification grounds at Schedule 8 or is not a substantial modification (as set out in section 74(3)). A below-threshold modification under section 74(1)(c) may be used multiple times, but the meaning of a below-threshold modification provides, at section 74(4)(b), that the aggregated value of the changes made on this ground must be less than the GPA Threshold applicable to that type of contract.

11.17 Permitted modifications under Schedule 8

c.	Provided for in the contract Schedule 8, paragraph 1	Modification is permitted on this ground if the possibility of the modification is unambiguously provided in: ● the contract as awarded; and ● the tender or transparency notice for the award of that contract; and ● the modification would not change the overall nature of the contract.
d.	Urgency and the protection of life Schedule 8, paragraphs 2-3	Modification is permitted on this ground if its purpose: ● could, alternatively, be achieved by directly awarding a contract under section 41 (Direct award in special cases); and ● such direct award could be made by reference to either extreme and unavoidable urgency (under

		Schedule 5, paragraph 13) or regulations made under section 42 (Direct award to protect life, etc).
e.	Unforeseeable circumstances Schedule 8, paragraph 4	Modification is permitted on this ground if: ● the circumstances giving rise to the modification could not reasonably have been foreseen by the contracting authority before the award of the contract; and ● it does not change the overall nature of the contract; and ● it does not increase the estimated value of the contract by more than 50%. This 50% threshold does not apply if the contract is a utilities contract.
f.	Materialisation of a known risk Schedule 8, paragraphs 5-7	Modification is permitted on this ground if: ● a 'known risk' (as defined in Schedule 8, paragraph 6) has materialised which was not caused by any act or omission of the contracting authority or supplier, and as a result the contract cannot be delivered to the contracting authority's satisfaction; and ● it is in the public interest in the circumstances to amend the contract rather than award a new contract; and ● it does not increase the estimated value of the contract by more than 50% (unless it is a utilities contract, in which case the 50% cap does not apply); and ● it was set out in the tender notice or transparency notice for award of the contract that the contract may require amendment due to the identified risk; and ● goes no further than necessary to address the known risk. When considering the public interest in relation to this type of modification, the contracting authority: ● must consider whether a new contract (rather than a modification) could provide more value for money;

		and ● may consider technical and operational matters.
g.	Additional goods, services or works Schedule 8, paragraph 8	Modification is permitted on this ground if: ● it is for goods, services or works that are additional to (which would include a repetition of) goods, services or works already provided for in the contract; and ● using a different supplier would result in the supply of goods, services or works that are different from, or incompatible with, those already provided for in the contract; and ● the contracting authority considers that the difference or incompatibility would result in: ● disproportionate technical differences in operation or maintenance or other significant inconvenience; and ● substantial duplication of costs for the authority; and ● the modification would not increase the estimated value of the contract by more than 50%. This limit of 50% does not apply if the contract being modified is a utilities contract.
h.	Transfer on corporate restructuring Schedule 8, paragraph 9	The novation or assignment of a public contract to another supplier (which would include another contracting authority) is a permitted modification if it is required following a corporate restructuring or similar circumstance. Section 74(9) prohibits a contracting authority from modifying a contract to change a supplier except where this ground applies. The new supplier must not be an excluded supplier.

11.18 When making changes to a contract, the Council should select the ground that is most appropriate for the changes that are required. The official guidance should be consulted to confirm compliance and if more than one ground is identified. The

Procurement Act prohibits combining a Modification that is not permitted with one that is permitted in order to make a permitted Modification.

11.19 Where a reference is made to the 'estimated value' of the contract in the Modification grounds listed above, this means the estimated value of the contract at the time immediately before the Modification is made. This could be an accumulated value following a number of previous Modifications.

11.20 When considering allowable increases or decreases to contract duration, the maximum contract duration is that provided for when the contract was awarded. To note, the maximum duration provided for includes any extensions to the contract term provided for in the original contract.

11.21 The Council may have flexibility to modify the duration of an Above Threshold contract above 10% of the original maximum duration using other grounds, other than described in 11.16 a. This is explained in the official guidance.

11.22 A Modification on the non-substantial ground is also only permitted if the modification would not materially change the scope of the contract or materially change the 'economic balance' of the contract in favour of the supplier. A material change to the scope means a change to the type of goods, services or works to be supplied under the contract that was not already provided for in the contract.

11.23 Whether there is a material change in the economic balance in favour of the supplier is concerned with whether the supplier is put in a better place under the contract that materially benefits the supplier economically and should be assessed by reference to the contractual bargain agreed between the Council and the supplier in the context of the whole contract. Each Modification will need to be considered on its own facts, but additional goods, services or works to be provided at the same price as that agreed for the original goods, services or works, for example, might not be considered to materially change the economic balance in favour of the supplier. However, a Modification that resulted in an increase in the supplier's profit under the contract from 8% to 16%, or repeated Modifications that result in the purchase of a significant amount of additional goods, services or works over a period of time would, for example, be likely to materially change the economic balance in favour of the supplier.

11.24 The Procurement Act states that the "aggregated value of below-threshold modifications" is the amount of the estimated value of the contract after modification that is attributable to below-threshold modifications.

11.25 Except as provided for in the Schedule 8 modification permitted on corporate restructuring, the Council may not modify a Public Contract so as to change the supplier.

Modifications to Frameworks and Dynamic Markets

11.26 Call-off Contracts awarded under a Framework and contracts awarded under Dynamic Markets are treated the same as standard contracts.

11.27 For Modifications to Frameworks, Dynamic Markets and Light Touch contracts refer to the official guidance.

Contract Change Notice

11.28 Before modifying a Public Contract (Above Threshold contract) or a Convertible Contract, the Council must publish a Contract Change Notice setting out that the Council intends to modify the contract.

11.29 A Contract Change Notice does not apply if:

a. the Modification increases or decreases the Total Value of the contract by:

   i) 10 per cent or less for goods or services contracts;

   ii) 15 per cent or less for works contracts; or

b. the Modification increases or decreases the term of the contract by 10 per cent or less of the maximum term provided for on award.

11.30 Always refer to the official Procurement Act guidance when considering modifying a contract. The percentage thresholds are subject to amendment by a Minister of the Crown or Welsh Ministers.

Voluntary Standstill

11.31 The Council may choose to observe a Voluntary Standstill period when publishing Contract Change Notice in relation to a Modification to a Public Contract (Above Threshold) or Convertible Contract.

11.32 If a Voluntary Standstill period is observed, it must not be less than a period of eight working days beginning with the day on which the Contract Change Notice is published.

Modifications to Below Threshold Contracts (Not Public Contracts)

11.33 The Procurement Act may not apply to Modifications to Below Threshold and Light Touch contracts however, the Council must abide by its own Standing Orders and Financial Regulations. The Procurement Objectives must always be considered.

11.34 A Modification to a Below Threshold contract is allowable in the following circumstances:

a. the term of the original contract is not increased by more than 100%;
b. the value of the original contract is not increased by more than 100%;
c. the scope of the contract is not materially changed;
d. the change is within budget;
e. the contract term has not expired;
f. the change is required in relation to time limited grant funding from an external body, where the time limitations will not allow a competitive process to be completed and where the grant conditions allow this;
g. the change does not take the Total Value over the relevant GPA Threshold. In these circumstances the contract will become a Convertible Contract.

11.35 Should the circumstances of a proposed Modification to a Below Threshold contract not be covered by the above, and the Modification is supported by the Procurement and Commissioning Team and Executive Corporate Lead Officer Finance & Procurement, the Modification may be agreed by an Exemption to these CPRs approved by Leadership Group.

Approval for Contract Variation

11.36 Contract Managers shall have authority to agree contract variations provided there is confirmed funding available and any increase in value does not take the new contract value into a higher contract approval band as set out in Tables 2 and 3. Any changes that increase the contract value will need to be approved according

to the new value band. The exception to this is if the value increases to £2 million or above then approval may be reserved to the Executive Corporate Lead Officer Finance & Procurement.

Construction Contracts

11.37 Modification and variation of industry standard construction contracts such as JCT or NEC will be governed by the mechanisms of those contracts. For Above Threshold contracts it is important to set out in the Tender Notice that Modifications will be applicable in accordance with the terms of the contract. See CPR 11.17 c. (provided for in the contract). Consult the official Procurement Act guidance for clarity on circumstances where Contract Change Notices are required.

Amended Purchase Order

11.38 Any contract Modification must be supported by an amended or new Purchase Order.

Contract Extensions

11.39 Where a contract includes for optional extensions then agreement to the extensions should be sought with the supplier as required.

11.40 An extension agreement will need to be completed, the Procurement and Commissioning Team have a template for this.

Assignment and Novation

11.41 Suppliers must inform the Council if a contract is potentially going to be subject to Assignment or Novation. The Contract Manager shall consult the contract terms for any Assignment or Novation process and liaise with the Procurement and Commissioning Team and Legal Services.

Section 12 - Contract Termination and Expiry

Implied Right to Terminate Public Contracts

12.1 It is an implied term of every Public Contract (Above Threshold contract) that the contract can be terminated by the Council if a termination ground applies.

12.2 Each of the following circumstances is a termination ground:

a. the Council considers that the contract was awarded or modified in material breach of the Procurement Act or regulations made under it;
b. a supplier has, since the award of the contract, become an Excluded Supplier or Excludable Supplier (including by reference to an associated person);
c. a supplier (other than an associated person) to which the supplier is sub-contracting the performance of all or part of the Public Contract is an Excluded or Excludable Supplier.

12.3 If any of the above is suspected, consult the official Procurement Act guidance for further details before taking action.

Authority to Terminate a Contract Before Expiry

12.4 The Contract Manager shall have the authority to terminate a contact before expiry in accordance with its terms. Advice must first be sought from the Procurement and Commissioning Team, who may advise that the Council's Legal Services are consulted depending upon complexity of the issue or significance of the contract.

12.5 Before terminating a contract due to poor performance all avenues under the contract should be explored for mediation or correcting an issue such as agreeing an improvement plan. See CPR 11.4 to 11.9 Contract Performance and Breach.

12.6 All termination correspondence must be in writing and follow the processes as set out in the contract or legislation.

12.7 Termination of an Above Threshold contract on poor performance grounds, or breach of contract may require the publishing of a Contract Performance Notice. This does not apply to Light Touch contracts. For any value of contract, it may be necessary to inform the Debarment Review Service of the Procurement Review Unit, who will investigate the supplier as to whether they should be added to the Debarment Register. In all cases the Procurement and Commissioning Team must be consulted in order that the necessary reporting requirement is assessed and applied.

Contract Expiry

12.8 Contract Managers must review in sufficient time before a contract is due to expire contract performance and consider what if any contract arrangements will be required in the future. Should the contract need to be re-procured Contract Managers need to give the Procurement and Commissioning Team adequate advance notice to be able to plan and undertake the procurement. Poor planning leading to inadequate time to procure is not a justifiable excuse for a direct award or exception to these CPRs.

12.9 Some contracts may require active steps to be taken to end the Contract such as serving of notices no later than a certain number of months prior to the end of the contract, and or steps may need to be taken to decommission the contract arrangements. The Contract Manager is responsible for ensuring that where appropriate, steps taken to bring Contracts to an end in accordance with the contract terms.

Termination Notice

12.10 For Above Threshold contracts, except for User Choice contracts, the Procurement Act requires the publication of a Termination Notice whenever a contract is terminated. When an Above Threshold contract expires at the end of its term a Termination Notice must be published.

12.11 For any other contract where any other notices have been published, such as a Contract Details Notice published for a Notifiable Below Threshold contract, it is best practice to publish a Termination Notice when that contract ends. This will ensure that the Council's notices (and therefore data) published on the UK Government Find a Tender Service / Sell2Wales will be up to date.

Section 13 – Purchasing Cards

13.1 Any officer issued with a Council Purchasing Card (credit card) must act by the rules provided to them. Officers must sign to confirm they agree to abide by the rules. Should an officer fail to comply with the rules or continue to fail to complete the administrative tasks related to the Purchasing Card they may have their card suspended or cancelled.

13.2 In order that the Council may recover VAT charged against Purchasing Card orders, card holders must make reasonable endeavours to obtain a VAT invoice for transactions.

13.3 Purchase of vouchers or gift cards is discouraged, however it is understood that these may be legitimately required for prizes, for service users to make essential purchases, or for activities such as teaching life skills.

13.4 Purchase of vouchers or gift cards may only be sanctioned by the Procurement and Commissioning Team or Executive Corporate Lead Officer Finance & Procurement, this will usually be the Purchase2Pay Manager in consultation with the Corporate Manager for Procurement & Commissioning.

Section 14 - Exemptions

14.1 For Below Threshold tenders/contracts the Council may have some discretion to partially suspend the requirements in these CPRs to enable a particular course of action as an exception.

14.2 Where an exception is sought for a Below Threshold contract a CPR Exemption form is required to be completed with input from the corporate Procurement and Commissioning Team.

14.3 It is not possible to exempt from the noticing requirements under the Procurement Act. Compliance with the Notifiable Below Threshold noticing requirements must be complied with even if an exception is agreed.

Exemption Reasons

14.4 In addition to the above, acceptable reasons for requesting an exemption to the CPRs for Above and Below threshold procurements include (but are not limited to) the following:

a. insufficient providers to meet requirement for competition (not enough bidders to satisfy minimum requirements to quote or tender);
b. insufficient bids received;

c. direct award (see reasons in CPR section on Direct Award);

d. direct award to a supplier off a framework with more than one supplier and suppliers are not ranked;

e. significant extension or modification of an existing contract.

Approval of Exemptions

14.5 For procurement up to £12,500 the exemption request may be considered and approved by the Corporate Manager Procurement & Commissioning in consultation with the Executive Corporate Lead Officer Finance & Procurement.

14.6 Exemptions regarding procurement of values of £12,500 and over will need to be considered and:

a. authorised by the Corporate Lead Officer for the service;

b. supported by the Corporate Manager Procurement & Commissioning;

c. approved by the Executive Corporate Lead Officer for Finance & Procurement;

and, other than those relating to User Choice contracts, endorsed by the Council's Leadership Group.

14.7 The Chief Executive, Executive Corporate Director and Executive Corporate Lead Officer Finance & Procurement have delegated authority to approve Exemptions where it is not possible for the Council's Leadership Group to endorse them in a timely manner (eg time sensitive matters and/or no Leadership Group meeting being scheduled), subject at all times that these Exemptions shall still be presented to the Council's Leadership Group for information.

14.8 All exemptions approved must be copied to the Monitoring Officer.

Section 15 – Amendments and Review of the Contract Procedure Rules

15.1 In accordance with the Financial Procedure Rules and the CPR, the Executive Corporate Lead Officer Finance & Procurement (in consultation with the Monitoring Officer), shall have the power to make amendments from time to time to these CPR. Such amendments to be formally adopted by Council.

15.2 A full and regular review of these CPRs will aim to be undertaken following either any further substantive changes to the law, or within five years of adoption, whichever is the sooner.

15.3 The nature of the Appendices to the CPR requires that they will be subject to change and therefore amendments to those sections shall not require formal adoption by Council. The Appendices may be updated and/or amended as necessary by the corporate Procurement and Commissioning Team in agreement with the Monitoring Officer.

Appendices

Appendix A Description of Procurement Act Notices

UK1	**Pipeline Notice** – Compulsory for contracting authorities (CAs) who consider that they will pay more than £100m under relevant contracts in the coming financial year and if the contract will be over £2m.

UK2	**Preliminary Market Engagement (PME) Notice** – Compulsory if a CA plans to conduct or has conducted PME. CA's don't have to conduct PME, but if they do then they must publish a PME notice or provide reasons for doing so in the Tender Notice.
UK3	**Planned Procurement Notice** – Voluntary – equivalent of a PIN (although not used as a means to call for competition). Provides early information about a competitive procurement. Reduces the minimum tendering period to 10 days for an above-threshold contract, if published between 40 days and 1 year before a linked UK4 tender notice.
UK4	**Tender Notice** – Published to advertise for tenders or requests to participate using a competitive tendering procedure (open procedure or competitive flexible procedure), including when using a dynamic market (DM) or establishing a framework, but not for awards under frameworks. Compulsory where a contracting authority intends to award a public contract under Clause 19. This does not apply if a DM call-off relates to below threshold DM call-offs put in place by a Welsh Contracting Authority. Above threshold the normal minimum tendering period is 25 days, if electronic submission is allowed and all associated tender documents are provided with the tender notice.
UK5	**Transparency Notice** – Compulsory where there is a direct award under Clause 41 or Clause 43. Published to provide transparency before making a direct award. This includes switching an unsuccessful competitive tendering procedure to direct award (which can only be done after the submission deadline specified in the related UK4 tender notice).
UK6	**Contract Award Notice** – Compulsory before entering into a public contract – sets out intention to enter into a contract. Published after making an award decision and before a contract is signed, including when using a framework or if making a direct award. Starts the standstill period of at least 8 working days if one applies - the contract must not be signed until after this has ended. Also published if some lots will not be awarded.
UK7	**Contract Details Notice (CDN)** – Compulsory – sets out that a contract has been entered into. Published after a contract has been signed, both above and below threshold. Must be published within 30 days of signature if above threshold (or 120 days for light-touch contracts). The contract document

	(redacted as necessary) must be attached within 90 days (or 180 days for light-touch contracts) for contracts over £5 million. Attaching the contract document is not required if Welsh or Northern Irish rules apply. In Wales the CDN will need to include a copy of the contract (redacted) only if it is a call-off contract over £5m procured under a reserved procurement arrangement (ie a framework or dynamic market awarded by an English/ non-devolved CA.)
UK8	**Contract Payment Notice** – Compulsory - Publish details of payments over £30,000 made under a public contract (quarterly).
UK9	**Contract Performance Notice** – Compulsory – In the contract management stage there will need to be a contract performance notice for all contracts where KPI's were required to be published. It must be published at least once a year for contracts over £5m. It must also be published if there is a breach or failure to perform within 30 days, except for light touch contracts.
UK10	**Contract Change Notice** – Compulsory if certain thresholds stated in the Act are met – must publish before modifying an existing public contract (except in prescribed circumstances). The updated CCN will need to include a copy of the modified contract (redacted) or the modification only if the modified contract is a call-off contract over £5m procured under a reserved procurement arrangement (ie a framework or dynamic market awarded by an English/ non-devolved CA.)
UK11	**Contract Termination Notice (CTN)** – Compulsory for a public contract – must publish within 30 days of termination (including termination by a party, discharge, expiry, recission and set aside by a court order.) A CTN does not apply – (a) – to private utilities, or (b) in relation to a contract awarded under section 41 by reference to paragraph 15 of Schedule 5 (direct award: user choice contracts).
UK12	**Procurement Termination Notice** – Compulsory if, after publishing a tender or transparency notice in respect of a public contract, a contracting authority decides not to award the contract.
UK13-UK16	**Dynamic Market (DM) Notices** – Compulsory where a dynamic market is to be advertised, established, awarded, modified or cease to operate. There will be one notice called Dynamic Market Notice, which then gets updated as it flows through each of the stages. UK13 – Advertising, UK14 – Establishment, UK15 – Change, UK16 -Termination.

UK17	**Payments Compliance Notices** – Compulsory – must publish payment compliance information every 6 months and confirm compliance with prompt payment provisions. The notice will only show compliance with the 30-day payment term and is to be issued once every 6 months in relation to all public contracts as defined in the Act.
Wales only	**Below Threshold Tender Notice** – Compulsory where a contracting authority intends to advertise for the purpose of inviting tenders for a below threshold procurement. A notice must be published on Sell2Wales before advertising elsewhere. Not required if the opportunity is not being advertised ie a quotation issued to pre-selected suppliers.
	Note: Where a works contract is below threshold and not classified as a public contract (or covered procurement), the £5m publication requirements do not apply. For example, a works contract that is £5.2m in value (at 2025) would not require the publication of redacted contract documents or KPIs.

Source: Welsh Government Procurement Notice Flowchart and Find a Tender Service

Procurement Act 2023 guidance: notice sequencing and flowcharts | GOV.WALES

Notice types and sequences - Find a Tender

Appendix B Request for Exemption from CPR Template

The format may be amended from time to time by the Procurement and Commissioning Team. Contact the team for the latest version of the template.

Request for a Contract Exemption Under the Contract Procedure Rules

1. Please complete this form with the corporate Procurement & Commissioning Team
2. If an exemption is granted the Council's Monitoring Officer must receive a copy
3. A Transparency Notice must be published for any Direct Award above threshold
4. A check must have been made to ensure an identified supplier is not an Excluded supplier

Responsible Commissioning Lead	[Name]	**Service Area**	**Date of Request**
		[xxx Services]	xx/xx/2025

Reason for requesting an exemption from the Contract Procedure Rules (CPR):	'x'
• Insufficient providers to meet requirement for competition (not enough bidders to satisfy minimum requirements to quote or tender)	
• Insufficient bids received	
• Direct award – enter Justification Type below	
[Insert direct award reason here]	
• Direct award to a supplier off a framework with more than one supplier and suppliers are not ranked	
• Significant extension or modification of an existing contract	
• Below threshold contract exemption request for other reason – provide details in description section	
• Individual care contract	

Notes	See Appendix A for detail on allowable reasons for direct award Significant modifications are defined in the Procurement Act 2023 For below Procurement Act threshold procurements, the Council may have discretion to agree an exemption to the CPR

Description of Contract Including Details of Supplier Exemption ref: EX202526-

Contract or Procurement Title
Supplier Name

Background / Description

Why exemption required and how value for money has been demonstrated.

An exemption from the Contract Procedure Rules is requested to award the xxx contract to xx supplier for xx reason.

For contracts over £30,000 (including VAT) the supplier must register on the Central Digital Platform and provide the Council with their Unique Identifier.			
Supplier Unique Identifier			
Annual Value of Contract	£	Is there budget available?	Yes/No
Total Value Over the Term	£	Is the procurement externally funded?	If 'Yes' insert detail

Where an extension of an existing contract is requested, please supply the following:			
How was the original contract procured?			
Term of existing contract		Expiry date of existing contract	
Has the contract already been extended? If 'yes' give details of extension			

*Confirm that you will put arrangements in place to ensure that an appropriate commissioning/procurement process will be followed and that you will put the necessary contract documentation in place	Yes/No

** To be completed in all instances*

	Name	**Signature**
Request authorised by Corporate Lead Officer or above		
Exemption supported by Corporate Manager Procurement & Commissioning		
Exemption approved by Executive Corporate Lead Officer Finance & Procurement		
Approval date		

Direct Award Justification Types

A	prototypes and development
B	single supplier (arts, rights, technical reasons)
C	additional or repeat goods, services or works
D	commodity market purchase
E	advantageous terms on insolvency
F	urgency
G	Order to Protect Life (only if an order made by minister of the Crown)
H	no or no suitable tenders or RFQs received

If you can provide any supporting information in the form of photo's, drawings, plans, tables etc to illustrate the requirement please do so in the following section.

Supporting Material

Appendix C CPV Codes for Light Touch Services

See The Procurement Regulations 2024, Schedule 1, Table 1

The Procurement Regulations 2024

Appendix D CPV Codes for Provider Selection Regime

CPV code 85100000-0 Description:

Health services.

CPV code 85110000-3 Description:

Hospital and related services.

CPV code 85111000-0 Description:

Hospital services.

CPV code 85111100-1 Description:

Surgical hospital services.

CPV code 85111200-2 Description:

Medical hospital services.

CPV code 85111300-3 Description:

Gynaecological hospital services.

CPV code 85111310-6 Description:

In vitro fertilisation services.

CPV code 85111320-9 Description:

Obstetrical hospital services.

CPV code 85111400-4 Description:

Rehabilitation hospital services.

CPV code 85111500-5 Description:

Psychiatric hospital services.

CPV code 85111600-6 Description:

Orthotic services.

CPV code 85111700-7 Description:

Oxygen-therapy services.

CPV code 85111800-8 Description:

Pathology services.

CPV code 85111810-1 Description:

Blood analysis services.

CPV code 85111820-4 Description:

Bacteriological analysis services.

CPV code 85111900-9 Description:

Hospital dialysis services.

CPV code 85112200-9 Description:

Outpatient care services.

CPV code 85120000-6 Description:

Medical practice and related services.

CPV code 85121000-3 Description:

Medical practice services.

CPV code 85121100-4 Description:

General-practitioner services.

CPV code 85121200-5 Description:

Medical specialist services.

CPV code 85121210-8 Description:

Gynaecologic or obstetric services.

CPV code 85121220-1 Description:

Nephrology or nervous system specialist services.

CPV code 85121230-4 Description:

Cardiology services or pulmonary specialist services.

CPV code 85121231-1 Description:

Cardiology services.

CPV code 85121232-8 Description:

Pulmonary specialist services.

CPV code 85121240-7 Description:

ENT or audiologist services.

CPV code 85121250-0 Description:

Gastroenterologist and geriatric services.

CPV code 85121251-7 Description:

Gastroenterologist services.

CPV code 85121252-4 Description:

Geriatric services.

CPV code 85121270-6 Description:

Psychiatrist or psychologist services.

CPV code 85121271-3 Description:

Home for the psychologically disturbed services.

CPV code 85121280-9 Description:

Ophthalmologist, dermatology or orthopaedics services.

CPV code 85121281-6 Description:

Ophthalmologist services.

CPV code 85121282-3 Description:

Dermatology services.

CPV code 85121283-0 Description:

Orthopaedic services.

CPV code 85121290-2 Description:

Paediatric or urologist services.

CPV code 85121291-9 Description:

Paediatric services.

CPV code 85121292-6 Description:

Urologist services.

CPV code 85121300-6 Description:

Surgical specialist services.

CPV code 85130000-9 Description:

Dental practice and related services.

CPV code 85131000-6 Description:

Dental-practice services.

CPV code 85131100-7 Description:

Orthodontic services.

CPV code 85131110-0 Description:

Orthodontic-surgery services.

CPV code 85140000-2 Description:

Miscellaneous health services.

CPV code 85141000-9 Description:

Services provided by medical personnel.

CPV code 85141100-0 Description:

Services provided by midwives.

CPV code 85141200-1 Description:

Services provided by nurses.

CPV code 85141210-4 Description:

Home medical treatment services.

CPV code 85141211-1 Description:

Dialysis home medical treatment services.

CPV code 85141220-7 Description:

Advisory services provided by nurses.

CPV code 85142000-6 Description:

Paramedical services.

CPV code 85142100-7 Description:

Physiotherapy services.

CPV code 85143000-3 Description:

Ambulance services.

CPV code 85144000-0 Description:

Residential health facilities services.

CPV code 85144100-1 Description:

Residential nursing care services.

CPV code 85145000-7 Description:

Services provided by medical laboratories.

CPV code 85146000-4 Description:

Services provided by blood banks.

CPV code 85146100-5 Description:

Services provided by sperm banks.

CPV code 85146200-6 Description:

Services provided by transplant organ banks.

CPV code 85148000-8 Description:

Medical analysis services.

CPV code 85149000-5 Description:

Pharmacy services but not including community pharmacy services that are arranged under the **National Health Service (Pharmaceutical Services) (Wales) Regulations 2020**.

CPV code 85150000-5 Description:

Medical imaging services.

CPV code 85160000-8 Description:

Optician services.

CPV code 85323000-9 Description:

Community health services, but only in respect of community health services which are delivered to individuals.

CPV code 85312330-1 Description:

Family-planning services, but only insofar as such services are provided to individuals to support sexual and reproductive health.

CPV code 85312500-4 Description:

Rehabilitation services, but only insofar as such services are provided to individuals to tackle substance misuse or for the rehabilitation of the mental or physical health of individuals.

Health service procurement draft statutory guidance: annex A [HTML] | GOV.WALES

Appendix E Definitions

Above Threshold Contract	A contract for the supply, of goods, services or works, a framework, or a concession contract, that has an estimated

	value equal to or higher than the 'threshold amount' for the type of contract – see GPA Threshold Above threshold procurement is subject to the full requirements of the Procurement Act
Agent	A person or organisation acting on behalf of the Council or on behalf of another organisation or individual
All-Wales Framework Agreement	An agreement that has been awarded by a public sector body in Wales available for use by the Council
Approved List	An unofficial list of preferred contractors Approved lists are not permissible under these CPRs
Assessment Summary	The aim of the assessment summary is to ensure that a supplier that submitted an assessed tender in relation to a competitive tendering procedure can understand why its tender was either successful or unsuccessful It also allows unsuccessful suppliers to see how the Council has determined the most advantageous tender (MAT) in accordance with the award criteria and assessment methodology If the procurement requires them, assessment summaries must be sent before publishing a contract award notice
Assignment	The transferring an agreement's rights, obligations, and property to another party The burden of the contract cannot be assigned, if the assignee fails to perform any of the contractual obligations, the Council can demand the original contracting party undertake any outstanding performance responsibilities Assignment is not normally permitted without prior agreement of the Council and in some contracts, it is not permitted at all
Authorised Individual	In respect of the conflicts of interest assessment is the person assigned the task of considering conflicts of interest declarations and completing the conflicts assessment
Authorised Signatory	Authorised Signatory means officers that have been approved and named within the Council's authorised signatory list to advertise procurements on behalf of the Council
Award Criteria	The criteria by which the successful quotation or tender is to be selected
Award Procedure	The procedure for awarding a contract
Award Team	Persons responsible for selecting a successful quotation or tender
Below Threshold Contract	A contract for the supply, of goods, services or works, a framework, or a concession contract, that has an estimated value of less than the 'threshold amount' for the type of contract – see GPA Threshold
Bidder	A candidate that has submitted a tender or quotation
Cabinet	The Council's Cabinet as defined in the Constitution

Call-Off Contract	A contract made under an over-arching agreement such as a framework or dynamic market
Candidate	Any person who asks or is invited to submit a quotation, or tender
Carbon Reduction Plan (CRP)	Carbon Reduction Plans (CRP) help suppliers and buyers understand the impact the contract and therefore their wider operations have upon the environment They detail the supplier's emissions across a single year against a range of emissions sources and greenhouse gasses Carbon Reduction Plans must be provided by suppliers when responding to in-scope procurements as defined by WPPN 06/21.
Central Digital Platform (CDP)	A platform where all UK contracting authorities publish information relating to procurement It is also the place where identifiers are recorded and/or issued and for suppliers to input their commonly used information It is a fully integrated digital platform where noticing, sign-in and registration, supplier information all work together to support public sector procurement Known as Find a Tender Service
Ceri Net	The Council's intranet site
Chief Officer	The officers defined as such in the Constitution
CLO	Corporate Lead Officer for a Council service (head of service)
Common Procurement Vocabulary (CPV) Codes	The common procurement vocabulary (CPV) establishes a single classification system for public procurement aimed at standardising the references used by contracting authorities and entities to describe procurement contracts
Community Benefits	The delivery of social, economic and environmental benefits, through effective application of Community Benefits clauses in contracts
Concession Contract	A contract between the Council and supplier for the supply, for pecuniary interest, of works or services to where: a. at least part of the consideration for that supply is a right for the supplier/contractor to exploit the works or services, and b. under the contract the supplier/contractor is exposed to a real operating risk
Concession Contract Regulations (CCR) 2016	The regulations with regard to concession contracts prior to the Procurement Act
Conditions of Participation	The Procurement Act allows contracting authorities to set conditions of participation which a supplier must satisfy in order to be awarded a public contract following a competitive tendering procedure The conditions must only relate to the supplier's:

	a. legal and financial capacity; or b. technical ability to perform the contract. They must be a proportionate means of ensuring the supplier's relevant capacity or ability, having regard to the nature, complexity and cost of the public contract
Conflicts Assessment	A record to be kept by the Council which must include details of the conflicts or potential conflicts of interest identified and any steps taken, or to be taken, to mitigate them
Conflict of Interest Declaration	Declaration completed by individuals that have involvement in a procurement or who can influence the outcome of a procurement detailing if any actual or perceived conflicts of interest or no conflicts of interest exist Feeds into the completion of the conflicts assessment
Constitution	The constitutional document adopted by the Council which: • allocates powers and responsibility within the Council • delegates authority to act to the Cabinet, Committees, Portfolio Holders and Officers; and • regulates the behaviour of individuals and groups through rules of procedure, codes and protocols • sets out how the Council operates, how decisions are made, and the procedures to be followed
Consultant	Someone with specialist knowledge and skills, employed for a specific length of time to work to a defined project brief with clear outcomes to be delivered
Contract	Any form of agreement, contract (including, without limitation, purchase orders produced on the Council's e-procurement system for the supply of goods, provision of services or carrying out of works and or concession contracts
Contracting Authority	A defined term in the Procurement Act, meaning a public body that is subject to the procurement regime
Contracting Decision	Any of the following decisions: • withdrawal of Invitation to tender; • whom to invite to submit a quotation or tender; • short-listing; • award of contract; • performance management measures; • termination of a contract
Contract Manager	The officer appointed to monitor and manage a contract to ensure its performance
Contract Modifications	Changes made to a contract during its lifetime to ensure it can be successfully fulfilled, as demands and circumstances alter

Contractor/Supplier	means any contractor, supplier or provider with whom the Council enters into a contract for the carrying out of works, provision of services or the supply of goods
Contract Procedure Rules (CPR)	The rules that govern procurement and contracting in the Council
Contracts Register	The register maintained (in such form as determined from time to time) which lists contracts (except arrangements in respect of Land and User Choice Contracts) concluded by the Council
Convertible Contracts	A below-threshold contract that, as a result of a contract modification will become a public contract For example, the new contract value will exceed the Procurement Act (GPA) thresholds
Corporate Contract	A contract let by the corporate Procurement and Commissioning Service, to support the Council's aim of achieving value for money
Executive Corporate Director	As defined in the Constitution
Corporate Manager	Manager below Chief Officer / Corporate Lead Officer level responsible for a group of service teams
Council	Cyngor Sir Ceredigion County Council
Covered Procurement	The award, entry into and management of a public contract
CPR	These Contract Procedure Rules
Debarment List	A published list of suppliers which, following an investigation, are excluded or excludable suppliers
Declaration of Interest	Record of any actual, potential or perceived conflicts of interest Refer to the Council Employee and Members Code of Conduct
Deed	A written document which is executed with the necessary formality (more than a simple signature), and by which an interest, right or property passes or is confirmed, or an obligation binding on some person is created or confirmed Deeds are generally enforceable despite any lack of consideration The limitation period for actions brought under a deed is generally 12 years
Direct Award	Award of a contract without competition
Direct Award Justifications	The justifications for directly awarding a public contract in accordance with the Procurement Act
Dynamic Market (DM)	A list of qualified suppliers (i.e. suppliers who have met the 'conditions for membership' of the dynamic market) who are eligible to participate in future procurements. A dynamic market may be split into categories with suppliers only eligible to participate in the parts for which they have qualified

	Dynamic markets are dynamic insofar as they must remain open to new suppliers to join at any time
Dynamic Purchasing System (DPS)	A full electronic procurement process, consisting of a database of candidates that have passed a selection process and are invited to tender for individual contracts during the life of the DPS DPS relate to the PCR 2015, but legacy arrangements may remain in place until the expiry of their period of validity
Electronic Procurement	The procurement of all goods, services and works conducted using the Council's approved electronic procurement system, integrating purchase orders, creditor payments and general ledger
Excludable Supplier	A supplier is an "excludable supplier" if: a. the Council considers that: (i) a discretionary exclusion ground (see Schedule 7 of PA 23) applies to the supplier or an associated person, and (ii) the circumstances giving rise to the application of the exclusion ground are continuing or likely to occur again, or b. the supplier or an associated person is on the debarment list by virtue of a discretionary exclusion ground
Excluded Supplier	A supplier is an "excluded supplier" if: a. the Council considers that: (i) a mandatory exclusion ground (see Schedule 6 of PA 2023) applies to the supplier or an associated person, and (ii) the circumstances giving rise to the application of the exclusion ground are continuing or likely to occur again, or b. the supplier or an associated person is on the debarment list by virtue of a mandatory exclusion ground
Exempt Contracts	Circumstances where the Procurement Act and/or these CPRs are not applicable See paragraph 7.80
Exemption	An exemption from usual procedures set out in these CPR
Find a Tender Service (FTS)	The central digital platform
Financial Regulations	The Council's Financial Regulations and Accompanying Financial Procedures as included in the Constitution
Framework Agreement or Framework	An agreement with one or more Contractors, the purpose of which is to establish the terms governing a contract or contracts to be awarded during the period for which the framework agreement applies
Goods	all products, goods, supplies, substances and materials that the Council purchases, hires or otherwise obtains
GPA Threshold	Contract value thresholds as set by the World Trade Organisation Agreement on Government Procurement Thresholds change every two years

	Thresholds are set out in the Procurement Act Schedule 1 Procurement Act 2023
Health Service Procurement (Wales) Act 2024	The Health Service Procurement (Wales) Act provides a legislative basis for a bespoke procurement regime which will apply to Welsh NHS health services The Act disapplies the provisions of the Procurement Act for a defined set of health related services identified by CPV Code
Health Services (Provider Selection Regime) (Wales) Regulations 2024	An alternative procurement regime for certain health related services The regulations apply to the arrangement of health services and public health services by relevant authorities including councils Services are defined by CPV Code
Intellectual Property	All rights in patents, registered and unregistered designs, copyright, trademarks, know-how and all other forms of intellectual property wherever in the world enforceable
ITT	Invitation to tender
Key Performance Indicators (KPI)	Mechanism for measuring performance against contractual requirements or outcomes
Lead Officer	The officer representing the service who is leading on the procurement
Legal Requirements	Means all English and Welsh law and associated guidance that governs and or relates to the procurement of goods, services and works and the letting of concession contracts
Letter of Intent	A document expressing an intention to enter into a contract at a future date but creates no contractual relationship until that future contract has been entered into It may include agreement to undertake works or services ahead of the main contract commencement
Light Touch Regime or Contract	Light touch contracts are contracts for certain social, health, education and other public services and are subject to more flexible procurement rules One thing these services have in common is that they are services provided directly to individuals or groups of people and therefore warrant special treatment and greater flexibility
Line Manager	The Officer immediately above the Officer
Low Value	Contracts of value £2,000 or under
Members	Local Elected Members of Cyngor Sir Ceredigion County Council (Councillors)
Modification	Any alteration to a Contract, including additions, omissions, substitutions, alterations, or changes of any other nature
Monitoring Officer	The officer designated by the Council as its Statutory Monitoring Officer as required under Section 5 of the Local Government and Housing Act 1989

Most Advantageous Tender (MAT)	A tender evaluated on the basis of qualitative, technical and sustainable aspects of the tender submission as well as price when reaching an award decision
Named Suppliers	A supplier suggested by the Council The main supplier or contractor ultimately has the responsibility for their selection and performance and may suggest an alternative equivalent
Nominated Suppliers	A supplier chosen by the Council and specified in the contract documents, which the main supplier or contractor is then obliged to use The Council may be responsible for the performance of nominated suppliers
Notices	The notices referred to in the Procurement Act 2023 – refer to Appendix A for description of notices
Notifiable Below Threshold Contract	a regulated contract, meaning it falls below the main value threshold for full application of the Procurement Act but above £30,000 including VAT These contracts require a Below Threshold Tender Notice to be published on the central digital platform if the Council chooses to advertise for tenders Additionally, a Below Threshold Contract Details Notice must be published after the contract is signed
Novation	The process of substituting an existing contract with a replacement contract, or substitution of a new party for a previous party in a contract Similar to assignment, but novation transfers the burden of the contract along with its benefits Novation extinguishes the original contract and replaces it with another, under which a third party takes up rights and obligations, duplicating those of one of the parties to the original contract Commonly used when suppliers undertake corporate restructuring
ocid reference	Open Contracting ID (ocid) is a globally unique identifier used to join up data on all stages of a contracting process Standardised data in line with the Open Contracting Data Standard (OCDS)
Officer	The Officer designated by the Corporate Lead Officer to deal with the contract in question
OJEU	Official Journal of the European Union
Parent Company Guarantee	A contract which binds the parent of a subsidiary company so that if the subsidiary company fails to do what it has promised under a contract with the Council, the Council may require the parent company to do it instead

Performance Bond	A guarantee, usually from a bank or insurance company, that a contractor will fulfil their contractual obligations, such as completing a project or meeting specific performance standards If the contractor fails to perform, the Council can make a claim on the bond to cover any financial losses incurred A bond is intended to protect the Council against a level of cost arising from a contractor's failure
Portfolio Holder	A member of the Cabinet to whom political responsibility is allocated in respect of specified functions
Post Tender Negotiation (PTN)	Discussions that occur after a tender or bid is submitted but before a contract is awarded, with the goal of improving the content of the submission and potentially securing better value for money It involves clarification of aspects of the tender, often with the aim of refining pricing, service delivery, or contract terms
PPN	Procurement Policy Note issued by UK Government
Pre-Qualification Questionnaire	A questionnaire used during a tendering exercise to select candidates that will be invited to tender May be used as a stage of the competitive flexible procedure
Procurement Act 2023	Means the Procurement Act 2023 (PA 23) as amended from time to time
Procurement and Commissioning Team	Officers working for the Council's commissioning and procurement function which may include officers of any other public sector procurement team who assist the Council in that regard
Procurement Guidance or Official Guidance	The official guidance provided by UK and Welsh Governments
Procurement Procedure	The procedures as set out in the Procurement Act for example: Open procedure Competitive flexible procedure Alternative procedures may apply under the Provider Selection Regime
Procurement Process	The process, which spans the whole life cycle of the procurement, from identification of needs, options appraisal, supplier selection, award, and contract management through to the end of a contract or the end of the useful life of the asset, or disposal of the asset.
Procurement Review Unit (PRU)	Unit within the Cabinet Office, responsible for overseeing public procurement in the UK, particularly in relation to the Procurement Act 2023 Its main goals are to ensure compliance with the legislation, raise standards in public procurement, and protect public contracts and money

Procurement (Wales) Regulations 2024	Regulations that provide additional detail and requirements which are necessary to ensure the functioning of the Procurement Act in Wales
Project Bank Account (PBA)	A dedicated, ring-fenced bank account used for a specific project, typically in the construction or infrastructure sector It acts as a holding account for funds transferred from the client to the project's supply chain, ensuring timely and secure payments to contractors and subcontractors
PPON	Public Procurement Organisation Number Unique identifier given to contracting authorities such as the Council
Provider Selection Regime (PSR)	Procurement regime for certain health related services under the Health Services (Provider Selection Regime) (Wales) Regulations 2024
Public Contract	A contract entered into by a contracting authority with a value above the relevant threshold that is not exempted by the Procurement Act
Public Contracts Regulations (PCR) 2015	The procurement regulations in force prior to the Procurement Act 2023
Procurement and Commissioning team	The corporate procurement and commissioning service or team
Purchasing Card	Council credit card A card issued to an Officer by the Council, to be used for procuring goods or services from suppliers that are not on the corporate payments system, or to any supplier at the discretion of the Purchases 2 Payments Manager
Purchase Order	An electronic order raised and authorised via the Council's e-procurement system P2P system, or such other electronic system in force
Quotation	A quotation of price and any other relevant detail submitted to the Council upon the Council's request, without the formal issue of an invitation to tender
Regulated Below Threshold Procurement or Contracts	A below threshold contract that is not: a. an exempted contract as defined in Schedule 2 of the Procurement Act; b. a concession contract; or c. a utilities contract
Regulations	Procurement (Wales) Regulations 2024
RFQ	Request for quote
Rules	These Contract Procedure Rules

Section 151 Officer	The officer designated by the Council as its Statutory Section 151 Officer as required under Section 151 of the Local Government Act 1972
Services	Services the Council purchases or otherwise obtains including advice, specialist consultancy work, agency staff and all those activities constituting services for the purposes of the PA 23 or Regulations
Short-listing	Where candidates are selected: • to quote or bid; or • to proceed to final evaluation
SMEs	Small and Medium-sized enterprises. The Procurement Act definition is that an SME is any organisation that has fewer than 250 employees (full time equivalent) and an annual turnover of less than or equal to £44 million or a balance sheet total less than or equal to £38 million. Whether an enterprise is an SME is also related to the ownership status (see Procurement Act Guidance). There are lower thresholds for the definition of Small and also Micro businesses. Supplementary information: Small and Medium-sized Enterprises definition (HTML) - GOV.UK
Standstill Period	A period of not less than 8 working days after announcing the intention to award a contract to provide unsuccessful candidates an opportunity to challenge the decision before contract award
Sub-contractor	An individual or business that is hired by a contractor to perform a specific part or all of the obligations of a contract
Supplier	means any contractor, supplier or provider with whom the Council enters into a contract for the carrying out of works, provision of services or the supply of goods
Social Partnership and Public Procurement (Wales) Act 2023	SPPP Act Imposes a duty on the Council to improve the economic social, environmental and cultural well-being of its area by carrying out public procurement in a socially responsible way, in accordance with the sustainable development principle
Tender	A candidate's proposal submitted in response to an ITT
Tenderer	A candidate who submits a formal offer also referred to as bidder
Tender or Quotation Acceptance Form	Template standard form for recording approval of award of contracts
Total Value	The whole of the value or estimated value (in money or equivalent) for a single purchase or disposal • whether or not it comprises several lots or stages; • to be paid or received by the Council

	The Total Value shall be calculated in accordance with the methodology set out in the Procurement Act and the Regulations
TUPE	Transfer of Undertakings (Protection of Employment) Regulations 2006 introduced to ensure the protection of employees when, for example, a business is taken over by another organisation Broadly, TUPE regulations ensure that the rights of those employees transferred with the business are protected
Unique Identifier	To ensure that published data is correctly attributed to specific parties and processes, all contracting authorities, suppliers, procurements and contracts will have a unique identifier on the central digital platform A supplier can obtain their unique Identifier when they register on the central digital platform The Council has a unique identifier called a PPON
User Choice Contract	A contract for an individual where they or their carer have expressed a choice, as defined in 7.67 and 7.68
Utilities Contract Regulations (UCR) 2016	The procurement regulations in place for utilities prior to the introduction of the Procurement Act
Value for Money	The optimum combination of whole life costs, quality and benefits to meet the Council's requirement Not necessarily the lowest possible price but rather a combination of factors such as goods or services fully meeting the need at the quality required, delivered at the stipulated time and for an appropriate price
Variant Bid	An offer/bid, which contains variants on the requirements specified by the Council in its procurement documentation
Variation	Alteration to a Contract, including additions, omissions, substitutions, alterations, or changes of any other nature
Wales Procurement Policy Statement (WPPS)	Policy statement issued by the Welsh Government setting out important obligations and principles for public sector procurement and required to be considered by the Procurement Act
Well-being of Future Generations (Wales) Act 2015 (WBFGA)	Is the overarching framework for public procurement in Wales
Working Day	A day other than a Saturday, Sunday or bank or public holiday in Wales
Works	Activities such as construction and repairs to assets such as properties or roads as set out in the Procurement Regulations 2024 Schedule 3 Works Activities
WPPN	Wales Procurement Policy Note issued by Welsh Government

Document H

OFFICER EMPLOYMENT PROCEDURE RULES

Cyngor Sir
CEREDIGION
County Council

Date approved by Council: 21 March 2019

Officer Employment Procedure Rules

Page

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4. DISCIPLINARY PROCEDURE 6

OFFICER EMPLOYMENT PROCEDURE RULES

EXPLANATORY

These Procedure Rules are intended to comply with the provisions of the Local Authorities (Standing Orders) (Wales) Regulations 2006 as amended by the Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014 ("the Regulations").

In the event of any conflict between these Procedure Rules and the Regulations, the Regulations take precedence.

INTERPRETATION

"The 1989 Act"	the Local Government and Housing Act 1989;
"the 2000 Act"	the Local Government Act 2000;
"Chief Officer"	has the same meaning as in the Local Authorities (Standing Orders)(Wales) Regulations 2006, namely: the the Monitoring Officer (designated under s.5(1) of the 1989 Act); a statutory chief officer mentioned in paragraph (a), (c) or (d) of section 2(6) of the 1989 Act (which includes the Chief Finance Officer); or a non-statutory chief officer within the meaning of section 2(7) of the 1989 Act; and also the Chief Executive (designated under s.54 of the Local Government and Elections (Wales) Act 2021).
"disciplinary action"	means any action occasioned by alleged misconduct which, if proved, would be recorded on the member of staff's personal file, and includes any proposal for dismissal of a member of staff for any reason other than redundancy, permanent ill-health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless an undertaking has already been given to renew such a contract;

1. RECRUITMENT AND APPOINTMENT

1.1 Declarations

1.1.1 The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Councillor or officer of the Council; or of the partner of such persons.

1.1.2 No candidate so related to a Councillor or an officer will be appointed without the authority of the relevant chief officer or an officer nominated by him/her.

1.2 Seeking support for appointment

1.2.1 Subject to paragraph 1.2.3, the Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.

1.2.2 Subject to paragraph 1.2.3 no Councillor will seek support for any person for any appointment with the Council.

1.2.3 Nothing in paragraphs 1.2.1 and 1.2.2 above will preclude a Councillor or the mayor from giving a written reference for a candidate for submission with an application for appointment.

1.3 Restriction on the Appointment of Members as Officers

1.3.1 An Officer of the Council is disqualified from being a Member of the Council while they remain an Officer.

2. RECRUITMENT OF CHIEF EXECUTIVE, CHIEF OFFICERS AND DEPUTY CHIEF OFFICERS (Chief Executive, Executive Corporate Directors, Executive Corporate Lead Officers and Corporate Lead Officers)

Where the Council proposes to appoint a Chief Officer (as defined above) and it is proposed that the remuneration of the Chief Officer post be £100,000 or more per annum, the Council will:

2.1 draw up a statement specifying:

2.1.1 the duties of the officer concerned; and

2.1.2 any qualifications or qualities to be sought in the person to be appointed;

2.2 subject to paragraph 2.4 below make arrangements for the post to be publicly advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and

2.3 make arrangements for a copy of the statement mentioned above to be sent to any person on request.

2.4 Sub-paragraph 2.2 above will not apply in the event that the Council proposes to appoint a Chief Officer for a period of no longer than 12 months.

2.5 Where a post has been advertised the Council must –

2.5.1 interview all qualified applicants for the post, or

2.5.2 select a short-list of qualified applicants and interview those included on the short list.

2.5.3 a Shortlisting Committee made up of 7 Councillors and is politically balanced is arranged to determine the shortlist and to interview those included on the shortlist. The Shortlisting Committee will be nominated by the Group Leaders.

2.6 Where no qualified person has applied, or if the Council decides to re-advertise the appointment, the Council may make further arrangements in accordance with paragraph 2.2 above.

2.7 Full Council must approve the appointment of the Chief Executive.

2.8 Full Council must approve the level, and any change in the level of remuneration to be paid to a Chief Officer.

2.9 Paragraphs 2.1 to 2.6 above will also apply where the Council proposes to permanently appoint a Chief Officer at any level of remuneration.

3. RECRUITMENT OF CHIEF EXECUTIVE, CHIEF OFFICERS AND DEPUTY CHIEF OFFICERS (Chief Executive, Executive Corporate Directors, Executive Corporate Lead Officers and Corporate Lead Officers)

- **WHERE REMUNERATION IS GREATER THAN £100,000 FOR A PERIOD NO LONGER THAN 12 MONTHS; OR**
- **WHERE REMUNERATION IS LESS THAN £100,000 FOR A PERIOD NO LONGER THAN 24 MONTHS**

Where the Council proposes to appoint a Chief Officer (as defined above):

- where remuneration is greater than £100,000 for a period no longer than 12 months; or
- where remuneration is less than £100,000 for a period no longer than 24 months,

the Council will:

3.1 draw up a statement specifying:

3.1.1 the duties of the officer concerned; and

3.1.2 any qualifications or qualities to be sought in the person to be appointed;

3.2 make arrangements for the post to be internally and / or publicly advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and

3.3 make arrangements for a copy of the statement mentioned above to be sent to any person on request.

3.4 Where a post has been advertised the Council must –

3.4.1 interview all qualified applicants for the post, or

3.4.2 select a short-list of qualified applicants and interview those included on the short list.

3.4.3 an Appointments Panel made up of the Council's Group Leaders (or their nominated representatives) is arranged to interview those included on the short list

3.4.4 the Appointments Panel will appoint the successful candidate and determine their remuneration.

3.5 Where no qualified person has applied, or if the Council decides to re-advertise the appointment, the Council may make further arrangements in accordance with paragraph 3.2 above.

3.6 The appointment of a Chief Executive, Chief Officers and Deputy Chief Officers (as defined above) where the remuneration is greater than £100,000 for a period no longer than 12 months; or where the remuneration less than £100,000 for a period no longer than 24 months, must be reported to the next available Full Council meeting, which will also include their remuneration and period of appointment.

4. DISCIPLINARY PROCEDURE

1. The Regulations set out mandatory requirements in respect of disciplinary, capability or other similar issues arising in relation to the Chief Executive, the Monitoring Officer, the Section 151 Officer and the Head of Democratic Services ("a relevant officer"). This procedure is intended to give effect to the Regulations.

2. For the avoidance of doubt, this procedure also applies to any alleged breakdown of trust and confidence between the relevant officer and the Council.

3. Any officer who was a relevant officer at the time of the alleged misconduct or when the reason for the proposed dismissal occurred (but is no longer so), shall be regarded as a relevant officer.

General

4. The principles of natural justice will govern the conduct of any proceedings against a relevant officer. Due regard will be had to the principles of the ACAS Code of Practice on Disciplinary and Grievance Procedures.

5. The parties recognise that from time to time it may be necessary to depart from the provisions of this procedure, according to the particular circumstances of the case.

6. This procedure does not form part of a relevant officer's contract of employment and may be amended at any time, subject to compliance with the Regulations.

7. The relevant officer will be entitled to be accompanied at all stages of this procedure.

Procedure

Initial allegations

8. Any allegations of misconduct should be notified to the Corporate Lead Officer People & Organisation who will be the responsible officer for this purpose.

9. The responsible officer will then make arrangements for an investigating & disciplinary committee to be appointed to consider the alleged misconduct.

Investigating and disciplinary Committee

10. The investigating & disciplinary committee must:-

    10.1 consist of a minimum of 3 members;

    10.2 include at least one member of the Council's Cabinet; and

    10.3 be politically balanced in accordance with s.15 of the 1989 Act.

11. The responsible officer will prepare a report with regard to the allegations and send a copy to the relevant officer and the investigating & disciplinary committee. A date will be set for the committee to meet.

12. The investigating & disciplinary committee must, within 1 month of its appointment, meet to consider the allegation of misconduct and decide whether it should be further investigated.

    For the purpose of considering the allegation of misconduct, the investigating & disciplinary committee:

    12.1 may make such enquiries of the relevant officer or any other person it considers appropriate;

    12.2 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

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

13. Where it appears to the investigating & disciplinary committee that an allegation of misconduct by the relevant officer should be further investigated, it must appoint a person ("the designated independent person").

Suspension

14. The investigating and disciplinary committee will need to consider whether suspension is appropriate. This may be necessary if an allegation is such that if proven it would amount to gross misconduct. It may also be necessary if the continuing presence of the relevant officer might compromise the investigation or impair the efficient exercise of the Council's functions.
15. In any case the relevant officer shall be informed of the reason for the proposed suspension and have the right to present information before any such decision is taken.
16. Any suspension must not last longer than 2 months unless the designated independent person has used his/her power to direct an extension to that period.

Designated Independent Person

17. The designated independent person
    17.1 must be such person as may be agreed between the Council and the relevant officer within 1 month of the date on which the requirement to appoint the designated independent person arose; or

    17.2 where there is no such agreement, must be such a person as is nominated for the purpose by the Welsh Ministers.

18. The designated independent person –
    18.1 may direct –

- that the Council terminate any suspension of the relevant officer;

- that any such suspension is to continue after the expiry of the 2 month period referred to in paragraph 16 above or that the terms on which any such suspension has taken place are to be varied in accordance with the direction; or

- that no steps (whether by the Council or any committee, sub-committee or officer acting on behalf of the Council) by way of disciplinary action or further disciplinary action against the relevant officer, other than steps taken in the presence, or with the agreement, of the designated independent person, are to be taken before a report is made under sub-paragraph 18.4;

18.2 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 the designated independent person to inspect;

18.3 may require any member or member of staff of the Council to answer questions concerning the conduct of the relevant officer;

18.4 must make a report to the Council –

- stating an opinion as to whether (and, if so, the extent to which) the evidence obtained supports any allegation of misconduct against the relevant officer; and
- recommending any disciplinary action which appears appropriate for the Council to take against the relevant officer, and

18.5 must no later than the time at which the report is made under sub-paragraph 18.4 send a copy of the report to the relevant officer.

19. Subject to paragraph 20, the relevant officer and investigating & disciplinary committee, after consulting the designated independent person, attempt to agree a timetable within which the designated independent person is to undertake the investigation.
20. Where there is no agreement under paragraph 19, the designated independent person must set a timetable as that person considers appropriate within which the investigation is to be undertaken.
21. The Council must pay reasonable remuneration to a designated independent person appointed by the investigation committee and any costs incurred by, or in connection with the discharge of functions under this regulation.
22. The designated independent person's report will be sent to the Council (via the Chair of the investigating & disciplinary committee) and to the relevant officer simultaneously.

Meeting of the Investigating & Disciplinary Committee

23. The investigating & disciplinary committee must meet to consider the report prepared under paragraph 18.4 within 1 month of receipt of that report, and is required to take a decision on the basis of the designated independent person's report. The Investigating Committee can impose a lesser sanction than that recommended by the designated independent person but cannot impose a greater sanction.

24. The relevant officer or his/her representative will be permitted to address the investigating & disciplinary committee meeting prior to it carrying out its deliberations.
25. The investigating & disciplinary committee may, having considered any other associated factors:-
    - take no further action;
    - recommend informal resolution or other appropriate procedures;
    - refer back to the designated independent person for further investigation and report;
    - take disciplinary action against the relevant officer short of dismissal
    - propose dismissal of the relevant officer to the Council.
26. The decision of the investigating & disciplinary committee will be communicated to the parties in writing setting out the reasons for the decision.

Appeal Process

27. In the event that the investigating and disciplinary committee proposes dismissal, any such dismissal must be referred to full Council for approval before any such notice is issued. In view of this requirement the meeting of the full Council will fulfil the function of an appeal meeting.
28. The Council will consider the proposal from the investigating & disciplinary committee that the relevant officer should be dismissed. The relevant officer (or his/her representative) will have the opportunity to put his/her case to the council before a decision is taken. The decision taken by full Council will be final.
29. In the event that the investigating and disciplinary committee takes action short of dismissal, the relevant officer may appeal to the Appeals Committee. The Appeals Committee will consider the report of the designated independent person and any other relevant information considered by the investigating & disciplinary committee and the relevant officer will have the opportunity to state their case.
30. The Appeals Committee will give careful consideration to these matters and reach a decision. The decision of the Appeals Committee will be final.

The Development Management Committee

Operational Procedures

Cyngor Sir
CEREDIGION
County Council

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1. Development Management Committee Decision Procedures

1.1.1 See Article 8 for the Development Management Committee's Terms of Reference in the Councils Constitution.

Planning Delegation Panel

If an application is requested to be heard at the DMC by a Local Member under the scheme of delegation, that request will be considered by the LPA, and may be referred to the PDP for deliberation of the material considerations proposed by the LM for being referred to DMC.

1.1.2 The Panel Delegation Panel (PDP) consists of 5 individuals:

- 2 senior officers (non-voting) from the Planning service (namely the Corporate Lead Officers for Economy and Regeneration and the Corporate Manager for Planning Services), and,
- 3 Members (namely Portfolio holder for Economy and Regeneration, and the Chair & Vice Chairs of the DMC (and in absence, one other appointed member from the DMC as available The PDP will consider the request and the material planning considerations outlined and vote on whether the application should be determined by the Development Management Committee. The PDP will meet on an 'as required' basis

1.1.3 Should the application called to the PDP be in the ward of any members on the PDP an alternate member pulled from the North or South region dependant on the ward of the LWM in question (i.e. if a South LWM then a North member) will be requested to sit on the PDP

1.1.4 The process of the Development Management Committee (DMC) is as follows:

a. *The appropriate Officer introduces the report*
b. *If required, a presentation by the applicant, their agent and/or the local member occurs*
c. *A discussion takes place including questions to Officers*

d. *If Members are minded to approve the Officer recommendation, they move straight to a vote*
e. *If members are considering rejecting an Officer recommendation, they should do so in the normal way with both the mover and seconder of any resolution to that effect recorded (subject to the Deferral Process outlined in Section 2 below – Decisions Contrary to Officer Recommendation and Cooling off Process).*
f. *The proposer and/or the seconder should state explicit Material Planning Considerations as justifications for their wish to reject the officer recommendation.*
g. *A further discussion may take place*
h. *The legal representative and/or the Planning Officer concerned should have the opportunity to comment on the matters raised under f. above.*
i. *The proposer of the resolution should sum up*
j. *A vote should be taken*
k. *These reasons will form part of the resolution and must be recorded by the minute taker*

l. *Additionally, if an amendment is moved to the initial resolution this should be dealt with in the normal way again, if appropriate, stating Material Planning Considerations.*

2. Deferral Process for Applications Presented to Development Management Committee

2.1.1 The Development Management Committee and planning officers may on occasion need to defer an application at the Development Management Committee.

2.1.2 There are 4 main options in which a deferral could be made:

2.2 Options

1. **Site Inspection**.

   In accordance with the Site Inspection protocol in the Development Management Committee Operational Procedures below.

2. **For information reasons**

   i.e., to request new or further information of the applicant in accordance with queries not addressed to the sufficiency of the Development Management Committee.

3. **For 'cooling off" process**

   This occurs where Members are minded to approve or refuse an application contrary to officer recommendation and would be deemed a significant departure to national and local policy as determined by the planning officer and further time is required to consider the material planning considerations that would support the decision. See below.

New planning information

New planning information brought to the attention of the members or planning officer post publication of the Development Management Committee agenda and papers (for example where an agent emails member of the Development Management Committee with additional information the day before the committee date)

2.3 Deferring the Application for 'Cooling Off Process

2.3.1 The following protocol and process shall apply where Members are minded to make a decision which would represent a significant departure from national or local planning policies (i.e., scenario 3 above).

2.3.2 Where the Committee is minded to either approve or refuse a proposed development that would be contrary to officer recommendation and would be deemed a **significant departure** to planning policies as determined by planning officers;

2.3.3 The item shall be deferred by a vote of the Members or by direction of the Corporate Lead Officer for Economy and Regeneration until a subsequent meeting so as to:

- allow further consideration of the matter by the planning service, who will outline the risks of the decision and
- for members to draw up detailed justified material planning reasons for the basis of the decision.

2.3.4 Where a decision to defer is taken in these circumstances, the Development Management Committee must set out the reasons for wishing to decide against the officer recommendation or local and national planning policy so that these can be taken into account for further consideration by the planning service and additional information prepared.

2.3.5 The case officer will prepare a further report that shall detail:

- the reasons put forward by the members, and indicate whether such reasons are, in their view, genuine,
- material planning reasons,
- outline potential risks of the decision,
- discuss the land use planning issues raised.

2.3.6 At the subsequent meeting, Members will then need to consider these issues, and all relevant documents in making their decision.

2.3.7 The decision must include detailed and justified material planning reasons for decisions contrary to officer recommendation and / or local and national planning policy.

2.3.8 The Planning Officer should be given the opportunity to explain the implications of the contrary decision.

2.4 Procedure

2.4.1 The following procedure will also apply when the case deferred to 'cooling off' process is re-presented:

a. Where a proposal is put to a meeting, which if successful would result in the determination of a planning application contrary to officer recommendation and

would be deemed a significant departure to planning policy as determined by planning officers, the names of the Members voting for, against and abstaining in respect of that proposal shall be recorded in the minutes.

b. Where material considerations are considered by the Development Management Committee to justify a decision contrary to recommendation or policy, t

he DMC must give clear and cogent reasons for coming to that conclusion. These reasons must be based on sound evidence or reasoning which supports the planning material considerations, and demonstrate the justification for making decisions that are contrary to policy.

2.4.2 Officer recommendations, and if relevant the view of the courts, and detailed reasons are necessary to ensure that the reason for the decision is completely clear to all interested parties, including the public, and to explain what otherwise might appear to be inconsistency.

c.) The reasons given for decisions will be recorded in the minutes.

2.4.3 Where Members resolve to take a decision, contrary to an officer's recommendation, which the Corporate Lead Officer - Economy and Regeneration identifies as constituting a significant departure from an approved plan or policy of the Authority, or as otherwise having significant implications for the Authority, the Corporate Lead Officer - Economy and Regeneration may withdraw the application prior to decision in order to ensure its deferral

2.4.4 under the Cooling of

2.4.5 f process outlined above in section 2.

2.5 Cooling Off Period.

2.5.1 The '**cooling off period'** is in order to allow time to reconsider, manage the risk associated with the action, and ensure Officers/ can provide additional reports

and Members can draft robust reasons for refusal/approval and/ or necessary conditions for approval can be considered by the planning service.

2.6 Cooling Off Period (COP)

2.6.1 During the cooling off period officers will meet to consider the application and consider the following:

- Points raised by Members who are minded to support/ reject the application
- The need for additional information
- The significance of the departure in terms of the LDP and national policies
- Whether material considerations are sufficiently evidenced so as to outweigh the existing policy
- The risks associated with the decision e.g. call in, judicial review, costs, reputational damage.

2.6.2 These further considerations will be reflected in the updated case officer's report to be re-presented to the Development Management Committee.

2.7 Applications which are Determined Contrary to Officer Recommendations

2.7.1 Applications which are determined contrary to officer recommendations must be supported by clear and convincing reasons based on material planning considerations.

2.7.2 If, the Committee's decision is contrary to the Officer recommendation and deemed a significant departure, there shall be taken a full minuted record of Members' reasons for rejecting the Officer recommendation, together with a recorded vote. This would be undertaken at the point of decision not for decisions to defer.

2.8 Determination

2.8.1 The Development Management Committee must set out the reasons for wishing to decide against the officer recommendation.

2.8.2 The Development Management Committee members should adhere to these rules when making planning decisions and take policy guidance from planning officers into due regard and only vote against their recommendations where genuine and material planning reasons can be identified.

2.8.3 A detailed minute of the Committee's reason(s) shall be made and a copy placed on the application file.

2.8.4 Where deciding the matter contrary to the recommendation, officers may consider there is a risk to costs being awarded at appeal and will inform the committee there may a risk of costs on appeal, in such cases the Committee will take a recorded vote when deciding the application.

2.8.5 In the case where Members wish to add or amend conditions which are recommended by Officers, the Officers should be invited to draft such a condition and bring this back for approval at the subsequent meeting unless the drafting is straightforward and can be agreed at the initial meeting.

2.9 Appeals and Called in applications

2.9.1 Where decisions are taken contrary to officer recommendation, and officers are unable to defend such decisions on Appeal or if Call in by Welsh Ministers(due to requirements of the professional code of conduct of the Royal Town Planning Institute 'RTPI').. In such cases, the Development Management Committee, shall nominate (at least) two of its Members who voted contrary to the recommendation to appear at any subsequent appeal or similar tribunal and explain the Development Management Committee's decisions and the reasons for them. These should, normally, be the proposer and seconder of the proposal which was contrary to the Officer's recommendation.

2.9.2 If needed, independent support could be provided for proposer/seconder members

3. Code of Practice for Development Management Committee Site Visits (Site Inspection Sis)

3.1 Purpose of a Site Visit

3.1.1 Site visits can be useful in identifying important site features relevant to a proposal that may be impossible to convey in a written report or by photographs, plans and drawings. However, site visits can cause delay in the planning process and should only be used where there is an expectation of clear potential benefit, the tests for a site inspection are that they should be 'essential and exceptional'.

3.1.2 The purpose of a site visit is a fact-finding exercise in order to understand the context for a proposed development. It is not to be viewed as an alternative forum/venue for debate on the merits of any application.

3.1.3 Given the tests for requiring a site inspection are that it is essential, it forms part of the formal consideration of the application. Therefore, members who are unable to attend the Site Inspection should satisfy themselves that they have all the information available to them to vote. Site visits should not be used as a forum for debating the application.

3.1.4 Members of the public have an opportunity to put forward their views through written representations and/or the Public Speaking Scheme at the Development Management Committee when all Members are present and where the matter will be determined.

3.1.5 All contributions at site visits should therefore be directed to matters of fact. Applicants / Agents and members of the public will not normally be in attendance.

3.1.6 All members will be invited on a set date and time to attend the called for Site Inspection. The Local Ward Member will also be invited to attend to observe.

3.1.7 Members who are unable to attend will need to satisfy themselves that they have all the information available to them to vote on the case, in light of the tests for calling for a Site Inspection being that they are 'essential and exceptional'.

3.2 Deciding Whether a Site Visit is Appropriate

3.2.1 Site visits will generally only be considered necessary where:

1. the proposal is particularly complex or;
2. the impact or effects of the proposed development are difficult to visualise from the plans and any supporting material including slides or photographs which form a part of the Officer presentation.
3. Where the proposal is likely to have a major visual impact which could only be fully appreciated on site
4. Where the likely impact of the proposed development on adjoining development is such that it can only be fully appreciated on site
5. To gain a better understanding of the policy issues against which the proposed development is to be judged
6. Where the proposed development is likely to have a major impact over a wide area
7. Where there are significant objections to the 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).

3.2.2 When a site visit is proposed at a meeting of the Development Management Committee, the proposer will identify which of the criteria listed above or other good planning reason applies.

3.2.3 Members of the DMC will first vote on whether to see the visual presentation, before considering whether a site visit is necessary.

3.2.4 If it is decided to see the presentation, then it will be shown, with a factual commentary by Officers, but without the merits of the application being discussed.

3.2.5 In all cases a formal vote will be taken on whether to hold a site visit and if the vote is in favour of a site meeting the motion shall include the reasons for the visit.

3.2.6 The Authority through the Corporate Lead Officer - Economy and Regeneration, with the approval of the Chair of the Development Management Committee, may also authorise a site visit where s/he considers one of the criteria listed above applies and that to wait for the next available Committee meeting would unnecessarily delay the planning application.

3.2.7 The Authority through the Corporate Lead Officer - Economy and Regeneration, with the approval of the Chair of the Development Management Committee, may also authorise a site visit where s/he considers it would be beneficial that all members of the DMC should attend.

3.2.8 In such instances as those above Members will be provided with a draft report which sets out the key issues to be considered on site and will record the reasons why a site visit is considered necessary.

3.3 Procedure at a Site Visit

a. The Authority's Planning Services will send a written invitation to every Member of the Development Management Committee, and the Local Ward Member enclosing a copy of the relevant Committee report.

b. The Planning Officer will obtain the owner's permission to enter the site, if necessary, and will invite consultees whose comments are pertinent to the planning issues under consideration (e.g., Highways, Natural Resources Wales).

c. The Planning Officer will describe the application and outline the relevant policies and planning considerations.

d. Invited consultees will advise on relevant matters of fact.

e. It will not usually be expected that the applicant and/or agent will be asked to attend; if there is a specific need to do so then they will be asked to only answer any questions raised by Members at the meeting.

f. The Site Inspection is not a forum for debate of the application and serves only to view the site in person.

g. The Site Inspection must be conducted in accordance with principles of natural justice.

h. Anything stated or seen must be heard and seen by all present.

i. The Chair will bring the site inspection to a close.

j. Immediately before or after the formal site inspection it may also be appropriate for Members to view the site from other vantage points.

k. The Authority's Standing Orders will apply generally over such matters as rule of debate.

l. The Chair may adjourn the inspection at any time, in the event of disturbance to orderly conduct.

4. Operational Procedures for Members of the Public Addressing the Development Management Committee

4.1.1 The Council has decided to give third parties the right to speak at Development Management Committee ("the Committee").

4.1.2 This document explains the procedures which the Development Management Committee will adopt when a member of the public makes a written request to address the Committee

4.2 Which Matters Can Be Drawn to the Committee's Attention?

4.2.1 A wide range of issues may be drawn to the Committee's attention, however under the relevant Planning Acts, decisions regarding planning applications must be in accordance with:

- the law,
- development plans and
- national guidelines,

4.2.2 unless other planning considerations are important enough to justify a decision which is to the contrary.

4.2.3 The Council cannot refuse planning permission for the sole reason that objections have been presented, and cannot approve an application for the sole reason that a number of people support it or because there are no objections.

4.3 Material Planning Considerations

4.3.1 The matters you raise must pertain to relevant planning considerations, e.g.

- Relevant legislation and the policies in the relevant development plans and national planning guidelines
- Relevant case-law and decisions on previous planning appeals before an Inspector
- The impact on the character and appearance of the area, e.g. site, scale, size, height and design
- The impact on the amenities of neighbouring residents, e.g. hours of use, overlooking, excessive impairment and traffic noise
- The impact on highway safety, e.g. poor visibility, the safety of pedestrians, parking, density of use.
- Land stability issues, drainage issues and fire precautions

4.4 Non-Material Planning Considerations

4.4.1 No attention may be given to matters which are not material planning considerations and which are private matters, e.g.

- Impact on land values, hygiene and the layout internal areas (these are mainly dealt with under legislation which is separate from Planning, e.g. Building Regulations)
- The applicant's personal characteristics, including age, race and language
- Disagreement regarding the ownership of the affected land
- Private rights of way and drainage and private easements and covenants
- The impact of the proposal on property value
- Commercial competition, e.g. between shops, restaurants, garages etc.
- Loss of views

4.5 New Planning Information

4.5.1 Should applicants / agents or any other person acting on their behalf draw attention to new information (such as by emailing/ lobbying in person/ written correspondence) after the publication of the Development Management Committee agenda and papers, the planning application will be deferred to a subsequent meeting. In accordance with Option 4 above.

4.5.2 It is unacceptable and inappropriate to bring to light new information at the eleventh hour that has not had the formal scrutiny procedures as is applied to a planning case file, and thus any such correspondence/ communication will result in an automatic deferral of the application.

4.6 How to Make a Request to Speak at the Committee?

4.6.1 The procedure to be followed in making a request is the same for everyone who wishes to speak at Committee.

4.6.2 Persons who can speak include:

- Applicant or agent, there is no allowance for other nominated third party supporters

- Objector who has filed an objection with the planning service during the consultation period of the application,
- Town and Community Councils

4.6.3 It is the responsibility of the individual who wishes to speak to find out whether the particular application on which they wish to speak is to be submitted to the Committee or considered under delegated powers.

4.6.4 Information can be obtained by contacting the Planning Service on 01545 572135 or through the Council's website planning@ceredigion.gov.uk;

4.6.5 **Persons wishing to speak must submit a written request to speak to the Clerk to the Committee as soon as possible and no later than midday on the Tuesday before the Committee (which usually meets on a Wednesday)**.

4.6.6 The contact details for the Clerk are Democratic Services, Neuadd Cyngor Ceredigion, Penmorfa, Aberaeron, Ceredigion, SA46 0PA (e-mail address: democracy@ceredigion.gov.uk)

4.6.7 The following information must be provided:

- name
- contact details, including a daytime telephone number,
- e-mail if available,
- details of the planning application
- Planning reference number
- Your interest i.e. applicant/agent; objector or Town / Community Council.

4.6.8 You will only be permitted to speak if the application is on the Committee's agenda.

4.6.9 An individual who wishes to speak will be informed by telephone, in writing or e-mail of the details of the meeting.

4.6.10 Reports on the Committee agenda may be found on the Council's website www.ceredigion.gov.uk

4.6.11 Ceredigion County Council Browse meetings - Development Control Committee

4.6.12 Or inspected at the meeting.

4.6.13 The applicant/agent will be informed, if s/he has not asked to speak at the Committee, should a notice be received from an objector expressing the desire to speak, so that s/he may also exercise his/her right to respond at the Committee.

4.6.14 It is only the applicant, his agent, or those who have already submitted written objections or observations within the 21-day consultation period who may make a request to address the committee.

4.6.15 Items will not be deferred simply because a person who has requested to speak cannot attend Committee on a particular date.

4.7 The Procedure at the Committee

4.7.1 Those who do speak will be allowed a maximum period of 5 minutes each to speak.

4.7.2 This includes:

- Applicant/ agent,
- Objector,
- Town and Community Council representatives
- Local ward Member

4.7.3 Each will be entitled to speak for 5 minutes maximum.

4.7.4 If more than one objector wants to speak, objectors will be either encouraged to appoint one spokesperson or split the 5 minutes available.

4.7.5 The Chair of the Committee will have the absolute discretion to rule in such matters.

4.7.6 The appropriate order for speaking is as follows:

- case introduced by officer,

- objector,
- applicant or agent,
- Town and Community Councils,
- Local Ward Member,
- The matter is then opened up for discussion,
- Committee Members then make comments.

4.7.7 Unless the Chairperson of the Committee states otherwise, the planning applications will be considered in the order in which they appear on the agenda, and it will not be possible to defer an application because you cannot attend or because you are not ready to speak when the Chairperson presents the application. Information regarding the order on the agenda is available from the Planning Section.

4.7.8 Persons wishing to speak must be present at the Committee meeting between 9.45 and 10am and introduce themselves to the Clerk of the Committee. The Committee usually commences at 10.00 am. The Clerk will explain the arrangements and where person wishing to address the DMC will be seated when they speak.

4.7.9 When invited by the Chair of the Committee, persons wishing to address the Committee may speak once, **for up to five minutes.**

4.7.10 The importance of adhering to the time limit is emphasised.

4.7.11 In accordance with the Council's Welsh Language Standards, persons wishing to speak are entitled to speak in Welsh or English. There is no need to repeat all the points made in any letters, as these will have already been sent to members before the Committee. The focus should be on the main points of concern, or the points supported.

4.7.12 The circulation of any written material or photographs will not be permitted.

4.7.13 After speaking, the Committee will discuss the matter.

4.7.14 Persons addressing the DMC should not join in this discussion.

4.7.15 No message should be left in the remote Chat facility.

4.7.16 The committee may seek clarity from the Local Ward Member (LWM) on issues arising and thus the LWM may address the DCC further if invited by the Chair.

4.7.17 The Chair may ask a question/s if further explanation of the points raised will be required.

4.7.18 There will be no opportunity for members of the public (including the objector, applicant and agent) and Town and Community Councils) on a deferred item to speak at a second or subsequent meeting of the Development Management Committee.

5. Membership of the Development Management Committee:

5.1.1 The Development Management Committee shall be composed of 15 members of the Council In accordance with its Terms of reference as set out in the Constitution. These may include Cabinet Members.

6. Quorum

6.1.1 No business is to be transacted at a meeting of a Development Management Committee unless **at least half** of the total number of members of the committee, rounded up to the nearest whole number, is present. Substitute members will not be permitted.

7. Simple Majority

7.1.1 Applications will be determined by a simple majority of those Members voting and present in the meeting at the time the recommendation or proposal was made.

7.1.2 Members must be present throughout the discussion in order to vote on a matter.

8. Chair' Casting Vote

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

9. Outcome – Communication

9.1.1 The Planning Service will inform the applicant/agent of the decision after the date of the Committee meeting and will inform everyone who has written to the Council of the outcome of the application.

10. The Role of the Local Ward Member (LWM)

10.1.1 The role of the Local / Ward member in Development Management Committee is dependent on whether they are a member of the committee or not.

10.1.2 If they are not, they are welcome to speak on the application in accordance with the procedure set out above representing the wider views of their constituents affected by the application.

10.1.3 LWMs cannot vote on the application and must observe the specified time limits, however they may remain as a panellist should the chair wish to ask further questions during the course of the debate.

10.1.4 When an application is presented that involves the Local Ward Member(s), who is/are also a member of the Development Management Committee, the said member cannot vote on an application and should 'step down' from the committee 'table' and join the member benches from where they may wish to address the committee on their constituents' behalf.

10.1.5 This is so that it is clear that the LWM is not part of the Committee.

10.1.6 Local Ward Members under the scheme of delegation can request an application is called to committee. This request must be made in writing using the prepared template. The request must include material planning considerations.

10.1.7 The request will be considered by the Corporate Lead Officer for Economy and Regeneration and / or the Corporate Manager for Planning Services, who may either accept the request or refer the request to the Planning Delegation Panel (PDP).

11. Useful Documentation

- Welsh Government Development management manual: https://gov.wales/development-management-manual
- Planning Policy Wales
  Planning policy Wales | GOV.WALES

Document O

PETITIONS PROTOCOL

Cyngor Sir
CEREDIGION
County Council

Date approved by Council: 22.01.2026
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Petitions Protocol

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Ceredigion County Council Petition Scheme

Determination of the Proper Form of Petitions

Ceredigion Council has made the following determination of the proper form of public petitions submitted under Section 44 of the Local Government and Elections (Wales) Act 2021.

Means and format for submissions.

1. Petitions may be submitted on paper or electronically using the Ceredigion County Council online petition system, or a combination of the two.
2. People can only sign a petition once. If they sign the petition online, they will be asked to verify their e-mail address. People cannot sign both an online and a paper petition and may be removed if it is proven that a petitioner has signed twice.
3. Petitions will not be accepted from other on-line petition systems.
4. Electronic Petitions may collect signature for a maximum period of 3 months.
5. For a paper petition the petition wording should be set out in full on each sheet (or side of a sheet) where signatures and addresses are asked for

Wording

1. Electronic petition wording must be set out bilingually in Welsh and in English.
2. Petitions should be submitted in good faith and addressed to Ceredigion County Council. They should call for Ceredigion County Council to take some specific action, for example:

   '*We call on Ceredigion County Council to…*'

Information

The petition must clearly indicate:

1. The name of the petitioner, who may be an individual or an organisation. This includes anyone under the age of 18.
2. The petitioner's address, which must be in Ceredigion to which all communications concerning the petition should be sent.
3. A date for your petition to stop collecting signatures.

Admissible Petitions

Petitions must relate to the matters which fall under the jurisdiction of Ceredigion County Council, with the exception of the inadmissible criteria below.

Petitions that are not admissible

1. Petitions relating to anything which does not come under the Council's jurisdiction
2. Petitions that are the same, or substantially similar to a petition which was closed less than a year earlier

3. Petitions relating to planning or licensing applications
4. Statutory petitions, or petitions relating to Local Authority Referendums which falls under the Local Authorities (Referendums) (Petitions and Directions) (Wales) Regulations 2001
5. Petitions asking the Council to adjudicate, arbitrate or mediate personal or commercial interests this is the role of a court or tribunal)
6. Petitions on matters that are subject to legal proceedings in the courts
7. Petitions on matters that are already subject to determination by an ombudsman (or person with similar powers)
8. Petitions that are essentially Freedom of Information (FOI) requests, comments, compliments or complaints. Please see information on the Ceredigion County Council website as follows: **Freedom of Information Requests** http://www.ceredigion.gov.uk/your-council/data-protection-freedomofinformation/freedom-of-information/
   Submitting Comments, Compliments and Complaints: http://www.ceredigion.gov.uk/your-council/comments-compliments-andcomplaints/
9. Petitions which raise issues of possible councillor misconduct will be taken as complains arising under the Local Government Act 2000 and will be reported to the Ethics and Standards Committee rather than considered under this petition scheme
10. Petitions relating to the jurisdiction of Town and Community Councils.

Petitions must not contain

1. Language which is offensive, intemperate or provocative. This not only includes obvious profanities, swear words and insults, but any language which a reasonable person would regard as offensive
2. Potentially false or potentially defamatory statements
3. Information which is prohibited from being published by an order of a court or a body or person with similar power
4. Materials which is potentially confidential, commercially sensitive, or which may cause personal distress or loss
5. Any commercial endorsement, promotion of any product, service or publication or statements that amount to advertisements;
6. The names of officials of public bodies, unless they are part of the senior management of those organisations;
7. The names of family members of elected representatives or officials of public bodies;
8. The names of individuals, or information where they may be identified, in relation to criminal charges;
9. Issues for which a petition is not the appropriate channel (for example, correspondence about a personal issue).

In the period immediately before an election or referendum we may need to deal with your petition differently. If this is the case we will explain the reasons and discuss the revised timescale which may apply.

Submitting an e-petition using the Council's online system. The Council's online petition system can be accessed here: You will be asked to input the following information:

a) Title and the text of the petition
b) Your name
c) Your e-mail
d) Your Address
e) A date for your petition to stop collecting signatures. Petitions may collect signatures for a maximum period of 3 months. It might be worth bearing in mind that the Council will not consider your petition until after it has finished collecting signatures.

Acknowledging receipt of submission of an electronic petition

Once you have submitted your petition, you will receive an e-mail confirming that it has been received. Democratic Services will then consider it against the rules for petitioning the Council as set out above.

If your petition is admissible as you have worded it, it be published on our website within 10 working days of receipt and can begin to collect signatures. We will confirm this by e-amil and send you the link to your petition.

If your petition is inadmissible, we will let you know and tell you the reason that it cannot go forward. It might be that the issue raised by your petition is admissible in principle, but there are some aspects of the wording which fall outside the rules. In these situations the Democratic Services team will contact you to suggest ways in which you can change the wording so that it complies fully with the rules. Once you are happy with the final wording, your petition will be published within 10 working days of confirmation of the revised wording and can begin collecting signatures.

If your petition is inadmissible as set out in the rules above and cannot be rectified by means of amending the wording, we will let you know and tell you the reason that it cannot go forward. The title and text of the petition will be published online as part of the list of inadmissible petitions, along with an explanation about why it wasn't admissible.

Handing in your petition

For e-petitions, the first working day following the date stipulated to stop collecting signatures will be deemed to be the 'handing in' date. The e-petition will then be forwarded to the relevant Corporate Lead Officer, or in their absence, the relevant Executive Corporate Director.

Any paper petition should be received by a Member, Chief Executive, Executive Corporate Director, Executive Corporate Lead Officer or Corporate Lead Officer.

Any petition received should be immediately forwarded to the relevant Executive Corporate Lead Officer / Corporate Lead Officer, or in his / her absence, the relevant Executive Corporate Director for the topic in question.

Acknowledging Receipt of all petitions

A Democratic Services Officer will acknowledge receipt of the petition within 10 working days of the 'submission date'. The admissibility of electronic petitions are verified at the outset of the process, however if any paper petition is deemed to be inadmissible for the reasons outlined in the section above, you will be informed of the reason why it cannot go forward.

NOTE - Petitions should be acknowledged by writing to the first signatory to the petition, or to the person submitting the petition if it is accompanied by a covering letter, or if it is submitted electronically.

Steps taken by the Council in response to a petition received

The Democratic Services Officer will forward a copy of the front sheet of the petition, together with an estimate of the number of signatories, to the relevant Corporate Lead Officer / Executive Corporate Lead Officer and/or Executive Corporate Director / Chief Executive.

The Head of Democratic Services shall maintain a register of all petitions received.

The Democratic Services Officer will report receipt of the petition to the next available Cabinet meeting and will retain custody of the original petition.

The exact wording of the petition title will be reported to Cabinet, along with number of petitioners. The report will also contain the recommendation as to whether the petition relates to operational or democratic matters. This information will appear on the Cabinet agenda.

Petitions relating to operational matters will be presented to Leadership Group for its consideration.

Any petitions relating to a matter which is part of a process that needs a democratic decision (service change, policy or strategy) will be presented as part of that decision-making process, i.e., in Scrutiny, Cabinet, and Council reports.

The relevant Executive Corporate Director / Executive Corporate Lead Officer/ Corporate Lead Officer, along with number of petitioners. This information will appear on the Cabinet agenda.

The Executive Corporate Director / Executive Corporate Lead Officer/ Corporate Lead Officer will take the petition into account in making any delegated decision and will refer to it in any report to Scrutiny, Cabinet and Council regarding the topic in question.

Six-monthly reports will be presented to the Overview and Scrutiny Co-ordinating Committee, providing information on the outcome or latest position of the petition.

The Executive Corporate Director and relevant Executive Corporate Lead Officer /Corporate Lead Officer will notify the person submitting the petition of any outcome resulting from the petition.

Other Engagement Opportunities

The relevant Cabinet Member will be made aware of the petition, and where the subject matter affects particular wards, the councillors representing those wards will also be notified of the receipt of the petition.

This will provide an opportunity for those Members to connect with the petitioner and to consider alternative or complimentary methods of dealing with the matter, such as submitting a letter requestion consideration of parking restrictions in a particular area or referring a matter to Scrutiny for consideration.

Equality and the Welsh Language

In implementing the Petition Protocol, Ceredigion County Council will make regard to the statutory duties in respect of equalities, Welsh Language and the Well-being of Future Generations (Wales) Act 2015.

Data protection and GDPR

We will keep all petitions for 6 years. After that time it will be safely and securely destroyed.

PART 5
CODES AND PROTOCOLS

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Document J

Code of Conduct for Members

Cyngor Sir
CEREDIGION
County Council

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INTRODUCTION

Part III of the Local Government Act 2000 ("the 2000 Act") established a new ethical framework for local government in Wales.

Section 49(2) of the Act provides that the National Assembly for Wales may specify the principles which are to govern the conduct of elected and co-opted members of County Councils and Community Councils in Wales. The principles are contained in the Conduct of Members (Principles) (Wales) Order 2001 and are reproduced on pages 4 and 5. These principles articulate the fundamental values of public service that underpin the conduct of local government members.

Section 50 of the Act provides that the National Assembly may issue a model code as regards the conduct which is expected of elected and co-opted members of County Councils and Community Councils in Wales. Section 50 also enables the Assembly to revise any such model code which has been issued. The model code must be consistent with the principles referred to above.

The Conduct of Members (Model Code of Conduct) (Wales) Order 2001, which came into force on 28 July 2001, prescribed a model code as regards the conduct expected of elected and co-opted members of County Councils and Community Councils.

Following a review of the operation of the model code, the Local Authorities (Model Code of Conduct) (Wales) Order 2008 ("the 2008 Order") was made on 20 March 2008 and introduced a revised model code of conduct.

The Local Government Act 2000 provides that County Councils and Community Councils must adopt a Code of Conduct, which includes each of the provisions contained in the model code of conduct, within 6 months from the date on which the Order was made. Ceredigion County Council resolved on 17 April 2008 to adopt the revised model code as its own Code of Conduct with effect from 5 May 2008.

The Local Authorities (Model Code of Conduct (Wales) (Amendment) Order 2016 (No. 2016/84) came into effect on 1at April 2016. These Regulations amend Part III Local Government Act 2000, and consequential provisions in the Local Government (Democracy) (Wales) Act 2013.

The 2016 Order amended the Model Code of Conduct for local government members, set out in the 2008 Order.

In accordance with Section 51 of the 2000 Act, all relevant authorities (including county and community councils) must within 6 months of the date of the 2016 Order was made, adopt the revised Code of Conduct.

The Local Government (Standards Committee and Member Conduct) (Miscellaneous Amendments) (Wales) Regulations 2025 came into effect on 05.01.2026. https://www.legislation.gov.uk/wsi/2025/1217/regulation/3/made

The 2025 Regulations amended the Model Code of Conduct for Members

On 22.01.2026, Ceredigion County Council resolved to adopt the revised Model Code with effect from 23.01.2026.

All elected and co-opted members of County Councils and Community Councils must give an undertaking to abide by the code that their authority has adopted.

THE PRINCIPLES GOVERNING THE CONDUCT OF ELECTED AND CO-OPTED MEMBERS OF LOCAL AUTHORITIES IN WALES

(These do not form part of the Code but are included for completeness).

Selflessness

1. Members must act solely in the public interest. They must never use their position as members to improperly confer advantage on themselves or to improperly confer advantage or disadvantage on others.

Honesty

2. Members must declare any private interests relevant to their public duties and take steps to resolve any conflict in a way that protects the public interest.

Integrity and Propriety

3. Members must not put themselves in a position where their integrity is called into question by any financial or other obligation to individuals or organisations that might seek to influence them in the performance of their duties. Members must on all occasions avoid the appearance of such behaviour.

Duty to Uphold the Law

4. Members must act to uphold the law and act on all occasions in accordance with the trust that the public has placed in them.

Stewardship

5. In discharging their duties and responsibilities members must ensure that their authority's resources are used both lawfully and prudently.

Objectivity in Decision-making

6. In carrying out their responsibilities including making appointments, awarding contracts, or recommending individuals for rewards and benefits, members must make decisions on merit. Whilst members must have regard to the professional advice of officers and may properly take account of the views of others, including their political groups, it is their responsibility to decide what view to take and, if appropriate, how to vote on any issue.

Equality and Respect

7. Members must carry out their duties and responsibilities with due regard to the need to promote equality of opportunity for all people, regardless of their protected characteristics, or socio-economic circumstances, and show respect and consideration for others.

Openness

8. Members must be as open as possible about all their actions and those of their authority. They must seek to ensure that disclosure of information is restricted only in accordance with the law.

Accountability

9. Members are accountable to the electorate and the public generally for their actions and for the way they carry out their responsibilities as a member. They must be prepared to submit themselves to such scrutiny as is appropriate to their responsibilities.

Leadership

10. Members must promote and support these principles by leadership and example so as to promote public confidence in their role and in the authority. They must respect the impartiality and integrity of the authority's statutory officers and its other employees.

CODE OF CONDUCT FOR MEMBERS OF CEREDIGION COUNTY COUNCIL
PART 1

INTERPRETATION

1. (1) In this code —

"co-opted member" ("*aelod cyfetholedig*"), in relation to a relevant authority, means a person who is not a member of the authority but who —

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

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

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

"meeting" ("*cyfarfod*") means any meeting —

(a) of the relevant authority,

(b) of any executive or board of the relevant authority,

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

(d) where members or officers of the relevant authority are present other than a meeting of a political group constituted in accordance with regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990[(1)],

and includes circumstances in which a member of an executive or board or an officer acting alone exercises a function of an authority;

"member" ("*aelod*") includes, unless the context requires otherwise, a co-opted member;

"protected characteristics" ("*nodweddion gwarchodedig*") has the meaning given by section 4 of the Equality Act 2010.

"**registered society"** means a society, other than a society registered as a credit union, which is –

(a) a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014; or

(b) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969;

"**register of members interests**" ("*cofrestru o fuddiannau'r aelodau")* means the register established and maintained under Section 81 of the Local Government Act 2000

"relevant authority" ("*awdurdod perthnasol*") means —

(a) a county council,

(b) a county borough council,

(c) a community council,

(d) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004[(2)] or a scheme to which section 4 of that Act applies,

(e) a National Park authority established under section 63 of the Environment Act 1995[(3)];

"you" ("*chi*") means you as a member or co-opted member of a relevant authority; and

"your authority" ("*eich awdurdod*") means the relevant authority of which you are a member or co-opted member.

2. In relation to a community council –

(a) "proper officer" ("*swyddog priodol*") means an officer of that council within the meaning of Section 270(3) of the Local Government Act 1972(5); and

(b) "standards committee" ("*pwyllgor safonau*") means the standards committee of the county or county borough council which has functions in relation to the community council for which it is responsible under section 56(1) and (2) of the Local Government Act 2000.

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(1) S.I. 1990/1553 as amended by S.I. 1991/1389; S.I. 1993/1339; S.I. 1998/1918; and S.I. 1999/500.
(2) 2004 c.21
(3) 1995 c.25.

PART 2 GENERAL PROVISIONS

2. (1) Save where paragraph 3(a) applies, you must observe this code of conduct —

(a) whenever you conduct the business, or are present at a meeting, of your authority;

(b) whenever you act, claim to act or give the impression you are acting in the role of member to which you were elected or appointed;

(c) whenever you act, claim to act or give the impression you are acting as a representative of your authority; or

(d) at all times and in any capacity, in respect of conduct identified in paragraphs 6(1)(a) and 7.

(2) You should read this code together with the general principles prescribed under section 49(2) of the Local Government Act 2000 in relation to Wales.

3. Where you are elected, appointed or nominated by your authority to serve —

(a) on another relevant authority, or any other body, which includes a Local Health Board you must, when acting for that other authority or body, comply with the code of conduct of that other authority or body; or

(b) on any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

4. You must —

(a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their protected characteristics or socio-economic circumstances.

(b) show respect and consideration for others;

(c) not use bullying behaviour or harass any person; and

(d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.

5. You must not —

(a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;

(b) prevent any person from gaining access to information to which that person is entitled by law.

6. (1) You must —

(a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;

(b) report, whether through your authority's confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or on behalf of, your authority which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);

(c) report to your authority's monitoring officer any conduct by another member which you reasonably believe breaches this code of conduct;

(d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority.

(2) You must comply with any request of your authority's monitoring officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers.

7. You must not —

(a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;

(b) use, or authorise others to use, the resources of your authority —

(i) imprudently;

(ii) in breach of your authority's requirements;

(iii) unlawfully;

(iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;

(v) improperly for political purposes; or

(vi) improperly for private purposes.

8. You must —

(a) when participating in meetings or reaching decisions regarding the business of your authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by your authority's officers, in particular by —

(i) the authority's head of paid service;

(ii) the authority's chief finance officer;

(iii) the authority's monitoring officer;

(iv) the authority's chief legal officer (who should be consulted when there is any doubt as to the authority's power to act, as to whether the action proposed lies within the policy framework agreed by the authority or where the legal consequences of action or failure to act by the authority might have important repercussions);

(b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

9. You must —

(a) observe the law and your authority's rules governing the claiming of expenses and allowances in connection with your duties as a member;

(b) avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by your authority), material benefits or services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation.

PART 3 INTERESTS

Personal Interests

10. (1) You must in all matters consider whether you have a personal interest, and whether this code of conduct requires you to disclose that interest.

(2) You must regard yourself as having a personal interest in any business of your authority if —

(a) it relates to, or is likely to affect —

(i) any employment or business carried on by you;

(ii) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;

(iii) any person, other than your authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member;

(iv) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of

£25,000 or one hundredth of the total issued share capital of that body;

(v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;

(vi) any land in which you have a beneficial interest and which is in the area of your authority;

(vii) any land where the landlord is your authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub- paragraph (iv) above;

(viii) any body to which you have been elected, appointed or nominated by your authority;

(ix) any —

(aa) public authority or body exercising functions of a public nature;

(bb) company, industrial and provident society, charity, or body directed to charitable purposes;

(cc) body whose principal purposes include the influence of public opinion or policy;

(dd) trade union or professional association; or

(ee) private club, society or association operating within your authority's area,

in which you have membership or hold a position of general control or management;

(x) any land in your authority's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer;

(b) a decision upon it might reasonably be regarded as affecting —

(i) your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;

(ii) any employment or business carried on by persons as described in 10(2)(b)(i);

(iii) any person who employs or has appointed such persons described in 10(2)(b)(i), any firm in which they are a partner, or any company of which they are directors;

(iv) any corporate body in which persons as described in 10(2)(b)(i) have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or

(v) anybody listed in paragraphs 10(2)(a)(ix)(aa) to (ee) in which persons described in 10(2)(b)(i) hold a position of general control or management,

to a greater extent than the majority of—

(aa) in the case of an authority with electoral divisions or wards, other council tax payers, rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or

(bb) in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area.

Disclosure of Personal Interests

11. (1) Where you have a personal interest in any business of your authority and you attend a meeting at which that business is considered, you must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority and you make —

(a) written representations (whether by letter, facsimile or some other form of electronic communication) to a member or officer of your authority regarding that business, you should include details of that interest in the written communication; or

(b) oral representations (whether in person or some form of electronic communication) to a member or officer of your authority you should disclose the interest at the commencement of such representations, or when it becomes apparent to you that you have such an interest, and confirm the representation and interest in writing within 14 days of the representation.

(3) Subject to paragraph 14(1)(b) below, where you have a personal interest in any business of your authority and you have made a decision in exercising a function of an executive or board, you must in relation to that business ensure that any written statement of that decision records the existence and nature of your interest.

(4) You must, in respect of a personal interest not previously disclosed, before or immediately after the close of a meeting where the disclosure is made pursuant to sub-paragraph 11(1), give written notification to your authority in accordance with any requirements identified by your authority's monitoring officer or in relation to a community council, your authority's proper officer from time to time but, as a minimum containing -

(a) details of the personal interest;

(b) details of the business to which the personal interest relates; and

(c) your signature.

(5) Where you have agreement from your monitoring officer that the information relating to your personal interest is sensitive information, pursuant to paragraph 16(1), your obligations under this paragraph 11 to disclose such information, whether orally or in writing, are to be replaced with an obligation to disclose the existence of a personal interest and to confirm that your monitoring officer has agreed that the nature of such personal interest is sensitive information.

(6) For the purposes of sub-paragraph (4), a personal interest will only be deemed to have been previously disclosed if written notification has been provided in accordance with this code since the last date on which you were elected, appointed or nominated as a member of your authority.

(7) For the purposes of sub-paragraph (3), where no written notice is provided in accordance with that paragraph you will be deemed as not to have declared a personal interest in accordance with this code.

Prejudicial Interests

12. (1) Subject to sub-paragraph (2) below, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) Subject to sub-paragraph (3), you will not be regarded as having a prejudicial interest in any business where that business—

(a) relates to —

(i) another relevant authority of which you are also a member;

(ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;

(iii) a body to which you have been elected, appointed or nominated by your authority;

(iv) your role as a school governor (where not appointed or nominated by your authority) unless it relates particularly to the school of which you are a governor;

(v) your role as a member of a Local Health Board where you have not been appointed or nominated by your authority;

(b) relates to —

(i) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;

(ii) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends;

(iii) the functions of your authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority;

(iv) the functions of your authority in respect of an allowance or payment made in accordance with the provisions of Part 8 of the Local Government (Wales) Measure 2011(6), or an allowance or pension provided under section 18 of the Local Government and Housing Act 1989(7)

(c) your role as a community councillor in relation to a grant, loan or other form of financial assistance made by your community council to community or voluntary organisations up to a maximum of £500.

(3) The exemptions in subparagraph (2)(a) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration.

Overview and Scrutiny Committees

13. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where —

(a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive, board or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and

(b) at the time the decision was made or action was taken, you were a member of the executive, board, committee, sub-committee, joint-committee or joint sub-committee mentioned in sub-paragraph (a) and you were present when that decision was made or action was taken.

Participation *in Relation to Disclosed Interests*

14. (1) Subject to sub-paragraphs (2), (2A), (3) and (4), where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority's standards committee —

(a) withdraw from the room, chamber or place where a meeting considering the business is being held —

(i) where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or

(ii) in any other case, whenever it becomes apparent that that business is being considered at that meeting;

(b) not exercise executive or board functions in relation to that business;

(c) not seek to influence a decision about that business;

(d) not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business; and

(e) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.

(2) Where you have a prejudicial interest in any business of your authority you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

(2A) Where you have a prejudicial interest in any business of your authority you may submit representations to a meeting in relation to that business, provided that the public are allowed to attend a meeting for the purpose of making representations, answering questions or giving evidence relating to the business, whether under a statutory right or otherwise.

(2B) When submitting written representations under sub-paragraph (2A) you must comply with any procedure that your authority may adopt for the submission of such representation.

(3) Sub-paragraph (1) does not prevent you attending and participating in a meeting if —

(a) you are required to attend a meeting of an overview or scrutiny committee, by such committee exercising its statutory powers; or

(b) you have the benefit of a dispensation provided that you —

(i) state at the meeting that you are relying on the dispensation; and

(ii) before or immediately after the close of the meeting give written notification to your authority containing —

(aa) details of the prejudicial interest;

(bb) details of the business to which the prejudicial interest relates;

(cc) details of, and the date on which, the dispensation was granted; and

(dd) your signature.

(4) Where you have a prejudicial interest and are making written or oral representations to your authority in reliance upon a dispensation, you must provide details of the dispensation within any such written or oral representation and, in the latter case, provide written notification to your authority within 14 days of making the representation.

PART 4

THE REGISTER OF MEMBERS' INTERESTS

Registration of Financial and Other Interests and Memberships and Management Positions

Registration of Personal Interests

15. (1) Subject to sub-paragraph (4), you must, within 28 days of –

(a) Your authority's code of conduct being adopted or the mandatory provisions of this model code being applied to your authority; or

(b) your election or appointment to office (if that is later),

register your personal interests, where they fall within a category mentioned in paragraph 10(2)(a), in your authority's register of members' interests by providing written notification to your authority's monitoring officer.

(2) Subject to sub-paragraph (4), you must, within 28 days of becoming aware of any new personal interest falling within a category mentioned in paragraph 10(2)(a) register that new personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer.

(3) Subject to sub-paragraph (4), you must, within 28 days of becoming aware of any change to a registered personal interest falling within a category mentioned in paragraph 10(2)(a), register that change in your authority's register of members' interests by providing written notification to your authority's monitoring officer, or in the case of a community council to your authority's proper officer.

(4) Sub-paragraphs (1), (2) and (3) do not apply to sensitive information determined in accordance with paragraph 16(1).

(5) Sub-paragraphs (1) and (2) do not apply if you are a member of a relevant authority which is community council when you act in your capacity as a member of such an authority.

(6) You must, when disclosing a personal interest in accordance with paragraph 11 for the first time, register that personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer, or in the case of a community council to your authority's proper officer.

Sensitive information

16. (1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to the interest under paragraph 15.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under sub-paragraph (1) is no longer sensitive information, notify your authority's monitoring officer or in relation to a community council, your authority's proper officer asking that the information be included in your authority's register of members' interests.

(3) In this code, "sensitive information" ("*gwybodaeth sensitif*") means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

Registration of Gifts and Hospitality

17. You must, within 28 days of receiving any gift, hospitality, material benefit or advantage above a value specified in a resolution of your authority[**4**], provide written notification to your authority's monitoring officer or in relation to a community council, to your authority's proper officer of the existence and nature of that gift, hospitality, material benefit or advantage.

[**4**] Ceredigion County Council resolved on 17 April 2008 to specify a value of £21.

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PROTOCOL ON MEMBER/OFFICER RELATIONS

Cyngor Sir
CEREDIGION
County Council

Publication date: July 2023

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CEREDIGION COUNTY COUNCIL

PROTOCOL ON MEMBER/OFFICER RELATIONS

1. INTRODUCTION

1.1 The purpose of this Protocol is to guide Members and Officers in their relations with one another and to assist them in maintaining high standards of integrity and propriety. Given the complexity of such relations, this Protocol does not seek to be either prescriptive or comprehensive. It is to a large extent a written statement of current practice and convention and simply offers guidance on some of the issues which most commonly arise. It is hoped however, that the approach adopted by this Protocol will serve as a guide in dealing with other circumstances.

1.2 The Council has adopted separate Codes of Conduct for Members and for Officers respectively which embody the mandatory provisions contained in regulations made by Senedd Cymru. This Protocol seeks to reflect the principles underlying the respective Codes of Conduct and should be read in conjunction with those Codes. The shared objective of these Codes is to enhance and maintain the integrity of local government by demanding high standards of personal conduct.

1.3 The following extracts from the respective Codes of Conduct are particularly relevant:-

1.3.1 Members must not do anything which compromises, or which is likely to compromise the impartiality of the Council's employees

1.3.2 Employees are expected to provide appropriate advice to Councillors and fellow employees with impartiality

2. RELATIONSHIP BETWEEN MEMBERS AND OFFICERS

2.1 Councillors are responsible to the electorate, whom they serve throughout their term of office. Officers are responsible to the Council. Their job is to give advice to Councillors and the Council and to carry out the Council's works under the direction and control of the Council, the Cabinet and Committees. Councillors (Members) must not act as if they are Officers and Officers must not act as if they are Councillors.

2.2 It is important that Members and Officers should observe reasonable standards of mutual courtesy and respect and that neither should seek to take unfair advantage of their position in any circumstances.

2.3 Members should not make personal comments about an Officer or Officers or undermine respect for an Officer or Officers in Council, Cabinet and Committee meetings or public fora. If a member feels that they have not been treated with proper respect or has any concern about the conduct or capability of an Officer or Officers and is unable to resolve it through direct discussion with the Officer, they should raise the matter with the Executive Corporate Director who heads the Service concerned. The Executive Corporate Director will then investigate the matter and report back to the Member. If the Member continues to be concerned they should raise the issue with the Chief Executive who will look into the matter. Any action taken against an Officer in respect of a complaint will be taken in accordance with provisions of the Council's Disciplinary Procedure.

2.4 Where an Officer feels that a Member's conduct is inappropriate (including a breach of the Principles Governing the Conduct of Elected and Co-opted Members of Local Authorities in Wales referenced in the Code of Conduct for Members at Part 5 Document J of the Council's Constitution) or that they have not been properly treated with respect by a Member, they should raise the matter with their Executive Corporate Director, the Chief Executive or Monitoring Officer as appropriate. The Executive Corporate Director, Chief Executive or Monitoring Officer will then take appropriate action by approaching the individual Member and/or group leader.

2.5 No Member or Officer should allow any personal connection or relationship with any other Member or Officer to affect the performance of his or her official responsibilities, or the taking of any action or decision by or on behalf of the Council. Members and Officers should always consider how such a relationship or connection would be likely to be regarded by anyone outside the Council, or by any other Member or Officer, and avoid creating any impression of bias or unfairness.

2.6 Any Officer who is personally connected or related to any Member should notify their Chief Officer in writing.

2.7 Members should take into account any personal relationship or connection with any other Member or Officer, in considering the need to register or declare a personal interest whenever appropriate.

2.8 It must be remembered that Officers within a Service are accountable to their Executive Corporate Director/ Executive Corporate Lead Officer / Corporate Lead Officer and that whilst Officers should always seek to assist a Cabinet member/Chair (or indeed any Member), they must not in doing so, go beyond the bounds of whatever authority they have been given by their Executive Corporate Director, Executive Corporate Lead Officer or Corporate Lead Officer. It should also be noted that the Chief Executive has statutory responsibility for ensuring the proper organisation and management of the Council's staff and has therefore an overall responsibility for the direction and management of all Officers.

3. RELATIONSHIP BETWEEN OFFICERS AND PARTY GROUPS

3.1 There is statutory recognition for party groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the Council, the Cabinet or the relevant Committee. Executive Corporate Directors or their Executive Corporate Lead Officer /Corporate Lead Officer may properly be required to support and contribute to such deliberations by party groups, provided they maintain political neutrality. The Executive Corporate Director or his or her Executive Corporate Lead Officer /Corporate Lead Officer will leave immediately after making the presentation.

3.2 Any request for an Executive Corporate Director or Executive Corporate Lead Officer / Corporate Lead Officer to attend a meeting arranged by a party or party group, for the purpose of presenting information to the meeting must be made through the Chief Executive via the leader of the relevant party group. The Executive Corporate Director or Executive Corporate Lead Officer / Corporate Lead Officer who attends will do so in their official capacity, will be politically neutral, and attendance will not signify support for any particular political view, proposal or response. Such attendance will generally be avoided during the period between the announcement and conclusion of any local or parliamentary election affecting the area involved ('pre-election' period).

3.3 Similarly, where an Executive Corporate Director or their Executive Corporate Lead Officer / Corporate Lead Officer provide information to a party group meeting in relation to Council business, this cannot act as a substitute for providing all necessary information and advice to the Cabinet or relevant Committee when the matter in question is considered.

3.4 Executive Corporate Directors will not provide information or advice to a party group meeting which includes persons who are not Members of the Council, as such persons are not bound by the Members' Code of Conduct (in particular the provisions concerning the declaration of interests and restrictions on disclosure of confidential information).

3.5 An Executive Corporate Director or Executive Corporate Lead Officer / Corporate Lead Officer must respect the confidentiality of any party group discussion at which they are present and should not, in particular, relay the content of any such discussion to another party group.

4. SUPPORT SERVICES AND FACILITIES FOR MEMBERS AND PARTY GROUPS

The only basis on which the Council can lawfully provide support services and facilities to Members (e.g. computer equipment, stationery, typing, printing, photocopying, meeting rooms, transport etc.) is to assist them in discharging their role as Members of the Council. Except as may be provided in other agreed Council policies, such support services and facilities must only be used on Council business and in accordance with any written contract relating to the provision of such services made between Members and the Council.

5. MEMBERS' ACCESS TO INFORMATION AND TO COUNCIL DOCUMENTS

5.1 Members are free to request any Service to provide them with such information, explanation and advice about that Service's function as they may reasonably need in order to assist them in discharging their role as Members of the Council. This may range from a request for general information about some aspect of a Service's activities to a request for specific information on behalf of a constituent.

5.2 Such approaches should normally be directed to the appropriate Corporate Lead Officer or Corporate Manager of the Service concerned.

5.3 Where there is a matter of dispute or dissatisfaction, such contact should go to the Executive Corporate Lead Officer, Corporate Lead Officer, Executive Corporate Director or Chief Executive.

5.4 The legal rights of Members to inspect Council documents arise partly from statute and partly from the common law (judicial decisions). Reference should be made to the relevant provisions of the Constitution, to the Local Government Act 1972 (particularly Section 100F(2)) and to the Local Authorities (Executive Arrangements) (Decisions, Documentation and Meetings) (Wales) Regulations 2001 (as amended).

5.5 In summary, Members have a statutory right to inspect any Council document which contains material relating to any business which is to be transacted at a Council, Committee, Cabinet or Cabinet Member meeting for the purpose of making Cabinet decisions. This right applies irrespective of whether the Member is a member of the decision-making meeting concerned and extends not only to reports that are to be submitted to the meeting, but also to any relevant background papers. This right does not however apply to documents relating to exempt items on the agenda for any meeting. These contain information which is (by statute) exempt from publication because, for example, it relates or refers to employees, occupiers of Council property, applicants for grants or other services, the care of children, the proposed terms of a contract or contractual negotiations or other commercially sensitive information, industrial relations negotiations, legal advice or legal proceedings.

5.6 The common law right of Members is much broader and based on the principle that any Member has a prima facie right to inspect Council documents, provided this is reasonably necessary to enable the Member properly to perform their duties as a Member of the Council. This principle is commonly referred to as the 'need to know' principle. The Member must therefore demonstrate that they have the necessary 'need to know' in order to exercise this common law right. A

member has no right to a ‘roving commission’ to examine documents of the Council and mere curiosity is not sufficient.

5.7 The common law test is therefore whether it is reasonably necessary for the Member to know the information in order to properly perform their duties as a Member of the Council. This question must initially be determined by the Executive Corporate Director whose service holds the document in question (with advice from the Monitoring Officer). In the event of a dispute, the question may be referred for determination by the Cabinet Member and Executive Corporate Director responsible for the function or purpose for which the document is held, again with legal advice from the Monitoring Officer.

5.8 In some circumstances, a Member’s ‘need to know’ will normally be presumed (e.g. a Committee member wishing to inspect documents relating to the functions of that Committee). In other circumstances, a Member will normally be expected to justify the request in specific terms (e.g. a Member wishing to inspect documents which contain personal information about third parties).

5.9 Whilst the term ‘Council document’ is very broad and includes any document produced by whatever means with Council resources, it is accepted by convention that a Member of one party group will not have a ‘need to know’ and therefore no right to inspect a document which forms part of the internal working of another party group.

5.10 Members should not put undue pressure on Officers to release information and documents to which they are not entitled to have access. Advice should be sought from the relevant Corporate Lead Officer.

5.11 Further and more detailed advice regarding Members’ rights to inspect Council documents may be obtained from the Monitoring Officer.

5.10 Finally, Council information provided to a Member must only be used by the Member for the purpose for which it was provided; that is, only to enable the proper performance of the Member’s duties as a Councillor. This point is emphasised in the Members’ Code of Conduct in the following terms:

“Members”:

(a) must not disclose confidential information or information which should reasonably be regarded as being of a confidential nature without the express consent of a person authorised to give such consent, or unless required by law to do so;

(b) must not prevent any person from gaining access to information to which that person is entitled by law”

6 RELATIONSHIP BETWEEN OFFICERS, CHAIRS AND CABINET MEMBERS

6.1 It is important that there should be a close working relationship between Cabinet members, Chairs of Committees and the Executive Corporate Directors, Executive Corporate Lead Officers, Corporate Lead Officers and other senior officers of any Service which reports to decision-making meetings. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Officer's ability to deal impartially with other Members and other party groups, or with any other individual or organisation.

6.2 Whilst a Cabinet Member or a Chair will be consulted as part of the process of drawing up the agenda for a forthcoming meeting, it must be recognised that in some circumstances the proper conduct of business may require a particular matter to be included on an agenda by Officers. Executive Corporate Directors, Executive Corporate Lead Officers and Corporate Lead Officers will always be fully responsible for the contents of any report submitted in their name.

6.3 Any issue concerning the inclusion of any item on an agenda, or the submission of any particular report, that cannot be agreed between a Cabinet member/Chair and a Executive Corporate Director should be referred to the Monitoring Officer. There may also be circumstances in which the Chief Executive or the Chief Finance Officer (as statutory Section 151 Officer) or Monitoring Officer will be under a duty to submit a report.

6.4 If a report is written in an Officer's name, it remains the Officer's report and, even if the Chairperson is unhappy with its contents, it should not be amended other than with the express approval of the relevant Chief Officer. Where the Chairperson wishes to suggest an alternative course of action to that proposed by the Officer, then in exceptional circumstances, they should write their own report in addition to the report submitted by the Chief Officer but should not use undue pressure to persuade the Chief Officer to withdraw or amend the original Officer report. Members should not interfere with the day to day work of the Chief Officers and their staff.

7. RELATIONSHIP BETWEEN MEMBERS, OFFICERS AND SCRUTINY COMMITTEES

7.1 Any Overview and Scrutiny Committee or Sub-Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of Cabinet, the Chief Executive, Executive Corporate Director, Executive Corporate Lead Officer or Corporate Lead Officer to attend before it to explain in relation to matters within their remit:-

- Any particular decision or series of decisions; and/or
- The extent to which the actions taken implement Council policy; and/or
- The performance of the various sections within their span of control

and it is the duty of those persons to attend for this purpose if so required.

7.2 Where any member or Executive Corporate Director, Executive Corporate Lead Officer or Corporate Lead Officer is required to attend an Overview and Scrutiny Committee under this provision, the chair of that Committee will inform the Proper Officer. The Proper Officer shall inform the member or officer in writing giving at least 10 working days' notice of the meeting at which they are required to attend. The notice will state the nature of the item on which they are required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, then the Executive Corporate Director, Executive Corporate Lead Officer or Corporate Lead Officer concerned will be given sufficient notice to allow for preparation of that documentation.

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

7.4 It should be noted that it is not the role of an Overview and Scrutiny Committee to either

7.4.1 Act as a disciplinary hearing in relation to the actions of Officers – this is the Chief Executive's function alone in relation to staff or;

7.4.2 To act as a quasi 'court of appeal' against decisions, or to pursue complaints by individuals (Councillors, Officers or members of the public)

as other procedures exist for this e.g. Complaints Procedure, Public Services Ombudsman, appeal to the Courts.

8. CORRESPONDENCE

8.1 Correspondence, including e-mails between an individual Member and an Officer should not normally be copied by the Officer to any other Member, except where necessary for the proper conduct of business and either at the discretion of the Service's Executive Corporate Director or with the agreement of the Member concerned. Where exceptionally it is necessary to copy the correspondence to another Member, the original Member should be informed.

8.2 Official letters on behalf of the Council should normally be sent out in the name of the appropriate Officer rather than in the name of the Member. It may be appropriate in certain circumstances (e.g. representations to a Government Minister or correspondence with the Leader of another local authority) for a letter to be issued in the name of the Leader of the Council. Letters which, for example, create obligations, confirm or deny the acceptance of any liability, or give instructions on behalf of the Council should always be sent out in the name of the Chief Executive or the appropriate Executive Corporate Director or other senior Officer.

9. PUBLICITY AND THE MEDIA

9.1 Contact with the media on issues related to the Council or to Council business, including the issue of press releases, will be handled through the Press Office.

9.2 If a Member speaks to the media without first having consulted with the Leader or relevant Cabinet Member or Committee Chair and/or the Press Office, then it will be deemed to be the Member's own personal view.

9.3 Members are reminded of the need to comply with the requirements of the Local Government Act 1986 and the Code of Recommended Practice on Local Authority Publicity which prohibit Councils from publishing any material which appears to be designed to affect public support for a political party. Publicity should not be used as a means to publicise individual Councillors, except where they are acting to represent the Council as a whole.

10. INVOLVEMENT OF WARD COUNCILLORS

10.1 Ward Councillors should be kept informed and consulted on relevant matters affecting their ward, i.e. on planning, licensing and other relevant matters. The Ward Councillor should normally be invited to attend public meetings in their locality and could normally be expected to be consulted on any consultative exercise on local issues.

10.2 Members should not engage in negotiations with developers, business partners, business tenants, consultants or advisers without officers present.

11. FURTHER GUIDANCE

Any Member who needs further guidance on any of the matters referred to in this Protocol, or on any similar or related issue, is advised to contact the Chief Executive or the Monitoring Officer.

Any Officer needing such guidance should refer initially to their manager, who will consult senior management and obtain advice as necessary. Questions of interpretation of this Protocol will be determined by the Monitoring Officer.

12. NON-ADHERENCE TO PROTOCOL

Serious breaches of this Protocol by Officers should be dealt with under the Council's disciplinary procedures.

Breaches by Members may be referred to the relevant Group Leader for consideration and should be reported to the Chief Executive and the Monitoring Officer.

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CODE OF CONDUCT FOR LOCAL GOVERNMENT EMPLOYEES

Cyngor Sir
CEREDIGION
County Council

Date approved by Cabinet: 4 April 2023

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The Council

Employees working for Ceredigion County Council ('the Council') serve the whole Local Authority, are accountable to, and owe a duty to the Council.

They must act in accordance with the principles set out in the Schedule to The Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001 (and S82 of the Local Government Act 2000) recognising the duty of all public sector employees to discharge public functions reasonably and according to the law.

The link to the 2001 Order is shown here:
https://www.legislation.gov.uk/wsi/2001/2280/schedule/made

1. Introduction

The public is entitled to expect the highest standards of conduct from all Employees of the Council.

2. Status of the Code of Conduct for Local Government Employees ('the Code of Conduct')

The Code of Conduct sets out the **minimum** standards that Employees should observe and will form part of their Contract of Employment. Its aim is to lay down guidelines for employees that will help maintain and improve standards, and also protect them from misunderstanding or from criticism.

Any breaches of this Code of Conduct may lead to disciplinary action being taken under the Council's Disciplinary Policy (available on the Council's intranet site (Cerinet)).

3. Principles of Public Life

3.1 The Nolan Report on Standards in Public Life defined good conduct for employees of public bodies as that of acting:

- Fairly;
- In good faith;
- In an impartial way; and
- So as to meet the specified objectives of the body to which they have been appointed.

3.2 The following principles underpin this Code of Conduct:

3.2.1 **Selflessness**
Holders of public office should take decisions solely in terms of the public's interest. They should not do so in order to gain any benefits whether financial or otherwise for themselves, their family or their friends;

3.2.2 **Integrity**

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations which might influence them in the performance of their official duties;

3.2.3 **Objectivity**

In carrying out public business including public appointments, awarding contracts or recommending individuals for rewards and benefits, holders of public office should make choices purely on merit;

3.2.4 **Accountability**

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office;

3.2.5 **Openness**

Holders of public office should be as open as possible about all decisions and actions they take. They should give the reasons for their decisions and restrict information only when the wider public interest clearly so demands;

3.2.6 **Honesty**

Holders of public office have a duty to declare any personal interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest; and

3.2.7 **Leadership**

Holders of public office should promote and support these principles by leadership and example.

4. Service Standards

4.1 Employees must give the highest possible standard of service to the public and, where it is part of their duties, provide appropriate advice to Members of the Council and fellow Employees with impartiality. Employees should deal with the public, Members and other Employees sympathetically, efficiently, and without bias.

4.2 Mutual respect between Employees and Members is essential to good local government, and working relationships should be kept on a professional basis.

4.3 Employees must always remember their responsibility to the community they serve and ensure courteous, efficient and impartial delivery of services to all groups and people within that community according to Council Policies.

4.4 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner, and must not utilise property, vehicles or other facilities of the Council for personal use unless authorised to do so.

4.5 Employees must also be aware of and abide by the Council's Strategy on Countering Fraud, Corruption and Bribery (to include Anti-Money Laundering), which is available on the Council's website.

4.6 Subject to 4.9 below, in the event that an Employee becomes aware of activities, which that Employee believes to be illegal, improper, unethical, or otherwise inconsistent with this Code of Conduct, the Employee must report the matter immediately to their Line Manager, Executive Corporate Lead Officer or Corporate Lead Officer acting in accordance with the Employee's rights under the Public Interest Disclosure Act 1998, and the Council's Whistleblowing Policy (see 4.7 below).

4.7 In the event that an Employee becomes aware of activities, which that Employee believes to be a breach of the Council's Whistleblowing Policy, the Employee must raise a concern and follow the procedures set out in the Council's Whistleblowing Policy.

4.8 In the event that an Employee becomes aware of activities, which that Employee believes to be inconsistent with the Council's Strategy on Countering Fraud, Corruption and Bribery (to include Anti-Money Laundering), the Employee must report the matter immediately using the reporting procedure set out in the Council's Strategy on Countering Fraud, Corruption and Bribery (to include Anti-Money Laundering).

4.9 In the event that an Employee becomes aware of activities, which that Employee believes to be illegal, improper, unethical, or otherwise inconsistent with this Code of Conduct AND involves children and vulnerable adults, the Employee must follow the procedures and guidelines set out in the Council's Policy and Guidelines for Safeguarding Children & Adults at Risk ('the Safeguarding Policy').

4.10 In the event that an Employee becomes aware of activities, which that Employee believes to be inconsistent with the Council's Modern Slavery Policy, the Employee must report it in line with the Council's Modern Slavery Policy and associated procedures.

4.11 Employees have a duty to ensure compliance with the law and Employees should be aware that incidents of malpractice will be dealt with swiftly and could result with the Employee facing disciplinary action, other action in accordance with the Council's HR Policies and, depending on the circumstances and available evidence, the investigation may be referred to the Police or another appropriate external body.

5. Political Neutrality

5.1 Where Employees are politically restricted (by reason of the post they hold, the nature of the work they do, or the salary they are paid), they must comply with any statutory restrictions on their political activities.

5.2 Employees must also be aware of and abide by the Council's Policy on Political Restrictions on Local Government Employees (the 'Political Restriction Policy'), including the restrictions upon them should they hold a Specified or Sensitive post, as defined in the Political Restriction Policy. Employees should also be aware that any breach of restrictions may be deemed to be an offence which will be dealt with in accordance with the Council's disciplinary

procedure.

5.3 Employees should be aware that they serve the Local Authority as a whole. They are accountable to, and owe a duty to the Council. It follows that they must serve all Members and not just those of the controlling group, and must ensure that the individual rights of all Members are respected.

5.4 Subject to rules laid down from time to time, Employees may be required to provide information or clarification to political groups. They must do so in ways consistent with the Employee's political neutrality.

5.5 Whether or not Employees are politically restricted by the law, they must follow the lawfully expressed policies of the Council and must not allow their own personal or political opinions to interfere with their work.

5.6 An Employee who holds a politically restricted post is disqualified from becoming or remaining a member of a relevant authority (see the Council's Political Restriction Policy on the Council's intranet site (Cerinet)).

6. Personal Interests

6.1 Whilst Employees' private lives are their own concern, they must not allow their private interests to conflict with their public duty. They must not misuse their official position or information acquired in the course of their employment for personal gain to further their private interests, or the interests of others, such as their close relatives and associates, nor for causing disadvantage to any person or organisation. Employees must not pass on any information acquired in the course of their employment to others.

6.2 Employees must make a declaration regarding any actual personal interests or potential personal interests by filling in the Declaration of Interests form available on the Council's intranet site (Cerinet). Employees should also declare any such interests in writing to their Line Manager.

6.3 In completing the Declaration of Interests Form, the Employee will be required to provide any relevant information as is available to them at that time in order for a decision to be made as to whether there is a conflict (or potential conflict) of interest with their employment/role as a Council Employee.

6.4 The Employee must declare all interests as listed under 6.4.1 to 6.4.13 below. In addition, the Employee must declare an interest under 6.4.14 if the interest is one which a member of the public with knowledge of the relevant facts would reasonably consider could bring about a conflict with the Council's interests.

6.4.1 Remunerated directorship of companies (public or private);

6.4.2 a) Relationships with close family members/close personal associates /related-parties who are employees/officers of the Council or teachers within schools in the County. If they are a Chief Officer (CLO level or above) state:

- their name;

- their role; and
- your relationship to them.

b) Relationships with close family members/close personal associates/related-parties who are a Councillor of the Council.
State their:

- name
- ward

6.4.3 Remunerated employment, offices, trades or professions (other than Ceredigion County Council);

6.4.4 Details of external contractors, or potential contractors to the Council, managed or run by close personal associates/family (including members of their household) or with whom the Employee has been or is now closely connected (giving details);

6.4.5 Membership of any organisation not open to the general public without formal membership and commitment of allegiance and which has secrecy about rules of membership or conduct;

6.4.6 Membership of any society (see also 7. below), party or organisation whose aims and/or constitution conflicts with any Rule of Law or with the Equal Opportunities Policy adopted by the Council;

6.4.7 Details of any sponsorships provided to the Employee or any close personal associate/family (including members of their household) by an outside organisation likely to have dealings with the Council;

6.4.8 Details of any Town or Community Council, of which the Employee or any close personal associate/family (including members of their household) hold the position of Clerk or Member;

6.4.9 Details of the Employee's membership of any governing bodies (including schools) or other organisations likely to have dealings with the Council;

6.4.10 Positions of responsibility in any societies, clubs, trade unions or other organisations (apart from recognised Employee Trade Unions) where the interests of such bodies may be affected by the actions of the Council;

6.4.11 The names of any company or other body (which are likely to have significant dealings with the Council) that the Employee, or a close family member, or any person or organisation acting on the Employee's behalf is on the board of (directors or trustees), or is a member of a management committee or controlling group of the company or other body.

6.4.12 The names of any company or other body (which are likely to have dealings with the Council) in which the Employee, or a close family member (whether in their own right or on behalf of their infant children), or any person or organisation acting on the Employee's behalf, has a beneficial interest in the shareholdings of a nominal value greater than £25,000 or greater than 1% of all shares which have been issued;

6.4.13 Land ownership within the County exceeding 5 acres; and

6.4.14 Any other interests (whether financial or non-financial), which a member of the public with knowledge of the relevant facts would reasonably consider could bring about a conflict with the Council's interests.

6.5 In making a declaration, the Employee should provide any relevant details, such as the name of the relevant Company, Council, or organisation, the Employee's (or close personal associate/family member's) relationship/role (e.g. Councillor or Clerk for Town and Community Councils, as well as the date of the first election or appointment), and the

relationship with the close personal associate (e.g. friend/family member/household member). This duty is in addition to any declaration to any appropriate Town or Community Council.

6.6 The Employee will be asked to declare that the information provided is correct, to the best of their knowledge and belief, and provide their email address, which shall be used as their signature.

6.7 Once the Employee has completed the Declaration of Interests Form an endorsed receipt of the form is produced and it will be entered in the Central Register of Declarations. Further details on how to declare interests and access to the Declaration of Interests Form can be found on the Council's Intranet Site under 'Policies and Procedures' (under the heading 'Declaration and Registration of Hospitality and Interests Policy').

6.8 If the Employee is unsure whether a member of the public with knowledge of the relevant facts would reasonably consider the interest could bring about a conflict with the Council's interests, they must make the declaration and can contact the Monitoring Officer for advice. The presumption towards declaring an interest is required in order not only to protect the Council but also the Employee and for transparency.

6.9 The requirement to make a declaration does not mean that the Employee will be prevented from being involved with a particular piece of work associated with any interest declared, as it could be concluded that a conflict does not exist, but this will need to be carefully considered by the Monitoring Officer and/or Corporate Manager of the Employee (rather than the Employee), who may decide that the conflict should be avoided in some other way. Employees should refer to section 18.1 below for guidance on personal interests relating to other employment. Unless informed otherwise by their Corporate Manager, if an Employee has an interest in an item under consideration, that Employee should not take any part in any discussions on that matter.

6.10 In considering whether a conflict of interest with the Council's interests might reasonably be seen to occur (by a member of the public with knowledge of the relevant facts) it must be remembered that the public see the Council as one organisation, not a set of separate sections and departments. The aim of declaring a potential conflict of interest is so that the Council and the Employee can be seen to be above any possibility of suspicion of undue influence.

6.11 Employees have a continuing duty throughout their employment to consider and declare any such personal interests. Chief Officers must make annual declarations (even if only to confirm the interests have not changed).

6.12 The Monitoring Officer may raise a query regarding any declaration as necessary, in order to consider whether there is a conflict (or potential) conflict of interest and whether the Employee should cease to be involved with any particular piece of work giving rise (or which could give rise) to the conflict, or whether the conflict should be avoided in some way.

6.13 The Monitoring Officer shall consider whether the Employee's Corporate Lead Officer

and/or Line Manager need to be made aware of any of the declarations, and shall inform them of any such declarations, if deemed necessary. In considering whether it is necessary to inform the Employee's Corporate Lead Officer and/or Line Manager, the Monitoring Officer shall have regard to any lawful basis for disclosing the information including, but not limited to, Data Protection legislation.

7 Secret Societies

7.1 Employees must declare any membership of secret societies (see also 6.4.6 above). This includes any lodge, chapter, society, trust or regular gathering or meeting (other than professional association), which:

7.1.1 Is not open to members of the public who are not members of that lodge, chapter, society, or trust; and/or

7.1.2 Includes in the grant of membership an obligation on the part of the member a requirement to make a commitment (whether by oath or otherwise) of allegiance to the lodge, chapter, society, gathering or meeting; and

7.1.3 Includes, whether initially or subsequently, a commitment (whether by oath or otherwise) of secrecy about the rules, membership or conduct of the lodge, chapter, society, trust, gathering or meeting.

8 Contractors

8.1 All relationships of a business or private nature with external contractors, or potential contractors, must be declared by the Employee. Orders and contracts must be awarded in accordance with the Council's Financial Regulations and Contract Standing Orders (or Contract Procedure Rules), on merit, by fair and open competition against other tenders and no special favour should be shown to businesses run by, for example, friends, partners, close relatives or associates in the tendering process. No part of the local community should be discriminated against.

8.2 Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, must declare that relationship.

9 Council Services and Regulatory Functions

9.1 The same principles referred to in 6. above (i.e. Employees must declare an interest, whether or not the interest is one which a member of the public with knowledge of the relevant facts would reasonably consider could bring about a conflict with the Council's interests) apply to:

9.1.1 Services the Council provides or where the Council has a regulatory function i.e. the Employees must, as soon as possible, declare and also make known all relationships of a business or private nature which they have with businesses, organisations or individuals for whom the Council provides services or acts in a

regulatory capacity;

9.1.2 Employees who have interests in companies, businesses or firms with whom the Council contracts, or which provide a service to the Council including Employees who themselves, or their close personal associates/immediate family (including members of their household) are company directors, partners in a partnership, sole traders and/or have an interest in such businesses or organisations; and

9.1.3 Employees who themselves (or, to the best of their knowledge, their close personal associates/immediate family (including members of their household)) are involved in the overall running and/or control of a business or organisation that has applied for funding, loans or grants from the Council, including, for example, the Welsh Government Grants administered by the Council.

9.2 Employees shall not recommend any particular businesses used by individuals or other businesses, where this could be misconstrued as a recommendation of the Council or a recommendation by the Employee in their official capacity.

9.3 The businesses and organisations referred to in this section include but are not limited to private companies, public limited companies, partnerships, limited liability partnerships, sole traders, holding companies, subsidiary companies, associations and charities.

9.4 The Employee can also contact the Monitoring Officer for further advice.

10 Separation of Roles during Tendering

10.1 Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the Council. Senior Employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.

10.2 Employees in contractor or client units must exercise fairness, transparency, impartiality as well as acting ethically when dealing with all customers, suppliers, other contractors and sub-contractors.

10.3 Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.

10.4 Any Employee contemplating a management buyout of a contractor should, as soon as they have formed a definite intent, inform the appropriate Corporate Lead Officer and withdraw from the contract awarding processes.

10.5 Employees should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

11. Appointment and Other Employment Matters

11.1 Employees involved in the recruitment and appointment of Staff must ensure that appointments are made on the basis of merit. In order to avoid any possible accusation of bias, employees must not be involved in any appointment or any other decisions relating to discipline, promotion or pay and conditions for any other Employee, or prospective Employee, to whom they are related, or with whom they have close personal relationship outside work.

11.2 Employees shall not canvass any Member or Officer of the Council in respect of candidates seeking employment with the Council.

11.3 This section should be read in conjunction with the Council's Recruitment and Selection Policy.

12 Equality Issues

12.1 All local government Employees must comply with policies relating to equality issues, as agreed by the Council, 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. The Council has adopted the principle, in the transaction of public business and the administration of justice in Wales, that it will treat the Welsh and English languages on the basis of equality. Information on the Council's Welsh Language Scheme is available on Ceredigion's intranet site (Cerinet) under 'Policies and Procedures'.

13 Corruption

13.1 Employees in their official capacity must be aware that it is a serious criminal offence under the Prevention of Corruption Acts for them to receive or give any gifts, loans, fees, rewards or any other advantage for doing or not doing anything or showing favour or disfavour to any person or organisation.

13.2 Corruption involves a wide range of unethical behaviour and includes but is not limited to the abuse of entrusted power for private gain and the offering, giving, receiving or soliciting, directly or indirectly, anything of value to influence improperly the actions of another party. Employees must promptly report the matter in line with the Council's Strategy on Countering Fraud, Corruption and Bribery (to include Anti-Money Laundering) if:

13.2.1 The Employee is in doubt as to whether an act of corruption has, will or may occur (potential act of corruption);

13.2.2 Anyone makes an approach to an Employee which seems (or might seem to a third party) to be aimed at obtaining some form of preferential treatment or in any suspicious circumstances in connection with a service provided by the Council, a regulatory function of the Council or a contract, for the Employee's own protection; or

13.2.3 The Employees suspects money laundering activity, fraud, bribery or corruption.

13.3 In raising concerns regarding fraud, bribery and corruption, Employees should note that their concerns will be treated confidentially, as far as possible. A suspicion of wrongdoing

must be reasonably held and the Council will ensure that any allegation of any kind, including anonymous letters or telephone calls, will be looked at and thoroughly investigated in an appropriate manner.

13.4 The Council will deal swiftly and thoroughly with any incidents of malpractice and Employees may face disciplinary or other action in accordance with the Council's HR Policies. Disciplinary or other action may be taken in addition to, or instead of criminal proceedings (this depends on the circumstances of each individual case), in keeping with the Council's Disciplinary Policy, which is available on the Council's Intranet Site (Cerinet).

14 Use of Financial Resources

14.1 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner so that the Council obtains value for money and avoids legal challenge to the Council, and must not utilise property, vehicles or other facilities of the Council for personal use unless authorised to do so.

14.2 Employees must declare an interest and not be involved in any financial transactions dealing with public funds with which they, or any partner, spouse, close relative or associate have a personal or financial interest.

14.3 A personal or financial interest includes any business or organisation for which the Employee, their partner, spouse, close relative or associate (including members of their household) is a company director, partner (for a partnership), or sole trader, or is involved in the overall running and/or control of a business or organisation that has applied for funding, loans or grants from the Council, including, for example, the Welsh Government Grants administered by the Council.

14.4 Managers should ensure that there is a separation of duties within any financial transaction arranged using public funds, by ensuring that there are at least two employees involved in the process. Furthermore these transactions should also be verified by an independent Officer.

15 Hospitality/Gifts

Gifts

15.1 Employees must be aware that anyone with whom they have dealings may provide gifts and/or hospitality and by doing so may be seeking to influence Council Employees. To maintain transparency, integrity and the trust of the public, colleagues and all suppliers, Employees should not generally accept any gifts or hospitality.

15.2 Employees:

15.2.1 should not accept personal gifts of a value of greater than £10 ('significant gifts') from contractors, outside suppliers, other organisations or individuals.

15.2.2 can keep gifts of token value such as pens, diaries, chocolates, wine etc. up to the

value of £10 (‘insignificant gifts’) from contractors, outside suppliers, other organisations, individuals or sources (‘donors’).

15.3 It is the responsibility of the Employee to consider whether a gift has a significant value (of greater than £10). Reasonable enquiries must be taken by the Employee to ascertain the value of the gift. Such steps could include, but are not limited to, carrying out an internet search/researching the value of the gift.

15.4 Employees should not accept multiple insignificant gifts from the same donor(s), as these would constitute significant personal gifts when considered together e.g. more than 3 gifts during a 1 year period.

15.5 Employees should not to accept any gifts from contractors or suppliers of the Council during the time of (or leading up to) contract renewals/tender processes.

15.6 The Employee must make a Declaration in all circumstances, whatever the value of the gift.

Hospitality

15.7 Employees:
15.7.1 should generally refuse all offers of hospitality wherever possible.

15.7.2 can accept hospitality of a value of £10 or less (‘insignificant hospitality’).

15.7.2 should not accept hospitality of a value of greater than £10 (‘significant hospitality’) unless there is a genuine and integral need to represent the Council at an event or in the community and they have obtained the consent of their Corporate Lead Officer or Corporate Manager.

15.8 Employees should not accept multiple offers of hospitality from the same donor(s), as these would constitute significant hospitality when considered together e.g. more than 3 offers of hospitality during a 1 year period.

15.9 Employees should not accept any hospitality from contractors or suppliers of the Council during the time of (or leading up to) contract renewals/tender processes.

15.10 All hospitality accepted must be declared.

15.11 It is the responsibility of the Employee to consider whether an offer of hospitality has a significant value (of greater than £10). Reasonable enquiries must be taken by the Employee to ascertain the value of the hospitality. Such steps could include, but are not limited to, carrying out an internet search/researching the value of the hospitality.

15.12 If in doubt as to whether there is a genuine and integral need to accept the hospitality, the Employee should check with the Monitoring Officer (see also acceptable examples at 15.16 below).

15.13 When hospitality has to be declined, the person offering hospitality should be courteously

but firmly informed of the procedures and standards operating within the Council.

15.14 When receiving authorised hospitality, Employees should be particularly sensitive as to its timing and public perception in relation to decisions which the Council may be taking affecting those providing the hospitality.

15.15 Acceptance by Employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where the line manager gives consent in advance and where the Council is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment, etc. are required, Employees should ensure the Council meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.

15.16 Acceptable examples of hospitality/gifts include:

15.16.1 An offer of refreshment following a site inspection;
15.16.2 Invitations to attend functions where the Officer represents the Council, or to functions attended by virtue of a professional position e.g. awards ceremony;
15.16.3 A working lunch of a modest standard provided to enable the parties to continue to discuss business; or
15.16.4 Insignificant gifts of token value such as pens, diaries, chocolates, wine, tickets for an event etc. up to the value of £10.

15.17 Unacceptable examples of hospitality/gifts include:

15.17.1 Holidays;
15.17.2 Personal invitations to have evenings out with representatives of a company or a firm which have dealings with the Council;
15.17.3 Offers of hotel or tickets for theatres/sporting events; or
15.17.4 The use of a company property.

15.18 Any Employee wishing to accept gifts/hospitality must ensure that the Council's Employee Hospitality and Gifts Declaration Form is fully completed, which is available on the Council's internet site (Cerinet). Employees must complete the Hospitality and Gifts Declaration Form, in order to comply with the Code of Conduct.

15.19 All declarations must be made as soon as reasonably practicable following receipt of the gift/hospitality and at least within 7 working days.

15.20 In completing the Hospitality and Gifts Declaration Form, the Employee will be required to provide any relevant information, including:

15.20.1 The name of the organisation providing the hospitality;
15.20.2 The organisation sponsoring the hospitality (if different from above);
15.20.3 The date the hospitality is to be/was received;
15.20.4 The nature of the event and the context in which the hospitality is to be/was provided;
15.20.5 The name of any other Employee/Employees of Ceredigion County Council who

will be attending/attended the event;

15.20.6 The name of any other organisation which will be attending/attended the event, if associated with the hospitality to be/that was received;

15.20.7 The type of hospitality/gift received and estimated approximate value; and

15.20.8 Whether acceptance of the hospitality was authorised in advance (and if so, provide details and records).

15.21 The Employee will also be asked in the Hospitality and Gifts Declaration Form to declare that the information provided is correct to the best of their knowledge and belief (email provided as signature).

15.22 Once the Employee has completed the Hospitality and Gifts Declaration Form an endorsed receipt of the form is produced. It will be entered in the Central Register of Declarations. Further details on how to register hospitality declarations and access to the Hospitality Declaration Form can be found on the Council's Intranet Site (Cerinet) under 'Policies and Procedures' (under the heading 'Declaration and Registration of Hospitality and Gifts Interests Policy').

16 Sponsorship – Giving and Receiving

16.1 Where an outside organisation wishes to sponsor, or is seeking to sponsor, a local government activity, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or sub-contractors.

16.2 Where the Council wishes to sponsor an event or service, neither an Employee nor any partner, spouse, close relative or associate must benefit from such sponsorship in a direct way, without there being full disclosure, and through completion of the Declaration of Interests Form (available on the Council's Intranet Site (Cerinet)). Similarly, where the Council, through sponsorship, grant aid, financial or other means, gives support in the community, Employees should ensure that impartial advice is given and that there is no conflict of interest involved.

16.3 This section does not place any limitation on an Employee's ability to carry out their own charitable activity outside their employment duties and to seek sponsorship from their colleagues for such activity.

17 Confidentiality

17.1 Openness in the dissemination of information and decision-making should be the norm in the Council. However, certain information may be confidential or sensitive and therefore not appropriate for a wide audience, including information contained in exempt reports reported in public meetings.

17.2 Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should not be released to anyone other than a Member, Employee or other person who is entitled to receive it, or needs to have access to it for the proper discharge of their functions.

17.3 Nothing in this Code of Conduct can be taken as overriding existing statutory or common law obligations to keep certain information confidential, or to divulge certain information.

17.4 Employees who are not aware of which information is open and which is not, must seek clarification from their Line Manager who will seek advice from the Monitoring Officer and/or Data Protection Officer where appropriate.

17.5 All press releases must be placed through the Council's Communications Team or in their absence through the relevant Corporate Lead Officer.

18 Other employment/Private Work/Other Activities

18.1 An Employee wishing to carry out other employment may only do so if permitted by their Contract of Employment and by the Employee Handbook. If so, the Employee must inform their Line Manager. Where there is deemed to be a conflict, a discussion will take place between the Employee, the Service and Human Resources to consider how the conflict may be avoided. Any other employment must not affect the work that the Employee does for the Council or affect the Employee's ability to do their job. It must not damage the Council's reputation or have a negative effect on its duties or interests.

18.2 Employees cannot carry out other employment in the Council's offices and must not use any of the Council's facilities, for example, phones, computers, printers, faxes, photocopiers etc.

18.3 Employees must not carry out other employment during their paid working time. If they do wish to do so, they should discuss this with their Corporate Manager and Human Resources.

18.4 Employees can provide a service to voluntary or other organisations during their own time. However, it is important that the service that the Employee provides does not affect their job or the Council's reputation. Employees must tell their Line Manager if they provide a service to an organisation where there may be a conflict of interest relating to their employment.

18.5 Employees must not use their position as a Council Employee to favour any voluntary or other organisations.

18.6 Employees must give the Council any money they receive for work they do such as lectures, broadcasts or magazine articles that are part of the Employee's duties and must not retain any payment in such circumstances, if the external organisation provides a payment for the Employee's time. If the Employee is taking part in such an event as part of their Employment, any charges/payments must be arranged through the Council. Employees are not required to give the Council any money they receive for work they do outside of their duties as an Employee in their own time.

19 Patent Rights

19.1 In respect of any invention that belongs to Ceredigion County Council by virtue of the

Patents Acts, it shall be for the Council in the first instance to decide whether to apply for patent or other protection in law.

19.2 Any matter or thing capable of being patented under the Patents Acts which is made, developed or discovered by the Employee, either alone or in concert, while in the performance of their normal duties or duties specifically assigned to the Employee, will forthwith be disclosed to their Corporate Lead Officer or Chief Executive and, subject to the provisions of the Patents Acts/Patents Rules, shall belong to and be the absolute property of Ceredigion County Council.

19.3 An Employee must, notwithstanding the termination of their contract of employment, sign and execute all such documents and do all such acts as the Council may reasonably require:

19.3.1 To apply for and obtain in the sole name of Ceredigion County Council, unless it otherwise directs, any patent, registered design or other protection of any nature whatsoever in respect of the invention in any country throughout the world and, when so obtained or vested, to renew and maintain the same.

19.3.2 To resist any objection or opposition to obtaining, and any petitions or applications for revocation of, any such patent, registered design or other protection.

19.3.3 To bring any proceedings for infringements against a third party of any such patent, registered design or other protection.

19.4 Ceredigion County Council hereby undertakes to indemnify the Employee in respect of all costs, claims and damages, howsoever and wheresoever incurred in connection with the discharge by the Employee of any and all such requirements as explained in 19.3.1 to 19.3.3 above.

20 Copyright

20.1 All records, documents and other papers, including copies and summaries thereof, which pertain to the finance and administration of the Council and which are made or acquired by the Employee in the course of their employment shall be the property of the Council. The copyright in all such original records, documents and papers shall at all times belong to the Council.

20.2 The copyright in any work or design compiled, edited or otherwise brought into existence by the Employee as a scholarly work produced in furtherance of their professional career shall belong to the Employee. For this purpose, 'scholarly work' includes items such as books, contributions to books, articles and conference papers.

20.3 The copyright in any material produced by the Employee for their personal use and reference shall belong to the Employee. However, the copyright in documents produced by the Employee in the course of their employment for the purposes of the Council and produced, used or disseminated by the Council shall belong to the Council.

21 Investigations by Monitoring Officer & Internal Audit

21.1 Where the Council's Monitoring Officer is undertaking an investigation in accordance with regulations made under section 73(1) of the Local Government Act 2000, Employees must comply with any requirement made by the Monitoring Officer in connection with such an investigation.

21.2 Employees must also comply with any requirements made by Internal Audit, as authorised by their rights of access set out in the Council's Constitution and the Internal Audit Charter of the Council. As part of the Council's Financial Regulations and Accompanying Financial Procedures contained in the Council's Constitution, Internal Auditors have the right to:

21.2.1 Enter any Council premises or land at any reasonable time;
21.2.2 Access all assets, records, documents, correspondence and control systems relating to any financial and other transactions of the Council;
21.2.3 Require and receive any such information and explanations considered necessary concerning any matter under consideration/examination;
21.2.4 Require any Employee of the Council to account for cash, stores or any other Council property under their control; and
21.2.5 Have access to records belonging to third parties, such as contractors or partnership agencies, according to the relevant contractual terms.

21.3 The Council may, from time to time, also be subject to audit, inspection or investigation by external bodies that have statutory rights of access. Employees are expected to co-operate fully with requirements in these instances.

22 Behaviour Outside Work

22.1 As a general rule, an Employee's private life is their own concern. However, some forms of behaviour occurring away from work, such as violence or dishonesty can have a significant impact on the Council and the service it provides. Employees must therefore ensure that their behaviour in and away from work will not bring the name of the Council into disrepute or attract damaging publicity for the Council. Employees must, as referenced in their Contract of Employment, inform their Line Manager and Human Resources at the earliest opportunity and in writing if they are under investigation for a criminal offence or are cautioned, reprimanded, given a final warning or are convicted of a criminal offence, and must report similarly any activity falling within the Safeguarding procedure to their Line Manager and Human Resources at the earliest opportunity.

23 Social Media

23.1 Employees must comply with the Council's Social Media Policy, including associated guidance at Appendix 1 to the Council's Social Media Policy (available on the Council's Intranet Site (Cerinet)), and including relating to safeguarding vulnerable adults and children and regarding politically restricted posts.

23.2 Employees should be aware that failure to abide by the guidelines in the Council's Social Media Policy could lead to disciplinary action under the Council's disciplinary procedure.

24 Data Protection and UK GDPR

24.1 Employees must comply with the Council's Data Protection and GDPR Policy, which is available on the Council's Intranet Site (Cerinet) including the requirement to consult with the Data Protection Officer regarding any Data breach or potential breach, and adhere to the rules of the Policy regarding Data Protection Impact Assessments.

24.2 Employees must be aware that they, as Council Staff, are responsible and accountable for following established corporate and departmental procedures with regard to data protection and for keeping their training and understanding up-to-date and in particular for undertaking all mandatory training, as confirmed in the Policy.

24.3 As stated in the Data Protection and GDPR Policy, failure to comply with the Policy and Data Protection Act 2018 may be regarded as serious misconduct and, if so, will be dealt with in accordance with the Council's Disciplinary Policy. Employees must also be aware that, as stated in the Data Protection and GDPR Policy, misuse and unauthorised disclosure of personal data can lead to personal prosecution.

24.4 Employees are also responsible for ensuring that volunteers, apprentices, trainees and work experience interns working alongside them temporarily are given, where necessary, an appropriate basic training as part of their induction about data protection, and respect for individual privacy rights.

25 Central Register

25.1 Employee declarations referred to in this Policy shall be maintained on a central register, with copies provided to the Monitoring Officer. The Monitoring Officer shall consider whether the Employee's Corporate Lead Officer and/or Line Manager need to be made aware of any of the declarations, as referred to at 6.13 above.

Document M

OVERVIEW AND SCRUTINY PROTOCOL

Cyngor Sir
CEREDIGION
County Council

Date approved by Council: 21 March 2019
Publication date: 21 March 2019

Overview and Scrutiny Protocol

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What is Overview and Scrutiny?
The Local Government Act 2000 requires Local Authorities to have executive arrangements. Decisions are made by the Cabinet on most major issues. Overview and Scrutiny Committees are there to ensure that the decisions taken by the Cabinet and Officers are in the best interests of the people of Ceredigion.

The Cabinet currently consists of the Leader of the Council and seven other Councillors from the three groups who form the Coalition which controls the Council.

Overview and Scrutiny is undertaken by Councillors who do not hold cabinet posts within the Council. It is used to ensure that the work of Ceredigion County Council is accountable, open and transparent. There is one Co-ordinating and four Overview and Scrutiny Committees.

The roles of Scrutiny
Whilst Scrutiny is about reviewing decisions already made, it can also influence the development of new policies or bring old policies up to date by reviewing them.

The role includes:

- Assessing the impact of the Council's policies and recommending improvement;
- Ensuring that Ceredigion is performing to the best of its ability and delivering high quality services to its citizens;
- Being a 'critical friend', through questioning how decisions have been made to provide a 'check and balance' to decision-makers adding legitimacy to the decision-making process.

Why me?
Contributors are invited to the Overview and Scrutiny Committee meetings because of their knowledge on a particular topic. The Committee are also interested in hearing opinions, views and experiences on the topic that they are looking at.

The information that contributors provide is vital to improving Service Delivery and Performance in Ceredigion. It provides valuable insight to the members of the Overview and Scrutiny Committees.

The Scrutiny Investigation
Councillors will decide how the investigation will be undertaken, who will be invited to appear before the Committee and which questions are most relevant.

Following all the information being heard the Committee will consider its conclusions and make recommendations within a report to be considered by the Cabinet, the Council or an outside organisation.

Providing Information
The Scrutiny Support Officer will contact the contributor before the Committee meeting to explain the type of information that is required and what is expected from them. Contributors are encouraged to present their information in a concise, clear, jargon free manner.

Information can be provided in the form of a report, written statement or as oral evidence which can be in the form of a presentation, interview or discussion.

The role of the Scrutiny Committees is to utilise people's expertise and experiences so that they can gain a better understanding of issues affecting the Council and the people of Ceredigion.

What to expect
Meetings normally take place at Penmorfa, Aberaeron, although wherever possible and appropriate, meetings are held in local communities.

There is always a formal agenda. If you are taking part in the proceedings then you will receive a draft copy of the relevant agenda in advance.

Members will sit around a table with contributors giving evidence from a separate table set up with any equipment that they may be using. Members will usually have questions to ask of the contributors following the presentation, usually to seek clarification of any matters raised. Microphones are provided so that everyone can hear one another. The meetings are carried out interchangeably between Welsh and English with a translation service provided.

There is seating provided for the public, press or other personnel attending.

On arrival introduce yourself to one of the Scrutiny staff who will answer any questions you may have and show you where to sit.

Contact Us

If you require further information please contact the Scrutiny Support Officer at scrutiny@ceredigion.gov.uk or on 01545 574177

Document M2

PROTOCOL FOR ACCESS BY CABINET MEMBERS TO OVERVIEW AND SCRUTINY COMMITTEES

Cyngor Sir
CEREDIGION
County Council

Democratic Services Committee: 15th February 2019
Council: 20 June 2019

The effectiveness of Overview and Scrutiny is not a matter for Overview and Scrutiny Members and Officers alone. It is as much the responsibility of the Executive i.e. Cabinet. The Executive has a duty to ensure that the way that it and its Members act does not undermine scrutiny.

Responsibility for a failing or ineffective scrutiny function very often rests as much with the Cabinet as it does with Overview and Scrutiny Members and their Support Officers.

This shared responsibility for ensuring that Scrutiny works as well as it can means that a good Scrutiny/Cabinet relationship is one of the most critical criteria for its success.

What does the law say about what Officers and the Cabinet must do?

The Local Government Act 2000 says that Cabinet Members and Officers of the Council must:

- Attend meetings, where required to do so. The word "require" is not defined in the Act but it can be assumed that it does confer a choice as to whether or not to attend;
- Provide information, where required to do so;
- Respond to recommendations.

Attendance at Overview and Scrutiny meetings

Meetings should be set so that the Cabinet meetings do not clash with scheduled Overview and Scrutiny meetings and vice versa. Special meetings arranged should also avoid clashes.

It is common and a good practice for Ceredigion County Council Cabinet Members to attend an Overview and Scrutiny Committee meeting for the purpose of being held to account in relation to decisions and proposals.

Cabinet Members are encouraged to attend the meeting relevant to their Portfolio to gauge the views of Overview and Scrutiny Members.

An open discussion and exchange of views will be of importance to the Cabinet Member(s) and Overview and Scrutiny Members, particularly where consideration is being given to the development of the Council's budget or policy framework.

Depending on the nature of the agenda item, either the Cabinet Member, Executive Corporate Lead Officer, or Corporate Lead Officer will be asked to present the item whichever is deemed appropriate. Members of the Committee should however be aware that although Officers can reply to specific questions regarding the operational performance of a service, the reasoning behind why a decision was made should be directed to the Cabinet Member(s).

It is possible for any Cabinet Member to attend any Overview and Scrutiny Committee meeting and hear the discussion. It will be at the Chairman's discretion as to whether a Cabinet Member can contribute i.e. provide information relevant to the topic, not to provide opinion, at the Overview and Scrutiny Committee meeting. However, it is established practice that all Councillors are permitted to speak at all meetings.

The Chairman shall be responsible for the effective conduct of the business at the meeting and may, if deemed necessary provide a time limit for questions or responses given or the number of such questions that may be put by a Member in respect of any particular decision or proposal.

It is accepted that although the Cabinet Member may have been invited to report on a particular agenda item, given the fact that he/she is at the meeting, questions may stray into other areas (subject to them remaining relevant to agenda items). It should be understood that the Cabinet Member will respond to the best of his/her knowledge on particular questions. On occasions, the Cabinet Member may need to undertake further research in order to provide the answers.

All Members should promote an atmosphere of openness at Overview and Scrutiny Committee meetings and should strive to ensure that questioning and debate takes place within a climate of mutual respect and trust between Overview and Scrutiny Committee members, the Cabinet Portfolio Member and other participants.

Cabinet Portfolio Members can also attend and participate in informal or workshop sessions and/or task and finish groups to Overview and Scrutiny Committees if invited to do so.

Document N

OVERVIEW AND SCRUTINY PUBLIC ENGAGEMENT PROTOCOL

Cyngor Sir
CEREDIGION
County Council

Date approved by Council: 21 March 2019
Publication date: 21 March 2019

OVERVIEW AND SCRUTINY PUBLIC ENGAGEMENT PROTOCOL

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1. Introduction

Overview and Scrutiny Committees oversee the work of the Council to make sure that it delivers services in the best way and for the benefit of the local community.

The role of Overview and Scrutiny is to look at the services and issues that affect people in Ceredigion. The process provides the opportunity for Councillors to examine the various functions of the council, to ask questions on how decisions have been made, to consider whether service improvements can be put in place and to make recommendations to this effect.

Scrutiny plays an essential role in promoting accountability, efficiency and effectiveness in the Council's decision making process and the way in which it delivers services.

The main roles of the Overview and Scrutiny Committees:

- Holding the cabinet and officers as decision-makers to account
- Being a 'critical friend', through questioning how decisions have been made to provide a 'check and balance' to decision makers, adding legitimacy to the decision making process

- Undertaking reviews of council services and policy
- Undertaking reviews to develop council services and policies
- Considering any other matter that affects the county
- Ensuring that Ceredigion is performing to the best of its ability and delivering high quality services to its citizens

- Assessing the impact of the Council's policies on local communities and recommending improvement

- Engaging with the public to develop citizen centred policies and services

Effective Overview and Scrutiny can lead to:

- Better decision making
- Improved Service Delivery and Performance
- Robust Policy Development arising from public consultation and input of independent expertise

- Enhanced Democracy, Inclusiveness, Community Leadership a nd Engagement

- Adds a clear dimension of transparency and accountability to the political workings of the Council
- Provides an opportunity for all Members to develop specialist skills and knowledge that can benefit future policy making and performance monitoring processes
- Creates a culture of evidence based self-challenge

2. Overview and Scrutiny arrangements in Ceredigion

The structure comprises of 5 thematic Overview and Scrutiny Committees, namely:

Committee	Scope
Co-ordinating Committee	Transformation of services, collaboration, partnership working. Ceredigion Public Service Board, Ceredigion Local well-being Plan, Safeguarding, communication, equalities
Corporate Resources	Corporate Services (to include human resources, customer services, ICT, treasury management and legal services), Inclusion/Equal Opportunities, Civil Contingencies, Business Continuity, Estates Management and Civil Registration.
Healthier Communities	Social Services, Integrated Care Services, Housing services, Leisure and Recreation Facilities, Environmental Health, Public Protection and Licencing.
Learning Communities	Lifelong Learning, Children and Young People, Schools, Training, Youth Services and Cultural Services.
Thriving Communities	Economic Development, Regeneration, Tourism, Marketing, Stronger Communities, European Grant Aid, Business Support, Capital Programme, Transport and Highways Infrastructure, Town and Country Planning and Sustainability, Coast and Countryside and Waste and other Municipal Services

Scrutiny Committees are politically balanced to reflect as far as possible the political composition of the Council.

To view the dates of this meeting please visit the council diary:

http://www.ceredigion.gov.uk/English/Your-Council/Councillors-Committees/Meetings-of-the-Council-Cabinet-and-Committees/Pages/default.aspx

The minutes and agendas of the Overview and Scrutiny Committees are also available at the following link:

http://www.ceredigion.gov.uk/English/Your-Council/Councillors-Committees/Minutes/Pages/default.aspx

Meetings of the Overview and Scrutiny Committees are open to the public and are mostly held in Penmorfa, Aberaeron at 9.30am, however they are sometimes held at other locations depending on the topic of scrutiny. If the committee needs to discuss confidential information regarding an item on the agenda, the press and members of the public will be asked to leave the room during the discussion.

3. Making a request for Scrutiny

In order to encourage those who live and work in the County to become more involved in the Scrutiny process in Ceredigion, we encourage members of the public to suggest issues for Scrutiny. If you wish to put forward a suggestion for a topic to be scrutinised, please contact us and you will receive a response from the Overview and Scrutiny Officer.

Please contact us on:

Email:	scrutiny@ceredigion.gov.uk
Post:	Overview and Scrutiny Democratic Services Ceredigion County Council Penmorfa Aberaeron Ceredigion SA46 0PA
Telephone:	01545 574 177 / 01545 572 044

Or visit Ceredigion County Council's Website at the following link http://www.ceredigion.gov.uk/English/Your-Council/Councillors-

Committees/Overview-and-Scrutiny/Pages/default.aspx

and complete the **Suggestion for topics form by an Overview and Scrutiny Committee** located at the bottom of the page.

4. The Legislation

The Local Government (Wales) Measure 2011 created a range of new powers and duties for local authorities to strengthen local democracy and increase public awareness of, and involvement in, the local democratic process.

Section 62, places a requirement on local authorities to make arrangements that enable all persons who live or work in the area to bring to the attention of the relevant overview and scrutiny committees their views on any matter under consideration by the committee.

Section 62 also provides that an overview and scrutiny committee must take into account any views brought to its attention in accordance with arrangements under this section.

5. HOW TO MAKE A REQUEST TO SPEAK AT THE COMMITTEE?

The Forward Work Programme of the Overview and Scrutiny Committees can be found on the following link:

http://www.ceredigion.gov.uk/English/Your-Council/Councillors- Committees/Overview-and-Scrutiny/Pages/default.aspx

As this is a live document please contact the Scrutiny team to ensure the item will be presented on the noted date.

If you would like to present your views on a upcoming item on the Overview and Scrutiny agenda you must submit a written request to speak to the Scrutiny team as soon as possible and no later than midday two working days before the Committee. A written request can be made by post or by e-mail to the address above.

You should include in your request, your name and contact details, including a daytime telephone number, and e-mail if available, and details of the agenda item you wish to contribute to.

You should then explain the nature of your interest and the contribution which you think you could make. The Scrutiny Officer will then discuss the approach with the

committee's chair and/or vice-chair explaining the nature of the contribution. If the Chair is of the opinion that a member of the public in such circumstances could make a valid contribution to the committee's understanding of the issue, s/he will give their consent.

Members of the public can also make a written contribution if they are unable to attend in person. At the Chair's discretion, such contributions can be circulated to members of the committee at the start of the meeting. The written contribution must be a maximum of one side of A4 paper and received by the Scrutiny Officer 2 working days prior to the commencement of the meeting.

6. Presenting Information

The information must be relevant to the business of the Overview Scrutiny Committee to which it is put.

To allow each member of the public wishing to participate at the meeting to speak, an allocated time limit of 5 minutes per speaker will be given. The total allocated time for members of the public at each overview and scrutiny committee will be 30 minutes per meeting. If there are more speakers than the allocated time allows for, members of the public will be required to nominate a speaker for the cause or split the time between them.

The Chairman of the Committee will have the absolute discretion to rule in such matters.

The role of the Scrutiny Committees is to utilise people's expertise and experiences so that they can gain a better understanding of issues affecting the Council and the people of Ceredigion.

You must present yourself to the Scrutiny Officer 15 minutes before the start of the meeting who will answer any questions you may have and show you where to sit.

When invited by the Chairman of the Committee, you may speak once, for up to five minutes, and the importance of adhering to the time limit is emphasised. You will not be allowed to circulate any written material or photographs unless these have been included with the written request to the Scrutiny Officer 2 working days prior to the commencement of the meeting. After speaking, you must allow the Committee to discuss the matter, and you should not join in this discussion. The Chairman may ask a question/questions if further explanation of the points raised will be required.

7. What to expect

Meetings normally take placeat Penmorfa, Aberaeron, although wherever appropriate and possible, meetings are held in local communities.

There is always a formal agenda which is available at the following link:

http://www.ceredigion.gov.uk/English/Your-Council/Councillors- Committees/Minutes/Pages/default.aspx

Members of the Committee will sit around a table with contributors giving evidence and members of the public providing information from a separate table. Microphones are provided so that everyone can hear one another. The meetings are carried out interchangeably between Welsh and English with a simultaneous translation service provided.

There is seating provided for the public, press or other personnel attending.

On arrival introduce yourself to one of the Scrutiny staff who will answer any questions you may have and show you where to sit.

8. After the Meeting

The person providing information will receive a letter or e-mail advising them of the outcome of the investigation. They will also be given the opportunity to provide written feedback on the scrutiny process they have been involved in.

9. Conduct at a Scrutiny Committee

Members of the public must not abuse the privilege of participation by personal attacks on Elected Members, other participants or members of the public. Speakers will be required to respond politely to any question from the Chairman and Elected Members of the Committee.

Any speaker who makes a statement, which, in the opinion of the Chairman, is defamatory, abusive, racially motivated or discriminatory, will be required to stop speaking and leave the meeting. The Committee will be advised to disregard such comments.

Where a number of speakers share the same viewpoint, a spokesperson may be required.

The Chairman will have complete discretion on how public participation is conducted.

If the above principles are not adhered to, the Chairman may close that part of the meeting.

10. Contact

Please contact us on:

Email:	scrutiny@ceredigion.gov.uk
Post:	Overview and Scrutiny Democratic Services Ceredigion County Council Penmorfa Aberaeron Ceredigion SA46 0PA
Telephone:	01545 574 177 / 01545 572 044

Document P

ROLE AND ACCOUNTABILITIES OF THE STATUTORY DIRECTOR OF SOCIAL SERVICES

Cyngor Sir
CEREDIGION
County Council

Author and service: Elin Prysor, Monitoring Officer

Date approved by Council: 18.07.2024

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ROLE AND ACCOUNTABILITIES OF THE STATUTORY DIRECTOR OF SOCIAL SERVICES

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1: CONTEXT

Local Authorities Social Services are responsible for supporting, meeting the needs of and Safeguarding children, young people and their families, people who are disabled, have a learning disability, experience poor mental health and older people.

The functions and responsibilities of local authorities are set out in the Local Authority Social Services Act 1970, as amended by Social Services and Well-Being (Wales) Act 2014 ("the 2014 Act"). A table of social services functions are set out in Schedule 2.

The Social Services Department is now known as the Through Age Well-being service (TAW) /model within the Council.

A local authority must appoint an officer to be known as the Statutory Director of Social Services ("DoSS") for the purposes of its social services functions (Section 144 of the 2014 Act).

Welsh Government produced a Code of Practice, in accordance with the "Social Services & Well-being (Wales) Act 2014.

The role of the Director of Social Services is set out in Part 8 of the Code.

The 2016 Code has been replaced by the Code of Practice on the Role of the Director of Social Services" (2023) ("the Code"): sub-ld16218-e.pdf (senedd.wales)

The 2016 Code was revised pursuant to The Local Authority Social Services Annual Reports (Prescribed Form) (Wales) (Amendment and Transitional Provision) Regulations 2023 Regulations :The Local Authority Social Services Annual Reports (Prescribed Form) (Wales) (Amendment and Transitional Provision) Regulations 2023 (senedd.wales)

The 2023 Regulations amend the 2017 Regulations in respect of the information that must be included in annual reports, and respective headings under which the information required is to be provided. This will align with the requirements of the revised Part 8 Code.

The Code sets out (Part 2) the governance and accountability of a director of social services, including the strategic leadership role which the DoSS must fulfil if the authority is to ensure the promotion of well-being, and the delivery of effective care and support services, which achieve the principles of the 2014 Act. In particular:

Role in executive structure of the local authority

Relationships with the Chief Executive and other senior officers

Accountabilities

Corporate Lead Officers

The Authority must act in accordance with the requirements and guidelines contained in the Code.

The DoSS must be the source of advice to the authority on all social services matters and be responsible for decision-making in relation to individuals in the Ceredigion area, in accordance with the requirements of legislation.

2: THE NEED FOR CLEAR WORKING ARRANGEMENTS

The purpose of this Protocol is to ensure that the requirements of the Code have been incorporated into arrangements and structures within the Council, and are sufficiently robust to ensure that the DoSS can fulfil the accountabilities necessary, for the Council to deliver effectively on its social services responsibilities.

3: IMPLICATIONS OF THE CODE OF PRACTICE

Organisational arrangements:

The Authority must be satisfied that the DoSS demonstrates the competencies specified in Section 6 of the Code of Practice;

The Code of Practice places emphasis on the strategic leadership role of the DoSS;

The authority must recognise the central importance of social services as a key local government responsibility;

services are often delivered in partnership with others, including health, housing, education, the third sector and private providers;

services must be able to respond to shifts in public expectation, rising demand and be transformed, to make services sustainable adaptable, and meet people's changing needs.

The DoSS will have an essential role in providing the strategic leadership required to deliver care and support services, including:

The DSS must focus on people, giving them a voice in how services are designed and delivered and support them in achieving the outcomes that are important to them;

success must be measured in outcomes;

they must focus on early intervention and prevention and on the promotion of well-being;

effective partnership working and cooperation between agencies and organisations will be essential;

people must be able to access information and advice irrespective of their needs;

models of service which are new and innovative must be developed.

The Authority must ensure that adequate staff are provided to assist the DoSS in fulfilling the Council's Social Services functions.

The DoSS must:

have sufficient seniority to discharge the authority's social services functions and deliver its accountabilities;

be a member of the Corporate Management Team/Leadership Group and have direct access to the Chief Executive, and to Councillors;

be able to contribute to the vision and direction of the Council and ensure services promote the well-being of people with care and support needs.

In Ceredigion County Council, the DoSS:

~ supported by Corporate Lead Officers

has direct access to the Chief Executive, Leadership Group, Portfolio holders for the service areas, and to other Councillors; and

is a member of the Authority's Leadership Group Relationships:

The Code requires that:

"Defined working arrangements must be put in place between the director of social services and other senior officers within the local authority to ensure that the accountabilities of the director of social services are met"

"The relationship between the Chief Executive and the Director of Social Services must be properly agreed and appropriately communicated to councillors, officers and partners.

This must be underpinned in governance and delegation documents and should be subject to periodic review".

There is a need to establish clear working arrangements between the DoSS, the Chief Executive, Director of Education, Monitoring Officer, and other Senior Officers within the Social Services, and across the Authority.

Chief Executive:

The Code emphases the importance of the relationship between the DoSS and the Chief Executive:

Ensuring that the DoSS has a direct reporting line to the Chief Executive;

Maintaining strong oversight of arrangements in place to enable the Director to fulfil the accountabilities as set out in the Protocol;

Meeting with the DoSS on a regular basis in order to ensure that the arrangements are working effectively;

Ensuring that social services are viewed as a corporate priority;

Enabling the DoSS to deliver the Authority's social services functions;

Ensuring that the corporate infrastructure supports the DoSS in fulfilling the

statutory accountabilities;

Ensuring that the nature and level of the DoSS's authority is understood by Officers and Councillors;

Negotiating, setting out and communicating, both across the Authority and with partners, the detail of the relationship between the DoSS and the Chief

Executive. This should be enshrined in governance and delegation documents;

Ensuring these arrangements enable the Chief Executive to identify and correct any systemic and ongoing breakdowns in the service standards and quality;

Undertaking periodic review of the effectiveness of these arrangements;

Ensuring defined working arrangements are in place between the DoSS and other Chief Officers in the Authority which show how they contribute to the achievement of the DoSS's statutory accountabilities;

Regularly evaluating the effectiveness of the arrangements set out in the Protocol and initiating further strengthening where necessary.

To achieve this:

The DoSS is line-managed by an Executive Corporate Director ;

The DoSS has ready access to the Chief Executive whenever the need arises;

The DoSS is responsible for keeping the Chief Executive informed about any potentially controversial matters that are likely to arise;

The DoSS and meet on a programmed monthly basis to discuss strategic and operational issues, to include-

steps that may need to be taken to ensure that the high profile of social services is maintained within the Authority;

ways in which Councillors can be assisted in their consideration of complex and sensitive matters relating to social services.

the Chief Executive will provide regular opportunities for the Leadership Group to consider how well the Protocol is working and their contribution to the achievement of effective social services;

The Chief Executive will, at regular intervals, initiate a formal review of the working of the Protocol and seek the agreement of the Corporate Management Team to any strengthening that may be required.

Resolving Differences: Differences of view will sometimes arise between the Director of Social Services and other Senior Officers. Where there are differences of view, the advice of the Director should be presented to Councillors alongside the view of the Chief Executive. The Authority is committed to ensuring that decisions arrived at upon completion of this process are corporately owned by the Authority as a whole

The Chief Executive, together with the Executive Corporate Lead Officer-Finance & Procurement, has a responsibility for ensuring that Senior Officers and Councillors have clear advice on the financial position faced by the Authority and on the level of resources needed to meet the Council's statutory obligations and other policy aspirations. The DoSS must provide advice on the resources needed to fulfil the

Authority's social services functions and this may pose a challenge within the overall financial situation that prevails. Monitoring Officer ('MO')

There must be a clear working relationship between the DoSS and the Authority's Monitoring Officer. Disagreements which remain unresolved can have a detrimental effect on the Authority's ability to deal with difficult or sensitive issues. There must be mutual respect for both these statutory roles in- order that the DoSS can engage the MO in deliberations as necessary, and that the advice given by the MO can be used to inform decisions on appropriate courses of action.

Working together in this way should result in good decision making and avoid the need, except in the most extreme circumstances, for the Monitoring Officer to contemplate using powers under Section 5 of the Local Government and Housing Act 1989 to present a Report to the Council.

4: THE STATUTORY DIRECTOR OF SOCIAL SERVICES' ROLE AND ACCOUNTABILITIES The Code of Practice sets out:

The core accountabilities which must be fulfilled by the Director of Social Services;

The part which the Chief Executive must play in ensuring that the Director is enabled to fulfil the accountabilities inherent in the role. This has been set out in preceding paragraphs;

The part which other senior officers across the Authority will play in supporting the Director to fulfil those accountabilities;

The contribution towards fulfilling those accountabilities which will be made by the Corporate Lead Officer within Through Age Wellbeing Services;

Clear reciprocal arrangements showing how the Director will support colleagues within Through Age Wellbeing Services and across the Authority to enable them to contribute effectively towards the achievement of the core accountabilities.

The Core Accountabilities: This Council recognises that the DoSS must fulfil specific core accountabilities. To do so effectively, other Senior Officers, within the Through Age Wellbeing Services and across the Authority, must play their part in supporting their achievement. There are reciprocal arrangements by means of which the DoSS will enable these officers to contribute towards the achievement of the accountabilities.

Managers within the Social Services service: Responsibilities and Accountability: The DoSS is supported by the Through Age Wellbeing Service Management Team made up of Corporate Lead Officers, with responsibility for Adult Social Services, and for Social Services for Children. Where responsibilities are delegated, they are set out in the Approved Schemes of Delegation for the Through Age Wellbeing Services and for the Authority.

However, accountability cannot be delegated and this remains with the Director of Social Services.

Lead Director for Children and Young People's Services (LDCYPS):

In accordance with the requirements of Section 27 of the Children Act 2004, the Authority has identified a Lead Director for Children and Young People's Services: (Executive Corporate Lead Officer-Lifelong Learning (& Chief Education Officer)

The DoSS is responsible for coordinating and overseeing arrangements to improve the well-being of children in the area of the County Council and to be the champion of children's rights. This role sits well alongside the Chief Education Officer's responsibility for meeting the educational needs of the population of children and young people in the Authority.

The Code states:

“In authorities where the post of director of social services and lead director for children and young people’s services are held separately, there will be an overlap between the two roles.

The lead director for children and young people’s services will seek to address the well-being needs of all children.

The director of social services must focus on improving the well-being of children specifically with care and support needs and protecting children from harm”

The Authority must be clear about the particular focus of each role. Formal liaison will ensure effective partnership working.

The DoSS is a member of the Authority’s Leadership Group, and will work to involve partners to strengthen support and provision for all children in Ceredigion, and to ensure that a wide range of services is accessible to children generally

Fulfilling the Statutory Director of Social Services’ Core Accountabilities:

The Chief Executive, Corporate Lead Officers within the Through Age Well-being Servcies, and Chief Education Officer will contribute in enabling the DoSS to fulfil the core accountabilities. The Council’s Corporate Managers will have an equally significant part to play.

Chief Officers will seek to work effectively together will strengthen the performance of the Authority while not compromising individual areas of responsibility.

The DoSS will call on the support of colleagues where specific inputs are needed e.g. policy and service development, joint working initiatives and in the production of reports dealing with the fulfilment of the social services accountabilities. The Director’s Annual Report will require a significant contribution from Corporate Managers and other Chief Officers.

Other Chief Officers must be alert to the need to ensure that the Doss’s view is sought on all matters that could have a bearing on the Authority’s delivery of its social services functions and represented in any reports that are put forward for decision.

The DoSS will provide support for other Chief Officers in areas where the Director holds the lead responsibility. Providing advice and guidance on work to strengthen arrangements for safeguarding children and adults is a particularly important example of the reciprocal arrangements which must exist between the Director and other senior officers.

The Chief Executive must be satisfied that these arrangements are working effectively and that the Statutory Director of Social Services is able to fulfil the following expectations inherent in the role:

Providing the professional leadership for staff and a clear sense of strategic direction for the effective delivery of care and support services.

The Through Age Well-Being Corporate Lead Officers provide a significant resource of knowledge and experience in the planning and delivery of social services and this is drawn upon to support the Director's work.

Similarly, the DoSS is alert to opportunities to provide them with any assistance they might need in order to fulfil the Authority's expectations of them. The skills of other managers and operational staff are also utilised to ensure that Through Age WellBeing Services strives to achieve the highest professional standards in all that it does.

The DoSS will have in place a regular programme of meetings at all levels in the service, (as well as with the portfolio member) which provide opportunities to consider operational matters, identify areas for improvement, explore the potential for service initiatives and enable the Director to provide a clear sense of direction for services and for staff:

to focus on the future direction of services and to consider the implications of legislation, of guidance and of the findings of Inspections;

to evidence a commitment to engaging staff and enabling them to contribute to thinking on the future direction of services;

-

The Director plays a lead role in the development of Ceredigion's approach to meeting the Information, Advice and Assistance requirements of the Social Services and Well-Being (Wales) Act 2014. The DoSS seeks to ensure that assessment arrangements are sufficiently robust to ensure that those in need of assistance from social services are identified and referred to the appropriate source of help.

Advising the Council on the resources needed to fulfil its social services responsibilities and on the service implications of any budgetary reductions.

The DoSS provides professional advice on all social services matters.

This will include presenting arguments, as and when required, to support the case for additional resources to enable the effective delivery of services to meet the needs of the population in the Authority's area and explaining the service impact of any possible budget reductions, to inform consideration of the resources needed to fulfil the Authority's social services functions.

The Chief Executive, DoSS and Chief Finance Officer have in place arrangements to consider financial performance of social services, at various levels of need to agree the levels and patterns of spend, and to

review the use of resources and

explore ways of increasing effectiveness, the potential for cost reduction and evidence to support case for additional resources.

The objective of working closely together is to seek a service led approach to financial planning which is rooted in service best practice.

Being accountable for the quality and delivery of services in accordance with the Authority's social services functions and providing effective service and performance management.

It is a priority to have strong Performance Management arrangements in place. These are coordinated by the Corporate Lead Officers.

Quality assurance and service improvement frameworks operate within in Adult Services. These arrangements:

Seek to meet the whole Through Age Wellbeing Services' business needs;

Continue to strengthen the focus given to service quality and to outcome measures;

Provide the evidence base upon which Corporate Lead Officers can take responsibility for delivering and driving improvement in the services for which they are responsible;

Enable the Director to pursue strengthened performance across the Through Age Wellbeing Services in its entirety;

Contribute information to the Corporate Performance system;

Meet the Performance Information requirements of the Welsh Government.

The DoSS draws upon the skills available within the service, and within the authority corporately strengthening Performance Information & Management.

The educational achievement/performance of Looked After Children, is monitored .Both the DoSS and Chief Education Officer are committed to supporting this arrangement.

Ensuring effective safeguarding arrangements are in place.

The Code places great emphasis upon the importance of the safeguarding role:

“Safeguarding children and adults at risk of abuse or neglect is everyone’s responsibility. However, the DoSS must show leadership to ensure effective safeguarding arrangements are in place both within the authority and with relevant partners”

The Through Age Well-being Services Corporate Lead Officers are responsible for managing safeguarding practice in their service areas, and the DoSS requires regular assurance that practice and service arrangements meet the standards that are required.

The DoSS is also responsible for ensuring that arrangements are in place to provide good quality advice on safeguarding to each of the service areas and across the Authority as a whole.

Ceredigion County Council has adopted: “Policy and Guidelines for Safeguarding Children and Adults at Risk” in 2019This now sets out the Authority’s expectations in respect of this work.

Effective safeguarding arrangements must be built on an extensive platform of training which extends from general awareness training for all staff and Councillors across the whole Authority to more specialised training for particular groups of staff and in specified service areas.

The DoSS and Corporate Lead officers are supported in this by Human Resources. All officers, councillors, Head Teachers, school staff and Governors must support the DoSS in fulfilling the lead role on safeguarding. The DoSS will utilise information from various sources in order to arrive at an assessment of the strength of safeguarding arrangements in the Authority and to provide assurance.

The DoSS (and/or senior designated officers) will ensure that the authority supports and engages with relevant partner agencies which have a direct contribution to make to safeguarding vulnerable people. The DoSS “must support effective partnership working and ensure that safeguarding duties are effectively discharged collaboratively” The DoSS must ensure that this work is used to complement action being taken by the Council to strengthen its arrangements for safeguarding vulnerable children and adults.

Deputyship Orders

The DoSS is also responsible for carrying out the functions of the Council as appointed Deputy under any Deputyship Order granted to the Council by the Court of Protection under Section 16 of the Mental Capacity Act 2005 regarding any person who lacks capacity in relation to a matter or matters concerning their personal welfare or their property and affairs, and also for any such functions should the Statutory Director of Social Services be directly named on any such Deputy Order. In appropriate circumstances, it is also the responsibility of the DoSS to make applications to the Court of Protection for a Deputyship or such other order as is appropriate in the given circumstances. The Statutory Director of Social Services is also required to abide by the Mental Capacity Act 2005 Code of Practice.

Securing the essential political and corporate support for Social Services.

The DoSS holds overall accountability for ensuring that the social services functions of the Authority, as set out in statute, are fulfilled effectively.

The DoSS is the source of advice to the Authority on all social services matters and is responsible for the delivery and development of services to meet the needs of the population.

It is important that all Chief Officers and Councillors understand the range and nature of Through Age Well-being Services responsibilities and of the expectations placed upon them by the public and by Government. The DoSS must ensure that there is an understanding of this across the Authority and that there is regular reporting, at least on a quarterly basis, on the areas that are a prerequisite for the delivery of effective services.

The DoSS achieves this through:

attendance at and input to the Authority's Leadership Team meetings;

regular briefing of appropriate Portfolio holders by the DoSS and by the Corporate Lead Officers;

delivering workshops for Councillors to inform them about and to explore particular complex and challenging matters;

reports to Cabinet;

the Director's Annual Report to the Council.

In addition, the DoSS will report on sensitive issues and on matters of strategic direction as and when this may be appropriate.

The Chief Executive must support the DoSS in securing the necessary corporate and political support and ensure that social services are seen as a Corporate priority.

Fostering effective joint working relationships both within Through Age Wellbeing Social Services, across the Authority and with partners.

The DoSS must provide the strong leadership necessary to ensure that services for Children and for Adults work together in an integrated Through Age Wellbeing Services. This must be capable of looking both at the particular needs of each service area and of recognising the cross cutting issues that need to be addressed in a coordinated way.

The DoSS must lead, to strengthen the contribution which other services, both within and outside the Authority, can make to the delivery of the social services functions.

The DoSS will participate in or directly influence a number of partnerships which function on a level wider than Ceredigion and where the Authority is an active partner:

The DoSS must ensure that partners enable and promote cooperation to improve outcomes and promote the well-being of people in Ceredigion who need care and support,

the DoSS will seek to secure an appropriate share of the resources to complement the Authority's own training resources.

The DoSS must represent the interests of the Authority and make sure that the people of Ceredigion benefit from the experience, expertise, and access to resources and the potential for working in cooperation which they offer. The DoSS can influence other partnerships, although not a member, through the Chief Executive and other Ceredigion representatives who will be in a position to reflect social services views and advice.

However, it is important to recognise that the DoSS input to and the contribution made by these partnership forums does not in any way affect, weaken or cloud the DoSS accountability to Ceredigion County Council for the effective fulfilment of its social services responsibilities.

Fulfilling overall responsibility for workforce planning, training and development and for the recruitment and retention of a sufficient, suitably qualified and experienced workforce.

The DoSS is responsible for ensuring that the social services workforce is sufficient in number and has the skills and experience necessary to meet the needs of people in the Authority's area. Having such a workforce in place is a prerequisite to the effective delivery of services and to the fulfilment of the Authority's social services responsibilities. The DoSS must be seen as the authoritative professional voice on all social services workforce matters.

The DoSS works alongside Human Resources to implement an approach that is designed to meet the particular needs of Social Services, whilst recognising that this must be within the broad framework provided by the Corporate Workforce Strategy.

The DoSS will seek to ensure that the training and development programmes offered on a partnership basis are informed by and responsive to the Ceredigion's needs.

Producing an Annual Report at the end of each financial year which accounts for the exercise of the Authority's social services functions and sets objectives for the forthcoming year.

The DoSS must prepare and publish an Annual Report as soon as practicable after the end of the Financial Year. It is the Authority's Report on the performance of its social services functions and must explain how the Authority's wider functions, have contributed and will continue to contribute to the achievement of individuals' well-being outcomes. Other Chief Officers must therefore contribute to the Report from their areas of responsibility.

The specific requirements for the DoSS Annual report is prescribed by the 2023 Code.

The Report will evaluate performance in the year, including lessons learned, and set out the coming year's objectives relating to people who need care and support and carers who need support. It will also show how the needs of individuals have been assessed and how services have met the Quality Standards set out in the 2014 Act.

The Report will provide:

Assurance that structural arrangements for delivering and developing social services are strong;

Assurance that partnership working is effective;

Assurance that safeguarding arrangements are strong;

Information on the handling of representations and complaints and of the lessons learned from these;

The response to any Inspections;

The Authority's implementation of the Welsh Language Strategic Framework "Mwy Na Geiriau"/ "More Than Just Words".

The DoSS is responsible for ensuring that the Report reflects:

The views of service users and carers, including children and their parents, on how the Authority has discharged its social services functions;

The statutory social services performance information which is required must show how this has been secured;

The views of partner agencies and providers on partnership working.

The Report must show how the Authority has engaged with people in its production and should reflect the views of service users and service providers.

The DoSS will be supported by Corporate Lead Officers and other managers in producing the Report and each will lead on ensuring that service users and partners have been able to contribute to the Report's production.

The DoSS takes personal responsibility for the production of the Report and for its presentation to the Authority's Leadership Team. Portfolio Holders, Cabinet, Scrutiny Committees and to the Council.

Code (2023)

An extract of the Code is shown below:

"5.Annual Report

80.The director of social services must prepare and publish an annual report about the exercise of the local authority's social services functions. This annual report must be published as soon as reasonably practicable after the end of a financial year, in normal circumstances by the end of July.

81. The purpose of the annual report is to:

Set out a local authority's improvement journey in providing services to people who access information, advice and assistance and individuals receiving care and support and carers receiving support.

Use information obtained through the Performance and Improvement Framework for social services in Wales and other sources to demonstrate how local authorities have promoted well-being and accounted for the delivery of quality standards. • Evidence progress against the eight quality standards and to inform decisions on how to improve from the perspective of the social services function at a corporate, organisational level.

Evidence how the standards and principles in the National Framework for Commissioning Care and Support are making a contribution to meeting the needs of people receiving care and support from social services and improving well-being outcomes.

Enable the Welsh Government to collate, analyse and understand data and evidence in the delivery of care, and support for carers in Wales. 82.The annual report should be presented in such a way as to set out how the local authority has achieved the eight quality standards in relation to well-being outcomes as described in the code of practice in relation to the performance and improvement of social services in Wales, issued under section 145 of the Act. Annex 2 sets out the quality standards in relation to the above code of practice.

83.The annual report must set out how the local authority has promoted the wellbeing of people who need care and support, and carers who need support, identified in the Population Needs Assessment Report produced in relation to that local authority area.

84.The annual report must include details of the extent to which the authority has acted in accordance with relevant requirements contained in a code relating to assessing the needs of an individual in accordance with Part 3, meeting needs under Part 4 and effective commissioning arrangements under Part 8 National commissioning framework.

85.The annual report must also set out how the local authority has met relevant requirements contained in the codes of practice so as to provide:

Assurances on how the local authority's political leadership, governance, scrutiny, and challenge arrangements help to set priorities and promote wellbeing across the local authority's functions.

Information on the local authority's workforce, recruitment and retention covering directly provided and commissioned services highlighting challenges and any solutions in place to address them and how the workforce, including those who work in commissioned services are supported and developed in their professional roles. • Budget information by service areas for the reporting year and comparison with the previous year.

Assurances in relation to effective partnership working via Partnership Boards • Assurances in relation to safeguarding arrangements.

Information in relation to the performance of the handling and investigation of complaints and representations (as set out in 'A guide to handling complaints and representations by local authority social services' published in August 2014)

A response to any inspections undertaken in relation to social services functions.

86.The Welsh Government is committed to the delivery of high-quality health, social services and social care services that are centred on users' needs. 'More than just words' is its strategic framework to realise this aim. Directors of social services are therefore required to provide an update on Welsh language provision and their implementation of 'More than just words' as part of the annual report.

87.It is important that the views of services users in relation to the way the local authority has discharged its social services functions are included in the annual report. All people, including children, who have experience of using care and support services, the parents of children who have care and support needs, and carers in the local authority area must be engaged in the process of producing an annual report. This should also be evidenced by the statutory performance information that each local authority must collect annually, as set out in the code of practice on measuring social service performance. It is also important that external providers and partner agencies contribute their view of the quality of partnership working. The annual report must set out how the local authority has engaged with people in its production. The annual report should reflect the experiences of service providers and services users.

88.To ensure effective accountability, the annual report must be shared and tested with relevant stakeholders, as decided by the local authority, but should include Regional Partnership Boards, and then presented to the council by the director of social services.

89.A copy of the published annual report must be sent to Welsh Ministers and the Chief Social Care Officer. They must also be available on the local authority

website."

5: ENSURING EFFECTIVE IMPLEMENTATION OF THE PROTOCOL

The effective operation of the Protocol must be considered on a regular basis, or as and when necessary, in meetings between the DoSS and the Chief Executive, and undertake a formal Review on an annual basis. Any immediate action needed to remedy defects must be agreed and implemented. Each Review must involve the Authority's Leadership Group and adopted by the Council for inclusion in the Council's Constitution.

Document Q

Llawlyfr Aelodau

Members Handbook

Cyngor Sir
CEREDIGION
County Council

Member's Protocol of Good Practice in Planning

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Introduction

Planning is not an exact science. Rather, it relies on informed judgement within a firm policy context. It is also highly contentious because its decisions affect the daily lives of everyone and the private interests of individuals, landowners and developers. This is heightened by the openness of the system (it actively invites public opinion before taking decision) and the legal nature of development plans and decision notices. It is important, therefore, that the process is characterised by open and transparent decision making.

One of the key purposes of the planning system is to manage development in the public interest. In performing this role, planning necessarily affects land and property interests, particularly the financial value of landholdings and the quality of their settings. It is important, therefore, that planning authorities should make planning decisions affecting these interests openly, impartially, with sound judgement and for justifiable reasons. The process should leave no grounds for suggesting with any justification that a decision has been partial, biased or not well-founded in any way.

The purpose of this protocol is to set out clearly the way in which the Council will expect Members to behave and act in their dealings with planning applications. The protocol sets standards of probity and conduct which the residents of Ceredigion can expect of Members.

Members are expected to take account of and adhere to this protocol

1. Relationship to Code of Conduct

It is fundamental to the adoption of a Member Protocol of Good Practice in Planning, that Members recognise the relationship between the Members Code of Conduct (the Code) and Member Protocol of Good Practice in planning.

The Code of Conduct sets out general provisions and obligations for Members; addresses the issue of personal and prejudicial interests and registration and declaration of Members' interests and of gifts and hospitality.

Within the planning process, the following principles of the Code are particularly relevant:

a) Selflessness
Members must act solely in the public interest. They must never use their position as Members to improperly confer an advantage on themselves or to improperly confer an advantage or disadvantage on others.

b) Honesty
Members must declare any private interests relevant to their public duties and take steps to resolve any conflict in a way that protects the public interest.

c) Integrity and Propriety
Members must not put themselves in a position where their integrity is called into question by any financial or other obligation to individuals or organisations that might seek to influence them in the performance of their duties. Members must on all occasions avoid the appearance of such behaviour.

d) Objectivity in Decision-making
In carrying out their responsibilities including making appointments, awarding contracts, or recommending individuals for rewards and benefits, Members must make decisions on merit. Whilst Members must have regard to the professional advice of officers and may properly take account of the views of others, including their political groups, it is their responsibility to decide what view to take and, if appropriate, how to vote on any issue.

e) Accountability

Members are accountable to the electorate and the public generally for their actions and for the way they carry out their responsibilities as a Member. They must be prepared to submit themselves to such scrutiny as is appropriate to their responsibilities.

In addition, the following paragraphs of the Code are particularly relevant:

You must

carry out your duties with due regard to the principle that there should be equality of opportunity for all people regardless of their gender, race, disability, sexual orientation, age or religion

not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.

when participating in meetings or reaching decisions regarding the business of your authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by your authority's officers,

give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

You must not

disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;

in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;

This Member Protocol of Good practice in planning is not intended to replace the Members Code of Conduct but to supplement it and assist in giving guidance on the roles and expected behaviour of Members, including dealing with applications from relatives and associates where they have a personal interest, lobbying and negotiations with applicants and their agents, site visit procedure, and decisions contrary to Officers' recommendations, amongst other things.

The protocol is intended to show how the Council deals with planning matters, and sets standards of probity and conduct which residents expects of Members.

☑ **Do** apply the rules in the Members' Code of Conduct first, which must always be complied with.

☑ **Do** then apply the rules in this Member Protocol of Good practice in planning, which seeks to explain and supplement the Members' Code of Conduct for the purposes of planning control. If you do not abide by this Protocol of Good Practice, you may put:

- The Authority at risk of proceedings on the legality or maladministration of the related decision, and
- Yourself at risk of either being named in a report made to the Ethics and Standards Committee or if the failure is also likely to be a breach of the Code of Conduct, a complaint being made to the Public Services Ombudsman for Wales and ultimately to the Adjudication Panel for Wales.

2. The Planning Protocol

One of the key purposes of the planning system is to regulate the development and use of land in the public interest. Planning necessarily affects land and property interests and as such is often highly contentious. It is important therefore that planning decisions are made openly, impartially, with sound judgment and for justifiable reasons. This includes not just the making of the final planning decisions themselves but also applies to the developmental phases and development of the Authority's longer-term planning e.g., the Local Development Plan and its successors.

The aim of this Member Protocol of Good Practice is to ensure that there is a framework in place so that Members can work with the overall objective of ensuring that in the entire planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way and that such decisions have been taken openly, transparently and fairly in accordance with established procedures that have been and are scrutinized periodically.

This Member Protocol of Good Practice applies to Members at all times when they are involved in the entire planning process. This includes both Development Management Committee meetings, meetings of the Authority when exercising the functions of the Planning Authority, and less formal occasions, such as meetings with Officers or the public and consultative meetings. It applies to planning enforcement matters or site-specific policy issues as well as to planning applications. It also applies to the development of the Local Development Plans which are periodically reviewed and then adopted.

3. Development Proposals and Interests under the Members' Code

Members must always declare personal and prejudicial interests in accordance with the Members' Code of Conduct

☑ **Do** disclose the existence and nature of your interest at any relevant meeting, including informal meetings or discussions with Officers and other Members. Disclose your interest at the commencement of the meeting, and at start of the discussion on that particular matter.

Where your interest is personal and prejudicial, unless you have a dispensation:

X Don't participate, or give the appearance of trying to participate, in the making of any decision on the matter by the Local Planning Authority and/or the Development Management Committee

X Don't get involved in the processing of the application or any proposal for the possible amendment of the Local Development Plan

X Don't use your position to discuss the proposal with Officers or Members when other members of the public would not have the same opportunity to do so. You should never seek or accept any preferential treatment or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a Member.

Whilst you are not prevented from seeking to explain and justify a proposal in which you have a personal and prejudicial interest to an appropriate Officer, in person or in writing, the Code and protocol places greater limitations on you in representing that proposal than would apply to a normal member of the public. You may address the Committee but only to make a presentation in the same manner that would apply to a member of the public. You must then withdraw from further conduct on the matter.

4. When to make your decision

4 a) Committee members decision making

To protect the rights of planning applicants or objectors, and to preserve the integrity of Committee decisions, it is vital that Members do not make up their minds before they have all relevant material and arguments before them at the Development Management Committee meeting. This also applies to Local Development Plan proposals and their consideration at Cabinet and Council meetings. Members will be aware that they are entitled to feel pre-disposed towards a particular decision, but must still be able to consider and weigh relevant factors before reaching the final decision.

This should not be confused with the issue of "Pre-determination" which arises when Members' minds are closed (or reasonably perceived to be closed) to the consideration and weighing of the relevant factors. That risks making the whole decision vulnerable to legal challenge.

X Don't make up your mind, or appear to have made up your mind, on how you will vote on any planning matter until you have heard the Officer's presentation and evidence at the Development Management Committee or the Cabinet or Council meeting if the development proposal is considered there. This is particularly important if you are

contacted by an external interest or lobby group. If you have made up your mind prior to the meeting, then you will not be able to participate in the determination of the matter by the Authority because if you did take part in the discussion or vote it would put the Authority at risk in a number of ways.

Firstly, it may, in the view of the Public Services Ombudsman for Wales, constitute maladministration.

Secondly, the Authority could be at risk of legal proceedings on a number of possible grounds:

- that there was a danger of bias on your part; and/or
- pre-determination; and/or
- failing to take into account all of the factors enabling the proposal to be considered on its merits.

The consequence of any of the above could be that a planning permission that you wished to support or a decision you were party to could end up being quashed by the courts.

You may take part in the debate on a proposal when acting as part of a consultee body such as a Community Council or Town Council provided:

- the proposal does not significantly affect the financial standing of the consultee body; and
- you make it clear during the discussion at the consultee body that;
    i. your views are expressed on the limited information before you only; and
    ii. you will reserve judgment and the independence to make up your own mind on each separate proposal when it comes before the Authority and you hear all of the relevant information; and
    iii. you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Authority; and
- you disclose the personal interest regarding your membership of the consultee body when the Authority comes to consider the proposal.

Where you have given the clear impression that you have already made up your mind (in legal terminology “fettered your discretion”), and therefore decline to speak or vote on a proposal on the issue before the Development Management Committee or Cabinet or Council, you do not also have to withdraw (unless you also have a prejudicial interest), but you may prefer to do so for the sake of appearances and public perception.

If you decide to stay in the meeting, explain that you do not intend to speak and vote because you have previously given (or you could reasonably be perceived as having given) the impression that you have already made up your mind or judged the matter elsewhere, so that this may be recorded in the minutes and use the disclosure form for disclosing interests.

Where you are a Chair or a person who is perceived as being in control of another body, which is itself submitting an application for consideration, you should refer to the Members Code of Conduct and respond accordingly.

4 b) Role of Local Ward Member (LWM) in planning matters and in determining applications

Please also see DMC Operational procedures document within the Constitution

The role of the Local Ward Member (LWM) in Development Management Committee is dependent on whether they are a member of the committee or not. If they are not, they are able to speak on the application in accordance with the operational procedures representing the wider views of their constituents affected by the application. However, they cannot vote on the application and must observe the specified time limits.

When an application is presented that involves one of the Members of the Development Management Committee who is also the LWM of that application, the said member should ‘step down’ from the committee ‘table’ and join the member benches as they are not permitted to vote on applications impacting upon their ward.

X Don’t act or be perceived to act as agent for the applicant. The LWM must consider the application in context of the whole Community.

If you are a member of both a Community Council and a County Council, you are not prevented from discussing the same matters at both. You may, for example, take

part in a discussion about a planning application about which your Town/Community Council has been consulted and still go on to participate in a decision about the application if you sit on the Development Management Committee of your County Council.

☑ **Do** at the Development Management Committee, make it clear that you are not bound by the views of the Community Council.

☑ **Do** If the planning application was one submitted by a Town/Community Council, declare both a personal and a prejudicial interest, and withdraw from the chamber or meeting room.

5. Contact with Applicants, Developers and Objectors

It is the role of a Local Member to listen to their constituents' issues and you will have not breached any part of this code by being available to listen to people. However special considerations apply when a planning application is being considered that mean it is imperative Members are not seen to have fettered their discretion.

☑ **Do** be careful about social contact with agents. They should be regarded and treated with the same approach as that adopted in relation to social contact with developers.

☑ **Do** seek to minimise social contacts with known developers particularly when the developer is known to be contemplating development within Ceredigion or has submitted a planning application which has yet to be determined. Within the small communities of Ceredigion, local Members who have long standing social contacts with known developers may have difficulty avoiding such contacts. Nevertheless, Members should avoid social contact with those who are known to have submitted a "live" planning application or a development proposal for consideration in any form, either directly or indirectly, or objected to another's proposal in case this gives the impression that their contact with the developer would affect their judgment of the public interest. If this impression could have been given, Members should declare a personal and prejudicial interest and not participate in determination of the proposals.

☑ **Do** refer an applicant, developer or objector who approaches you about a planning application or development proposal to Officers, if they need planning, procedural or technical advice.

X Don't agree to any meeting with applicants, developers or groups of objectors where it could give rise to the perception that you are taking sides. Be careful you do not give the impression that you are acting as agent. Where you feel that a formal meeting would be useful in clarifying the issues, you should never seek to arrange that meeting yourself as this may be perceived that you are promoting one point of view or the other. Request the Authority to organise it. The Officers will then ensure that those present at the meeting are advised from the start that the discussions will not bind the Authority to any particular course of action; that the meeting is properly recorded on the application file and Authority records; and the record of the meeting is disclosed when the application or development proposal is considered by the Development Management Committee or Cabinet or Council, or any other relevant Committee.

☑ **Do** remember to:

- follow the rules on lobbying (referred to below);
- consider whether or not it would be prudent in the circumstances to make notes when contacted; and
- report to the Authority any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.

In addition, in respect of presentations by applicants/developers:

X Don't attend a planning presentation unless an Officer is present and/or it has been organised by Officers.

☑ **Do** ask relevant questions for the purposes of clarifying your understanding of the proposals.

☑ **Do** remember that the presentation is not part of the formal process of debate and determination of any subsequent application. This will be carried out by the appropriate Committee of the planning authority.

☑ **Do** be aware that a presentation is a form of lobbying and you must not express any strong view or state how you or other Members might vote.

6. Lobbying

For the purposes of this protocol, lobbying is defined as the following:

"Approaches or representations to a Member with the intention, or which may appear to have the intention, of influencing the way the Member deals with the planning matter."

6 a) Lobbying from agents / applicants

Applicants, supporters or those who may be affected by a proposal will often seek to influence the decision by an approach to a Member of the Development Management Committee or Local Planning Authority. It is a fundamental principle that members of the public are free to make their views known to Members and lobbying is a legitimate form of public representation. In order for the planning system to work effectively public concerns must be adequately aired.

However, if such lobbying of Members of the Development Management Committee or Local Planning Authority oversteps the mark it can lead, unless care is taken, to the impartiality and integrity of Members being called into question. The information provided by lobbyists is unlikely to represent a complete picture of the relevant considerations in respect of a planning matter. The views of consultees, neighbours and the assessment of the case by the Planning Officer all need to be considered before a Member is in a position to form a balanced judgment on the case. The time for individual Members to make a decision on a proposal is when all available information is to hand and has been duly considered and a request for delegated authority has been made or at the relevant Ceredigion County Council meeting or Development Management Committee meeting. Members may of course form preliminary views, but if they commit themselves to supporting or opposing a particular proposal outside of the meeting at which it is being considered they should take no part in determining the matter. Discretion is always advisable, and the furthest a Member should ever go would be to say "*From what I know at the moment I support (or have reservations about) this*

application, but I won't make a final decision until I have all the facts before me at Development Management Committee".

☑ **Do** note that, unless you have a personal and prejudicial interest, you will not have fettered your discretion or breached this Member Protocol of Good Practice in Planning through:

- listening or receiving viewpoints from residents or other interested parties;
- making comments to residents, interested parties, other Members or appropriate Officers, provided they do not consist of or amount to pre-judging the issue and you make clear you are keeping an open mind;
- seeking information through appropriate channels.

If you are lobbied:

☑ **Do** explain to those attempting to lobby you that, whilst you can listen to what is said you are not in a position to express an intention to vote one way or another or to express such a firm point of view that it amounts to the same thing because this will mean you cannot participate in the Authority's decision-making process.

☑ **Do** pass on any representations you receive and copy or pass on any lobbying correspondence you receive to the Authority at the earliest opportunity. It will be placed on the relevant file and taken into account in determining the application.

☑ **Do** report lobbying at the start of the Development Management Committee meeting or any other relevant Committee meeting of the Local Planning Authority so that it may be minuted.

☑ **Do** refer any offers made to you of planning gain or to restrict the development through a proposed Section 106 Planning Obligation or otherwise to the Authority.

X Don't accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum

amount and, if over £21 in value, its acceptance is registered in the Register of Gifts and Hospitality in accordance with the Authority's Code of Conduct as soon as possible.

☑ **Do** indicate that you will pass on that person's views to the Local Planning Authority and if necessary, the Development Management Committee when it considers the matter but that you cannot commit yourself to vote in any particular way. If you intend to speak at the Committee meeting in this way, make it clear at the start of your speech on the item that this is what you are doing.

X Don't take part in negotiations with applicants or potential applicants regarding their proposals for development except where such negotiations are part of a structured arrangement with Officers. To do so risks public perception of pre determination. Factual information on adopted policies can be provided, but if applicants want more detailed discussions on a scheme, then they should be referred to the relevant Planning Officer.

☑ **Do** inform the Monitoring Officer if you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality).

Unless you have a personal and prejudicial interest in the matter, if you follow this and the other advice in this protocol, you will be able to speak and vote at the Committee meeting.

6 b) Lobbying by Members

X Don't lead or act as spokesperson of an organisation whose primary purpose is to lobby or promote or oppose a planning application. If you do, you will have fettered your discretion and are likely to have a personal and prejudicial interest.

This does not preclude you from joining general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning applications. You should disclose a personal interest where that organisation has made representations on a particular proposal and you should make it clear to the Authority that you have reserved judgment and retained your independence to make up your own mind on each separate proposal.

You should, however, make sure that if the group to which you belong has adopted a view on the matter, then you declare a personal (but not necessarily prejudicial) interest when the matter is discussed.

X Don't excessively lobby fellow Members regarding your concerns or views nor attempt to persuade them on how they should decide how to vote in advance of the meeting at which any planning decision is to be taken.

X Don't decide or discuss how to vote on any application at any sort of political group meeting, or lobby any other Member to do so. Political Group Meetings should never dictate how Members should vote on a planning issue.

7. Site Visits

These rules apply to formal site visits.

See also operational procedures of the Development Management Committee.

Site visits can play an important role in ensuring that Members make decisions on a sound understanding of the relevant issues. However, care must be taken to ensure that site visits are not misused as a lobbying device to help ensure a particular outcome in respect of controversial applications or as a delaying tactic to defer consideration of an application to a subsequent meeting. It is also important that there is a clear understanding by members of the public as to why certain applications require a site visit and others do not. Be mindful that the tests for site visits are that it is 'essential and exceptional'. For these reasons:

☑ **Do** comply with the operational procedures in deciding whether a site visit is required and if so, the procedure to be followed.

☑ **Do** attend. Given the tests required to call for a Site Inspection, Members should consider if they did not attend whether they have all the necessary information on which to vote.

Please note members of the public including applicants and agents and objectors will not normally be invited to attend and if required to do so should not be allowed to make representations at the Site Inspection.

☑ **Do** ensure that you treat the site visit only as an opportunity to seek information and to observe the site.

☑ **Do** ask the Officers at the site visit questions or seek clarification from them on factual matters which are relevant to the site inspection.

X Don't express opinions or views on the proposal to anyone.

X Don't enter a site which is subject to a planning application other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias unless:

- you feel it is essential for you to visit the site other than through attending the official site visit, and
- you have first spoken to the Authority about your intention to do so and why (which will be recorded on the file), and
- you can ensure you will comply with these good practice rules on site visits, and
- you have the permission of the owner of the land.

As a principle you should remember the above where there is unlikely to be formal Member visits but where Members feel they need to access a site to become familiar with it, in respect of sites currently being considered or already within the Development Plan process.

You may of course view a site from a public highway at any time, but guard against becoming drawn into discussions of the merits of any proposal.

8. Speaking to the Public during Meetings

X Don't encourage members of the public to communicate with you during the Committee proceedings (orally, electronically or in writing) other than through the

scheme for public speaking, as this may give the appearance of predetermination or bias. If you receive such a communication, you should not reply.

☑ **Do** ensure that you comply with the Authority's procedures in respect of public speaking.

9. Discussions with Officers

X Don't put pressure on any Officer to put forward a particular recommendation as this may be seen as prejudicing his/her professional integrity and impartiality and may be a breach of the Code of Conduct. This does not prevent you from asking questions or submitting views to the Corporate Lead Officer for Economy and Regeneration which may be incorporated into any Committee report.

☑ **Do** recognise that Officers are part of a management structure and only discuss a proposal, outside of any arranged meeting, with a Head of Service/Team Leader or those Officers who are authorised by the Corporate Lead Officer for Economy and Regeneration to deal with the proposal at a Member level.

☑ **Do** recognise and respect that Officers involved in the processing and determination of planning matters must act in accordance with any appropriate Officer and professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, Planning Officers' opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion, be at odds with the views, opinions or decisions of Members. Officers in their role of advising and assisting Members in their determination of planning applications and Development Plan matters will provide:

- impartial and professional advice;
- consistency of interpretation of the planning policies;
- complete written reports which will include:
    - a clear and accurate analysis of the issues in the context of the relevant Development Plan policies and all other material considerations;

- the substance of the representations, objections, and views of all those who have been consulted;
- a clear written recommendation of action and where that recommendation is contrary to the Development Plan, the material considerations which justify the departure;
- all necessary information for the decision to be made.

10. Decision Making

10 a) Importance of approved policies in decision making on planning applications

In making decisions on planning applications and Development Plans, the law requires the application to be determined in accordance with the current Development Plan where relevant unless material considerations indicate otherwise. The development plan comprises the Development Plan for the time being in force and any successor Plan adopted in its place and such policies should not be set aside in a particular case without sound planning reasons for doing so.

☑ **Do** come to meetings with an open mind and demonstrate that you are open-minded.

☑ **Do** comply with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and make decisions in accordance with the current Development Plan unless material considerations indicate otherwise.

☑ **Do** come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new material or information or that there is simply insufficient information before you, request that further information. If necessary, propose deferral of the application.

X Don't vote or take part in the decision on a proposal unless you have been present to hear everything that has been said at that meeting, including the Officers' introduction to

the matter. If an SI was included and you were unable to attend you need to satisfy yourself you have all the information necessary to make a decision.

☑ **Do** make sure that if you are proposing, seconding or supporting a decision (especially one contrary to Officer recommendations or the current Development Plan) that you clearly identify and understand the planning reasons leading to the conclusion/decision and can identify the supporting evidence. These reasons must be given prior to the vote and be recorded. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge (for example at a Public inquiry or Judicial Review proceedings).

☑ **Do** make your decision based on cogent sound and material planning considerations

X Don't make your decision based on personal circumstances unless there are exceptional planning reasons to do so

X Don't refer to personal details of any person (e.g., health, age, home address, employment status or business) they are not relevant in coming to a planning decision and raise concerns regarding Data Protectioneven with the applicant's consent.

10 b) Reports to Committee on planning applications

Officers' written reports to Committee aim to be accurate and concise and provide all relevant information. They describe the proposal, and have a reasoned planning assessment of the proposal including an analysis of all relevant planning policies and other material planning considerations. They contain a written recommendation justified on the basis of relevant development policies and other material planning considerations. They cover consultations and other representations but may not include copies of all letters of objection or support received. They will, however, summarise any material planning considerations contained in such representations. Complete copies of all such correspondence are placed on the planning file and are available to Members.

☑ **Do** advise the Case Officer as soon as is practicable if you become aware of information relevant to the determination of a case which is on the Development Management Committee agenda. Failure to do so may result in deferment of the case causing unnecessary delay.

☑ **Do** contact the Authority as soon as possible if you wish to discuss the interpretation of information in a Development Management Committee report, or a Local Planning Authority report on a development proposal.

10 c) Decision's contrary to policy and/or recommendation

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions must be taken in accordance with the current Development Plan unless material considerations indicate otherwise.

Officers will advise in their report what arguments put forward by an applicant/objector or supporter to an application are considered capable of constituting material considerations. Often arguments of a personal kind relating to the circumstances of the applicant are put forward to support a proposal.

Personal circumstances cannot outweigh other planning considerations except in the most exceptional circumstances; an example could be in the cases of temporary Gypsy Traveller Accommodation whilst permanent sites are being developed.

Where for example a personal permission for a temporary structure may be acceptable it would be subject to specific conditions limiting the occupation to a particular individual for a specified period i.e., 3 years - however the authority will need to be assured it is not running the risk of contravening its duties under the Equality Act 2010.

The grant of a permanent structure due to the needs of the intended occupiers does not constitute a material planning consideration as planning consent runs with the land.

It is important for Members to be mindful that National Planning Policy and Guidance has been developed in accordance with the Well Being and Future Generations (Wales) Act 2015 (WBFG Act) and therefore the inherent principle of sustainable development as enacted in the WBFG Act has been incorporated in planning policy at a national and local level. It is not the case that developments which support an individual's wellbeing outweigh the tenets of national policy – as indeed the WBFG Act has been enacted through national planning policy. The central premise of the WBFG Act is to require

public bodies to think about the long-term impact of their decisions. To consider an individual's circumstances and support a development on that basis, if not sustainable development, is in direct conflict with the WBFG Act which requires public bodies to consider sustainable development for the wellbeing of future generations and ensure resources are not wasted, in effect to make decisions for the greater good, even if that does not support an individual's personal needs at a given time.

Applications which are determined contrary to officer recommendation must be supported by clear robust and convincing reasons based on material planning considerations.

Making decision against offers advice may expose the Council to legal or other challenge, including complaint to PSOW, or call-in by Welsh Ministers.

☑ **Do** ensure that Members remember and keep in mind that the Authority has adopted a protocol in relation to making decisions contrary to officer recommendation, and / or local and national polices which is set out in the Development Management Committee's operational procedures.

☑ **Do** ensure that if Members are minded to approve or refuse an application contrary to policy or to the recommendation of the Officer, then such consideration shall follow and be deferred until the Development Management Committee meeting where, on reconsideration of the matter, Members must identify clear and substantiated reasons capable of constituting material planning considerations.

11. Member Training

The planning system is a quasi-judicial process involving complex legal and technical issues which require the application of sound judgment in the assessment of planning proposals. A failure to follow proper practice and procedures can lead to serious consequences for the planning authority and to the Council in general. Therefore, Members will be unable to participate in decision making involving planning matters if they have not attended the mandatory planning training prescribed by the Authority.

☑ **Do** endeavor to attend any specialised training sessions provided, since these will be designed to extend your knowledge of planning law, regulations, procedures, Guidance and Codes of Practice and the Development Plans and thus assist you in carrying out your role properly and effectively.

12. Planning applications by Members and Officers of the Authority

When a planning application is submitted by:

A serving Elected Member or close personal associate,

Chief officers (Chief Executive, Executive Corporate Directors, Executive Corporate Lead Officers, and Corporate Lead Officer),

All staff employed by the planning service(s) including Development management and Planning Policy

Any other staff closely linked to the planning service or a particular planning application,

Or a close personal associate;

The Member or Officer concerned will:

i. take no part in the processing and determination of the application/Development Plan matter;
ii. not communicate with any development management or planning officers or with any member of the Development Management Committee on the matter
iii. advise the Chief Executive, Monitoring Officer and the Corporate Lead Officer for Economy and Regeneration and relevant Head of Service/Team Leader.
iv. make appropriate declarations of interest

All planning applications submitted by a Member, or an officer or their close personal associates will be reported to and determined by the Development Management Committee.

This is to ensure that such planning applications are dealt with independently, to safeguard against any perceived conflicts of interest, and to promote fairness and transparency.

13. Planning applications by the Council as landowner

Any application submitted by, or on behalf of, or on land in the ownership of Ceredigion County Council for which the Council has a direct interest will be reported to and determined by the Development Management Committee.

Cabinet Members who are also Members of the Development Management Committee will be expected to declare a prejudicial interest, and to stand down from the application. This is in order to ensure that council-led projects can be determined by the Development Management Committee, and that Cabinet Members have not fettered their discretion or predetermined (or appeared to have made up their mind) and pre-determined their position by being part of decision making on the suitability of projects at earlier stages.

14. Major Developments

All major developments will be reported to and determined by the Development Management Committee.

“Major” developments are defined as:

The determination of planning applications for major development, as defined in Article 2 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended or modified by subsequent legislation) and where the site does not already benefit from an extant consent (outline or detailed) for a similar type and scale of development.

(Excluding the determination of applications for the winning and working of minerals or the use of land for mineral-working deposits and the determination of applications for waste developments).

15. Cabinet Members

Cabinet Members will be permitted to sit on the Development Management Committee in accordance with the group leaders' allocations.

16. Data Protection and GDPR

In relation to determination of planning applications by the Development Management Committee allowing the discussion of personal information risks the Development Management Committee breaching the Data Protection Act 2018 and the UK General Data Protection Regulation 2018.

As an Elected Councillor, you are a 'Data Controller' when representing residents of your ward, and when canvassing. You are accountable for the processing of personal information such as taking forward complaints made by local residents, or using personal information to timetable surgery appointments. If you represent a political party, particularly at election time, the political party will be the data controller. As a Data Controller you will need to ensure that you comply with the GDPR and Data Protection Act 2018.

X Don't disclose Sensitive and confidential personal information during discussion at the Development Management Committee this could include their marital status, employment history, number of dependants, caring responsivities, disabilities etc. Even where consent has been granted by the individual concerned, Members need to be mindful that this data is being made publicly available and thus the requirements of GDPR remain.

The Development Management Committee needs to be assured that when dealing with members of the public/agents or objectors (and their personal data), that they are safeguarding these individuals and themselves as decision-makers. And decisions are taken in line with proper arrangements not personal circumstances, opinions or feelings. This will guard against Members making decisions which could impact on and expose someone's personal life.

☑ **Do** remember when Members are acting as Local Ward Members, they will be deemed to be data controllers, and will become personally liable for any data breaches resulting from the disclosure.

☑ **Do** follow the Council's advice for LWM's in relation to GDPR and sample privacy notices for use when dealing with constituents.

Protocols for Attendance at Local Authority Meetings and Electronic Broadcasts of Meetings

May 2022

Fersiwn: Version	Dyddiad: Date	Natur y diweddariad: Nature of update:
V1	05/05/2022	First draft

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Introduction - Purpose of document

The Local Government and Elections (Wales) Act 2021 (LG&EW2021), Section 47 requires principal councils to make and publish arrangements for the purpose of ensuring that from 5 May 2022, that local authority meetings are able to be held by means of any equipment or other facility which enables persons who are not in the same place to attend the meetings, to speak to and be heard by each other, and in the case of meetings to be broadcast (under Section 46 of the regulations), to speak and be heard by each other and to see and be seen by each other.

In addition, the LG&EW2021, Section 46 requires principal councils to make and publish arrangements for the purpose of ensuring that from 5 May 2022-

(a) a broadcast of proceedings at a meeting to which subsection (2) applies is available electronically so that members of the public not in attendance at the meeting can see and hear the proceedings;

(b) the proceedings are broadcast as they take place, subject to any specified exceptions;

(c) the broadcast is available electronically for a specified period after the meeting.

This subsection applies to proceedings at a meeting, or any part of a meeting, which is open to the public of—

(a) a principal council;

(b) any of the following specified bodies—

(i) the executive of a principal council;

(ii) a committee or sub-committee of an executive of a principal council;

(iii) a committee or sub-committee of a principal council;

(iv) a joint committee, or a sub-committee of a joint committee, of two or more principal councils.

The Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 which came into force on 22 April 2020 made provision in relation to local authority meetings, as a result of the covid-19 outbreak. The regulations related to participation at meetings held between 22 April 2020 and 1 May 2021. As a result of these regulations, all Ceredigion County Council meetings open to the public were held remotely, and the Council and Cabinet meetings were broadcasted as they took place, and made

available electronically for a specified period after the meeting. These arrangements have continued and will form the basis for the arrangements post 5 May 2022.

In addition to the current arrangements, Ceredigion County Council will also implement hybrid style meetings from 5 May 2022, whereby Members, Officers and the public are able to attend meetings remotely or in person.

This protocol has been created, in line with the LG&EW2021 Act to provide a guide as to the implementation of the Regulations and to outline the process to apply to the public meetings of Ceredigion County Council, and sets out the practical issues that will need to be addressed in relation to protocols for hybrid meetings. It is based on the principle of full or partial remote attendance so long as persons who are not in the same place are able to speak to, and be heard by, other participants, and in the case of meetings that are broadcasted to also see and be seen by each other.

Underpinning this Protocol are the fundamental principles that conduct shall be compliant with the Code of Conduct for Members and that the integrity and security of any confidential information is maintained.

The objective will be to make hybrid meetings as close as possible to the Council's usual meetings practice which will follow normal procedural rules in the Constitution where possible.

1.0 Attending in person or remotely

Members, Officers and members of the public will be able to attend meetings of the Council that are open to the public in person at the Council's Penmorfa Offices, Aberaeron or remotely (wherever possible).

Please note that attendance in person may be subject to limitations on numbers due to space and any regulations that may be in place at that time, such as the 2 metre social distances regulations or guidance. In person meetings may also be suspended at any time should regulations or guidance deem it necessary due to COVID-19.

Priority will be given to Committee Members, Officers presenting or advising on reports, facilitating officers, translators and members of the public addressing the committee.

1.1 Invitation to join the meeting remotely

Councillors

Councillors will be sent an electronic link for each individual meeting. This link must not be shared with any other person.

Members of the public

Members of the public who wish to attend a meeting remotely, should contact Democratic Services at least 1 hour prior to the commencement of the meeting to request a link to the meeting. We cannot guarantee that later requests will be processed, as Officers will be involved in setting up the meetings, or minute taking once the meeting has commenced. Please e-mail your request to: democracy@ceredigion.gov.uk or telephone CLIC on 01545 570881.

The electronic meeting will be open to Members and those that will be addressing the meeting 30 minutes before the start of the meeting. Members are requested to join the meeting at least 15 minutes prior to the time of commencement in order to check that everyone is able to participate. Access to simultaneous translation will be checked prior to the commencement of the meeting.

1.2 Electronic broadcasts of meetings

Meetings of the full Council and Cabinet will be broadcasted as they take place in order that members of the public not in attendance in person or remotely can see and hear the proceedings, subject to the following exceptions:

- consideration of exempt / confidential information (para 1.12)
- the discretion of the Chair to terminate the meeting (para 1.13)

The broadcasting will be available electronically for a period of up to 6 years following the meeting.

1.3 Preparations in advance of the meeting

Committee Members are asked to confirm the following information with the Meeting Facilitator prior to the date of the meeting:

- Attendance / apologies
- Whether they wish to attend in person or remotely
- Declarations of interest
- Any personal matters that they wish to submit
- Non-Committee Members must notify the Chair and facilitator in advance if they are aware in advance that they wish to speak on a specific agenda item

Members of the public address the following committees, (subject to the terms of reference for addressing said committee as published in the Council's Constitution):

a) Overview and Scrutiny Committees
b) The Development Control Committee

must contact Democratic Services by mid-day, two days prior to the meeting, confirming the following:

a) the committee that they will be addressing, and the agenda item
b) whether they wish to attend in person or remotely
   (i) if attending remotely, an e-mail address in order for the link to be sent.

1.4Filming the Meeting

The Chair will remind everyone at the commencement that the proceedings of the meeting that the Council and Cabinet meetings will be filmed for live or subsequent broadcast via the Council's internet site and in the archive record of the meeting. The images and sound recording may also be used for training purposes within the Council.

All Council Members participating in the Council and Cabinet meetings will be seen and heard during said meeting.

For all other meetings that are open to the public, the legislation requires that Members are able to speak to and be heard by each other. However, the hybrid system does allow for those present at the meeting to see and be seen by each other in addition to the requirement to speak to and be heard by each other. Members of the public addressing an Overview and Scrutiny Committee, or Development Control Committee

will be visible and audible to all those attending the meeting during their presentation only, whether in person or remotely, however as these meetings are not broadcast this will not be available to the general public in the broader sense as per the Council and Cabinet meetings.

1.5 Confirmation of the speaker

Normally, the Chair will invite those present to speak by their full name. However, if the speaker has not been introduced, it is recommended that each individual introduce themselves with their full name before speaking, in order that participants and minute takers are in no doubt who is speaking.

1.6 Quorum

The normal quorum requirements for meetings as set out in the Authority's Constitution will also apply to a hybrid meeting.

In the event of any apparent failure of a Member's video, or conferencing connection, the Chair should immediately determine if the meeting is still quorate:

- if it is, then the business of the meeting will continue; or
- if there is no quorum, then the meeting shall adjourn for a period specified by the Chair, expected to be no more than ten or fifteen minutes, to allow the connection to be re-established.
- Should any aspect of a Member's remote participation fail, the Chair may call a short adjournment of up to five minutes or so to determine whether the connection can quickly be re-established. If the connection is not restored within that time, the meeting should continue to deal with the business whilst this happens, providing the meeting remains quorate.
- In the event of connection failure, the remote Member(s) will be deemed to have left the meeting at the point of failure and if the connection cannot be re-established to those Member(s) before the end of the meeting, then the presumption will be that the meeting should continue to deal with the item/s.

- If the connection is successfully re-established, then the remote Member(s) will be deemed to have returned at the point of re-establishment.

If the connection cannot be restored within a reasonable time, the meeting will proceed, but the Member who was disconnected will not be able to vote on the matter under discussion as they would not have heard all the facts.

1.7 Member participation

Members of the relevant committee will be asked in turn for their contribution to an item by the Chairman.

Members should be able to speak to and be heard by each other. Where meetings are broadcasted, Members will also need to be seen and to see each other.

The facilitator will have provided a list to the Chair of non-Committee Members who wish to speak on specific agenda – in the order they were received. If any matters arise during the discussion, non-Committee Members will need to alert the Chairman that they wish to speak, by pressing the 'Speak' button on the delegate microphone system if attending in person, and similarly the 'Speak' button on screen if attending remotely.

1.8 Voting

Details of how Members voted will not be kept or minuted unless a Recorded Vote is called. Where a Recorded Vote is requested, the Chair will call the names of all Committee Members present, alphabetically, and Members will be required to confirm verbally their vote.

Members need to ensure that they are able to remain on-line throughout debates and during voting in order to maintain the integrity of the decision-making process and to reduce the opportunity for legal challenge of any decision.

1.9 Declaration of interest

Wherever possible, declarations in any item of business must be made in advance of the meeting, and in any case under the “Personal and/or prejudicial Interests” agenda item. Members must declare their interest verbally during the meeting. Members must state the agenda item which their declaration relates to, and stipulate whether their declaration is ‘personal’ or ‘personal and prejudicial’. Members who declare a ‘personal and prejudicial’ interest will leave the Council Chamber (if attending in person), or leave the meeting if attending remotely for the duration of the discussion on said agenda item. Members should also confirm if they have been given dispensation to speak or to speak and vote, as this would allow Members to remain in the meeting.

Where it becomes apparent during the meeting that a Member will need to declare a disclosable interest after the Personal and /or Prejudicial Interest agenda item has passed, he/she must immediately notify the Chair by selecting the ‘Speak’ button and when invited to speak, to verbally declare as above.

1.10 Translation

A translation facility will be provided which can be accessed by selecting the appropriate language via the ‘Interpretation’ button on the screen, or by using the headphones provided if attending in person. The simultaneous translator will turn the translation option on and off as required during the meeting as the committee changes from speaking Welsh to English, therefore individuals attending in person or remotely will not need to change the choice of language once set prior to the commencement of the meeting.

It is recommended that Members using the translation facility allow plenty of time to ensure that they the correct settings prior to the commencement of the meeting.

1.11 Notice of Meetings

Public notice of the time of the meeting will be given by publication on the Council's website at least three clear days before the meeting or, if the meeting is convened at shorter notice, then as soon as reasonably practicable. A monthly schedule of meetings is also published on the Council's Facebook page.

1.12 Exclusion of Public and Press

There are times when council meetings are not open to the public, when confidential, or "exempt" issues (as defined in Schedule 12A of the Local Government Act 1972) are under consideration. Members will be reminded that the item is an exempt report and if they wish to discuss the content of the exempt report, members of the public and press will be asked to leave the Council Chamber if attending in person, or to leave the meeting if attending remotely.

The meeting Facilitator will ensure that there are no members of the public in remote attendance or in person that are able to hear or see the proceedings once the exclusion has been agreed by the meeting. Live streaming of the meeting will be suspended temporarily.

Each Member in remote attendance must ensure that there are no other persons present with them who are not entitled to be present (either hearing or seeing), or to have access to such exempt items, and/or recording of the proceedings. Any Member in remote attendance who failed to disclose that there were in fact persons present who were not so entitled would, in our view be deemed to be in breach of the Members' Code of Conduct.

1.13 Terminating filming of the Meeting

The Chair has the discretion to terminate or suspend filming, if, in his/her opinion continuing to do so would prejudice the proceedings or that continued filming might infringe the rights of any individual.

1.14 Revising or replacing arrangements in relation to Attendance and Electronic Broadcasting of meetings

Any revisions or replacement to the arrangements in relation to Attendance and Electronic Broadcasting of meetings will be published on the Council's website.

1.15 Arrangements relating to Joint Committees

Protocols relating to the arrangements for Attendance and Electronic Broadcasting of Joint Committees will be published separately.

Cyngor Sir
CEREDIGION
County Council

ETHICS & STANDARDS COMMITTEE

DEALING WITH COMPLAINTS REFERRED TO THE ETHICS & STANDARDS COMMITTEE & HEARINGS PROCEDURES

Introduction

1. This document sets out the procedure that the Council's Ethics & Standards Committee will follow where it is required to make decisions about the conduct of Councillors following investigations by the Public Services Ombudsman for Wales or the Council's Monitoring Officer under Part III of the Local Government Act 2000 and any related regulations.
2. If there is any conflict between this document and any statutory requirements then those statutory requirements will prevail.
3. Subject to any express provision in the Regulations, the practice and procedure for exercising its functions under Regulations, shall be for the Ethics and standards Committee to decide.

Interpretation

4. In this procedure:

   (a) 'the Act' means the Local Government Act 2000 Part III

   (b) 'the Council' means Ceredigion County Council

   (c) 'the Code of Conduct' means the Code of Conduct for Members adopted by the Council or the town/community councils within the Council's area in 2008 (and as amended in 2016), in accordance with Section 51 of the Act.
   (d) 'the Complainant' means any person who made any allegation which gave rise to the investigation
   (e) Co-opted members means persons appointed by the Council to sit as independent or lay members on its Governance and Audit or its Ethics & Standards Committee

   (f) the 'Investigating Officer' means the person who conducted an investigation into any alleged breach of the Code of Conduct and produced the investigation report, being either the Ombudsman (or a person acting on his or her behalf) or the Monitoring Officer

   (g) an 'investigation report' means a report on the outcome of an investigation into any alleged breach of the Code of Conduct produced either by the Ombudsman under s69, 70 or s71(2) of the Act or by the Monitoring Officer under the Regulations.

   (h) 'the Member' means any person who is the subject of an investigation into

any alleged breach of the Code of Conduct

(i) 'the Monitoring Officer' means the officer for the time being appointed by the Council under section 5 of the Local Government and Housing Act 1989

(j) 'the Ombudsman' means the Public Services Ombudsman for Wales

(k) 'the Regulations' means the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001/2281 as amended (SI 2016/85),

(l) 'the Standards Officer' means the officer for the time being appointed by the Council to support the work of the Ethics & Standards Committee

(m) the 'Advising Officer' means the Monitoring Officer, Deputy Monitoring Officer the Standards Officer or some other suitably qualified person.

Summary of the procedure

5) Under **section 69** of the Act, the Ombudsman may investigate any alleged breach of the Code of Conduct by members or co-opted members (or former members or co-opted members) of the Council or a community council in the Council's area.

6) Under **section 70(4)** of the Act, where the Ombudsman ceases such an investigation <u>before</u> it is completed:

a) they may refer the matters which are the subject of the investigation to the Monitoring Officer.
b) The Monitoring Officer will then investigate those matters in accordance with the Regulations before reporting and, if appropriate, making recommendations to the Ethics & Standards Committee. See detailed procedure below in section 17.

7) Under **section 71(2**) of the Act, where the Ombudsman decides <u>after</u> investigating that it is appropriate, they will:
   a) produce a report on the outcome of the investigation and send it to the Monitoring Officer and the Council's Ethics & Standards Committee.
   b) The Monitoring Officer will then consider the report of the Ombudsman in accordance with the Regulations, before, if appropriate, making recommendations to the Ethics & Standards Committee.
   c) See detailed procedure below in section 17.

8) The Ethics & Standards Committee will then make an initial determination (Reg. 7) either:
   a) that there is no evidence of any failure to comply with the Code of Conduct, or
   b) that the Member must be invited to make representations, either orally or in writing, in respect of the findings of the investigation and any allegation they have failed to comply with the Code of Conduct.

9) Where the Member is invited to make representations, the Ethics & Standards Committee will convene a hearing to consider any response made by the Member.

Determination of the Ethics and Standards Committee

10) After considering any representations, the Ethics & Standards Committee must determine (Regulation 9(1)) that:

(a) there is no evidence of any failure to comply with the Code of Conduct and that therefore no action needs to be taken in respect of matters which are the subject of the investigation;
(b) the Member or co-opted member (or former member or co-opted member) has failed to comply with the Code of Conduct but that no action needs to be taken in respect of that failure;
(c) the Member or co-opted member (or former member or co-opted member) has failed to comply with the Code of Conduct and should be censured, or
(d) the Member or co-opted member (or former member or co-opted member) has failed to comply with the Code of Conduct and should be suspended or partially suspended from being a member or co-opted member of his/her authority for a period not exceeding six months.

and take any such action accordingly.

11) Where an appeals tribunal drawn from the Adjudication for Wales makes a recommendation that a different penalty should be imposed (Reg. 12), the Ethics and Standards Committee must also determine whether or not it should uphold its original determination or accept the recommendation.

Investigations by the Monitoring Officer (referrals under section 70(4) of the Act)

12) Where the Ombudsman ceases their investigation before it is completed and refers the matters which are the subject of the investigation to the Monitoring Officer under section 70(4) of the Act, the Monitoring Officer must:-

a) conduct an investigation; and
b) report, and if appropriate make recommendations to the Council's Ethics & Standards Committee

13) The Monitoring Officer will investigate in accordance with the Regulations and may follow such procedures as they consider appropriate in the circumstances of the case.

14) After concluding an investigation, the Monitoring Officer must:

(a) produce a report on the findings of their investigation and, if appropriate, may make recommendations to the Ethics & Standards Committee,
(b) send a copy of the report to the Member, and
(c) take reasonable steps to send a copy of the report to the Complainant.

15) The Ethics & Standards Committee will consider the Monitoring Officer's report and any recommendations in accordance with the procedure set out in section 17 below.

Investigations by the Ombudsman (referrals under section 71(2) of the Act)

16) Where the Ombudsman completes their investigation and sends a report to the Monitoring Officer and the Council's Ethics & Standards Committee under section 71(2) of the Act, the Monitoring Officer must:
    a) consider the Ombudsman's report and,
    b) if appropriate, make recommendations to the Council's Ethics & Standards Committee.

17) The Ethics & Standards Committee will consider the Ombudsman's report together with any recommendations made by the Monitoring Officer in accordance with the procedure set out below.

Step 1 - Ethics & Standards Committee – Initial Determination Hearing

18) After the Monitoring Officer has:

a) produced an investigation report in accordance with paragraph 14; or
b) considered the Ombudsman's investigation report in accordance with paragraph 16.

a meeting of the Ethics & Standards Committee will be convened as soon as possible.

A copy of the investigation report, together with the Monitoring Officer's recommendations (if any), will be sent to each of the members of the Ethics & Standards Committee.

19) Notice of the time and place of the meeting will be given in accordance with Part VA of the Local Government Act 1972, as amended by the Regulations.

20) If the investigation report is produced by the Ombudsman, the Monitoring Officer will advise the Ethics & Standards Committee, as Advising Officer.

21) If the investigation report is produced by the Monitoring Officer, the Standards Officer or some other suitably qualified person will advise the Ethics & Standards Committee, as Advising Officer.

22) The business of the Ethics & Standards Committee Initial Determination hearing will be limited to:
    a) considering the investigation report
    b) and the Monitoring Officer's recommendations (if any) and
    c) to making an initial determination either:-
        i. that there is no evidence of any failure to comply with the Code of Conduct, or

ii. that the Member should be invited to make representations, either orally or in writing in respect of the findings of the investigation and any allegation that they have failed, or may have failed, to comply with the Code of Conduct.

Step 2 - After the first meeting of the Ethics & Standards Committee

23) Where the Ethics & Standards Committee decides that there is no evidence of any failure to comply with the Code of Conduct, the Standards Officer will accordingly notify the Member, the Complainant and the Ombudsman. See 22(c)(i) above.

24) Where the Ethics & Standards Committee decides that the Member must be invited to make representations, the Standards Officer will notify the Member of the Committee's Initial determination decision and the procedure which the Committee proposes to adopt to receive and consider any representations that they may wish to make. See 22(c)(ii) above and Step 3 below.

Step 3 - Preparing for the hearing to consider the Member's representations

25) (A) The Standards Officer, in consultation with the Chair of the Ethics & Standards Committee, will write to the Member to propose a date for a hearing to consider any representations that the Member may wish to make and to ask the Member to complete and return a questionnaire within 14 days, to confirm whether they:

(a) Intend to attend the hearing

(b) want to make representations, whether orally or in writing and if so, to include any written representations in his or her response

(c) disagree with any of the findings of fact in the investigation report, and if so, which matters they disagree with and the reasons for any disagreements;

(d) wishes to represent themselves or be represented at the hearing by a legal representative or any other person, in accordance with the Regulations

(e) wants to give evidence to the Ethics & Standards Committee, either orally or in writing;

(f) wants to call relevant witnesses to give evidence to the Ethics & Standards Committee, and if so to identify those witnesses, and confirm if they are witnesses of fact or character

(g) wants any part of the meeting to be held in private, and if so, explain the reasons

(h) wants any part of the investigation report or other relevant documents to be withheld from the public, and if so, explain the reasons;

25(B) The Investigating Officer will be expected to attend the Hearing to present the report and explain any matters within it (unless the Committee has agreed that this is not necessary).

26) The Standards Officer will notify the Investigating Officer of the proposed hearing date and ask whether they will be attending the hearing. Two alternative dates should be kept in reserve.

27) The Standards Officer will send a copy of the Member's response under paragraph 25 to the Investigating Officer and will ask them to confirm in writing within 7 days whether they:

(a) have any comments on the Member's response

(b) want to be represented at the hearing;

(c) want to call relevant witnesses to give evidence to the Ethics & Standards Committee; and if so to identity those witnesses

(d) want any part of the meeting to be held in private; if so, provide reasons

(e) want any part of the investigation report or other relevant documents to be withheld from the public; if so provide reasons

28) The Standards Officer will write to the members of the Committee, the Member and the Investigating Officer at least 14 days before the hearing to:

(a) confirm the date, time and place for the hearing;

(b) summarise the allegation(s);

(c) outline the main facts of the case that are agreed;

(d) outline the main facts which are not agreed;

(e) note whether the Member or the Investigating Officer will attend or be represented at the hearing;

(f) list those witnesses, if any, who will be asked to give evidence;

(g) enclose the investigation report, any relevant documents, the Member's response and any further response from the Investigating Officer; and

(h) outline the proposed procedure for the hearing.

(i) seek confirmation if they intend to attend the hearing

(j) provide evidence upon which they intend to rely

29) The following information will be sent to the members of the Committee, the Member and the Investigation Officer in advance of the hearing (and any other relevant documents):
    - Investigating Officers report
    - Member's response
    - Any further response from the Investigating Officer
    - An outline of main facts agreed /not agreed
    - List of witnesses
    - Whether the member will be attending the hearing and whether they will be represented
    - Procedure for the hearing.

Step 4 - The Hearing Procedure

Principles

30) The Ethics & Standards Committee:

    a) may, in accordance with the requirements of natural justice, conduct the meeting in the manner it considers most suitable to the clarification of the issues before it and generally to the just handling of the proceedings.
    b) It must so far as appears to it appropriate seek to avoid inflexibility in its proceedings.
    c) decide factual evidence on the balance of probabilities.
    d) consider any criteria established to assist the Committee to ensure consistency in decisions.

31) The Member or the Investigating Officer may be represented or accompanied whether or not legally qualified but if in any particular case the Ethics & Standards Committee is satisfied that there is a good reason, it may refuse to permit a particular person to assist or represent a party at the hearing.

32) The Ethics & Standards Committee may take legal advice from a Council officer appointed for this purpose at any time during the meeting or while they are considering the outcome. The substance of any legal advice given to the Committee will be shared with the Member and the Investigating Officer if they are present.

33) The hearing will be held in public unless the Ethics & Standards Committee is persuaded that there is a good reason to exclude the public.

34) The intention is that all parties to the hearing are able to participate in the full knowledge of the matters under investigation, ensuring that the proceedings are fair, transparent and impartial.

35) The procedure at the meeting shall be as set out below, subject to the Chair

making such changes as they think fit in order to ensure a fair and efficient hearing.

Introduction

36) The Chair of the Ethics & Standards Committee will introduce those persons present and will explain the manner and order of proceedings including any physical arrangements.

First stage: Preliminary procedural issues

37) The Ethics & Standards Committee will then resolve any issues or disagreements about how the hearing should continue, which have not been resolved during the pre-hearing process. Including:
    a) Whether public or press should be excluded from the hearing or parts of it
    b) Any new matters arising since the agenda was prepared
    c) If any new evidence or matter is raised that could have been raised before the hearing, the assumption will be that it will not be allowed unless there is good reason to do so.
    d) whether there is good reason hearing should proceed in absence of any party, reasons offered for any absence and to satisfy itself that all parties were properly notified of the hearing date. Alternatively, to adjourn the hearing.
    e) To make arrangements to dispose of the matter fairly, in the event that the Committee is satisfied that any party (after receiving medical evidence) is unable to attend and is likely to be unable to attend for a long time.
    f) No cross-examination of witnesses will be allowed. Questions must be directed through the Chair.

Second stage: Making findings of fact-

38) The Ethics & Standards Committee will then consider whether or not there are any significant disagreements about the facts contained in the investigation report.

39) If there is a disagreement as to the facts:-

(a) the Investigating Officer, if present, will be invited to make any necessary representations to support the relevant findings of fact in the investigation report.

(b) the Investigating Officer may call any necessary supporting witnesses to give evidence, with the Ethics & Standards Committee's permission and the Committee shall give the Member an opportunity to challenge any evidence put forward by any witness called by the Investigating Officer and question any witness through the Chair.

(c) the Member will then be invited to present their case and make representations in support his or her version of the facts.

(d) the Member may call any necessary witnesses to give evidence, with the Ethics & Standards Committee's permission and the Committee shall give the Investigating Officer an opportunity to challenge any evidence put forward by any witness called by the Member.

40) At any time, the Ethics & Standards Committee may question any of the people involved or any of the witnesses through the Chair.

41) If the Member disagrees with any relevant fact in the investigation report, without having given prior notice of the disagreement, they must give good reasons for not mentioning it before the hearing. If the Investigating Officer is not present, the Ethics & Standards Committee will consider whether or not it would be in the public interest to continue in his or her absence. After considering the Member's explanation for not raising the issue at an earlier stage, the Committee may then:

(a) continue with the hearing, relying on the information in the investigation report

(b) allow the Member to make representations about the issue, and invite the Investigating Officer to respond and call any witnesses, as necessary; or

(c) postpone the hearing to arrange for appropriate witnesses to be present, or for the Investigating Officer to be present if they are not already.

(d) The Investigating Officer, followed by the Member, will have an opportunity to sum up.

42) At the conclusion of the representations as to matters of fact, the Ethics & Standards Committee will retire to deliberate in private on the representations along with the Advising Officer.

43) The Committee will also consider if it is required to proceed to the third stage. It is a majority decision.

44) The Ethics & Standards Committee will reconvene as a public meeting and the Chair of the Ethics & Standards Committee will announce their findings of fact. The Member, Investigating Officer and witnesses will be invited back to the meeting.

<u>Third stage: Deciding whether the Member has failed to comply with the Code</u>

45) The Ethics & Standards Committee will then consider whether, based on the facts it has found, the Member has failed to comply with the Code.

46) The Ethics & Standards Committee will invite the Investigating Officer to make representations as to whether or not, based on the facts the Committee has found, the Member has failed to comply with the Code of Conduct.

47) The Ethics & Standards Committee will invite the Member to respond to the representations of the Investigating Officer and to make representations as to whether or not, based on the facts the Committee has found, they have failed to comply with the Code of Conduct.

48) The Ethics & Standards Committee may, at any time, question anyone involved on any point they raise in their representations.

49) The Member will be invited to make any final relevant points and offer any mitigation.

50) The Ethics & Standards Committee will retire to deliberate in private along with the Advising Officer on the representations and decide on the balance of probabilities whether or not the Member has failed to comply with the Code of Conduct. This will be a majority decision. The Advising Officer will not take part in any vote.

51) The Ethics & Standards Committee will reconvene as a public meeting and the Chair of the Ethics & Standards Committee will announce the decision whether there is a breach of the Code. This will be a majority decision. The Advising Officer will not take part in any vote.

Fourth stage: Action to be taken

52) If the Ethics & Standards Committee decides that the Member has not failed to comply with the Code of Conduct, it will
    a) formally record that there is no evidence of any failure by the Member to comply with the Code of Conduct and that therefore no action needs to be taken.
    b) The Ethics & Standards Committee can still consider whether to make any recommendation to the Council to avoid similar situations occurring again

53) If the Ethics & Standards Committee decides that the Member has failed to comply with the Code of Conduct it will invite the Member and the Investigating Officer to make representations as to:

    (a) whether or not the Committee should apply a sanction; and
    (b) what form any sanction should take.

54) The Ethics & Standards Committee will retire along with the Advising Officer to deliberate in private on the representations, to consider sanctions.

55) The available Options are that:

    a) no action needs to be taken in respect of the failure to comply with the Code of Conduct,
    b) the Member should be censured or
    c) the Member should be suspended or partially suspended from being a member or co-opted member of his or her authority for a period not exceeding

six months.

This will be a majority decision. The Advising Officer will not take part in any vote.

56) The Ethics & Standards Committee will reconvene and the Chair of the Ethics & Standards Committee will announce its decision.

57) After making a decision the Ethics & Standards Committee will instruct the Standards Officer to:

a) confirm the decision and

b) the reasons for the decision in writing, and to send a copy of the written decision (including details of the Member's right of appeal) to the Member, the Complainant and the Ombudsman as soon as reasonably practicable, and in accordance with the Regulations

Miscellaneous Matters
Failure to make representations / attend the hearing

58) If the Member fails to make representations, the Ethics & Standards Committee may:

a) unless it is satisfied that there is sufficient reason for such failure, consider the investigation report and make a determination in the Member's absence; or
b) give the Member a further opportunity to make representations

59) If a party fails to be present or represented at a hearing, the Ethics & Standards Committee may, if it is satisfied that the party was duly notified of the hearing and that there is no good reason for such absence -

a) hear and decide the matter in the party's absence; or
b) adjourn the hearing.

Illness or incapacity

60) If the Ethics & Standards Committee is satisfied that any party is unable, through physical or mental sickness or impairment, to attend the hearing and that the party's inability is likely to continue for a long time, the Ethics & Standards Committee may make such arrangements as may appear best suited, in all the circumstances of the case, for disposing fairly of the matter.

Suspension

61) A period of suspension or partial suspension (suspended from doing part of their Council work) will commence on the day after:

a) the expiry of the time allowed to lodge a notice of appeal to an appeals

tribunal under the Regulations (i.e. within 21 days of receiving notification of the Ethics & Standards Committee's determination);

b) receipt of notification of the conclusion of any appeal in accordance with the Regulations;

c) a further determination by the Ethics & Standards Committee made after receiving a recommendation from an appeals tribunal under the Regulations,

whichever occurs last.

Referral to an Appeals Tribunal

62) Where the Ethics & Standards Committee determines that the Member has failed to comply with the Code of Conduct, the Member may appeal against the determination to an appeals tribunal drawn from the Adjudication Panel for Wales. Leave to appeal is required in accordance within the Regulations.

63) An appeals tribunal may:
a) endorse the decision of the Ethics & Standards Committee,
b) refer a matter back to it recommending it impose a different penalty,
c) or overturn the decision.

64) If:
a) the Ethics & Standards Committee determines that the Member failed to comply with the Code of Conduct;
b) the Member appeals to an appeals tribunal drawn from the Adjudication Panel for Wales; and
c) the said tribunal refers the matter back to the Ethics & Standards Committee with a recommendation that a different penalty be imposed,

the Ethics & Standards Committee shall meet as soon as reasonably practicable to consider the recommendation of the appeals tribunal and will determine whether or not it should uphold its original determination or accept the recommendation.

65) After making its determination the Ethics & Standards Committee will instruct the Standards Officer to confirm the decision and the reasons for the decision in writing and to send a copy of the written decision to the Member, the Complainant, the Ombudsman and the president of the Adjudication Panel for Wales as soon as reasonably practicable.

Publication of the Ethics & Standards Committee's report

66) The Ethics & Standards Committee will cause to be produced within 14 days after:

a) the expiry of the time allowed to lodge a notice of appeal under the Regulations, or
b) receipt of notification of the conclusion of any appeal in accordance with the

Regulations, or

c) a further determination by the Ethics & Standards Committee made after receiving a recommendation from an appeals tribunal under the Regulations,

whichever occurs last, a report on the outcome of the investigation and send a copy to the Ombudsman, the Monitoring Officer, the Member and take reasonable steps to send a copy to the Complainant.

67) Upon receipt of the report of the Ethics & Standards Committee, the Monitoring Officer shall:

a) for a period of 21 days publish the report on the Council's website and make copies available for inspection by the public without charge at all reasonable hours at one or more of the Council's offices, where any person shall be entitled to take copies of, or extracts from, the report when made so available,

b) supply a copy of the report to any person on request if they pay such charge as the Council may reasonably require, and

c) not later than 7 days after the report is received from the Ethics & Standards Committee, give public notice, by advertisement in newspapers circulating in the area and such other ways as appear to him or her to be appropriate, that copies of the report will be available as provided by sub-paragraphs (a) and (b) above, and shall specify the date (being a date not more than seven days after public notice is first given) from which the period of 21 days will begin.

Costs

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

Legislation
Local Government Act 2000-Part III:
https://www.legislation.gov.uk/ukpga/2000/22/part/III/chapter/III

Code of Conduct for Members:

Legal & Governance Services/Democratic Services

13/6/22

Part 5 Document T

Protocol for Members of the Public attending Local Authority Meetings in person

June 2025

Fersiwn: Version	Dyddiad: Date	Natur y diweddariad: Nature of update:
V1	17/09/2024	First draft
V2	02/10/2024	Second draft following advice from Health and Safety
V3	02/10/2024	Third draft following comments received from the Monitoring Officer
V4	15/10/2024	Fourth draft following comments from the Leadership Group
V5	11/04/2025	Fifth draft following comments from the Democratic Services Committee

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Introduction - Purpose of document

The purpose of this document is to set out the provisions and arrangements for members of the public attending Council meetings that are open to the public, as well as the correlating reciprocating expectations.

1. Methods of Attendance

Ceredigion County Council has adopted a protocol for multi-locations meetings which sets out the arrangements in terms of members of the public attending meetings of the Council that are open to the public.

Meetings of the full Council, Cabinet and Development Management Committee are broadcasted during the meeting and recorded for viewing at a later date. All other Committees of the Council that are open to the public can be viewed remotely by requesting a link.

Members of the public and press can attend all Committee meetings that are open to the public in person at the Council Chamber.

2. Provision of a physical public gallery and press gallery

The Local Government and Elections (Wales) Act 2021 paragraphs 15.67 guidance stipulates that:

> Where a relevant authority decides that physical arrangements will be made for certain meetings or classes of meetings, a multi-location meetings policy will need to determine what those arrangements will be. They may include:
>
> - The availability of a meeting room which is publicly accessible, along with the provision of a physical public gallery (and press gallery);
>
> .....

Although all meetings of the Council that are open to the public can be accessed electronically, Ceredigion County Council also provides a public area in the Council Chambers at Penmorfa, Aberaeron where the public can view the meeting.

3. Privacy for Members of the Public attending in person.

At the commencement of meetings, the Chair reminds everyone present that members of the public seated in the public area, will not be visible to those attending meetings remotely, or during live-streaming or subsequent recordings, with the exception of those that have been given prior permission to address Overview and Scrutiny Committees or the Development Management Committee.

However, in order to provide a guarantee of this assurance, members of the public must remain within the public area prior, during and after the termination of the meeting.

4. Capacity

Attendance in person may be subject to a restriction on numbers due to limited spaces, health and safety regulations, and any legislative requirements that may be in place at that time such as social distancing rules. Priority will be given to Committee Members, Officers presenting or advising on reports, facilitating officers, translators and members of the public addressing the committee.

Ceredigion County Council reserves the right to refuse entry to those not on the priority list if the Council Chamber has reached its capacity. There are no arrangements for booking a seat in the public area in advance of the meeting, therefore spaces are allocated on a first come, first served basis.

The total capacity figure for the Council Chamber as calculated by the Health and Safety Team, based upon fire exits is 100. There are 73 units with mics and camera located in the Members' area, specifically for Councillors, Officers and members of the public provided with prior permission to address committees. 2 further units are allocated within the translation booth for translators. The remaining capacity of 25 are allocated to the public area. At present, there are 9 fixed seats which are located in the public area, and an additional 16 seats are provided (or spaces if required for wheelchair access), which are located immediately in front of the public area, when required. All members of the public attending a meeting of the Council must be seated, and must not approach or stand in the vicinity of elected Members.

5. Attendance by individuals under the age of 16

Any person under the age of 16, attending a meeting in person must be accompanied by an appropriate adult, or local authority staff and must be supervised at all times. Children should not be allowed to roam through the Chamber, or roam/play in the area outside the Chamber/public toilets or unsupervised in any other internal or external areas including the car park and access road to Penmorfa.

6. Translation

A translation facility is provided to Members of the public when attending remotely (by selecting the English channel via zoom) or in person. However, there are a limited number of translation headsets available in the public gallery area, and priority will be given to those taking part in the meeting.

If a member of the public wishes to use the headsets provided, they should raise their hand to draw the attention of the translation team, who will assist them.

7. Councillor safety

Members of the public may **only** access the public area of the Council Chamber. They should not enter the Councillors' meeting area before, during or after a Council meeting or approach a Councillor or Officer during the meeting to discuss matters on

the agenda. Members of the public must not sit/stand immediately behind any Councillor.

If a member of the public enters this area, they may be asked to leave the Council Chamber. Similarly, if the behaviour of a member of the public is deemed to threatening, dangerous or if it is deemed that they are interfering with the elected Members' ability to carry out their duties, they may be asked to leave the Council Chamber.

8. Terminating filming of the Meeting

The Chair has the discretion to terminate or suspend filming, if, in his/her opinion continuing to do so would prejudice the proceedings or that continued filming might infringe the rights of any individual.

9. Exclusion of Public and Press

There are times when council meetings are not open to the public, when confidential, or "exempt" issues (as defined in Schedule 12A of the Local Government Act 1972) are under consideration. Members will be reminded that the item is an exempt report and if they wish to discuss the content of the exempt report, members of the public and press will be asked to leave the Council Chamber if attending in person, or to leave the meeting if attending remotely.

10. Removal of member of the public or clearance of part of the meeting room

The Ceredigion County Council Constitution stipulates that:

"20.1 REMOVAL OF MEMBER OF THE PUBLIC
If a member of the public interrupts proceedings, the Chairperson will warn the person concerned. If they continue to interrupt, the Chairperson will order their removal from the meeting room or their removal from the online platform by which they are accessing the meeting from another location.

20.2 CLEARANCE OF PART OF MEETING ROOM
If there is a general disturbance in any part of the meeting room open to the public, the Chairperson may call for that part to be cleared. If there is a general disturbance on the online meeting platform, the Chairperson may call for the online meeting platform to be muted, temporarily suspended or closed"

If a member of the public has been asked to leave the meeting, and continue to cause disruption from immediately outside the Council Chamber, the will be asked to leave the premises.

11. Conduct in, and in the vicinity of meetings

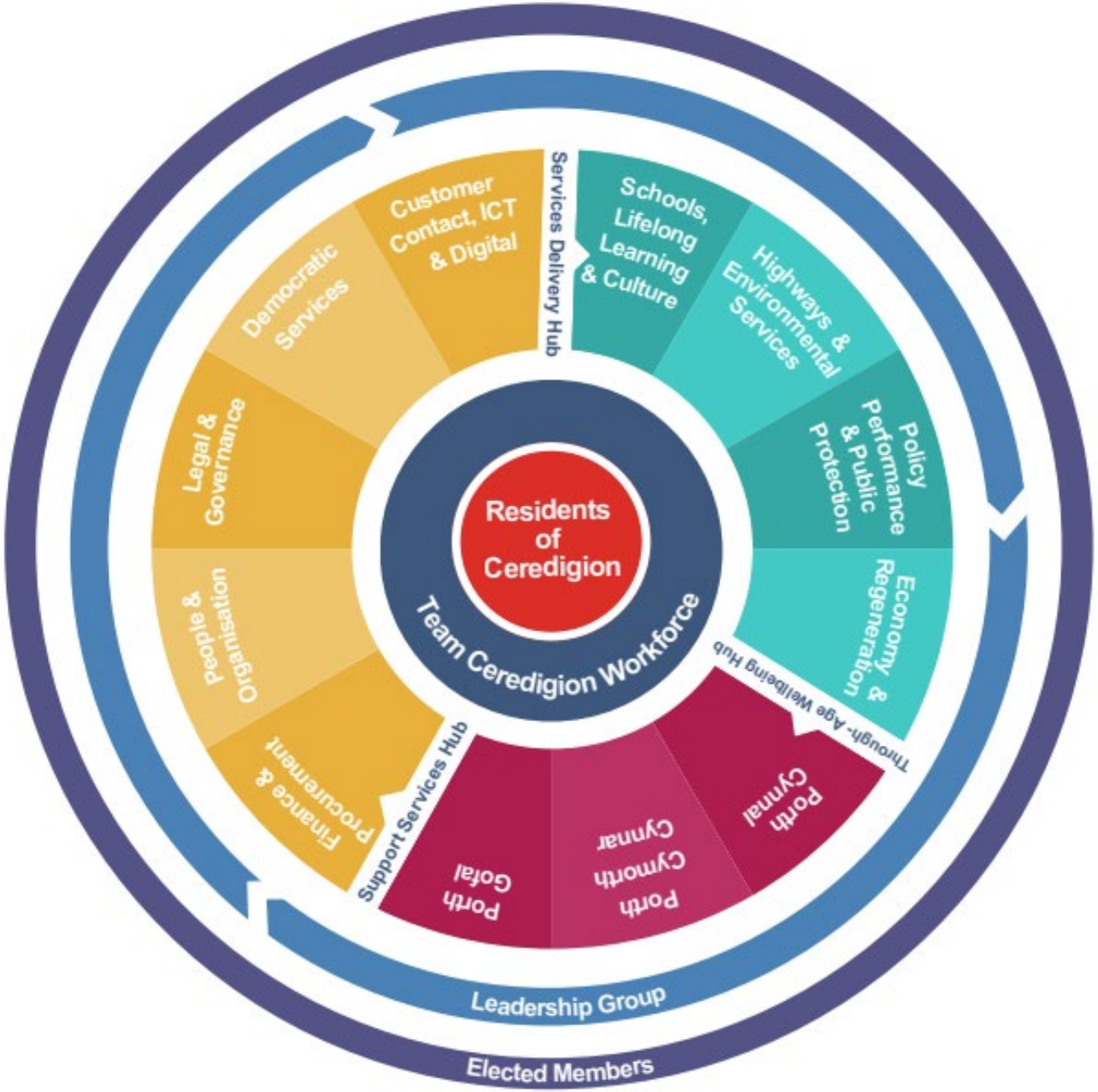
Members of the public must abide by the capacity specifications outlined above, and cannot insist that they may attend the meeting, if the total capacity for the Council

Chamber has been met, or cause disruption from outside the Council Chamber, or to any other member of staff outside of the Council Chamber.

All electronic devices, such as mobile phones, laptops and pagers must be switched to silent.

The Chairperson will use his discretion when considering the type of behaviour that is unacceptable. This may include, but is not limited to:

- Disruption of the meeting either physically or verbally;
- Speaking loudly, shouting, clapping or otherwise disrupting the meeting;
- Interfering with the Council's proper conduct of its business;
- Indecent or grossly offensive comments;
- Abuse, harassment or intimidation of Councillors or Officers prior or during the meeting;
- Physical abuse of any Councillor or Officer (any such behaviour will also be reported to the Police);
- Threats of harm, threatening behaviour during or prior to the meeting;
- Distribution of misinformation including malicious communications prior or during the meeting;
- Display of graphic images that aim to cause distress or anxiety;
- Damage to council property, or private property belonging to Councillors or Officers (any such behaviour will also be reported to the Police);
- Behaviour which causes offence to other visitors,
- Bringing food or drinks into the meeting;
- Using e-cigarettes during the meeting;
- Taking photographs during the meeting;
- Behaviour that would suggest that an individual is the influence of alcohol or drugs.


Residents of Ceredigion
Team Ceredigion Workforce
Services Delivery Hub
Customer Contact, ICT & Digital
Democratic Services
Legal & Governance
People & Organisation
Finance & Procurement
Support Services Hub
Schools, Lifelong Learning & Culture
Highways & Environmental Services
Policy Performance & Public Protection
Economy & Regeneration
Through-Age Wellbeing Hub
Porth Cynnal
Porth Cymorth Cynnar
Porth Gofal
Leadership Group
Elected Members

PART 7
CONSULTATIVE AND ADVISORY FORA

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Section 1 Consultative and advisory fora [statutory and non-statutory]

A - Statutory

Standing Advisory Council on Religious Education S.A.C.R.E.

Background: Established by Council's Education Committee on 2 February 1996 in accordance with the Education Reform Act 1988 and the Education Act 1993 [paras. 88:1 and 2 of Welsh Office Circular 10/94 and Chapter 3 of the Education Act 1996 also refer]. Its main function is to advise the LEA on matters related to Collective Worship in community and other schools and to advise on the religious education given in accordance with their Agreed Syllabus. It can also support effective provision of RE and Collective Worship by way of: • Giving advice on methods of teaching agreed syllabus RE including choice of teaching materials • Advising the LEA on the provision of training for teachers • Monitoring inspection reports on RE, Collective Worship and Spiritual, Moral, Social and Cultural Development • Considering complaints about the provision and delivery of Religious Education and Collective Worship referred to it by the LEA.
Council Representation: 5 Councillors (politically balanced and non-executive)

Schools Admissions Forum

Background: The Schools Admissions Forum was established by Cabinet on 21 October 2003 [Minute C278 refers]. The Education (Admission Forum) (Wales) Regulations 2003 implement the relevant Section of the Schools Standards and Framework Act 1998 and require the Council, as LEA, to establish an admissions forum. The principal function of the Forum is to advise on issues relating to pupil admission and the effectiveness of policies and processes.
Cabinet/Council Representation: Leader of the Council, Cabinet Member for Learning Services, Children and Young People's Partnership, Chairman of the Learning Communities Overview and Scrutiny Committee,

Schools Budget Forum

Background: The Schools Budget Forum was established by Cabinet on 21 October 2003 [Minute C278 refers]. Section 43 of the Education Act 2002 requires the Council, as LEA, to establish a schools' forum, with the LEA required to consult the Forum, at least annually, on prospective revisions to its scheme for financing schools and in respect of any other issues that affect maintained schools directly or indirectly through their impact on schools' budgets.
Cabinet/Council Representation: Leader of the Council, Cabinet Member for Learning Services, Children and Young People's Partnership, Chairman of the Learning Communities Overview and Scrutiny Committee.

Local Access Forum

Background: The Ceredigion Local Access Forum was established by Cabinet on 26 February 2002 [Minute C750 refers] in accordance with the Countryside and Rights of Way Act 2000 [CROW Act] to provide advice to the Council , the Countryside Council for Wales and others as appropriate as to the improvement of public access to land in the area for the purposes of open-air recreation and the enjoyment of the area in ways which take account of land management, social, economic, environmental and educational interests.
Cabinet/Council Representation: Cabinet Member for Economy and Regeneration.

B – Non-statutory

School Review Panel

Background: Established by the Cabinet in accordance with the Primary School Review Policy, updated in January 2010, to undertake reviews for recommendation to the Cabinet.
Cabinet/Council Representation: Cabinet Member for Learning Services, Children and Young People's Partnership, Chairman of the Learning Communities Overview and Scrutiny Committee and two elected Members appointed by the Cabinet.

Education Transport Appeals Panel

Background: established to enable parents to appeal against a decision to refuse to provide transport for their children from home to school. Council representation: 9 Councillors politically balanced and non-executive; 5 to be on a Panel at any one time on a rota basis.

Corporate Employee Forum

Background: established by the Cabinet on 7 March 2006 as the corporate forum for consultation and negotiation with the recognised trade unions.
Cabinet Representation: Leader and Deputy Leader of the Council.

Aberaeron, Aberystwyth and New Quay Harbour Users Committees

Background: The Harbour Users Consultative Committees were established by the Council in 1996 as a forum for consulting with the users of the three harbours and now report to Cabinet following the adoption of the Leader and Cabinet executive arrangements in May 2003.
Cabinet/Council Representation: Cabinet Member for Highways and Environmental Services, and relevant Local Members.

Ceredigion Traffic Management Consultative Forum

Background: The Traffic Management Consultative Forum is a forum for consulting local stakeholders on traffic management issues and reports to Cabinet. The Forum will be convened on a biannual basis to discuss County wide matters. Cabinet / Council Representation: Cabinet Member for Highways and Environmental Services, Chairman of the Thriving Communities Overview and Scrutiny Committee and relevant Local Members.

Ceredigion 50+ Forum

Background: The 50+ forum was established by the Cabinet and the PSB in order to represent the voice of the older people (50+) within the County and to enable them to have a voice in developing strategies and services.
Cabinet/Council Representation: Cabinet Member Porth Gofal Targeted Intervention Service

Development Management Committee - Site Inspection

Background: The Site Inspection Panel was established by the Development Management Committee to undertake visits to sites which are the subject of planning applications, prior to the Committee making a decision, in order to identify features of a proposal which may be difficult to convey in a written report. Functions: • Fact finding exercises; • Not part of the formal consideration of the application (therefore public rights of attendance do not apply); • To enable officers to point out relevant features; • To enable questions to be asked on site for clarification. However, discussion on the application will only take place at the subsequent Committee or Council as all relevant parties may not attend on site. • The Committee is not bound by any views made. Council representation: All Development Management Committee Members

Section 2 Internal Policy Development / Monitoring Groups

Development Group

Background: Considers where future investment should be focussed in order to deliver the Council's objectives and priorities.
Cabinet/Council Representation: Leader; Deputy Leader; Cabinet Member Economy & Regeneration; Cabinet Member Finance & Procurement

Capital Monitoring Group

Background: The Capital Monitoring Group is a working group charged with monitoring the progress of the capital programme and making recommendations on any in-year revisions to Cabinet.
Council Representation: Cabinet Member Finance & Procurement.

Corporate Public Transport Unit (CPTU) Members Reference Group

Background: The Corporate Transport Unit Members reference group was established to meet the statutory requirements in relation to the provision of education and social services transport and in the preparation of policies in relation to integrated transport and traffic reduction; and to advise the Council with respect to any discretionary functions including

• To specify transport services • To procure and monitor transport services. • The group is defined as a reference group:
Cabinet Representation: Cabinet Member for Learning Services, Children and Young People's Partnership Cabinet Member for Highways and Environmental Services,, Cabinet Member for Porth Gofal Targeted Intervention Service.

Housing Renovation Grants Panel

Background: The Housing Renovation Grants Panel was established to review the current renovation grants policy and to make recommendations to Cabinet and Council in respect of amendments/improvements to the policy.
Cabinet Representation: Deputy Leader of the Council and the Cabinet Member for Porth Gofal Targeted Intervention Service and Cabinet Member Highways and Environmental Services with Housing

Corporate Parenting Group

Background: established in order to plan and commission services for Looked After Children.
Cabinet Representation: Cabinet Member Schools & Culture Services & Porth Cymorth Cynnar.

Local Operational Group (LOG) Safeguarding

Background: Local Operational Group established as part of the Mid & West Wales Regional Safeguarding Board with a remit regarding performance and practice in relation to safeguarding (through age) in Ceredigion.
Cabinet Representation:

Ceredigion Strategic Safeguarding Board (Children & Adults)

Background: Corporate Strategic responsibility for safeguarding for children and adults.
Cabinet Representation: Cabinet Member Porth Cynnal Specialist Through Age Services & Culture; Cabinet Member Schools and Culture Services & Porth Cymorth Cynnar; Cabinet Member for Porth Gofal Targeted Intervention

Corporate Equalities Working Group

Background: Established by the Cabinet in order to monitor, coordinate, review and develop the corporate equalities policies. Revised in 2012 in order to progress the Strategic Equality Plan.
Cabinet Representation: Leader of the Council (Chair)

Welsh Language Consultative Committee

Background: Established in order to oversee the implementation of the Welsh Language Standards
Cabinet Representation: Leader of the Council and other Members as appointed.

Emergency & Business Continuity Management Group

Background: Established to oversee and develop the Council's Business Continuity Plan.
Cabinet Representation: Leader of the Council; Cabinet Member Finance & Procurement

Cross Party Transformation and Efficiency Group

Background: Established to consider all aspects of the Councils' Transformation programme and activity centred around the long-term vision and supporting objectives of the Council.
Cabinet/Council Representation: 10 Members, politically balanced including Group Leaders and/or their representatives. Overview and Scrutiny

Committee Chairs are invited to attend as non-voting observers.

Cross Party Constitution Working Group

Background: Established to consider proposed amendments to the Constitution and make appropriate recommendations to Council. Also receives confirmation of any minor amendments to the Constitution, as made by the Monitoring Officer
Council Representation: 7 Members, politically balanced, including the relevant portfolio Member as Chair.

Section 3 Partnerships within Ceredigion

Ceredigion Youth Justice and Prevention Service [YJS] Management Board (Statutory)

Background: established in accordance with the Crime and Disorder Act 1998 to implement arrangements to reduce offending by young people.
Cabinet/Council Representation: None

Ceredigion Public Services Board (PSB) (formerly Local Service Board (LSB))

Background: The Well-being of Future Generations (Wales) Act 2015 gives a legally-binding common purpose of seven Well-being goals and five ways of working designed to support and deliver a public service that meets the needs of the present without compromising the ability of future generations to meet their own needs. The Act also puts a Well-being duty on specified public bodies (that includes Ceredigion County Council) to act jointly and establish statutory Public Services Boards (PSB) for each local authority area in Wales. Each PSB must improve the economic, social, environmental and cultural Well-being of its area by contributing to the achievement of the Well-being goals.
Cabinet Representation: Leader of the Council, Chief Executive.

Community Safety Partnership ('CSP')

Background: Formed in 1999 following the Crime and Disorder Act 1998, membership of the Community Safety Partnership was further extended by the Police Reform Act, 2002, and the Policing & Crime Act, 2009, to include Local Health Boards, Police Authorities and Fire and Rescue Services Authorities, and Probation Service. The Partnership has an ongoing duty to conduct a crime and disorder assessment. It also develops, implements, monitors and reviews a multi-agency plan to reduce crime and disorder. The Partnership considers reports from various strategic boards, which also

work towards reducing crime and disorder in specific areas.
Cabinet Representation: Cabinet Member with responsibility for Porth Gofal Targeted Intervention, Early Intervention, Wellbeing Hubs and Culture Services Portfolio.

Ceredigion CONTEST Board

Background: A multi-agency CONTEST Board, which considers local requirements and implications relating to the 4 Ps, but specifically focusses on local response to the Prevent requirement. The CONTEST Board reports to the Regional CONTEST Board and the Ceredigion Community Safety Partnership.
Cabinet representation: Cabinet Member for Partnerships, Housing, Legal and Governance and Public Protection

Ceredigion Channel Panel (Statutory)

Background: A local operational multi-agency partnership implementing Channel activities and duties. Ceredigion County Council co-ordinates and chairs the Channel Panel, receives referrals on individuals vulnerable to being drawn into terrorism, and draws up a multi-agency intervention support plan, if necessary. The Channel Panel reports to the Ceredigion CONTEST Board (see above), Regional Safeguarding Board and the local Operations Group (CYSUR).
Cabinet representation: None

Mid & West Wales Regional Safeguarding Board

Background: The regional arrangements were established to meet the requirements of the Social Services and Well-being (Wales) Act 2014 and aim to develop safeguarding practice across the region
Representation: Director of Social Services and the Corporate Manager for Safeguarding

Section 4 Statutory Regional Partnerships/Fora/Consortia/Joint Committees

Trafnidiaeth Canolbarth Cymru (TraCC)

Background: This Joint Committee with Powys County Council was established in order to develop, monitor and review a Regional Transport Plan following a period as a regional consortium.
Cabinet/Council Representation: Cabinet Member for Highways and Environmental Services, and Cabinet Member for Economy and Regeneration.

Central and South West Wales Regional Partnership Board

Background: Set up by Welsh Government Association for strategic collaboration working between Ceredigion, Powys and Gwynedd County Councils.
Cabinet/Council Representation: Leader and Chief Executive.

Central Wales Infrastructure Collaboration

Background: This is a Joint Committee with Powys County Council which meets as required.
Cabinet Representation: and Cabinet Member Highways and Environmental Services with Housing

Mid Wales Education Partnership

Background: This is a joint partnership with Powys County Council with collaboration on a number of agreed local and national priorities and representation on a full range of cross-regional working parties to ensure equity of provision and the best outcomes for schools in Powys and Ceredigion.
Cabinet/Council Representation: None

Mid Wales Corporate Joint Committee

Background: The Mid Wales Corporate Joint Committee is a body corporate established by the Mid Wales Corporate Joint Committee Regulations 2021 for the purpose of exercising specified functions for Ceredigion and Powys Councils, and the Brecon Beacons National Park Authority (economic well-being function for Brecon Beacons National Park Authority), which are economic well-being, improving education, transport and strategic planning. Its members include Ceredigion County Council, Powys County Council and the Brecon Beacons National Park Authority.
Council Representation: Leader
Sub-committees- representation: Governance & Audit: 2 Members and 1 Lay Member

Scrutiny: 5 Members Standards:1 Member & 2 lay members

Supporting People - Mid and West Wales Regional Collaborative Committee

Background: This is a Multi-Sectoral Regional Collaborative Committees (RCCs) established in august 2012 to ensure the efficient and effective collaborative delivery of housing related support on a regional and local level; in accordance with National Supporting People Guidance.
Cabinet/Council Representation: Cabinet Member for Porth Gofal Targeted Intervention Service and Cabinet Member Highways and Environmental Services with Housing Cabinet Member for Finance and Procurement and Public Protection Services

National Adoption Service and Foster Wales Joint Committee

Background: The National Adoption Service and Foster Wales was established in 2014 & is managed by a combined Joint Committee. A Combined Governance Board shall act as an advisory group to the Joint Committee The Joint Committee will, exercise its powers on behalf of the 22 Welsh Local Authorities for the provision of the collaborative arrangements and provide the mechanism for all Welsh local authorities to discharge an executive and oversight role for the National Adoption Service and Foster Wales. It will be comprised of Council Members and lay members and will meet at least once annually.
Council Representative: Council/cabinet representative: Cabinet Member for Through Age Well-being

Area Planning Board for Substance Misuse

Background: Dyfed Area Planning Board (APB) is a multi –Agency Partnership responsible for supporting the planning, commissioning and performance management of Substance Misuse services. The statutory responsible authorities are Dyfed-Powys Police, Ceredigion, Carmarthenshire and Pembrokeshire Local Authorities, Hywel Dda Local Health Board, HM Prisons & Probation Service, and Mid and West Wales Fire & Rescue Service. Public Health Wales, the Youth Justice & Prevention Service, and the Dyfed-Powys Police and Crime Commissioners Office are non- statutory responsible authorities. The APB structure comprises an Executive, underpinned by a Strategy Delivery Group, and a Performance and Finance Group.
Council Representation: Corporate Lead Officer Policy, Performance and Public Protection

Growing Mid Wales Partnership (GMW)

Background: The GMW Partnership is the regional economic partnership covering the geographical footprint of Ceredigion and Powys. The purpose is to seek development of the Mid Wales economy.
Cabinet/Council Representation: Leader of the Council; Cabinet member for Economy & Regeneration; Cabinet Member for Finance & Procurement

West Wales Care Partnership (WWCP)

Background: This Partnership was established as a result of the Social Services (Wales) Act 2014 (SSWBA) in relation to establishment and maintenance of pooled fund budget arrangements and defined in the Partnership Arrangements (Wales) Regulations 2015. The Local Authorities involved in the partnership include Ceredigion, Pembrokeshire and Carmarthenshire. The partnership operates in accordance with inter-authority agreements, in collaboration with Hywel Dda Health Board. The WWCP's work is directed by the West Wales Regional Partnership Board (see below).
Council Representation: Statutory Director for Social Services.

The West Wales Regional Partnership Board ('WWRPB')

Background: The WWRPB brings together senior leaders from the NHS, the Council, education and children's services, housing, the Welsh Ambulance Services NHS Trust and third sector, independent providers and users and carers. It directs the work of the West Wales Care Partnership (see above) and in so doing, fulfils statutory duties introduced by the Social Services and Wellbeing (Wales) Act 2014. The WWRPB works closely with the three Public Services Boards in the region, focusing on areas of shared interest.
Council Representation: Statutory Director of Social Services/Deputy Director of Social Services

B Member Champions

Member Champions are appointed to the following areas

Subject Area
Older People 50+
Equalities
Sustainability
Safeguarding
Biodiversity
Carers
Combating Poverty
Children and Young People
Armed Forces
Diversity
Learning Disabilities
Public Health
Mental Health
Members Development
Health & Safety
Anti-Slavery and Ethical Employment
Domestic Violence
Digital
Age-Friendly
Menopause