



# CONSTITUTION

**Revised SEPTEMBER 2020**

# CONTENTS

1.	Introduction	
2.	Purpose, Definition Interpretation and Amendment of the Constitution	
3.	Getting Information and Getting Involved	
4.	Full Council	
5.	Executive Board	
6.	The Leader	
7.	Overview and Scrutiny Committees	
8.	The Standards Committee	
9.	Regulatory Committees	
10.	Joint Committees	
11.	Officers	
12.	Finance, Contracts and Legal Matters	
13.	Responsibility for Functions	
14.	Access to Information Rules	
15.	Budget and Policy Framework Procedure Rules	
16.	Finance Procedure Rules	
17.	Contract Procedure Rules	
18.	Member Code, Protocols and Procedures	
19.	Planning Code of Conduct	
20.	Code of Conduct for Employees	
21.	Protocol on Member/Officer Relations	
22.	Whistleblowing Policy	
23.	Code of Corporate Governance	
24.	Member Role Descriptions	
25.	Members' Remuneration Scheme	
26.	Senior Management Structure and Proper Officers' Schedule	

**SECTION 1**  
**INTRODUCTION**

## **SECTION 1**

### **1. INTRODUCTION**

#### **1.1 Purpose and Content of the Constitution**

- 1.1.1 The Constitution describes the various bodies that make up the Council, their functions, Membership and procedural rules.
- 1.1.2 In Section 3 (Getting Information and Getting Involved) we have provided information for members of the public and councillors on how you can get information about the Council, and how you can get involved. We hope that this will help people who have an interest in the Council's work, or a particular matter it is dealing with, understand where they can get more information, and how they can contribute to Council activities.
- 1.1.3 You can get a better understanding of what each of the Council's bodies do in Sections 4 to 10 of this Constitution, including Full Council, Executive Board, Scrutiny Committees, Standards Committee, Regulatory and other Committees. Section 11 provides information on the management and Officer structures of the Council. Some Officers have a specific duty to ensure that the Council operates within the law and uses resources wisely. Responsibility for functions at Section 13 says which Council bodies, and which Officers, have authority to make which decisions.
- 1.1.4 The procedural rules that apply to the different Council bodies are contained in the sections relating to those bodies, eg Full Council (Section 4), the Executive Board (Section 5) and Overview and Scrutiny (Section 7). You may find these useful if you want to attend a meeting, particularly if you want to be able to ask questions, have a matter discussed, or put your point of view.
- 1.1.5 Sections 18 to 21 have the Codes of Conduct and Protocols which Officers and Members have agreed to comply with. They set the standards of behaviour.
- 1.1.6 The Contents pages at the beginning of this Constitution provide a guide on what is in the Constitution and where you can find it.

#### **1.2 How the Council Operates**

- 1.2.1 The Council is comprised of 52 Councillors elected every four years (or as required by legislation). Each Councillor is democratically accountable to the residents of their electoral division as well as all of those who live in Wrexham County Borough. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those that did not vote for them.
- 1.2.2 All Councillors have agreed to follow a Code of Conduct, to ensure high standards in the way they undertake their duties. The Standards Committee is responsible for training and advising on the Code of Conduct.

- 1.2.3 All Councillors meet together regularly as the Council. Meetings of the Council are normally open to the public. Here Councillors decide the Council's overall Policy Framework and set the budget each year. The Council appoints the Leader of the Council at each annual meeting. The Full Council then decides the size and Membership of the Executive Board. The Executive Board is appointed to carry out all of the Council's functions which are not the responsibility of any other part of the Council, whether by Law or under this Constitution, together with making decisions within the Budget and Policy Framework set by the Council.

If you need any further help please do not hesitate to contact us.

The Monitoring Officer, Guildhall, Wrexham LL11 1AY

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

## **SECTION 2**

# **PURPOSE, DEFINITION, INTERPRETATION AND AMENDMENT OF THE CONSTITUTION**

## **SECTION 2**

### **2 PURPOSE, DEFINITION INTERPRETATION AND AMENDMENT OF THE CONSTITUTION**

#### **2.1 Purpose of the Constitution**

The purpose of the Constitution is to:

- 2.1.1 enable the Council to provide clear leadership to the Community in partnership with citizens, businesses and other organisations;
- 2.1.2 support the active involvement of citizens in the process of local authority decision making;
- 2.1.3 help Councillors represent their constituents more effectively;
- 2.1.4 enable decisions to be taken efficiently and effectively;
- 2.1.5 create a powerful and effective means of holding decision makers to public account;
- 2.1.6 ensure that no one will scrutinise a decision in which they are directly involved;
- 2.1.7 ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
- 2.1.8 provide a means of improving the delivery of services to the community.

#### **2.2 Definitions in the Constitution**

2.2.1 The Constitution of the Council is this document (Sections 1 to 23).

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

“Budget”	the overall revenue and capital budget approved by Full Council (Section 4);
“Chief Officer”	any Officer (other than a person whose duties are solely secretarial or administrative or whose duties are otherwise in the nature of support services) who reports directly to the Head of Paid Service in respect of all or most of his/her duties and to whom functions are delegated in the Scheme of Delegation to Officers (Section 13);
“Corporate Team”	the senior management body for Officers (Section 11). It includes those Officers designated by the Head of Paid Service from time to time as Members of the Corporate Team;
“Councillor”	a person elected to the Council to represent a ward (called an electoral division) within Wrexham County Borough;
“day”	subject to any statutory provision or where the contrary is specifically stated any reference in the Constitution

	to a “day” or “days” means a Council working day (excluding weekends and bank holidays), and does not include the day on which any notice is given or the day of the meeting to which any notice refers;
“Deputy Chief Officer”	any Officer (other than a person whose duties are solely secretarial or administrative or whose duties are otherwise in the nature of support services) who reports directly to a Chief Officer in respect of all or most of his/her duties;
“Executive”	the Executive Board or a Member or Members of the Executive Board when exercising Executive Functions;
“Executive Decision”	any decision taken by the Executive to exercise or refrain from exercising an Executive Function. It also includes decisions made by persons or Member bodies to whom the Executive has delegated Executive Functions to exercise or refrain exercising those functions;
“Executive Function”	<p>(a) Executive Functions are defined by the Local Government Act 2000, subsidiary legislation and associated guidance. Any function that is not exercisable only by Full Council or delegated to another Member body is an Executive Function.</p> <p>(b) Contractual matters, the acquisition and disposal of land and financial support to organisations and individuals are also Executive Functions.</p> <p>(c) Regulatory functions such as planning, licensing and building control are not Executive Functions;</p>
“Forward Work Programme”	the Forward Work Programme is a document which lists all of the decisions that the Council and the Executive Board intend to take and what business the Scrutiny Committees will be considering and when those matters will be discussed. This does not prevent urgent or unforeseen matters being considered;
“Full Council”	the body where all Councillors act to exercise functions of the Council;
“Head of Paid Service”	an Officer who must be appointed by law to carry out certain functions. See Section 11 for more details. The Officer will usually have other duties and a different job title. See Section 11 for which Officer is the Head of Paid Service;
“Local Choice Functions”	there are some functions which the Council may treat as being the responsibility of the Executive (in whole or in part) or as being non-executive, at its discretion;
“The Measure”	The Local Government (Wales) Measure 2011; legislation introduced, inter alia, to strengthen local



democracy, deal with changes to executive arrangements, overview and scrutiny, county councils and Member payments;

“Member”

either a Councillor or a person chosen by the Council to serve on one of its Member Bodies (called “a Co-Opted Member”);

“Member Body”

any of the following:

- Full Council;
- Executive Board;
- an Overview and Scrutiny Committee (referred to as a Scrutiny Committee);
- Environmental Licensing Committee;
- Licensing Committee;
- Standards Committee;
- Planning Committee;
- Audit Committee;
- Democratic Services Committee;

Note - references to Committee also includes Sub-Committee;

“Monitoring Officer”

an Officer who must be appointed by law to carry out certain functions. See Section 11 for a description of those functions. The Officer will usually have other duties and a different job title. See Section 11 for which Officer is the Monitoring Officer;

“Non-Executive Functions”

any function which may only be exercised by Full Council (whether by local choice or as a matter of law) or which is delegated to a Member body other than the Executive Board;

“Planning Application”

any of the following:

- application for planning permission (including renewal);
- application for approval of reserved matters;
- application for listed building consent;
- application relating to trees;
- proposal to serve an urgent works notice or acquire a listed building in need of repair;

- application for conservation area consent;
- application for advertisement consent;
- application to vary or remove conditions on a planning condition;

“Policy Framework”	See Section 4.2;
“Section 151 Officer”	an Officer who must be appointed by law to carry out certain functions in relation to financial administration. See Section 11 for a description of those functions. The Officer will usually have other duties and a different job title. See Section 11 for which Officer is the Section 151 Officer;
“Service”	one of the services provided by the Council;
“Well-being Plan (PSB)”	this is the single plan for the area that reflects the needs of the local population. The Well-being Plan (PSB) is developed through the Public Services Board and builds on and brings together in one document the joint work previously developed through the Community Plan, as well as the Community Safety, Children and Young Peoples and the Health Social Core and Wellbeing Partnership Plan.

### 2.3 **Interpretation of the Constitution**

- 2.3.1 We have tried to make the Constitution as clear and as easy to understand as possible. Inevitably, people will have different views about what certain passages mean.
- 2.3.2 During meetings, the person chairing or presiding at the meeting may interpret the relevant procedure rules.
- 2.3.3 In all other situations, the Monitoring Officer will determine the interpretation and application of the Constitution.

### 2.4 **Duty to Monitor and Review the Constitution**

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. The Section 151 Officer shall be responsible for keeping under review the Financial Regulations set out in Section 16 of the Constitution and shall make any necessary amendments and revisions as are required from time to time and an updated version shall be published on the Council’s website. He/she shall report any amendments made to Section 16 to the next available Council meeting for noting.

### 2.5 **Protocol for Monitoring and Review of Constitution by Monitoring Officer**

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

- 2.5.1 observe meetings of different parts of the Member and Officer structure;
- 2.5.2 undertake an audit trail of a sample of decisions;

- 2.5.3 record and analyse issues raised with him/her by Members, Officers, the public and other relevant stakeholders; and,
- 2.5.4 compare practices in this Council with those in comparable authorities, or national examples of best practice.

## 2.6 **Changes to the Constitution**

### 2.6.1 Approval

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

### 2.6.2 Minor Changes

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

- 2.6.2.1 a minor variation; or
- 2.6.2.2 required to be made to remove any inconsistency, ambiguity or typographical correction; or
- 2.6.2.3 required to be made so as to put into effect any decision of the Council or its committees or the Executive Board,

in which case the Monitoring Officer may make such a change. Any such change made by the Monitoring Officer shall come into force with immediate effect and an updated version shall be published on the Council's website. Such changes shall be reported to the next Full Council meeting for information.

### 2.6.3 Legislative Change

Any part of the Constitution may be amended by the Monitoring Officer where such amendment is required to be made so as to comply with any legislative provision. Such amendments shall take effect when the Monitoring Officer so decides or the legislation (where relevant) so provides. Such changes shall be reported to the next Full Council meeting for information.

## 2.7 **Suspension of the Constitution**

### 2.7.1 Limit to Suspension

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

### 2.7.2 Procedure to Suspend

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

## 2.8 **Publication**

- 2.8.1 The Monitoring Officer will ensure that copies of this Constitution are available for inspection at Council offices and on the Council's website.
- 2.8.2 The Monitoring Officer will provide a link to a copy of this Constitution to each Member of the Council upon delivery to him/her of that individual's declaration of acceptance of office on the Member first being elected to the Council and thereafter ensure that an up to date version is available for inspection and published on the Council's website.
- 2.8.3 The Monitoring Officer will ensure that the Constitution is updated as necessary in accordance with paragraph 2.6.

## **SECTION 3**

# **GETTING INFORMATION AND GETTING INVOLVED**

## **SECTION 3**

### **3. GETTING INFORMATION AND GETTING INVOLVED**

#### **3.1 Getting Information**

##### **3.1.1 Information Available to Members of the Public**

(a) *When Meetings of the Member Bodies Will Take Place*

A programme of meetings is available by contacting the Council direct or via the website.

(b) *Forward Work Programme*

From the Forward Work Programme, see what decisions will be taken by the Executive Board or Council and what issues the Scrutiny Committees will be considering and when these matters will be discussed.

(c) *Information Available Prior to a Meeting*

Three days before a meeting, the agenda, any report likely to be discussed and background papers to that report shall be available for inspection at the offices of the Council and on the website. If an item is added to the agenda later, the revised agenda will be open to inspection from the time when the item is added to the agenda and any report will be made available to the public as soon as it is available and sent to Councillors.

(d) *Information Available at a Meeting*

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

(e) *Information Available After a Meeting*

For a period of six years the agenda, reports and the minutes of the meeting shall be available for inspection. The background papers shall remain open for inspection for a period of four years. Webcasts of Council meetings, where applicable, will be archived for public access for 6 months following the meeting.

(f) *Council's Accounts*

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

Information which is confidential or exempt (as defined in paragraphs 14.10.3 and 14.10.4) will not be disclosed to members of the public at any time.

### 3.1.2 Information Available to Members of the Council

- (a) Members can see any information, which is available to a member of the public.
- (b) In addition, a Member may see any information which he or she needs to know in order to fulfil his or her role as a Member of the Council (otherwise known as “need to know”). A Member will not make public information which is confidential or exempt (as defined in Section 14) without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or person(s) or organisation(s) entitled to know it.

### 3.1.3 Members of a Scrutiny Committee

A Member of a Scrutiny Committee may also see any document containing material relating to:

- (a) any business transacted at or meeting of the Executive Board;
- (b) any decision taken by an individual Member of the Executive Board.

A Scrutiny Committee Member is not entitled to:

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

### 3.1.4 Information Available to Officers

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

- (a) they need to see the information to do their job; and
- (b) that information is processed lawfully in accordance with the Data Protection legislation.

## 3.2 **Getting Involved**

### 3.2.1 Members of the Public

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

(a) *Voting for Councillors*

If they are over 18 years and registered as a local elector with the Council.

(b) *Taking Part in Meetings*

- (i) Members of the public can come to and speak at any meeting which the Council has resolved should include participation by members of the public. The rules on when you may speak and for how long are contained in Section 4.
- (ii) You can also ask Formal Questions at meetings of Full Council (Section 4) and Executive Board (Section 5).

(c) *Views of the Public*

Under the arrangements put in place by the Authority under section 62 of the Local Government (Wales) Measure 2011, to bring to the attention of the relevant Scrutiny Committee their views on any matter under consideration by the relevant Committee, the relevant Scrutiny Committee must take into account any views brought to their attention under these arrangements.

(d) *When are Meetings Open to the Public?*

All formal meetings will be open to the public wherever possible subject to statutory requirements. The public must be excluded from meetings whenever it is likely that confidential information will be disclosed. The public may be excluded from meetings where it is likely that exempt information will be disclosed. (See section 14.10 for definition of exempt information and section 14.11 for definition of public interest.)

(e) *Making Comments/Complaints*

- (i) A member of the public may comment or complain about Council services by:
  - (A) contacting their local councillor;
  - (B) contacting the Member of the Executive Board responsible for the service;
  - (C) contacting the Officer responsible for delivering the service or their manager;
  - (D) using the Council's complaints procedure;
  - (E) contacting the Public Services Ombudsman for Wales at 1 Ffordd Yr Hen Gae, Pencoed, CF35 5LJ. Telephone: 0300 790 0203 or via the website [www.ombudsman.wales](http://www.ombudsman.wales).



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

(F) *Officer*

Contacting the Officer or the Officer's manager.

(G) *Members*

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

(f) *Engage with Overview and Scrutiny*

(i) All members of the public who live or work in the area of the Council may bring to the attention of a Scrutiny Committee their views on any matter under consideration by that Committee. A Scrutiny Committee must take into account any views brought to its attention by a member of the public.

(ii) A Scrutiny Public Engagement Protocol setting out arrangements for public engagement is published on the Council's website.

### 3.3 **Getting Involved – Members**

Members can get involved by:

#### 3.3.1 **Suggesting Items of Business for the Agenda**

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

(a) Member bodies in Column A can request that Member bodies in Column B consider or reconsider an issue.

<b>Column A</b>	<b>Column B</b>
Democratic Services Committee	Council
Scrutiny Committee	Executive Board (Section 7.16)

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

#### 3.3.2 **Participating in Meetings**

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

- (a) Members of the Council may attend and speak at any meetings where they are a Member of that body. Where they are not a Member of that body, their attendance and right to speak is at the discretion of the Chair of the body.
- (b) Members of the Executive Board have a special role to play within the Council. They are entitled to exercise any Executive Function provided the Executive Function has been delegated to them.

### 3.3.3 Comments and Complaints

- (a) Members may comment, subject to restrictions in the Code of Conduct for Members (Section 18) on any aspect of Council business by:
  - (i) talking to Officers;
  - (ii) talking to the Leader or Member of the Executive Board;
  - (iii) talking to the Chair of a Scrutiny Committee.
- (b) If a Member wishes to complain about an:
  - (i) *Officer*

The procedure set out in the Protocol on Member/Officer Relations may be used (Section 21).
  - (ii) *Member*

The procedure set out in Appendix 3 (Confidential Reporting Procedure for Members) to Section 18 may be followed.

**SECTION 4**

**FULL COUNCIL**

## **SECTION 4**

### **4. FULL COUNCIL**

#### **4.1 Introduction**

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

#### **4.2 The Policy Framework**

The Policy Framework means the following plans and strategies:

Council Plan

Local Transport Plan

Well-being Plan (Public Services Board)

Plans and alterations which together comprise the Development Plan

Welsh Language Scheme

Youth Justice Plan

Housing Strategy

Rights of Way Improvement Plan

#### **4.3 The Well-being Plan (Public Services Board)**

This replaces the Single Integrated Plan which replaced four of the existing plans and strategies which formed part of the Policy Framework, namely the Community Strategy, the Children and Young People's Plan, the Health, Social Care and Wellbeing Strategy and the Community Safety Partnership Plan.

#### **4.4 The Budget**

The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council Tax base, setting the Council Tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits. The Full Council will decide the Council's overall revenue budget and overall capital budget and any changes to these. (See Section 15 for how the Council can change the Policy Framework or Budget referred to it for approval by the Executive.)

#### **4.5 Housing Land Transfer**

Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the National Assembly for Wales for approval of a programme of disposal of 500 or more properties to a person under the

Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under section 32 or 43 of the Housing Act 1985.

#### 4.6 **Functions of the Full Council**

Only the Full Council will exercise the following functions:

- 4.6.1 adopting and changing the Constitution;
- 4.6.2 approving or adopting the Single Integrated Plan, Policy Framework, the budget and any application to the National Assembly for Wales in respect of any Housing Land Transfer;
- 4.6.3 subject to the urgency procedure contained in the Access to Information Procedure Rules in Section 14 of this Constitution, making decisions about any matter in the discharge of an Executive Function which is covered by the Policy Framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the Policy Framework or contrary to/or not wholly in accordance with the budget;
- 4.6.4 appointing and removing the Leader;
- 4.6.5 agreeing and/or amending the terms of reference for Committees, deciding on their composition and making appointments to them (in accordance with the Local Government and Housing Act 1989) unless the appointments have been delegated by the Council;
- 4.6.6 changing the name of the area or conferring the title of freedom of the County Borough;
- 4.6.7 making or confirming the appointment of the Head of Paid Service;
- 4.6.8 making, amending, revoking re-enacting or adopting bylaws and promoting or opposing the making of local legislation or Personal Bills;
- 4.6.9 all Local Choice Functions set out in Section 13 of this Constitution which the Council decides should be undertaken by itself rather than the Executive; and
- 4.6.10 all matters which by law must be reserved to the Council. For example, appointing the Chair of the Democratic Services Committee and the pay policy statement;
- 4.6.11 appointing representatives to outside bodies unless the appointment has been delegated by the Council.

#### 4.7 **Membership**

- 4.7.1 All Members of the Council shall be Members of Full Council.
- 4.7.2 Substitution is not possible at meetings of the Council.

#### 4.7.3 Chairing the Council

- 4.7.3.1 The Councillor elected annually by the Council as its chair will be called the “Mayor”.
- 4.7.3.2 The Mayor will cease to be Mayor if they resign, are dismissed by a vote of Full Council, cease to be a Member of the Council, or are unable to act as a Member of the Council. They continue to act as Mayor after an election until their successor has been appointed.

#### 4.7.4 Role and Function of the Mayor

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

##### 4.7.4.1 *Ceremonial Role*

The Mayor of the Council:

- 4.7.4.1.1 is the civic leader of Wrexham County Borough;
- 4.7.4.1.2 promotes the interests and reputation of the Council and Wrexham County Borough as a whole and acts as an ambassador for both; and
- 4.7.4.1.3 undertakes civic, community and ceremonial activities and fosters community identity and pride.

##### 4.7.4.2 *Responsibilities of the Mayor*

- 4.7.4.2.1 to uphold and promote the purpose of the Constitution, and to interpret the Constitution when necessary;
- 4.7.4.2.2 to preside over meetings of the Council so that its business can be carried out fairly and efficiently and with regard to the rights of Councillors and the interests of the Community;
- 4.7.4.2.3 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 Executive are able to hold the Executive and Committee Chair to account;
- 4.7.4.2.4 to promote public involvement in the Council's activities;
- 4.7.4.2.5 to be the conscience of the Council; and
- 4.7.4.2.6 to attend such civic and ceremonial functions as the Council and he/she determines appropriate.

#### 4.8 **Council Meetings**

There are three types of Council meeting:

4.8.1 the annual meeting;

4.8.2 ordinary meetings; and

4.8.3 extraordinary meetings.

#### 4.9 **Rules of Procedure and Debate**

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

#### 4.10 **Council Procedure Rules - Annual Meeting of the Council**

##### 4.10.1 **Timing and Business**

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

4.10.1.1 elect a person to preside if the Mayor and Deputy Mayor of the Council is not present;

4.10.1.2 elect the Mayor of the Council;

4.10.1.3 elect the Deputy Mayor of the Council;

4.10.1.4 approve the minutes of the last meeting;

4.10.1.5 receive any announcements from the Mayor and/or the Head of Paid Service;

4.10.1.6 elect the Leader of the Council, except where the Leader was appointed for a period of four years at the initial annual meeting of the Council;

4.10.1.7 to agree the number of Members to be appointed to the Executive;

4.10.1.8 appoint the Scrutiny Committees, a Standards Committee and such other committees and sub-committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Executive Functions (as set out in Section 13 of this Constitution);

4.10.1.9 agree the scheme of delegations or such part of it as the Constitution determines it is for the Council to agree (as set out in Section 13 of this Constitution);

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

4.10.1.11 consider any business set out in the notice convening the meeting.

4.10.2 Selection of Councillors on Committees and Outside Bodies

At the annual meeting, the Council meeting will:

4.10.2.1 decide which committees and sub-committees to establish for the municipal year;

4.10.2.2 decide the size and terms of reference for those committees;

4.10.2.3 decide the allocation of seats to political groups in accordance with the political balance rules;

4.10.2.4 make appointments to outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Executive.

4.11 Ordinary Meetings

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

4.11.1 elect a person to preside if the Mayor and Deputy Mayor are not present;

4.11.2 receive any declarations of interest from Members;

4.11.3 receive any petitions;

4.11.4 receive questions from, and provide answers to, the public in relation to matters which in the opinion of the Mayor are relevant to the Council's functions;

4.11.5 deal with questions from Members in accordance with Rule 4.19;

4.11.6 consider motions;

4.11.7 approve the minutes of the last meeting;

4.11.8 receive any announcements from the Mayor;

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

4.11.10 receive a report from the Executive Board and receive questions and answers on the report;

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



- 4.11.12 receive reports about and receive questions and answers on the business of joint arrangements and external organisations; and
- 4.11.13 consider any other business specified in the summons to the meeting, including consideration of proposals from the Executive Board in relation to the Council's Budget and Policy Framework, Single Integrated Plan and reports of the Scrutiny Committees.

#### 4.12 **Extraordinary Meetings**

##### 4.12.1 **Calling Extraordinary Meetings**

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

4.12.1.1 the Council by resolution;

4.12.1.2 the Mayor of the Council;

4.12.1.3 any five Members of the Council if they have signed a requisition presented to the Mayor of the Council and he has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

##### 4.12.2 **Business**

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

#### 4.13 **Time, Place and Duration of Meetings**

##### 4.13.1 **Time and Place of Meetings**

The time and place of meetings will be determined by the Chief Officer Governance & Customer and notified in the summons.

##### 4.13.2 **Duration of Meetings**

At an ordinary meeting of the Council, when three hours have elapsed after the commencement of the meeting, the Mayor shall adjourn immediately after the disposal of the item of business being considered at the time. Remaining business will be considered at a time and dated fixed by the Mayor. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

4.14 **Notice of and Summons to Meetings**

The Chief Officer Governance & Customer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules in Section 14. At least three clear days before a meeting, the Chief Officer Governance & Customer will send a summons signed by him/her to every Member of the Council. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

4.15 **Chair of Meeting**

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

4.16 **Quorum**

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

4.17 **Remote Attendance**

Remote attendance is not allowed at any meeting, committee or sub-committee at the present time.

4.18 **Petitions from the Public**

4.18.1 **Submission of petition to Member**

At the request of a Member an original petition submitted by the Member to the Chief Officer Governance & Customer 5 clear working days before an ordinary meeting of the Council may be formally presented to the Mayor at the meeting. The Mayor will formally receive the petition on behalf of the Council and confirm how the petition will be dealt with.

4.18.2 **Scope of petition**

The Chief Officer Governance & Customer may reject a request for formal submission of a petition at a Council meeting if it:

4.18.2.1 is not about a matter for which the Council has a responsibility or which affects the County Borough;

4.18.2.2 is defamatory, frivolous or offensive;

4.18.2.3 is substantially the same as a previous petition which has been submitted at a meeting of the Council in the past six months;

4.18.2.4 involves judicial or quasi-judicial matters;

4.18.2.5 requires the disclosure of confidential or exempt information.

#### 4.19 **Questions by the Public**

##### 4.19.1 **General**

4.19.1.1 Members of the public may ask questions of Members of the Executive Board at ordinary meetings of the Council.

4.19.1.2 The total time allocated for questions by the public should be limited to 30 minutes.

##### 4.19.2 **Order of Questions**

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

##### 4.19.3 **Notice of Questions**

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Chief Officer Governance & Customer by 5pm five clear working days (i.e. excluding weekends and bank holidays) before the day of the meeting. Each question must give the name and address of the questioner.

##### 4.19.4 **Number of Questions**

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

##### 4.19.5 **Scope of Questions**

The Chief Officer Governance & Customer may reject a question if it:

4.19.5.1 is not about a matter for which the Council has a responsibility or which affects the County Borough;

4.19.5.2 is defamatory, frivolous or offensive;

4.19.5.3 is substantially the same as a question which has been put at a meeting of the Council in the past six months;

4.19.5.4 requires the disclosure of confidential or exempt information.

##### 4.19.6 **Record of Questions**

4.19.6.1 The Chief Officer Governance & Customer will enter each question in a book open to public inspection and will

immediately send a copy of the question to the Councillor to whom it is to be put. Rejected questions will include reasons for rejection.

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

#### 4.19.7 Asking the Question at the Meeting

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

#### 4.19.8 Supplementary Question

A questioner who has put a question in person may also put one supplementary question without notice to the Councillor who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Mayor may reject a supplementary question on any of the grounds set out in Rule 4.19.5 above.

#### 4.19.9 Written Answers

Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the Councillor to whom it was to be put, will be dealt with by a written answer within 10 working days of the meeting.

#### 4.19.10 Reference of Question to the Executive Board or a Committee

Unless the Mayor decides otherwise, no discussion will take place on any question, but any Member may move that a matter raised by a question be referred to the Executive Board or the appropriate committee or sub-committee. Once seconded, such a motion will be voted on without discussion.

### 4.20 **Questions by Members**

#### 4.20.1 On Reports of the Executive Board or Committees

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

#### 4.20.2 Questions on Notice at Full Council

Subject to Rule 4.20.4, a Member of the Council may ask:

4.20.2.1 the Mayor;

4.20.2.2 a Member of the Executive Board;

4.20.2.3 the chair of any committee or sub-committee;

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

#### 4.20.3 Questions on Notice at Committees and Sub-Committees

Subject to Rule 4.20.4, a Member of a committee or sub-committee may ask the chair of it a question on any matter in relation to which the Council has powers or duties or which affects the County Borough and which falls within the terms of reference of that committee or sub-committee.

#### 4.20.4 Notice of Questions

A Member may ask a question under Rule 4.20.2 or 4.20.3 if either:

4.20.4.1 they have given at least 3 clear working days' notice in writing of the question to the Chief Officer Governance & Customer; or

4.20.4.2 the question relates to urgent matters, they have the consent of the Mayor or Member to whom the question is to be put and the content of the question is given to the Chief Officer Governance & Customer by 10 a.m. on the day of the meeting.

#### 4.20.5 Maximum Number of Questions

A Member may ask only one question under Rule 4.20.2 or 4.20.3 except with the consent of the Mayor, chair of the committee or sub-committee. The maximum number of questions that may be asked at any meeting of the Full Council is 5 and if the number of questions exceeds 5 the questions to be asked shall be determined by ballot to be conducted by the Chief Officer Governance & Customer.

#### 4.20.6 Order of Questions

Questions of which notice has been given under Rule 4.20.2 or 4.20.3 will be listed on the agenda in the order determined by the Mayor, chair of the committee or sub-committee.

#### 4.20.7 Content of Questions

Questions under Rule 4.20.2 or 4.20.3 must, in the opinion of the Mayor or chair:

4.20.7.1 contain no expressions of opinion;

4.20.7.2 relate to matters on which the Council has or may determine a policy;

4.20.7.3 not relate to questions of fact.

#### 4.20.8 Response

An answer may take the form of:

4.20.8.1 a direct oral answer at the meeting;

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

4.20.8.3 where the reply cannot conveniently be given orally, a written answer circulated within ten working days to the questioner.

#### 4.20.9 Supplementary Question

A Member asking a question under Rule 4.20.2 or 4.20.3 may ask one supplementary question without notice of the Member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

#### 4.20.10 Length of Speeches

A Member asking a question under Rule 4.20.2 or 4.20.3 and a Member answering such a question may speak for no longer than 5 minutes unless the Mayor consents to a longer period.

#### 4.20.11 Time Allowed for Questions at Council Meetings

4.20.11.1 The time allowed for consideration of questions submitted under Rule 4.20.2 shall not, without the consent of the Council, exceed twenty minutes.

4.20.11.2 At the conclusion of the answer to the question under consideration at the expiry of twenty minutes (or such longer period to which the Council has consented) from the time when the first questioner started to speak, the Mayor shall conclude that item.

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

#### 4.21 Motions on Notice

##### 4.21.1 Notice

Except for motions which can be moved without notice under Rule 4.22 and in cases of urgency, written notice of every motion, must be delivered to the Chief Officer Governance & Customer 10 working days before the Council meeting at which it is to be considered. Motions received will be entered in a book open to public inspection.

##### 4.21.2 Motion Set Out in Agenda

Motions for which notice has been given will be listed on the agenda in the order determined by the Mayor.

#### 4.21.3 Scope

- (a) Motions must be about matters for which the Council has a responsibility or which affect the wellbeing of the administrative area of the Council.
- (b) If the subject matter of any motion of which notice has duly been given comes within the province of the Executive Board or any Committee or Committees it shall, upon being moved and seconded, stand referred without discussion to the Executive Board, Committee or Committees for consideration and report. Provided that the Mayor may, if he/she considers it convenient and conducive to the despatch of business, allow the motion to be dealt with at the meeting at this it is brought forward.

#### 4.21.4 Motion to Remove the Leader

- 4.21.4.1 A motion to remove the Leader cannot be moved unless the notice of motion is signed by a number of councillors which is at least equivalent to 15% of the total number of councillors on the Council and which includes councillors from at least two political groups. See Section 6.3.2.
- 4.21.4.2 In order for such a motion to be carried it must have the support of at least two thirds of those Members voting and present in the room at the time the question was put.
- 4.21.4.3 A motion to remove the Leader cannot be moved more than once in any rolling 12 month period.

#### 4.21.5 One Motion per Member

No Member may give notice of more than one motion for any Council meeting, except with the consent of the Mayor.

#### 4.21.6 Time Allowed for Motions

The time allowed for consideration of motions submitted under this Rule shall not, without the consent of the Council, exceed 40 minutes. At the conclusion of the speech being delivered at the expiry of 40 minutes (or such longer period to which the Council has consented) from the commencement of the Council's consideration of the first such motion, the Chair shall put to the vote, without further discussion, all the questions necessary to dispose of the motion then under debate provided that:

- 4.21.6.1 if the speech to be concluded is a speech proposing a motion, the Mayor shall allow the motion to be formally seconded (without comment);
- 4.21.6.2 if the speech to be concluded is a speech moving an amendment, the Mayor shall allow the amendment to be

formally seconded (without comment) and the mover of the motion to exercise his right of reply; and

4.21.6.3 otherwise, the Mayor shall allow the mover of the motion to exercise his right of reply.

Any remaining motions submitted under this Rule shall be deferred to the next ordinary meeting of the Council and shall be dealt with at that meeting in the same order and before any other motions of which notice is given for that meeting.

#### 4.22 **Motions without Notice**

The following motions may be moved without notice:

- 4.22.1 to appoint a Chair of the meeting at which the motion is moved;
- 4.22.2 in relation to the accuracy of the minutes;
- 4.22.3 to change the order of business in the agenda;
- 4.22.4 to refer something to an appropriate body or individual;
- 4.22.5 to appoint a committee or Member arising from an item on the summons for the meeting;
- 4.22.6 to receive reports or adoption of recommendations of committees or Officers and any resolutions following from them;
- 4.22.7 to withdraw a motion;
- 4.22.8 to amend a motion;
- 4.22.9 to proceed to the next business;
- 4.22.10 that the question be now put;
- 4.22.11 to adjourn a debate;
- 4.22.12 to adjourn a meeting;
- 4.22.13 to suspend a particular Council Procedure Rule;
- 4.22.14 to exclude the public and press in accordance with the Access to Information Procedure Rules;
- 4.22.15 to not hear further a Member named under Rule 4.29.3 or to exclude them from the meeting under Rule 4.29.4; and
- 4.22.16 to give the consent of the Council where its consent is required by this Constitution.



## 4.23 Rules of Debate

### 4.23.1 No Speeches until Motion Seconded

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

### 4.23.2 Right to Require Motion in Writing

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

### 4.23.3 Secunder's Speech

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

### 4.23.4 Content and Length of Speeches

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

(a) a Member moving a motion who may speak for no longer than 10 minutes;

(b) one opposition speaker to a motion who may speak for no longer than 10 minutes.

### 4.23.5 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:

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

4.23.5.2 to move a further amendment if the motion has been amended since he last spoke;

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

4.23.5.4 in exercise of a right of reply;

4.23.5.5 on a point of order; and

4.23.5.6 by way of personal explanation.

### 4.23.6 Amendments to Motions

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

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

4.23.6.1.2 to leave out words;

4.23.6.1.3 to leave out words and insert or add others; or

4.23.6.1.4 to insert or add words

as long as the effect of 4.23.6(a)(ii) to 4.23.6(a)(iv) is not to negate the motion.

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

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

4.23.6.4 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.

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

#### 4.23.7 Alteration of Motion

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

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

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

#### 4.23.8 Withdrawal of Motion

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

#### 4.23.9 Right of Reply

4.23.9.1 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.

4.23.9.2 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.

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

#### 4.23.10 Motions which may be Moved During Debate

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

- 4.23.10.1 to withdraw a motion;
- 4.23.10.2 to amend a motion;
- 4.23.10.3 to proceed to the next business;
- 4.23.10.4 that the question be now put;
- 4.23.10.5 to adjourn a debate;
- 4.23.10.6 to adjourn a meeting;
- 4.23.10.7 to exclude the public and press in accordance with the Access to Information Procedure Rules; and
- 4.23.10.8 to not hear further a Member named under Rule 4.29.3 or to exclude them from the meeting under Rule 4.29.4.

#### 4.23.11 Closure Motions

- 4.23.11.1 A Member may move, without comment, the following motions at the end of a speech of another Member;
  - 4.23.11.1.1 to proceed to the next business;
  - 4.23.11.1.2 to ask that the question be now put;
  - 4.23.11.1.3 to adjourn a debate; or
  - 4.23.11.1.4 to adjourn a meeting.
- 4.23.11.2 If a motion to proceed to next business is seconded and the Mayor thinks the item has been sufficiently discussed, he will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- 4.23.11.3 If a motion that the question be now put is seconded and the Mayor thinks the item has been sufficiently discussed, he will put the procedural motion to the vote. If it is passed he will give the mover of the original motion a right of reply before putting his motion to the vote.
- 4.23.11.4 If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

#### 4.23.12 Point of Order

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

#### 4.23.13 Personal Explanation

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

### 4.24 **Previous Decisions and Motions**

#### 4.24.1 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 fifteen Members, except in the case of new information becoming available.

#### 4.24.2 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 fifteen Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

### 4.25 **Voting**

#### 4.25.1 Majority

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

#### 4.25.2 Mayor's Casting Vote

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

#### 4.25.3 Method of Voting

Unless a recorded vote is demanded under Rule 4.25.4 the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

#### 4.25.4 Recorded Vote

If ten Members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

#### 4.25.5 Right to Require Individual Vote to be Recorded

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

#### 4.25.6 Ballot

If ten Members present at the meeting demand it, the voting will take place by ballot. The Mayor will announce the numerical result of the ballot immediately the result is known.

##### 4.25.6.1 Voting on Appointments

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

### 4.26 Minutes

#### 4.26.1 Signing the Minutes

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

#### 4.26.2 No Requirement to Sign Minutes of Previous Meeting at Extraordinary Meeting

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

#### 4.26.3 Form of Minutes

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

#### 4.27 **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.

#### 4.28 **Exclusion of Public**

Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Section 14 of this Constitution or Rule 4.30 (Disturbance by Public).

#### 4.29 **Members' Conduct**

##### 4.29.1 **Standing to Speak at Meetings**

When a Member speaks at Full Council he/she must, if able to, stand and address the meeting through the Mayor. If more than one Member stands, the Mayor will ask one to speak and the others must sit. Other Members must remain seated whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation.

##### 4.29.2 **Mayor Standing**

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

##### 4.29.3 **Member not to be Heard Further**

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

##### 4.29.4 **Member to Leave the Meeting**

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

##### 4.29.5 **General Disturbance**

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

#### 4.30 **Disturbance by Public**

##### 4.30.1 **Removal of Member of the Public**

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

#### 4.30.2 Clearance of Part of Meeting Room

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

#### 4.31 **Filming and Use of Social Media During Meetings**

Filming and use of social media is permitted during meetings so long as there is no disturbance to the conduct of the meeting.

#### 4.32 **Suspension and Amendment of Council Procedure Rules**

##### 4.32.1 Suspension

All of these Council Rules of Procedure except Rule 4.21.5, 4.25.5 and 4.26.2 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. Rule 4.21.5 can only be suspended by motion on notice and the motion must have the support of at least two thirds of those Members present and voting.

##### 4.32.2 Amendment

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

#### 4.33 **Application of these Rules of Procedure**

All of the Council Rules of Procedure apply to meetings of Full Council. None of the rules apply to meetings of the Executive Board.

#### 4.34 **Appointment of Substitute Members on Council Bodies**

4.34.1 The substitution rules will not apply to meetings of the Executive Board, the Standards Committee, the Audit Committee, the Planning Committee nor the Appointments Committee.

4.34.2 Subject to any other restrictions elsewhere in the Constitution, any Member of the Council will be permitted to act as a substitute on a Council Body.

4.34.3 The Chief Officer Governance & Customer will allow a request from a Member of a Council Body to appoint a substitute Member, providing that substitute Member is from the same political group.

4.34.4 In order to be eligible to sit as substitutes on regulatory or quasi-judicial committees or panels or staff appointments or disciplinary bodies established by the Council, Members must have received formal training in relevant procedures and the law.

4.34.5 Substitute Members will have all the powers and duties of any ordinary Member of the committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

- 4.34.6 Substitute Members may attend meetings in that capacity only:
  - 4.34.6.1 to take the place of the ordinary Member for whom they are designated substitute;
  - 4.34.6.2 where the ordinary Member will be absent for the whole of the meeting; and
  - 4.34.6.3 where the ordinary Member or that Member's political group has notified the Chief Officer Governance & Customer of the intended substitution in writing by 4 p.m. on the working day prior to the relevant meeting.



**SECTION 5**  
**EXECUTIVE BOARD**

## **SECTION 5**

### **5. THE EXECUTIVE BOARD**

#### **5.1 Introduction**

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

#### **5.2 Form and Composition of the Executive Board**

The Executive Board will consist of:

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

5.2.2 at least two but not more than nine other Councillors appointed to the Executive Board by the Council.

#### **5.3 Leader**

##### **5.3.1 Election**

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

##### **5.3.2 Term of Office**

The Leader is appointed on an annual basis at the annual meeting of the Council.

##### **5.3.3 Role of the Leader**

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

#### **5.4 Deputy Leader**

5.4.1 The Council will appoint one of the Executive Board Members as a Deputy Leader to act as Leader in the Leader's absence.

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

#### **5.5 Other Executive Board Members**

Other Executive Board Members will be Councillors elected to the position of Executive Board Member by the Council. Each Executive Board Member shall hold office until:

5.5.1 he/she resigns from that office; or

- 5.5.2 he/she is suspended from being a Councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
- 5.5.3 he/she is removed from that office by the Leader upon such notice (if any) as the Leader considers appropriate and notice in writing is given to the Chief Officer Governance & Customer; or
- 5.5.4 he/she ceases to be a Councillor.

## 5.6 **Delegation of Functions**

The Executive Board may exercise Executive Functions or may otherwise make arrangements to delegate responsibility for their discharge to:

- 5.6.1 a Committee of the Executive Board (comprising executive Members only);
- 5.6.2 an individual Executive Board Member;
- 5.6.3 a joint committee;
- 5.6.4 another local authority or the executive of another local authority;
- 5.6.5 a Chief Officer.

## 5.7 **Rules of Procedure and Debate**

The proceedings of the Executive Board shall take place in accordance with the Executive Procedure Rules in Section 5.8 below.

## 5.8 **Executive Board Procedure Rules**

### **How does the Executive Board Operate?**

#### 5.8.1 **Delegation by the Executive Board**

Following the annual meeting the Monitoring Officer, in consultation with the Leader will prepare and submit for approval an Executive Scheme of Delegations setting out the delegations of Executive Functions, including, where the principle has been approved as part of the Council's Executive Arrangements the delegated authority of each Member of the Executive Board, and thereafter keep this under review and submit updates to the Scheme as appropriate. In addition, the Leader has powers under s.15(4) of the Local Government Act 2000 to discharge personally or to arrange for discharge under others' delegated powers any Executive functions not covered by the Scheme of Delegations for the time being.

#### 5.8.2 **Sub-Delegation of Executive Functions**

5.8.2.1 Where the Executive Board, a committee of the Executive Board or an individual Member of the Executive Board is responsible for an Executive Function, they may delegate further to joint arrangements or an Officer.

5.8.2.2 Unless the Leader directs otherwise, a committee of the Executive Board to whom functions have been delegated by the Leader may delegate further to an Officer.

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

#### 5.8.3 The Council's Scheme of Delegation and Executive Functions

5.8.3.1 The Leader may amend the scheme of delegation relating to Executive Functions at any time. In doing so the Leader will give written notice to the Chief Officer Governance & Customer 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 or committee. The Chief Officer Governance & Customer will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.

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

#### 5.8.4 Conflicts of Interest

5.8.4.1 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 Section 17 of this Constitution.

5.8.4.2 If any Member of the Executive Board has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Section 17 of this Constitution.

5.8.4.3 If the exercise of an Executive Function has been delegated to a committee of the Executive Board, an individual Member or an Officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Section 17 of this Constitution.

#### 5.8.5 Executive Board Meetings

The Executive Board will meet at least 10 times each year. The Executive Board will meet at the Council's main offices or another location to be agreed by the Leader.

#### 5.8.6 Public or Private Meetings of the Executive Board

The Executive Board will hold its meetings in public, except in the circumstances set out in the Access to Information Procedure Rules in Section 14, for example where confidential or exempt information is being discussed.

## 5.8.7 Quorum

5.8.7.1 The quorum for a meeting of the Executive Board shall be five including the Leader or Deputy Leader.

5.8.7.2 The quorum for a meeting of a committee of the Executive Board shall be a minimum of two.

## 5.8.8 Remote Attendance

Remote attendance is not permitted at the present time.

## 5.8.9 How are Decisions to be Taken by the Executive Board?

5.8.9.1 Executive Decisions made by the Executive as a whole will be taken at a meeting convened in accordance with the Access to Information Procedure Rules in Section 14 of this Constitution.

5.8.9.2 Where Executive Decisions are delegated to a committee of the Executive Board, the rules applying to Executive Decisions taken by them shall be the same as those applying to those taken by the Executive Board as a whole.

## 5.8.10 Call in of decisions of the Executive Board

5.8.10.1 Any five non-Executive members may, by notice in writing to the Chief Officer Governance & Customer within the period of 5 working days, which will commence on the first working day following publication of a decision of the Executive Board or Lead Member, submit a notice to call-in any one or more of such decisions. The notice of call-in must set out the relevant decision(s) and reasons for call-in together with all supporting evidence on which it is intended to rely and shall be signed by those five non- Executive members. The Chief Officer Governance & Customer will refer the notice of call-in to the most appropriate Scrutiny Committee. In the case of a decision of the Executive Board, the Committee shall meet within a timescale which will enable any referral of the decision back to the Executive Board to be included in the statutory notice for the next scheduled meeting of the Executive Board. In the case of a Lead Member decision, the Committee shall meet within a timescale which will enable any referral of the decision back to the Lead Member to be considered within a maximum of 18 working days from publication of the original decision. During this time the decision may not be implemented.

5.8.10.2 In the event of the Scrutiny Committee failing to meet within the timescale outlined above, the decision may be implemented.

5.8.10.3 If the Scrutiny Committee decides that the decision does not need to be referred back to the Executive Board or Lead Member, the decision may be implemented immediately.

5.8.10.4 If the Scrutiny Committee decides to refer the decision back to the Executive Board or Lead Member, this shall be by way of a report submitted by the Chair of the relevant Scrutiny Committee to the Executive Board or Lead Member. Such report shall give reasons for not supporting the decision. In the case of the Executive Board, the report shall be referred to the next scheduled meeting of the Executive Board. The decision may not be implemented until the Executive Board has met to reconsider it. In the case of a Lead Member, the report shall be published in accordance with the procedures for Individual Lead Member decisions. That decision when reconsidered by the Executive Board or Lead Member may not be subject to a further call in.

5.8.10.5 Decisions made by the Executive Board or Lead Member which it or they deem to be urgent, shall not be subject to the procedure set out above and shall be effective immediately on taking the decision provided always that reasons for such urgency are identified in the decision.

### **How are Executive Board Meeting Conducted?**

#### 5.8.11 Who Presides?

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

#### 5.8.12 Who May Attend?

These details are set out in the Access to Information Procedure Rules in Section 14 of this Constitution.

#### 5.8.13 What Business?

At each meeting of the Executive Board the following business will be conducted:

5.8.13.1 consideration of the minutes of the last meeting;

5.8.13.2 declarations of interest, if any;

5.8.13.3 public and/or member questions;

5.8.13.4 matters referred to the Executive Board (whether by Scrutiny Committees or by the Council) for reconsideration by the Executive in accordance with the provisions contained in the Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Sections 7 and 15 of this Constitution;

5.8.13.5 consideration of reports from Scrutiny Committees;

5.8.13.6 consideration of reports from Executive Committees;

5.8.13.7 reports from Executive Members or Officers of the Authority.

5.8.14 Consultation

All reports to the Executive Board from any Member of the Executive Board or an Officer on proposals relating to the Budget and Policy Framework must contain details of the nature and extent of consultation undertaken with stakeholders and with the Scrutiny Committee or other consultees and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

5.8.15 Who can put Items on the Executive Board Agenda?

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

5.8.15.2 Any Member of the Executive may require the Chief Officer Governance & Customer to make sure that an item is placed on the agenda of the next available meeting of the Executive Board for consideration.

5.8.15.3 The Head of Paid Service, the Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of an Executive Board meeting and may require that such a meeting be convened in pursuance of their statutory duties.

5.8.15.4 In other circumstances, where any two of the Head of Paid Service, Chief Finance Officer and Monitoring Officer are of the opinion that a meeting of the Executive Board needs to be called to consider a matter that requires a decision they may jointly include an item on the agenda of an Executive Board meeting. If there is no meeting to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be called at which the matter will be considered.

5.8.16 Public questions

Each ordinary meeting of the Executive Board shall include an opportunity for members of the public to ask questions in respect of matters for which it has functional responsibility and the following provisions shall apply:-

(a) Questions must be submitted in writing to the Chief Officer Governance & Customer no later than 5pm five clear working days

(i.e. excluding weekends and bank holidays) prior to the meeting of the Executive Board.

- (b) Questions will be accepted in the absolute discretion of the Chair and will not be permitted in the following instances:-
  - (i) the question seeks information which has already been the subject of a public question whether at a meeting of the full Council or the Executive Board;
  - (ii) the question relates to judicial or quasi-judicial matters;
  - (iii) the question relates to an individual application, appeal or other decision;
  - (iv) the question relates to an employee of the Council;
  - (v) the question relates to party political matters;
  - (vi) the matter relates to matters which are exempt by virtue of Schedule 12A of the Local Government Act 1972 (or any re-enactment or amendment thereof);
  - (vii) the question is vexatious, repetitive or unduly lengthy.
- (c) Only one question per person may be submitted.
- (d) The time allowed for public questions shall not exceed 15 minutes.
- (e) Each question shall be put and answered.

#### 5.8.17 Member Questions

Each ordinary meeting of the Executive Board shall include an opportunity for Councillors to ask questions in respect of matters for which it has functional responsibility and the following provisions shall apply:-

- (a) questions shall be submitted in writing to the Chief Officer Governance & Customer at least 5 clear working days prior to the meeting of the Executive Board;
- (b) only one question per Councillor may be submitted;
- (c) if the question relates to urgent matters, the Councillor must obtain the consent of the Chair and the Executive Member to whom the question is to be put and the content of the question shall be given to the Chief Officer Governance & Customer by 4 pm on the previous working day;
- (d) each question shall be put and answered;
- (e) one supplementary question without notice may be asked of the Member of the Executive Board to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.



5.8.18 Disturbance by the Public, Filming and Use of Social Media

- (a) If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting room.
- (b) If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared.
- (c) Filming and use of social media is permitted during meetings so long as there is no disturbance to the conduct of the meeting.

**SECTION 6**

**THE LEADER**

## **SECTION 6**

### **6. THE LEADER**

#### **6.1 Election**

6.1.1 The Leader will be elected by Full Council.

6.1.2 The Leader will usually be elected on an annual basis at the Annual Council meeting. However, where the post of Leader becomes vacant between Council elections the Leader will be elected at the next meeting of the Full Council.

#### **6.2 Term of Office**

The Leader is appointed on an annual basis at the annual meeting of the Council.

#### **6.3 Resignation, Dismissal, Disqualification and Suspension**

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

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

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

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

#### **6.4 Deputy Leader**

##### **6.4.1 Appointment**

The Leader shall designate one of the Members of the Executive Board as Deputy Leader.

##### **6.4.2 Duties of the Deputy Leader**

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

##### **6.4.3 Removal from Office**

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

#### **6.5 Functions and Delegated Authority**

##### **6.5.1 Membership of the Executive Board**

Members of the Executive Board, in addition to the Leader, shall be elected annually at Council subject only to there being a minimum of two, and a maximum of nine.

#### 6.5.2 Role of the Leader

The Leader will chair meetings of the Executive Board and determine the portfolios of Members of the Executive.

#### 6.5.3 The Executive Scheme of Delegations

The Monitoring Officer, in consultation with the Leader, will prepare and submit for approval an Executive Scheme of Delegations setting out the delegations of Executive Functions, including where the principle has been approved as part of the Council's Executive arrangements, the delegated authority of each member of the Executive and thereafter keep this under review and submit updates to the Scheme, as appropriate. In addition, the Leader has powers under section 15(4) of the Local Government Act 2000 to discharge personally or to arrange for discharge under other delegated powers, any Executive Functions not covered by the Scheme for the time being.

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

#### 6.5.4 Meetings of the Executive Board

Subject to the requirement to publish notice of each meeting three clear days before it takes place, and other conditions contained in Sections 5 and 14 the Leader can call meetings of the Executive Board at such times and places as he/she chooses.

#### 6.5.5 Chairing Executive Board Meetings

The Leader shall chair Executive Board meetings. In the Leader's absence the Deputy Leader will chair. If the Deputy Leader is not available the Executive Board will appoint a Member of the Executive Board to Chair the meeting on their behalf by informing the Chief Officer Governance & Customer of the person chosen (subject to quorum).

#### 6.5.6 Appointments of Representatives on Outside Bodies

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

#### 6.5.7 Attendance at Royal Garden Parties

The Leader has authority to approve, in consultation with declared Group Leaders, the attendance of Councillors and/or Officers at Royal Garden Parties.

## **SECTION 7**

# **OVERVIEW AND SCRUTINY COMMITTEES**

## **SECTION 7**

### **7. OVERVIEW AND SCRUTINY COMMITTEES**

#### **7.1 Introduction**

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

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

#### **7.2 Overview and Scrutiny Committees**

In order to achieve this, the Council have appointed five Scrutiny Committees which between them will:

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

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

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

7.2.4 exercise the right to call-in for reconsideration decisions made by the Executive Board or a Lead Member but not yet implemented.

#### **7.3 Role, Scope and Membership**

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

<b>Committee and Membership</b>	<b>Role and Scope</b>
Employment, Business & Investment Scrutiny Committee (Economy) 13 Councillors	To ensure that Wrexham is a place where people want to live, work, learn, visit and invest; that businesses are supported to locate and grow here and that people are able to prosper as individuals in their communities.
Lifelong Learning Scrutiny Committee (People) 13 Councillors and 5 Co-opted	To ensure that people have positive aspirations, education and potential.

<b>Committee and Membership</b>	<b>Role and Scope</b>
Members with voting rights plus 1 Co-opted Member without voting rights	
Safeguarding, Communities & Well-Being Scrutiny Committee (People and Place) 13 Councillors	To ensure that the people of Wrexham feel safe and secure with sustainable attractive settlements, neighbourhoods, buildings and spaces. To ensure that vulnerable children and adults are safeguarded and have good health and well-being. To fulfil the function of the Crime and Disorder Scrutiny Committee in accordance with Section 19(1) of the Police and Justice Act 2006.
Homes and Environment Scrutiny Committee (Place) 13 Councillors	To ensure that we support the delivery of homes that meet people's needs and aspirations in well connected communities. To ensure that we are an environmentally responsible County Borough.
Customers, Performance, Resources & Governance Scrutiny Committee (Organisation) 13 Councillors	To ensure that we are customer focussed and innovative, soundly organised, resourced and governed, in order to deliver the best possible outcomes for the people of Wrexham.  To scrutinise the activity of the Public Service Board (PSB) as required under the Well-being of Future Generations (Wales) Act 2015.

## 7.4 **Specific Functions**

### 7.4.1 **Policy Development and Review**

The Scrutiny Committees may:

- (a) assist the Council and the Executive Board in the development of its Budget and Policy Framework by in depth analysis of policy issues;
- (b) conduct research, community and other consultation in the analysis of policy issues and possible options;
- (c) question Members of the Executive Board and/or Committees and Chief Officers from the Council about their views on issues and proposals affecting the County Borough;
- (d) liaise with other external organisations operating in the County Borough, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working; and
- (e) consider the impact of policies to assess if they have made a difference.

#### 7.4.2 Scrutiny

The Scrutiny Committees may:

- (a) review and scrutinise the decisions by and performance of the Executive Board and/or Committees and Chief Officers in relation to individual decisions and over time;
- (b) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- (c) question Members of the Executive Board and/or Committees and Chief Officers from the Council about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or project;
- (d) make recommendations to the Executive Board and/or appropriate Committee and/or Council arising from the outcome of the scrutiny process;
- (e) review and scrutinise the performance of other public bodies in the County Borough of Wrexham and invite reports from them by requesting them to address the Scrutiny Committees and local people about their activities and performance; and
- (f) question and gather evidence from any person (with their consent).

#### 7.4.3 Finance

Scrutiny Committees may exercise overall responsibility for the finance made available to them.

#### 7.4.4 Annual Report

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

#### 7.4.5 Task and Finish Groups

The Scrutiny Committees may appoint smaller informal task and finish groups to carry out detailed examination of particular topics for report back to them. Such groups shall be appointed for a fixed period or to complete a fixed task on the expiry of or completion of which they shall cease to exist.

### 7.5 **Head of Democratic Services**

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



## 7.6 **Who May Sit on Scrutiny Committees?**

All Councillors except Members of the Executive Board may be Members of the Scrutiny Committees. However, no Member may be involved in scrutinising on decisions in which he/she has been directly involved.

## 7.7 **Co-optees**

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

## 7.8 **Education Representatives**

The Lifelong Learning Scrutiny Committee shall include in its Membership voting representatives of religious faiths and of parent governors, as required by law and guidance from the Welsh Government, as follows:-

7.8.1 One Church in Wales representative;

7.8.2 One Roman Catholic Church representative; and

7.8.3 Three parent governor representatives one of whom shall represent the Special Educational Needs sector

who may speak and vote on education issues only.

## 7.9 **Crime and Disorder Scrutiny Committee**

In discharging its functions as the Crime and Disorder Scrutiny Committee, the Safeguarding, Communities and Well-Being Scrutiny Committee may co-opt officers, employees or members of the responsible authorities or co-operating bodies as set out in Section 5 of the Crime and Disorder Act 1998, who shall not have voting rights unless the Committee determines otherwise. Co-opted Members may be appointed for a particular matter or type of matter and membership may be withdrawn at any time by the Committee.

## 7.10 **Who Chairs?**

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

## 7.11 **Role of the Chair and the Scrutiny Coordinating Group**

The Chairs and Vice Chairs of the Scrutiny Committees will meet regularly as the Scrutiny Coordinating Group and will:-

7.11.1 appoint one of its members to act as Chair of the Scrutiny Coordinating Group and a Scrutiny Member to be designated as "Scrutiny Champion";

7.11.2 act as a steering group for the Council's scrutiny function, sharing best practice, considering methodology and developing protocols for scrutiny work in order to develop the scrutiny function;

- 7.11.3 be accountable for delivering the new way of working for scrutiny;
- 7.11.4 meet regularly to monitor work programmes, identify cross-cutting themes arising from the Scrutiny Work Programme and allocate responsibility for issues that do not fall clearly into the remit of a single Scrutiny Committee;
- 7.11.5 coordinate the scheduling of meetings which individual Scrutiny Committees decide should be all Member meetings;
- 7.11.6 liaise with Executive Board and Lead Members on issues affecting the Scrutiny Work Programme having regard to any agreed protocols.

#### 7.12 **Work Programme**

The Scrutiny Committees will be responsible for setting their own Work Programme and in doing so they should take into account wishes of Members of that Committee who are not Members of the largest political group on the Council. It may also consider urgent and unforeseen matters not included in the Work Programme.

#### 7.13 **Meetings**

- 7.13.1 Ordinary meetings of the Scrutiny Committees shall be convened in accordance with the annual calendar of meetings approved by Council at its annual meeting.
- 7.13.2 Extraordinary meetings may be called from time to time as follows:-
  - (a) in order to deal with call-ins (Section 7.23);
  - (b) by the Chair of a Scrutiny Committee;
  - (c) upon the requisition in writing signed by a quarter of the whole membership of the Scrutiny Committee, subject to a minimum of 3, setting out details of the business to be considered, delivered to the Chief Officer Governance & Customer.

The summons to an extraordinary meeting shall set out the business to be considered and no other business shall be considered at that meeting.

#### 7.14 **Joint Overview and Scrutiny Committees**

Under section 58 of The Measure, regulations may be made to permit two or more local authorities to appoint a joint Overview and Scrutiny Committee. This is set out in the Local Authority (Joint Overview and Scrutiny) (Wales) Regulations 2012.

#### 7.15 **Quorum**

- 7.15.1 The quorum for a Scrutiny Committee shall be 5 Members or one quarter of the membership of the Committee whichever is the greater.
- 7.15.2 The quorum of a sub-committee of a Scrutiny Committee shall be one quarter of the membership of the sub-committee subject to a minimum quorum of 3 Members.

## 7.16 **Agenda Items**

- 7.16.1 Any Member of a particular Scrutiny Committee or non-executive Member shall be entitled to give notice to the Chief Officer Governance & Customer that he wishes an item relevant to the functions of that Committee to be included on the agenda for the next available meeting. Seven working days' notice of the item should be given to the Chief Officer Governance & Customer together with sufficient information to enable the Officer to advise about the nature and purpose of the item.
- 7.16.2 On receipt of such a request, so long as it is an appropriate matter to be considered, the Chief Officer Governance & Customer will ensure that it is included on the next available agenda.
- 7.16.3 A Scrutiny Committee shall also respond, as soon as their work programme permits, to requests from the Council and/or the Executive Board to review particular areas of Council activity. Where they do so, the particular Scrutiny Committee shall report their findings and any recommendations back to the Executive Board and/or Council. The Council and/or the Executive Board shall consider the report of the Scrutiny Committee within two months of receiving it.

## 7.17 **Policy Review and Development**

- 7.17.1 The role of the Scrutiny Committees in relation to the development of the Council's Budget and Policy Framework is set out in detail in the Budget and Policy Framework Procedure Rules in Section 15.
- 7.17.2 In relation to the development of the Council's approach to other matters not forming part of its Budget and Policy Framework, a Scrutiny Committee may make proposals to the Executive Board for developments in so far as they relate to matters within their terms of reference.
- 7.17.3 A Scrutiny Committee may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

## 7.18 **Reports from the Scrutiny Committees**

- 7.18.1 All formal reports from the Scrutiny Committees will be submitted to the Chief Officer Governance & Customer for consideration by the Executive Board (if the proposals are consistent with the existing Budget and Policy Framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed Budget and Policy Framework).
- 7.18.2 If a Scrutiny Committee cannot agree on one single final report to the Council or Executive Board as appropriate, one minority report may be

prepared and submitted for consideration by the Council or Executive Board with the majority report.

7.18.3 The Council or Executive Board shall consider the report of a Scrutiny Committee within two months of it being submitted to the Chief Officer Governance & Customer.

7.18.4 All reports to Executive Board shall incorporate relevant scrutiny recommendations or comments, making it clear as to whether scrutiny recommendations have been accepted and if not, the reasons why not. In presenting the report to the Executive Board the Lead Member shall make reference to the scrutiny comments / recommendations. If timescales mean that a scrutiny recommendation cannot be included in the written report, the Lead Member shall raise them verbally.

7.19 **Making sure that Overview and Scrutiny Reports are considered by the Executive Board**

7.19.1 The agenda for Executive Board meetings shall include an item entitled "Issues Arising from Overview and Scrutiny". The reports of the Scrutiny Committees referred to the Executive Board shall be included at this point in the agenda (unless they have been considered in the context of the Executive Board's deliberations on a substantive item on the agenda) as soon as practicable. Where an item is not considered by the Executive Board within two months, the Executive Board will give an explanation of the reasons in writing to the Chair of the relevant Scrutiny Committee as soon as practicable.

7.19.2 Where the Executive Board has delegated decision making power to another individual Member of the Executive Board a Scrutiny Committee will submit a copy of their report to him or her for consideration. At the time of doing so the Scrutiny Committee shall serve a copy on the Chief Officer Governance & Customer. The Member with delegated decision making power must consider the report and respond in writing to the Scrutiny Committee within two weeks of receiving it. A copy of his/her written response to it shall be sent to the Chief Officer Governance & Customer and the Leader. The Member will also attend a future meeting of that Scrutiny Committee to present their response.

7.20 **Rights of Members of the Scrutiny Committees to Documents**

7.20.1 In addition to their rights as Councillors, Members of the Scrutiny Committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Section 14 of this Constitution.

7.20.2 Nothing in this paragraph prevents more detailed liaison between the Executive Board and the Scrutiny Committees as appropriate depending on the particular matter under consideration.

7.21 **Members and Officers Giving Account**

7.21.1 The Scrutiny Committees 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 the Executive Board, the Chief Executive and/or any senior Officer to attend before it to explain in relation to matters within their remit:

- (a) any particular decision or series of decisions;
- (b) the extent to which the actions taken implement Council policy; and/or
- (c) their performance

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

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

7.21.3 Where any Member or Officer is required to attend a Scrutiny Committee under this provision, the Chair of that Committee will inform the Chief Officer Governance and Customer. The Chief Officer Governance & Customer shall inform the Member or Officer, if necessary in writing, giving at least 5 working days' notice of the meeting at which he or she is required to attend (unless agreed otherwise). Any notice will state the nature of the item on which he or she is required to attend to give account and whether any papers are required to be produced for the Committee.

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

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

## 7.22 **Attendance by Others**

A Scrutiny Committee may invite people other than those people referred to in paragraph 7.21 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and Members and Officers in other parts of the public sector and shall invite such people to attend.

## 7.23 **Call-In**

### 7.23.1 **Rules**

- (a) Where a decision is made by the Executive Board, an individual Member of the Executive Board or a Committee of the Executive Board or under joint arrangements, the decision shall be published by the Chief Officer Governance & Customer, including where possible by electronic means, and shall be available at the main

offices of the Council normally within 3 clear working days of it being made. All Members will be sent copies of the records of all such decisions within the same time scale, by the person responsible for publishing the decision.

- (b) That notice will bear the date on which it is published and will specify that the decision will come into force and may then be implemented, on the expiry of five clear working days after the publication of the decision, unless a Scrutiny Committee objects to it and calls it in for review.
- (c) During that period the Monitoring Officer shall call-in a decision for scrutiny by a Scrutiny Committee if so requested in the specified format by any five non-Executive Members and, shall then notify the decision taker of the call-in.
- (d) The notice of call-in shall:-
  - (i) set out the relevant decision(s);
  - (ii) the reasons for call-in together with all supporting evidence on which it is intended to rely;
  - (iii) be signed the five non-Executive members.
- (e) The Monitoring Officer shall refer the notice of call-in to the most appropriate Scrutiny Committee.
- (f) In the case of a call-in of an Executive Board decision, the Scrutiny Committee shall meet within a timescale which will enable any referral of the decision back to the Executive Board to be included in the statutory notice for the next scheduled meeting of the Executive Board.
- (g) In the case of a call-in of a Lead Member decision, the Scrutiny Committee shall meet within a timescale which will enable any referral of the decision back to the Lead Member to be considered within a maximum of 18 working days from publication of the original decision.
- (h) Pending consideration by the Scrutiny Committee of a notice of call-in the decision may not be implemented.
- (i) If, having considered the decision, the Scrutiny Committee is still concerned about it, then it may refer it back to the decision making body for reconsideration, this shall be by way of a report submitted by the Scrutiny Committee Chair to the Executive Board or Lead Member setting out the reasons for not supporting the decision. If referred to the decision maker they shall then reconsider within the timescales set out in paragraphs (f) and (g) above, amending the decision or not, before adopting a final decision. A decision made by either the Executive Board or a Lead Member following reconsideration in accordance with this procedure may not be subject to a further call-in.

- (j) If following the call-in of a decision, a Scrutiny Committee does not meet within the period set out above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the Scrutiny Committee meeting, or in the case of the call-in of an Executive Board decision on the date of the next scheduled meeting provided it is during the following calendar month, or the expiry of 18 working days from the date of publication of the original decision, whichever is the earlier.
- (k) The Monitoring Officer may veto any request for call-in if it falls outside the remit of this scheme.
- (l) Save in exceptional circumstances all Members requesting a matter be called in must attend the meeting at which the matter is being considered.

#### 7.23.2 Call-In and Urgency

- (a) The call-in procedure set out above shall not apply where the decision being taken by the Executive is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would, for example, seriously prejudice the Council's or other public interests. The record of the decision, and notice by which it is made public, shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in.
- (b) 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.

#### 7.24 The Party or Group Whip

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

#### 7.25 Procedure and Rules of Debate at Scrutiny Committee Meetings

7.25.1 A Scrutiny Committee shall consider the following business at ordinary scheduled meetings:

- (a) minutes of the last meeting;
- (b) declarations of interest;
- (c) consideration of any matter referred to that Scrutiny Committee for a decision in relation to call in of a decision;
- (d) responses of the Executive Board to reports of that Scrutiny Committee;
- (e) the business otherwise set out on the agenda for the meeting.

The Rules of Debate at a Scrutiny Committee will be as set out in paragraph 4.23 of the Council Procedure Rules except that the Chair of the meeting may allow the rules of debate to be relaxed to enable a full contribution by those attending the meeting whether as Members of a Scrutiny Committee or in any other capacity which allows them to contribute to the worth of the meeting.

7.25.2 A Scrutiny Committee may ask people to attend to give evidence or answer questions about any items on their agenda. Meetings should be conducted in accordance with the following principles:

(f) that the business be conducted fairly and all Members of the Scrutiny Committee be given the opportunity to ask questions of attendees, and to contribute and speak;

(g) that those assisting by giving evidence be treated with respect and courtesy;

(h) that the business be conducted as efficiently as possible.

7.25.3 Following any investigation or review, a Scrutiny Committee shall prepare a report, for submission to the Executive Board and/or Council as appropriate and shall make its report and findings public.

#### 7.26 **Voting at meetings**

7.26.1 Any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put.

7.26.2 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.

7.26.3 Voting shall be by show of hands.

#### 7.27 **Councillor Call for Action**

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

7.27.2 Any Member may request that an item is placed on the agenda of a Scrutiny Committee for consideration. In making any such request a Member shall have first exhausted other options to resolve the issue and shall adhere to the relevant statutory guidance.



## **SECTION 8**

### **THE STANDARDS COMMITTEE**

## **SECTION 8**

### **8. THE STANDARDS COMMITTEE**

#### **Composition**

##### **8.1 Membership**

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

- 8.1.1 Five “independent” Members, who are not either a Councillor or an Officer or the spouse of a Councillor or an Officer of this Council or any other relevant Authority as defined by the Local Government Act 2000, appointed in accordance with the procedure set out in the Standards Committees (Wales) Regulations 2001 (as amended);
- 8.1.2 Three Councillors other than the Leader and not more than one Member of the Executive; and
- 8.1.3 One Community Council Member of a Community Council within the County Borough of Wrexham and who is not also a Councillor.

##### **8.2 Term of Office**

- 8.2.1 Independent Members are appointed for a period of not less than four and not more than six years and may be reappointed for one further consecutive term not exceeding four years.
- 8.2.2 Councillors will have a term of office of no more than four years or until the next ordinary local government election following their appointment, whichever is the shorter. They may be reappointed for one further consecutive term. A Councillor will cease to be a member of the Standards Committee if he/she ceases to be a Councillor.
- 8.2.3 The Community Council Member will have a term of officer of no more than four years or until the next ordinary elections for the community council of which he/she is a member following appointment, whichever is the shorter. He/she may be appointed for one further consecutive term. The Community Council Member will cease to be a member of the Standards Committee if he/she ceases to be a member of a Community Council within the County Borough of Wrexham.

##### **8.3 Quorum**

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

- 8.3.1 at least four Members, including the Chairperson, are present; and
- 8.3.2 at least half the Members present (including the Chairperson) are Independent Members; and
- 8.3.3 at least one Councillor is present.

#### 8.4 **Voting**

Independent Members and Community Council Members will be entitled to vote at meetings.

#### 8.5 **Chairing the Committee**

8.5.1 Only an Independent Member of the Standards Committee may be the Chair.

8.5.2 The Chair and Vice Chair will be elected by the Members of the Standards Committee for whichever is the shortest period of:

8.5.2.1 not less than four years or no more than six years; or

8.5.2.2 until the term of office of the Independent Member comes to an end.

#### 8.6 **Community Council Member**

A Community Committee Member shall not take part in the proceedings of the Standards Committee when any matter relating to their Town or Community Council is being considered.

#### 8.7 **Sub-Committees**

The Standards Committee may appoint a sub-committee to discharge its functions, under Section 54A of the Local Government Act 2000. A sub-committee shall:-

8.7.1 consist of not less than three members of the Standards Committee;

8.7.2 only be quorate if:-

(a) at least at least two members are present, including the chairperson; and

(b) at least half of the members present (including the chairperson) are Independent Members.

#### 8.8 **Role and Function**

The Standards Committee will have the following roles and functions:

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

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

8.8.3 advising the Council on the adoption or revision of the Members' Code of Conduct, the Protocol for Member/Officer Relations and any other Codes the Council introduces relating to the conduct of Members;

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

- 8.8.5 advising, training or arranging to train Councillors and co-opted Members on matters relating to the Members' Code of Conduct, the Protocol for Member/Officer Relations and any other Codes the Council introduces relating to the conduct of Members;
- 8.8.6 the granting of dispensations enabling Member participation in business of the Council which would otherwise be prohibited by the mandatory provisions of the Members' Code of Conduct in accordance with the Standards Committees (Grants of Dispensations) (Wales) Regulations 2001;
- 8.8.7 to determine matters, which are the subject of a report and any recommendations from a monitoring officer, or a report from the Public Services Ombudsman for Wales together with any recommendations of a monitoring officer in accordance with the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001;
- 8.8.8 to oversee the Council's Whistleblowing regime;
- 8.8.9 to consider cases of non-attendance by Members at meetings in accordance with the Council's Member Remuneration Scheme.

8.9 **Work Programme**

The Committee will prepare a work programme, which will be reviewed and approved annually.

8.10 **Rules of Procedure and Debate**

- 8.10.1 The Rules of Procedure Rules in Section 4 will apply to the meetings of the Standards Committee.
- 8.10.2 When considering the conduct of individual Councillors, the procedures outlined in Section 18D will apply.

**SECTION 9**

**REGULATORY COMMITTEES**

## **SECTION 9**

### **9. REGULATORY AND OTHER COMMITTEES**

#### **9.1 Regulatory and Other Committees**

The Council will appoint the Committees to discharge the functions set out in Section 13 of this Constitution.

#### **9.2 The Audit Committee**

9.2.1 The Council will appoint an Audit Committee to discharge the functions described in Section 13 of this Constitution and in accordance with sections 81-87 of The Measure.

9.2.2 The Committee shall comprise of thirteen Members made up as follows:-

(a) twelve Councillors; and

(b) one Member who is not a Member of the Council (lay Member).

9.2.3 The Chair of the Audit Committee is appointed by the Committee and he/she cannot be a Member of the Executive Board but can be a lay Member and can only be a Member of an executive group if there are no opposition groups.

9.2.4 All Members of the Audit Committee may vote on any matter before the Committee.

#### **9.3 The Democratic Services Committee**

9.3.1 The Council will appoint a Democratic Services Committee to discharge the functions described in Section 13 of this Constitution.

9.3.2 The Committee shall comprise of thirteen Councillors but no more than one Member of the Executive Board (which Executive Board Member must not be the Leader).

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

#### **9.4 Planning Committee**

9.4.1 The Council will appoint a Planning Committee to discharge the functions described in Section 13 of this Constitution.

9.4.2 The Committee shall comprise of twenty Councillors none of whom may be a Member of the Executive Board and only one Councillor in any multiple member ward shall be eligible for appointment.

#### **9.5 Environmental Licensing Committee**

9.5.1 The Council will appoint an Environmental Licensing Committee to discharge the functions described in Section 13 of this Constitution.

9.5.2 The Committee shall comprise of fourteen Councillors.

## 9.6 **Licensing Committee**

9.6.1 The Council will appoint a Licensing Committee to discharge the functions described in Section 13 of this Constitution.

9.6.2 The Committee shall comprise at least ten but no more than fifteen Councillors; the Committee shall comprise of the same fourteen Councillors comprising the Environmental Licensing Committee and the same Chair.

## 9.7 **Appointments Committee**

9.7.1 The Council will appoint an Appointments Committee to discharge the functions described in Section 13 of this Constitution.

9.7.2 The Committee shall comprise ten Councillors of whom at least one but no more than five shall be a Member of the Executive Board; Members of the Executive Board must not comprise a majority on this Committee.

## 9.8 **Other Committees and Sub-Committees**

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

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

## 9.9 **Rules of Procedure for Committees**

### 9.9.1 Time and Place of Meetings

The time and place of meetings will be determined by the Chief Officer Governance & Customer and notified in the summons.

### 9.9.2 Notice of and Summons to Meetings

The Chief Officer Governance & Customer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules in Section 14. At least three clear days before a meeting, the Chief Officer Governance & Customer will send a summons signed by him/her to every Member of the Committee. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

### 9.9.3 Chair of Meeting

The person presiding at the meeting may exercise any power or duty of the Chair.

### 9.9.4 Quorum

The quorum of a meeting will be one quarter of the whole number of Members of that Committee with the exception of Planning Committee (see Rule 9.9.5 below). During any meeting if the Chair counts the

number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting of that Committee.

#### 9.9.5 Quorum at Planning Committee

No business shall be conducted at a meeting of the Planning Committee or at a Sub-Committee of the Planning Committee unless at least half of the total number of members of the Committee rounded to the nearest whole are present.

#### 9.9.6 Remote Attendance

Remote attendance is not allowed at any meeting of a Committee at the present time.

#### 9.9.7 Questions on Notice at Committees

- (a) Subject to paragraph (b) below, a Member of a Committee may ask the Chair of it a question on any matter in relation to which the Council has powers or duties or which affects the County Borough and which falls within the terms of reference of that Committee.
- (b) A Member may ask a question under Rule 9.9.7 if either:
  - (i) they have given at least 3 clear working days' notice in writing of the question to the Chief Officer Governance & Customer; or
  - (ii) the question relates to urgent matters, they have the consent of the Chair to whom the question is to be put and the content of the question is given to the Chief Officer Governance & Customer by 4 pm on the working day prior to the meeting.

#### 9.9.8 Voting

- (a) Any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put.
- (b) Voting shall be by show of hands, or if there is no dissent, by the affirmation of the meeting.
- (c) 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.

#### 9.9.9 Minutes

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



#### 9.9.10 Record of Attendance

All Members of the Committee 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.

#### 9.9.11 Exclusion of Public

Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Section 14 of this Constitution or Rule 9.9.13

#### 9.9.12 Members' Conduct

- (a) When a Member speaks he/she must address the meeting through the Chair. If more than one Member wishes to speak the Chair will ask one to speak and invite other Members in turn. Other Members must remain silent whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation.
- (b) When the Chair speaks during a debate, any Member speaking at the time must stop. The meeting must be silent.
- (c) If a Member persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.
- (d) If the Member continues to behave improperly after such a motion is carried, the Chair may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

#### 9.9.13 Disturbance by Public

- (a) If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair may order their removal from the meeting room.
- (b) If there is a general disturbance in any part of the meeting room open to the public, the Chair may adjourn the meeting for so long as the Chair considers necessary or call for that part to be cleared.

#### 9.9.14 Filming and Use of Social Media During Meetings

Filming and use of social media is permitted during meetings so long as there is no disturbance to the conduct of the meeting.

#### 9.9.15 Rules of Debate

The Rules of Debate in Rule 4.23 shall apply.

**SECTION 10**

**JOINT COMMITTEES**

## **SECTION 10**

### **10. JOINT COMMITTEES**

#### **10.1 Introduction**

There are a number of circumstances where the Council or the Executive Board is entitled to carry out certain functions jointly with another local authority.

#### **10.2 Arrangements to Promote Wellbeing**

The Executive Board in order to promote the economic, social, or environmental wellbeing of its area may:

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

#### **10.3 Joint Arrangements**

- 10.3.1 The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions which are not Executive Functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- 10.3.2 The Executive Board may establish joint arrangements with one or more local authorities to exercise functions which are Executive Functions. Such arrangements may involve the appointment of joint committees with these other local authorities. Except as set out below, or as permitted or required by Law, the Executive Board may only appoint Executive Board Members to such joint committees and those Members need not reflect the political composition of the Council as a whole.
- 10.3.3 The Executive Board may appoint Members to a Joint Committee from outside the Executive Board where the Joint Committee has functions for only part of the area of the Council and that area is smaller than two fifths of that local authority, by area or population. In such cases, the Executive Board may appoint to the Joint Committee any Councillor who is Member for an electoral division contained within the area. Political balance requirements do not apply to such appointments.

#### **10.4 Access to Information**

- 10.4.1 The Access to Information Procedure Rules in Section 14 apply.
- 10.4.2 If all the Members of a Joint Committee are Members of the Executive in each of the participating authorities, then its access to information regime is the same as that applied to the Executive.

- 10.4.3 If the Joint Committee contains Members who are not on the Executive of any participating authority, then the Access to Information Rules in part VA of the Local Government Act 1972 (as amended) will apply.

#### 10.5 **Delegation to and from Other Local Authorities**

- 10.5.1 The Council can delegate Non-Executive Functions to another local authority or, where those functions are the responsibility of the executive of another local authority, to that executive.
- 10.5.2 The Executive Board can delegate Executive Functions to another local authority or the executive of another local authority in certain circumstances.
- 10.5.3 The decision whether or not to accept such a delegation from another local authority is reserved to the Full Council.

#### 10.6 **Contracting Out**

The Council (in respect of Non-Executive Functions) and the Executive Board (in respect of Executive Functions) may contract out to another body or organisation functions:

- 10.6.1 which may be exercised by an Officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994; or
- 10.6.2 under contracting arrangements where the Contractor acts as the Council's Agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

**SECTION 11**

**OFFICERS**

## **SECTION 11**

### **11. OFFICERS**

#### **11.1 Management Structure**

##### **11.1.1 General**

The Full Council may engage such staff (referred to as Officers) as it considers necessary to carry out its functions.

##### **11.1.2 Senior Management Structure**

The senior management team shall comprise the Chief Executive and 7 Chief Officers.

<b>Chief Executive (and Head of Paid Service)</b>
<p><b>Functions and Areas of Responsibility</b></p> <ul style="list-style-type: none"><li>• Overall corporate management and operational responsibility including overall management responsibility for all Officers.</li><li>• Principal adviser to the Council on general policy.</li><li>• The provision of professional and impartial advice to all parties in the decision making process (to the Executive Board, to Overview and Scrutiny Committees, the Full Council and other Committees).</li><li>• Together with the Monitoring Officer, responsibility for a system of record keeping for all the Authority's decisions (executive or otherwise).</li><li>• Representing the Authority on partnership and external bodies (as required by statute or the Council).</li><li>• Service to the whole Council, on a politically neutral basis.</li><li>• Ensuring robust corporate governance</li><li>• Taking responsibility for overall corporate performance</li><li>• Promoting healthy Member/Officer relationships</li><li>• Acting as Returning Officer and Electoral Registration Officer</li></ul>

<b>Other Chief Officer Posts</b>
Chief Officer Education & Early Intervention
Chief Officer Environment & Technical
Chief Officer Finance & ICT
Chief Officer Governance & Customer
Chief Officer Housing & Economy

<b>Other Chief Officer Posts</b>
Chief Officer Planning & Regulatory
Chief Officer Social Care

### 11.1.3 Head of Paid Service, Monitoring Officer and Chief Finance Officer

The Council will designate the following posts as shown:

<b>Post</b>	<b>Designation</b>
Chief Executive	Head of Paid Service
Chief Officer Governance & Customer	Monitoring Officer
Chief Officer Finance & ICT	Chief Finance Officer
Head of Service, Legal, Democratic & Registration	Head of Democratic Services

Such posts will have the functions described in Sections 11.2 to 11.5.

### 11.1.4 Other statutory officer posts

In addition to the corporate statutory officers referred to above, the Council will designate the following statutory officer posts as shown.

<b>Post</b>	<b>Designation</b>	<b>Statutory Functions</b> (or any amendment or re-enactment thereof)
Chief Officer Education & Early Intervention	Chief Education Officer	Section 532 Education Act 1996
Chief Officer Social Care	Director of Social Services	Section 6 Local Authority Social Services Act 1970

## 11.2 Functions of the Head of Paid Service

### 11.2.1 Discharge of Functions by the Council

Section 4 of the Local Government and Housing Act 1989 imposes a duty on authorities to designate one of their officers as Head of Paid Service. The Head of Paid Service will report to Full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of Staff required for the discharge of

functions, the organisation of the authority's staff and the appointment and proper management of the authority's staff.

#### 11.2.2 Restrictions on Functions

The Head of Paid Service 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.

### 11.3 **Functions of the Monitoring Officer**

These are set out in section 5 of the Local Government and Housing Act 1989 as amended.

#### 11.3.1 Maintaining the Constitution

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

#### 11.3.2 Ensuring Lawfulness and Fairness of Decision Making

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

#### 11.3.3 Supporting the Standards Committee

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

#### 11.3.4 Receiving Reports

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

#### 11.3.5 Conducting Investigations

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

#### 11.3.6 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.



11.3.7 Advising whether decisions of the Executive Board are within the Budget and Policy Framework

The Monitoring Officer will, in conjunction with the Chief Finance Officer, advise whether decisions of the Executive Board – are in accordance with the Budget and Policy Framework.

11.3.8 Providing Advice

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

11.3.9 Restrictions on Posts

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

**11.4 Functions of the Chief Finance Officer**

These are set out in section 6 of the Local Government and Housing Act 1989.

11.4.1 Ensuring Lawfulness and Financial Prudence of Decision Making

After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the Full Council or to the Executive Board in relation to an Executive Function and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

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 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.

11.4.5 Give Financial Information

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

11.4.6 Advising whether Decisions of the Executive Board are within the Budget and Policy Framework

The Chief Finance Officer will, in conjunction with the Monitoring Officer, advise whether decisions of the Executive Board are in accordance with the Budget and Policy Framework.

11.4.7 Restrictions on Posts

The Chief Finance Officer cannot be the monitoring officer or the Head of Democratic Services.

11.5 **Functions of the Head of Democratic Services**

These are set out in section 9 of The Measure. The functions of the Head of Democratic Services are:

- 11.5.1 to provide support and advice to the authority in relation to its meetings, subject paragraph 11.5.10;
- 11.5.2 to provide support and advice to committees of the authority (other than the committees mentioned in paragraph 11.5.5) and the members of those committees, subject to paragraph 11.5.10;
- 11.5.3 to provide support and advice to any joint committee which a local authority is responsible for organising and the members of that committee, subject to paragraph 11.5.10;
- 11.5.4 to promote the role of the authority's Overview and Scrutiny Committee;
- 11.5.5 to provide support and advice to:
  - (a) the authority's Overview and Scrutiny Committees and the members of those committees; and
  - (b) the authority's Democratic Services Committee and the members of that committee;
  - (c) to provide support and advice in relation to the functions of the authority's Overview and Scrutiny Committee to each of the following:
    - (i) members of the authority;
    - (ii) members of the executive of the authority;
    - (iii) officers of the authority;
- 11.5.6 to provide support and advice to each member of the authority in carrying out the role of member of the authority, subject to paragraph 11.5.11;
- 11.5.7 to make reports and recommendations in respect of any of the following:

- (a) the number and grades of staff required to discharge democratic services functions;
- (b) the appointment of staff to discharge democratic services functions;
- (c) the organisation and proper management of staff discharging democratic services functions;

11.5.8 such other functions as may be prescribed by law.

11.5.9 Restrictions on Posts

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

11.5.10 The function of providing advice about whether or how the authority's functions should be, or should have been exercised, only applies to advice concerning the functions of the Overview and Scrutiny Committee and Democratic Services Committee.

11.5.11 Advice to a Member does not include advice in connection with their role as an Executive Member and does not include advice about a matter being or to be considered at a meeting other than a meeting of an Overview and Scrutiny Committee or Democratic Services Committee.

11.6 **Duty to Provide Sufficient Resources to the Head of Paid Service, Monitoring Officer, Chief Finance Officer and Head of Democratic Services**

The Council will provide the Head of Paid Service, the Monitoring Officer, the Chief Finance Officer and the Head of Democratic Services with such Officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

11.7 **Conduct**

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in Sections 20 and 21 of this Constitution.

11.8 **Employment**

The recruitment, selection and dismissal of Officers will comply with the Officer Employment Rules set out below.

11.9 **Officer Employment Procedure Rules**

**11.9.1 Definitions**

These Rules are designed to conform with the requirements of The Local Authorities (Standing Orders) (Wales) Regulations 2006 (as amended by *The Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014*).

(References to “the 1989 Act” are to the Local Government and Housing Act 1989)

- (1) “Head of Paid Service” (Chief Executive) means the Officer designated as the Council’s Head of Paid Service under S.4 of the 1989 Act.
- (2) “Chief Finance Officer” or “S151 Officer” (Chief Officer Finance & ICT) means the Officer appointed for the purposes of S.151 of the Local Government Act 1972, S.73 of the Local Government Act 1985 or S.112 of the Local Government Finance Act 1988.
- (3) “Monitoring Officer” (Chief Officer Governance & Customer) means the Officer designated under S.5(1) of the 1989 Act.
- (4) A Statutory Chief Officer (Chief Officer Education & Early Intervention and Chief Officer Social Care) mentioned in paragraphs (a)(c) or (d) of section 2(6) of the Local Government and Housing Act 1989; or
- (5) A Non-statutory Chief Officer (within the meaning of section 2(7) of the Local Government and Housing Act 1989).
- (6) Head of Democratic Services means the Officer designated under Section 8 of the Local Government (Wales) Measure 2011.
- (7) Member of staff means a person appointed or holding a paid office or employment with the Council.
- (8) Disciplinary Action means :

In relation to a member of staff of the Council any action occasioned by alleged misconduct which if proved, would, according to the usual practice of the Council, receive a sanction under the Council’s Disciplinary Policy and include any warning given for the period described, proposal for dismissal of a member of staff for any reason other than redundancy or permanent ill-health, but does not include failure to renew a contract of employment for a fixed term unless the relevant authority has undertaken to renew such a contract.

### **11.9.2. Recruitment and Appointment**

#### **(a) Relatives of Members or Officers**

- (1) Candidates for any appointment must state in their application if they are related to a Member or any person employed by the Council. Anyone who fails to do this will be disqualified or, if appointed, liable to instant dismissal on grounds of gross misconduct.
- (2) Members and Managers must inform the appropriate Chief Officer if they know a candidate is related to them. The Chief Officer must ensure the appointing body is made aware of the relationship.
- (3) Members and Managers must inform the appropriate Chief Officer in writing if a relative is appointed.

- (4) All candidates must be made aware of these rules.
- (5) For the purposes of the Standing Order, relative means:-
  - (a) person living as husband/wife or partner.
  - (b) parent or child.
  - (c) grandparent or grandchild.
  - (d) brother or sister.
  - (e) uncle or aunt.
  - (f) nephew or niece.
- (6) Any employee or Member on a Recruitment Panel who is involved in a recruitment and selection process must make a declaration to the relevant Chief Officer if an applicant is related to them or has a close personal relationship. (That person must take no further part in the recruitment and selection process).
- (7) Similarly, any manager or supervisor who learns that a relative, or friend from outside the work environment, has applied for a post in a section under his/her control, must declare this fact to his/her Chief Officer. This applies whether or not that manager or supervisor intends to take part in the selection process.
- (b) Canvassing of and Recommendation by Members and Officers.
  - (1) Candidates for an appointment (internal or external) will be disqualified if they canvass Members in their favour.
  - (2) A Member or Officer may not give written references to accompany an external application.
  - (3) Under no circumstances must people who have agreed to act as referees for a candidate take part in the recruitment process (internal or external).
  - (4) If a recruitment decision is challenged at any stage, or discussed in detail by a Member who is not directly involved, the relevant Officer must take a note of the conversation and be prepared to report it to the appropriate authority at a later stage, if necessary.

### **11.9.3. Appointment of Head of Paid Service**

The Full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by a committee or sub-committee of the Council. That committee or sub-committee must include at least one member of the executive, but must not comprise a majority of members of the executive. Where the remuneration is £100,000 or more the post must be publicly advertised unless the period of appointment is no longer than 12 months.

#### **11.9.4. Appointment of Chief Officers**

- (1) Where a vacancy occurs in any existing office of Chief Officer the Executive Board shall consider a report from the Chief Executive and thereupon shall determine whether that office is necessary.
- (2) Where it is proposed to appoint a Chief Officer, the Chief Executive shall (removed reference to internal appointment)-
  - (a) draw up a Job Description and Person Specification specifying:-
    - (i) the duties of the Officer concerned; and
    - (ii) any qualifications or qualities to be sought in the person to be appointed.
  - (b) make arrangements for the post to be advertised in such a way as it is likely to bring it to the attention of persons who are qualified to apply for it. Where the remuneration is £100,000 or more the post must be publicly advertised unless the period of appointment is no longer than 12 months.
  - (c) make arrangements for copies of the Job Description and Person Specification mentioned in paragraph (a) to be sent to any person on request.
- (3) Where a post has been advertised as provided in paragraph 2 (b), a Committee appointed by the Council, advised by the Chief Executive shall:-
  - (a) interview all qualified applicants for the post, or
  - (b) select a short list of such qualified applicants and interview those included on the short list.
- (4) All appointments to Chief Officer posts shall be made by a Committee appointed by the Council, advised by the Chief Executive. Such Committee must include at least one member of the executive, but must not comprise a majority of the executive.

#### **11.9.5 Other appointments**

- (a) **Officers below Chief Officer.** Appointment of Officers below Chief Officer is the responsibility of the Head of Paid Service or his/her nominee, and may not be made by councillors.
- (b) **Assistants to Political Groups.** Appointments of an assistant to a political group shall be made in accordance with the wishes of that political group.

#### **11.9.6 Changes to Remuneration of Chief Executive, and Chief Officers**

Decisions to determine or vary the remuneration of the Chief Executive and Chief Officers are to be made by Council and cannot be delegated to a committee.

**11.9.7 Disciplinary action - Head of Paid Service, Monitoring Officer, Chief Finance Officer and Head of Democratic Services**

- (1) No disciplinary action (other than action to which para (2) below applies) in respect of the Head of the Council's Paid Service, its Monitoring Officer, its Chief Finance Officer or Head of Democratic Services, may be taken by the Council, or by a Committee, a Sub-Committee, a Joint Committee on which the Council is represented or any other person acting on behalf of the Council, other than in accordance with a recommendation in a report made by a designated independent person under Regulation 9 of the Local Authorities (Standing Orders) (Wales) Regulations 2006 (investigation of alleged misconduct), as amended by The Local Authorities (Standing Orders)(Wales)(Amendment) Regulations 2014. The detailed rules appear in Section 8 below.
- (2) The action to which this paragraph applies is suspension of the Officer for the purpose of investigating the alleged misconduct occasioning the action; provided such suspension is on full pay and terminates no later than the expiry of two months beginning on the day on which the suspension takes effect.

**11.9.8 Investigation of alleged misconduct – Head of Paid Service, Chief Finance Officer, Monitoring Officer and Head of Democratic Services.**

- (1) Where it appears to the Council that an allegation of misconduct which may lead to disciplinary action has been made against –
  - (a) the Head of the Council's Paid Service;
  - (b) its Monitoring Officer;
  - (c) its Chief Finance Officer ("the relevant officer") as the case may beor
  - (d) The Head of Democratic Services.

the Council must appoint a committee ("an investigation committee") to consider the alleged misconduct.

- (2) The investigation committee must:
  - (a) consist of a minimum of 3 members of the Council;
  - (b) be politically balanced in accordance with Section 15 of the 1989 Act; and must, within 1 month of its appointment , consider the allegation of misconduct and decide whether it should be further investigated.
- (3) For the purpose of considering the allegation of misconduct, the investigation committee:
  - (a) may make such enquiries of the relevant officer or any other person it considers appropriate;

- (b) may request the relevant officer or any other person it considers appropriate to provide it with such information, explanation or documents as it considers necessary within a specified time limit; and
  - (c) may receive written or oral representations from the relevant officer or any other person it considers appropriate.
- (4) Where it appears to the investigation committee that an allegation of misconduct by the relevant officer should be further investigated, it must appoint a person (“the designated independent person”).
- (5) The designated independent person who is appointed –
  - (a) must be such person as may be agreed between the Council and the relevant officer within 1 month of the date on which the requirement to appoint the designated independent person arose; or
  - (b) where there is no such agreement; must be such person as is nominated for the purpose by the National Assembly for Wales.
- (6) The designated independent person –
  - (a) may direct –
    - (i) that the relevant authority terminate any suspension of the relevant officer;
    - (ii) that any such suspension is to continue after the expiry of the period referred to in Section 7 (2) above;
    - (iii) that the terms on which any such suspension has taken place are to be varied in accordance with the direction; or
    - (iv) that no steps (whether by the 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 (d);
  - (b) 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;
  - (c) may require any member or member of staff of the Council to answer questions concerning the conduct of the relevant officer;
  - (d) must make a report to the Council –
    - (i) stating an opinion as to whether (and, if so, the extent to which) the evidence obtained supports any allegation of misconduct against the relevant officer; and



- (ii) recommending any disciplinary action which appears appropriate for the relevant authority to take against the relevant officer; and
- (e) must no later than the time at which the report is made under subparagraph (d) send a copy of the report to the relevant officer.
- (7) Subject to paragraph (8), the relevant officer and the Council must, after consulting the designated independent person, attempt to agree a timetable within which the designated independent person is to undertake the investigation.
- (8) Where there is no agreement under paragraph (7), the designated independent person must set a timetable as that person considers appropriate within which the investigation is to be undertaken.
- (9) The Council must consider the report prepared by the independent person under paragraph (6) (d) above within 1 month of receipt of that report.
- (10) 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 these rules.
- (11) A disciplinary committee of the Council: –
  - (a) consisting of a minimum of 3 members of the Council, and
  - (b) politically balanced in accordance with Section 15 of the 1989 Act (but excluding those persons who served on the investigation committee) will consider the report under paragraph (9) above along with representations from the officer against whom allegations are made, in accordance with the Council's detailed disciplinary procedures. An appeal will lie to the full Council from the decision of this Committee, except in the case of the Head of Paid Service (in which case the Council will consider an appeal, or approve the recommendation of the Committee if no appeal is made).

### **11.9.9 Dismissal**

Councillors will not be involved in the dismissal of any Officer below Chief Officer except where particular Members' involvement is necessary for any investigation or inquiry into alleged misconduct or where the designated Head of Democratic Services is an Officer below Chief Officer level.

## **SECTION 12**

# **FINANCE, CONTRACTS AND LEGAL MATTERS**

## **SECTION 12**

### **12. FINANCE CONTRACTS AND LEGAL MATTERS**

#### **12.1 Financial Management**

The management of the Council's financial affairs will be conducted in accordance with the financial rules set out in Section 16 of this Constitution.

#### **12.2 Contracts**

Every contract made by the Council will comply with the Contract Procedure Rules set out in Section 17 of this Constitution.

#### **12.3 Legal Proceedings**

12.3.1 The Chief Officer Governance & Customer is authorised to institute, defend, participate in or settle any legal proceedings and take all necessary steps in any case where such action is necessary to give effect to decisions of the Council or in any case where the Chief Officer Governance & Customer considers that such action is necessary to protect the Council's interests.

12.3.2 The Chief Officer Governance & Customer has delegated powers to authorise Officers to appear in court on the Council's behalf.

#### **12.4 Authentication of Documents**

12.4.1 Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Chief Officer Governance & Customer or other person authorised by him/her, unless any enactment or otherwise authorises or requires, or the Council has given requisite authority to some other person.

12.4.2 Any contract with a value exceeding £75,000, entered into on behalf of the Council shall be made in writing. Subject to the Contract Procedure Rules, such contracts must be signed by at least two authorised Officers of the Council or made under common seal of the Council attested by at least one Officer if they exceed £500,000 in value.

12.4.3 In addition to any other person who may be authorised by resolution of the Council, the Proper Officer for the purposes of authentication of documents under the Local Government Acts shall be:

- (a) the Chief Executive;
- (b) the Chief Officer Governance & Customer;
- (c) any Chief Officer of the Council concerned with the matter to which the document relates; or,
- (d) any Officer authorised in writing by such Chief Officer.

## 12.5 **Common Seal of the Council**

### 12.5.1 **Common Seal**

- (a) The Common Seal of the Council shall be kept in a safe place in the custody of the Chief Officer Governance & Customer.
- (b) A decision of the Council, including decisions under delegated powers, will be sufficient authority for sealing any document necessary to give effect to the decision.

### 12.5.2 **Sealing and Execution of Documents**

- (a) The Chief Officer Governance & Customer shall have authority to affix the Common Seal and execute under Seal any deed or document subject to the above named Officer of the Council being present and being a signatory.
- (b) The Chief Officer Governance & Customer shall have authority to execute any deed or document not required by law to be under seal which is necessary to effect the decisions of the Council.
- (c) This function can be delegated further by the named persons.

### 12.5.3 **Record of Sealing of Documents**

Any entry of the sealing of every deed or document to which the Common Seal has been affixed shall be made by the Chief Officer Governance & Customer and consecutively numbered in a book to be provided for the purpose.

## **SECTION 13**

# **RESPONSIBILITY FOR FUNCTIONS**

## **SECTION 13**

### **13. RESPONSIBILITY FOR FUNCTIONS - SUMMARY**

The purpose of this Section of the Constitution is to set out who is responsible for making the various decisions in the Council.

#### **13.1 Who can be Decision Makers?**

Under this constitution, there are a number of different decision makers:

- 13.1.1 Full Council;
- 13.1.2 a Committee or Sub-Committee of the Council;
- 13.1.3 the Leader;
- 13.1.4 the Executive Board;
- 13.1.5 a Committee of Executive Board;
- 13.1.6 an individual Executive Board Member;
- 13.1.7 a Joint Committee;
- 13.1.8 an Officer.

The Council will issue and keep up to date a record of which individual has responsibility for particular types of decisions. This record is set out in Section 13 of this Constitution.

#### **13.2 Principles of Decision Making**

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

- 13.2.1 proportionately (i.e. the action must be proportionate to the desired outcome);
- 13.2.2 due consideration and the taking of professional advice from Officers;
- 13.2.3 respect for human rights;
- 13.2.4 a presumption in favour of openness;
- 13.2.5 clarity of aims and desired outcomes;
- 13.2.6 consideration of any alternative options; and
- 13.2.7 the giving and recording of reasons for the decision and the proper recording of these reasons.

#### **13.3 Functions fall into the following categories:**

##### **13.3.1 Functions of the Full Council**

The Council is the supreme decision making body and may, with some exceptions, exercise any of the functions vested in the Council by Law.

It may also delegate many of those functions to a Committee, Sub-Committee or Officer. The functions of the Full Council are set out in Section 4.

### 13.3.2 Non-Executive Functions

These are functions which, by law, may not be the responsibility of the Executive Board. In some cases, only the Full Council meeting may take the decision. In other cases, the Council may delegate the responsibility for taking the decision to a Committee or an Officer.

### 13.3.3 “Local Choice” Functions

There are some functions which the Council may treat as being the responsibility of the Executive Board (in whole or in part) or as being non-executive, at its discretion.

### 13.3.4 Executive Functions

All other functions are Executive Functions.

### 13.3.5 Allocation of Responsibility for Functions

Section 13 of the Local Government Act 2000 provides that all the functions of the Authority shall be functions of the Executive Board except in so far as they are reserved to the Council by the Local Government Act 2000, by other legislation or by regulations made under the Local Government Act 2000. The Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2007 define those functions.

This part of the Constitution specifies the various responsibilities for functions of the Council and it is set out below in tabular format as set out in Tables appended to this Section 13 for ease of reference as follows:

#### **Table 1**

Those functions which are ‘local choice’ functions (i.e. they may, but need not be, the responsibility of the Executive).

#### **Table 2**

Those functions that cannot be the responsibility of the Executive to discharge.

#### **Table 3**

Those functions which are split between the Executive and Full Council depending on the circumstances.

#### **Table 4**

Those functions that are the responsibility of Committees of the Council.

#### **Table 5**

Those functions that are the responsibility of the Executive Board. The Scheme of Delegation to Executive Board Members.

#### **Table 6**

The Scheme of Delegation to Officers.

#### 13.4 **Other Bodies**

##### 13.4.1 **Advisory Bodies**

The Council and/or the Leader can also set up Advisory Committees and Joint Advisory Committees.

##### 13.4.2 **Scrutiny Committees**

Scrutiny Committees are responsible for the overview and scrutiny function. They cannot exercise other functions and make decisions.

##### 13.4.3 **Officer Delegations**

Officer delegations are also contained in this Section of the Constitution.

#### 13.5 **Who Decides – Non-Executive Functions?**

13.5.1 The Council may decide whether to delegate Non-Executive Functions to a committee, sub-committee, delegated Officer or joint committee.

13.5.2 Where a non-Executive Function has been delegated to a committee, the committee may further delegate to a sub-committee or delegated Officer.

13.5.3 Where a non-Executive Function has been delegated to a sub-committee, the sub-committee may further delegate to a delegated Officer.

#### 13.6 **Who Decides – Executive Functions?**

The Leader and Executive Board may decide whether to delegate Executive Functions to a committee of the Executive Board, an individual Executive Board Member, a delegated Officer or a joint committee.

#### 13.7 **Removal of Delegation**

13.7.1 Where a function has been delegated, the body that delegated the function may withdraw the delegation generally or in any particular case, and may exercise the function itself.

13.7.2 Where a function has been delegated, the decision maker is not required to exercise the delegation and may refer any particular matter to the body that made the delegation or any other body that has power to exercise the function.

#### 13.8 **Who May Exercise Officer Delegations?**

Where a function has been delegated to an Officer(s) (“delegated Officer(s)”), the decision may be taken in the name of (but not necessarily personally by) such delegated Officer(s) (“authorised Officer(s)”) in accordance with arrangements made from time to time by such delegated Officer(s) for this purpose. The Officer with delegated powers can only delegate to a third party if that Officer is given delegated powers to “delegate on” that decision making.



**TABLE 1: RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS (i.e. where there is a choice between the Council or Executive Board in exercising the function)**

The table below lists the specific functions in The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 (namely functions that are local choice functions which may be but need not be the responsibility of the Executive under Schedule 2) denoting whether the function is exercisable by Council or the Executive Board and if applicable which have been delegated to a committee or Chief Officer. The headings, numbers and letters correspond to those in the Regulations.

Function and relevant statutory provision	Decision Making Body	Delegation of Functions (if applicable)
1 Any function under a local Act other than a function specified or referred to in Schedule 1 of the Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2007 (See Functions listed in Table 2).	Executive Board	The Chief Officer Environment & Technical may exercise powers under Section 15 of the Clwyd County Council Act 1985.
2 The determination of an appeal against any decision made by or on behalf of the Authority.	Council	A Chief Officer
3 Functions in relation to the revision of decisions made in connection with claims for housing benefit or Council tax benefit and for appeals against such decisions under Section 68 of and Schedule 7 to the Child Support Pensions and Social Security Act 2000.	Executive Board	
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.	Executive Board	Chief Officer Education & Early Intervention
5 The making of arrangements pursuant to Section 94(1), (1A) and (4) of, and Schedule 24 to, the School Standards and Framework Act 1998 (admission appeals)	Executive Board	Chief Officer Education & Early Intervention
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).	Executive Board	Chief Officer Education & Early Intervention
7 <i>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 functions of a Police Authority. (No longer in force since establishment of Police &amp; Crime Commissioners)</i>	Council	
8 <i>The making of appointments under paragraphs 2 to 4 (appointment of</i>	Council	

Function and relevant statutory provision	Decision Making Body	Delegation of Functions (if applicable)
<i>Members by relevant Councils) of Schedule 2 (Police Authorities established under Section 3) to the Police Act 1996. (No longer in force since establishment of Police &amp; Crime Commissioners)</i>		
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. <i>(This provision has been superseded by the establishment of Welsh Improvement Authorities under the Local Government (Wales) Measure 2009.)</i>	Executive Board	
10 Any function relating to contaminated land. (Part IIA of the Environmental Protection Act 1990 and subordinate legislation)	Executive Board	Chief Officer Planning & Regulatory
11 The discharge of any function relating to the control of pollution or the management of air quality. (Pollution Prevention and Control Act 1999, Part IV of the Environment Act 1995, Part I of the Environment Act 1990 and the Clean Air Act 1993)	Council	Environmental Licensing Committee Chief Officer Planning & Regulatory
12 The service of an abatement notice in respect of a statutory nuisance. (Section 8 Noise and Statutory Nuisance Act 1993)	Executive Board	Chief Officer Planning & Regulatory.
13 The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Authority's area.	Executive Board	
14 The inspection of the Authority's area to detect any statutory nuisance. (section 79 Environmental Protection Act 1990)	Executive Board	Chief Officer Planning & Regulatory
15 The investigation of any complaint as to the existence of a statutory nuisance.	Executive Board	Chief Officer Planning & Regulatory
16 The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.	Executive Board	Chief Officer Governance & Customer may serve notices under the Town and Country Planning Act 1990.
17 The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Executive Board	Chief Officer Governance & Customer, Chief Officer Planning & Regulatory and Chief Officer Environment & Technical

Function and relevant statutory provision	Decision Making Body	Delegation of Functions (if applicable)
<p>18 Any of the following functions in respect of highways —</p> <p>(a) the making of agreements for the execution of highways works;</p>	Executive Board	Chief Officer Environment & Technical
<p>(b) the functions contained in the following provisions of Part III of the Highways Act 1980 (creation of highways) -</p> <p>(i) section 25 - creation of footpath, bridleway or restricted byway by agreement;</p> <p>(ii) section 26 - compulsory powers for creation of footpaths, bridleways or restricted byways;</p>	Executive Board	Chief Officer Environment & Technical
<p>(c) the functions contained in the following provisions of Part VIII of the Highways Act 1980 (stopping up and diversion of highways etc)—</p> <p>(i) section 116 — power of magistrates' court to authorise stopping up or diversion of highway;</p> <p>(ii) section 117 - application for order under section 116 on behalf of another person;</p> <p>(iii) section 118 - stopping up of footpaths, bridleways and restricted byways;</p> <p>(iv) section 118ZA - application for a public path extinguishment order;</p> <p>(v) section 118A - stopping up of footpaths, bridleways and restricted byways crossing railways;</p> <p>(vi) section 118B - stopping up of certain highways for purposes of crime prevention etc;</p> <p>(vii) section 118C - application by proprietor of school for special extinguishment order;</p> <p>(viii) section 119 - diversion of footpaths, bridleways and restricted byways;</p>	Executive Board	Chief Officer Environment & Technical

Function and relevant statutory provision	Decision Making Body	Delegation of Functions (if applicable)
<ul style="list-style-type: none"> <li>(ix) section 119ZA - application for a public path diversion order;</li> <li>(ix) section 119A - diversion of footpaths, bridleways and restricted byways crossing railways;</li> <li>(x) section 119B - diversion of certain highways for purposes of crime prevention etc;</li> <li>(xi) section 119C - application by proprietor of school for special diversion order;</li> <li>(xii) section 119D - diversion of certain highways for protection of sites of special scientific interest;</li> <li>(xiii) section 120 - exercise of powers of making public path extinguishment and diversion orders;</li> <li>(xiv) section 121B - register of applications;</li> </ul>	Executive Board	Chief Officer Environment & Technical
<p>(d) the functions contained in the following provisions of Part IX of the Highways Act 1980 (lawful and unlawful interference with highways and streets)—</p> <ul style="list-style-type: none"> <li>(i) section 130 - protection of public rights;</li> <li>(ii) sections 139 - control of builders' skips;</li> <li>(iii) section 140 - removal of builders' skips;</li> <li>(iv) section 140A - builders' skips: charges for occupation of the highway;</li> <li>(v) section 142 - licence to plant trees, shrubs etc in a highway;</li> <li>(vi) section 147 - power to authorise erection of stiles etc on footpath or bridleway;</li> <li>(vii) section 147ZA – agreements relating to improvements for benefit of persons with mobility problems;</li> <li>(viii) section 149 - removal of things</li> </ul>	Executive Board	Chief Officer Environment & Technical

Function and relevant statutory provision	Decision Making Body	Delegation of Functions (if applicable)
<p>so deposited on highways as to be a nuisance etc;</p> <p>(ix) section 169 - control of scaffolding on highways;</p> <p>(x) section 171 - control of deposit of building materials and making of excavations in streets;</p> <p>(xi) section 171A and regulations made under that section - works under s169 or s171: charge for occupation of the highway;</p> <p>(xii) section 172 - hoardings to be set up during building etc;</p> <p>(xiii) section 173 - hoardings to be securely erected;</p> <p>(xiv) section 178 - restriction on placing of rails, beams etc over highways;</p> <p>(xv) section 179 - control of construction of cellars etc under street;</p> <p>(xv) section 180 - control of openings into cellars etc under streets, and pavement lights and ventilators;</p>	Executive Board	Chief Officer Environment & Technical
(e) exercising functions under section 34 of the Wildlife and Countryside Act 1981 (limestone pavement orders); and	Executive Board	Chief Officer Environment & Technical
(f) exercising functions under section 53 of the Wildlife and Countryside Act 1981 (duty to keep definitive map and statement under continuous review).	Executive Board	Chief Officer Environment & Technical
<p>19 The appointment of any individual -</p> <p>(a) to any office other than an office in which he is employed by the authority;</p> <p>(b) to any body other than -</p> <p>(i) the authority;</p> <p>(ii) a joint committee of two or more authorities; or</p> <p>(c) to any committee or sub-committee of such a body, and the revocation of any such appointment.</p>	Executive Board and Council	<p>The Executive Board make appointments to outside bodies within its defined areas of responsibility.</p> <p>The Council make appointments to outside bodies other than those falling to the Executive Board for appointment.</p>

Function and relevant statutory provision	Decision Making Body	Delegation of Functions (if applicable)
20 Power to make payments or provide other benefits in cases of maladministration etc. Section 92 Local Government Act 2000.	Executive Board	
21 <i>The discharge of any function by an authority acting as a harbour authority (not applicable).</i>		
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 and 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.	Executive Board	
23 Licensing functions in accordance with Part 2 of the Licensing Act 2003, except section 6.	Council	The Licensing Committee and the Chief Officer Planning & Regulatory to the extent defined in the Scheme of Delegation to Officers - see Table 6
24 Functions in respect of gambling under the following provisions of the Gambling Act 2005 – (a) section 29 - licensing authority information; (b) section 30 - other exchange of information; (c) section 166 - resolution not to issue casino licences; (d) section 212 and regulations made under that section - fees; (e) section 284 - removal of exemption; (f) section 304 - authorised persons; (g) section 346 - prosecutions by licensing authority; (h) section 349 - three-year licensing policy; (i) section 350 - exchange of information; (j) Part 5 of Schedule 11 - registration with local authority.	Council	The Licensing Committee and its Sub-Committees and the Chief Officer Planning & Regulatory to the extent defined in Table 4 (Licensing Committee) and the Scheme of Delegation to Officers (see Table 6)

Function and relevant statutory provision	Decision Making Body	Delegation of Functions (if applicable)
24 Functions in respect of approval by a local authority under section 51 or a determination by a local authority under section 53 of the Schools Standards and Organisation (Wales) Act 2013.	Executive Board	

**TABLE 2: FUNCTIONS NOT TO BE THE RESPONSIBILITY OF THE EXECUTIVE BOARD**

The table below lists the specific functions in The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 that may only be exercised by the Council or delegated to a Committee or Officer under Schedule 1 denoting whether the function is exercisable by Council or delegated to a committee or Chief Officer. The headings, numbers and letters correspond to those in the Regulations.

Functions	Provision of Act or Statutory Instrument	Committee/Decision Making Body	Delegation of Functions - (subject to any restrictions in the Scheme for Delegation to Officers)
<b>A. Functions relating to Town &amp; Country Planning &amp; Development Control (under the Town and Country Planning Act 1990 (as amended) and associated regulations, unless stated otherwise).</b>			
1. Power to determine applications for planning permission.	Sections 71(a) and (b) and 72 of the Town and Country Planning Act 1990 (c.8) (TCPA 1990)	Planning Committee	Chief Officer Planning & Regulatory
2. Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 TCPA 1990.	Planning Committee	Chief Officer Planning & Regulatory
3. Power to grant planning permission for development already carried out.	Section 73A TCPA 1990.	Planning Committee	Chief Officer Planning & Regulatory
4. Power to decline to determine application for planning permission.	Section 70A TCPA 1990.	Planning Committee	Chief Officer Planning & Regulatory
5. Duties relating to the making of determinations of planning applications.	Sections 69, 76 and 92 of the TCPA 1990 and relevant Articles under the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995.419) and any directions made thereunder.	Planning Committee	Chief Officer Planning & Regulatory
6. Power to determine applications for planning permission made by a local authority, alone or jointly with another person.	Section 316 TCPA 1990 and Town Country Planning General Regulations 1992 (S.I. 1992/1492)	Planning Committee	Chief Officer Planning & Regulatory
7. Power to make determinations, give approvals and agree certain other matters related to the exercise of permitted	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted	Planning Committee	Chief Officer Planning & Regulatory



<b>Functions</b>	<b>Provision of Act or Statutory Instrument</b>	<b>Committee/Decision Making Body</b>	<b>Delegation of Functions - (subject to any restrictions in the Scheme for Delegation to Officers)</b>
development rights.	Development) Order 1995 (S.I. 1995/418).		
8. Power to enter into planning obligation, regulating development or use of land.	Section 106 TCPA 1990	Planning Committee	Chief Officer Planning & Regulatory
9. Power to issue a certificate of existing or proposed lawful use or development.	Sections 191(4) and 192(2) TCPA 1990	Planning Committee	Chief Officer Planning & Regulatory
10. Power to serve a completion notice.	Section 94(2) TCPA 1990	Planning Committee	Chief Officer Planning & Regulatory
11. Power to grant consent for the display of advertisements.	Section 220 TCPA 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992.	Planning Committee	Chief Officer Planning & Regulatory
12. Power to authorise entry onto land.	Section 196A TCPA 1990.	Planning Committee	Chief Officer Planning & Regulatory
13. Power to require the discontinuance of a use of land.	Section 102 TCPA 1990.	Planning Committee	Chief Officer Planning & Regulatory
14. Power to serve planning contravention notice, breach of condition notice or stop notice.	Sections 171C, 187A and 183(1) TCPA 1990	Planning Committee	Chief Officer Planning & Regulatory
15. Power to issue an enforcement notice.	Section 172 TCPA 1990	Planning Committee	Chief Officer Planning & Regulatory
16. Power to apply for an injunction restraining a breach of planning control.	Section 178B TCPA 1990	Planning Committee	Chief Officer Planning & Regulatory
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)	Planning Committee	Chief Officer Planning & Regulatory
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.	Para 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, para 9(6) of Schedule 13 to the Environment Act 1995 (c.25) and para 6(5) of Schedule 14 to that Act.	Planning Committee	Chief Officer Planning & Regulatory
19. Power to require proper maintenance of land.	Section 215(1) TCPA 1990	Planning Committee	Chief Officer Planning & Regulatory
20. Power to determine applications for listed building consent, and	Sections 16(1) and (2), 17 and 33(1) of the Planning (Listed	Planning Committee	Chief Officer Planning & Regulatory

<b>Functions</b>	<b>Provision of Act or Statutory Instrument</b>	<b>Committee/Decision Making Body</b>	<b>Delegation of Functions - (subject to any restrictions in the Scheme for Delegation to Officers)</b>
related powers.	Buildings and Conservation Areas) Act 1990 (c.9)		
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.	Planning Committee	Chief Officer Planning & Regulatory
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 3-13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990	Planning Committee	Chief Officer Planning & Regulatory
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	Planning Committee	Chief Officer Planning & Regulatory
24. Power to issue a listed building enforcement notice.	Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Planning Committee	Chief Officer Planning & Regulatory
25. Powers to acquire a listed building in need of repair and to serve a repairs notice.	Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Planning Committee	Chief Officer Planning & Regulatory
26. Power to apply for an injunction in relation to a listed building.	Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990	Planning Committee	None
27. Power to execute urgent works.	Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990	Planning Committee	Chief Officer Planning & Regulatory
28. Powers related to mineral working.	Schedule 9 TCPA 1990	Planning Committee	Chief Officer Planning & Regulatory
29. Powers related to footpaths and bridleways.	Section 257 TCPA 1990	Planning Committee	Chief Officer Planning & Regulatory
30. Power as to certification of appropriate alternative development.	Section 17 of the Land Compensation Act 1961 (c.33)	Planning Committee	Chief Officer Planning & Regulatory
31. Duties in relation to purchase notices.	Sections 137-144 TCPA 1990	Planning Committee	Chief Officer Governance & Customer
32. Powers related to blight notices.	Sections 149 – 171 TCPA 1990	Planning Committee	Chief Officer Governance & Customer

Functions	Provision of Act or Statutory Instrument	Committee/Decision Making Body	Delegation of Functions - (subject to any restrictions in the Scheme for Delegation to Officers)
<b>B. Licensing and Registration functions (provided that no other paragraph in this schedule deals with them)</b>			
1. Power to issue licences authorising the use of land as a caravan site.	Section 3(3) Caravan Sites and Control of Development Act 1960 (c.62)	Environmental Licensing Committee	Chief Officer Planning & Regulatory
2. Power to license the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936 (c.49).	Environmental Licensing Committee	Chief Officer Planning & Regulatory
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.	Environmental Licensing Committee	Chief Officer Planning & Regulatory
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.	Environmental Licensing Committee	Chief Officer Planning & Regulatory
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.	Environmental Licensing Committee	Chief Officer Planning & Regulatory
6. Power to register pool promoters.	Schedule 2 to the Betting, Gaming and Lotteries Act 1963 (c.2)	Environmental Licensing Committee	Chief Officer Planning & Regulatory
7. Power to grant track betting licences.	Schedule 3 to the Betting, Gaming and Lotteries Act 1963.	Environmental Licensing Committee	Chief Officer Planning & Regulatory
8. Power to license intertrack betting schemes.	Schedule 5ZA to the Betting, Gaming and Lotteries Act 1963.	Environmental Licensing Committee	Chief Officer Planning & Regulatory

<b>Functions</b>	<b>Provision of Act or Statutory Instrument</b>	<b>Committee/Decision Making Body</b>	<b>Delegation of Functions - (subject to any restrictions in the Scheme for Delegation to Officers)</b>
9. Power to grant permits in respect of premises with amusement machines.	Schedule 9 to the Gaming Act 1968 (c.65).	Environmental Licensing Committee	Chief Officer Planning & Regulatory
10. Power to register societies wishing to promote lotteries.	Schedule 1 to the Lotteries and Amusements Act 1976 (c.32).	Environmental Licensing Committee	Chief Officer Planning & Regulatory
11. Power to grant permits in respect of premises where amusements with prizes are provided.	Schedule 3 to the Lotteries and Amusements Act 1976.	Environmental Licensing Committee	Chief Officer Planning & Regulatory
12. Power to issue entertainments licences.	Section 12 of the Children and Young Persons Act 1933 (c.12).	Environmental Licensing Committee	Chief Officer Planning & Regulatory
13. Power to license sex shops and sex cinemas.	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.	Environmental Licensing Committee	Chief Officer Planning & Regulatory
14. Power to license performances of hypnotism.	The Hypnotism Act 1952 (c.46).	Environmental Licensing Committee	Chief Officer Planning & Regulatory
15. Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis.	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.	Environmental Licensing Committee	Chief Officer Planning & Regulatory
16. Power to license pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907 (c.53).	Environmental Licensing Committee	Chief Officer Planning & Regulatory
17. Power to license market and street trading.	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982.	Environmental Licensing Committee	Chief Officer Planning & Regulatory
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).	Environmental Licensing Committee	Chief Officer Planning & Regulatory
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 Licensing Act 1860 (c.90), section 4 of the Customs and Inland Revenue Act 1883 (c.10), sections 12(3) and 27 of the Local Government Act 1874 (c.73), and section 213 of the Local Government Act 1972 (c.70).	Environmental Licensing Committee	Chief Officer Planning & Regulatory
20. Power to register and	Section 19 of the Food	Environmental Licensing	Chief Officer Planning &

Functions	Provision of Act or Statutory Instrument	Committee/Decision Making Body	Delegation of Functions - (subject to any restrictions in the Scheme for Delegation to Officers)
license premises for the preparation of food.	Safety Act 1990 (c.16).	Committee	Regulatory
21. Power to licence scrap yards	Section 1 Scrap Metal Dealers Act 1964 ( <i>no longer in force</i> )	n/a	n/a
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).	Environmental Licensing Committee	Chief Officer Planning & Regulatory
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).	Environmental Licensing Committee	Chief Officer Planning & Regulatory
24. Duty to promote fire safety.	Section 6 of the Fire and Rescue Services Act 2004.	Responsibility lies with the North Wales Fire & Rescue Authority	
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).	Environmental Licensing Committee	Chief Officer Planning & Regulatory
26. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	Section 1 of the Pet Animals Act 1951 (c.35); section 1 of the Animal Boarding Establishments 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	Environmental Licensing Committee	Chief Officer Planning & Regulatory
27. Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925 (c.38).	Environmental Licensing Committee	Chief Officer Planning & Regulatory
28. Power to license zoos.	Section 1 of the Zoo Licensing Act 1981	Environmental Licensing Committee	Chief Officer Planning & Regulatory
29. Power to license dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976 (c.38).	Environmental Licensing Committee	Chief Officer Planning & Regulatory
30. Power to enforce regulations in relation to animal by-products.	Regulation 49 of the Animal By-Products (Wales) Regulations 2006.	Environmental Licensing Committee	Chief Officer Planning & Regulatory
31. Power to license the	Part II of the Children	Environmental Licensing	Chief Officer Education &

<b>Functions</b>	<b>Provision of Act or Statutory Instrument</b>	<b>Committee/Decision Making Body</b>	<b>Delegation of Functions - (subject to any restrictions in the Scheme for Delegation to Officers)</b>
employment of children.	and Young Persons Act 1933 (c. 33), byelaws made under that Part, and Part II of the Children and Young Persons Act 1963 (c.37).	Committee	Early Intervention
32. Power to approve premises for the solemnisation of marriages.	Section 46A of the Marriage Act 1949 (c.76) and the Marriages (Approved Premises) Regulations 1995 (S.I.1995/510).	Environmental Licensing Committee	Chief Officer Governance & Customer
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 – (a) an exchange of lands affected by an order under section 19(3) of, or paragraph 6(4) of schedule 3 to, the Acquisition of Land Act 1981 or 3(b) an order under section 147 of the Inclosure Act 1845.	Regulation 6 of the Commons Registration (New Land) Regulations 1969 (S.I. 1966/1843)	Council	None
34. Power to register variation of rights of common.	Regulation 29 Commons Registration (General) Regulations 1966 (S.I. 1966/1471)	Council	None
35. Power to license persons to collect for charitable and other causes.	Section 68 of the Charities Act 1992.	Environmental Licensing Committee	Chief Officer Planning & Regulatory
36. Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c.40).	Environmental Licensing Committee	Chief Officer Planning & Regulatory
37. Power to grant a street works licence.	Section 50 New Roads and Street Works Act 1991 (c.22)	Council	Chief Officer Environment & Technical
38. Duty to register the movement of pigs.	Articles 21(3) and (4) of the Pigs (Records, Identification and Movement) (Wales) Order 2004 (S.I. 2004/96).	Environmental Licensing Committee	Chief Officer Planning & Regulatory
39. Power to enforce regulations in relation to the movement of pigs.	Article 27(1) of the Pigs (Records, Identification and Movement) (Wales) Order 2004.	Environmental Licensing Committee	Chief Officer Planning & Regulatory
40. Power to issue a licence to move cattle from a market.	Article 5(2) of the Cattle Identification Regulations	Environmental Licensing Committee	Chief Officer Planning & Regulatory

<b>Functions</b>	<b>Provision of Act or Statutory Instrument</b>	<b>Committee/Decision Making Body</b>	<b>Delegation of Functions - (subject to any restrictions in the Scheme for Delegation to Officers)</b>
	(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).	Environmental Licensing Committee	Chief Officer Planning & Regulatory
42. Duty to enforce and execute Regulations (E.C.) No. 852/2004 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.	Environmental Licensing Committee	Chief Officer Planning & Regulatory
43. Functions in respect of establishing a Licensing Committee	Section 6 Licensing Act 2003 (c.17)	Council	None
<b>C. Functions Relating to Health and Safety at Work</b>			
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).	Environmental Licensing Committee	Chief Officer Planning & Regulatory
<b>D. Functions relation to elections</b>			
1 Duty to appoint an Electoral Registration Officer.	Section 8(2A) Representation of the People Act 1983 (c.2) (RPA 1983)	Council	
2 Power to assign officers in relation to requisitions of the Registration Officer.	Section 52(4) RPA 1983	Council	
3 Power to dissolve Community Councils	Section 27D Local Government Act 1972 (LGA 1972)	Council	
4 Power to make orders for grouping communities	Section 27F or 27H LGA 1972	Council	
5 Power to make orders for dissolving groups and separating community councils	Section 27 or 27L LGA 1972	Council	

<b>Functions</b>	<b>Provision of Act or Statutory Instrument</b>	<b>Committee/Decision Making Body</b>	<b>Delegation of Functions - (subject to any restrictions in the Scheme for Delegation to Officers)</b>
from groups.			
6 Duty to appoint Returning Officer for local government Elections.	Section 35 RPA 1983	Council	
7 Duty to provide assistance at European Parliamentary Elections.	Section 6(7) and (8) European Parliamentary Elections Act 2002	Council	Chief Executive
8 Duty to divide constituency into polling districts.	Section 18 RPA 1983	Council	
9 Power to divide electoral divisions into polling district at local government elections.	Section 31 RPA 1983	Council	
10 Powers in respect of holding elections.	Section 39(4) RPA 1983	Council	
11 Power to pay expenses properly incurred by Electoral Registration Officers.	Section 54 RPA 1983	Council	Chief Executive
12 Power to fill vacancies in the event of insufficient nominations.	Section 21 RPA 1983	Council	Chief Executive
13 Duty to declare vacancy in office in certain cases	Section 86 LGA 1972	Council	Chief Executive
14 Duty to give public notice of a casual vacancy	Section 87 LGA 1972	Council	Chief Executive
15 Power to make temporary appointments to Community Councils	Section 91 LGA 1972	Council	Chief Executive
16 Power to determine fees and conditions for supply of copies of, or extracts from, elections documents	Rule 48(3) Local Elections (Principal Areas) Rules 1986 (S.I. 1986/2214) and rule 48(3) Local Elections (Parishes and Communities) Rules 1986 (S.I. 1986 2215)	Council	Chief Executive
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 People Act 2000.	Section 10 Representation of the People Act 2000	Council	
<b>E. Functions relating to name and status of areas and individuals</b>			
1 Power to change the name of a county or county borough	Section 74 Local Government Act 1972 (LGA 1972)	Council	



<b>Functions</b>	<b>Provision of Act or Statutory Instrument</b>	<b>Committee/Decision Making Body</b>	<b>Delegation of Functions - (subject to any restrictions in the Scheme for Delegation to Officers)</b>
2 Power to change the name of a community	Section 76 LGA 1972	Council	
3 Power to confer title of honorary alderman or to admit to be an honorary freeman	Section 249 LGA 1972	Council	
4 Power to petition for a charter to confer county borough status	Section 245A LGA 1972	Council	
<b>F. Power to make, amend, revoke or re-enact byelaws</b>	Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978 (c.300)	Council	
<b>G. Power to promote or oppose private Bills</b>	Sections 52 and 53 Local Government (Democracy)(Wales) Act 2013	Council	
<b>H. Functions relating to Pensions etc.</b>			
1 Functions relating to local government pensions etc.	Regulations under section 7,12 or 24 Superannuation Act 1972 (c.11)	Council	
2 Functions relating to pensions, allowances and gratuities.	Regulations under section 18(3A) Local Government and Housing Act 1989 (c.42)	Council	
3 Functions under existing Pension Schemes as respects persons employed by the Fire and Rescue Authorities pursuant to Section 1 of the Fire and Rescue Services Act 2004.	Sections 34 and 36 Fire and Rescue Services Act 2004	Council	
<b>I. Miscellaneous Functions</b>			
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)	Regulations made under section 39 Public Audit (Wales) Act 2004	Audit Committee	
3.Powers relating to the preservation of trees.	Sections 197 to 214D TCPA 1990 and the Town and Country Planning (Trees) Regulations 1999 (S.I.1999/1892)	Planning Committee	Chief Officer Planning & Regulatory

<b>Functions</b>	<b>Provision of Act or Statutory Instrument</b>	<b>Committee/Decision Making Body</b>	<b>Delegation of Functions - (subject to any restrictions in the Scheme for Delegation to Officers)</b>
4. Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997 (S.I.1997/1160)	Planning Committee	Chief Officer Planning & Regulatory
5. Power to make standing orders.	Section 106 of and para 42 of Schedule 12 to Local Government Act 1972	Council	
6. Appointment and dismissal of staff	Section 112 Local Government Act 1972 and sections 7 and 8 Local Government and Housing Act 1989	Council in respect of Chief Executive  Appointments Committee in respect of Chief Officers	Chief Executive and Chief Officers
7. Power to make standing orders as to contracts	Section 135 Local Government Act 1972	Council	
8. Power to consider reports from the Public Services Ombudsman for Wales	Section 19 Public Services Ombudsman (Wales) Act 2005	Council	
9. Power to make an order identifying a place as a designated public place for the purposes of police power in relation to alcohol consumption	Section 13(2) Criminal Justice and Police Act 2001 (c.16)	Council	
10. Powers in respect of registration of motor salvage operators	Part 1 Vehicles (Crime) Act 2001 (c.3)	Environmental Licensing Committee	Chief Officer Planning & Regulatory
11. Power to appoint officers for particular purposes (appointment of "proper officers")	Section 270(3) Local Government Act 1972 (c.42)		
12. Duty to designate an officer as the head of the authority's paid service, and to provide staff, etc.	Section 4(1) Local Government and Housing Act 1989 (c.42) (LGHA 1989)	Council	
13. Duty to designate an officer as the monitoring officer and to provide staff, etc	Section 5(1) LGHA 1989	Council	
14. Duty to determine affordable borrowing limit.	Section 3 Local Government Act 2003 (c.22) (LGA 2003)	Council	
15. Approval of annual investment strategy in accordance with guidance.	Section 15 LGA 2003	Council	
16. Duty to make arrangements for proper administration of financial affairs.	Section 151 Local Government Act 1972	Council	
17. Power to make or	Section 16 Violent	Council	

Functions	Provision of Act or Statutory Instrument	Committee/Decision Making Body	Delegation of Functions - (subject to any restrictions in the Scheme for Delegation to Officers)
revoke an order designating a locality as an alcohol disorder zone.	Crime Reduction Act 2006		
18. Functions relating to family absence of local authority members.	Family Absence for Members of Local Authorities (Wales) Regulations 2013	Council	
<b>OTHER FUNCTIONS NOT TO BE THE RESPONSIBILITY OF THE EXECUTIVE pursuant to Regulation 3</b>			
(5) The function of making any scheme authorised or required by regulations under section 18 of the Local Government and Housing Act 1989 (schemes for basic, attendance and special responsibility allowances for local authority members), or of amending, revoking or replacing any such scheme		Council	
(6) The functions of determining <ul style="list-style-type: none"> <li>(a) the amount of any allowance payable under <ul style="list-style-type: none"> <li>(i) sub-section 5 of section 3 (Chairman's expenses) of the 1972 Act;</li> <li>(ii) sub-section 4 of section 5 (Vice-Chairman's expenses) of that Act;</li> <li>(iii) sub-section (4) of section 173 (Financial Loss Allowance) of that Act;</li> <li>(iv) section 175 (allowances for attending conferences and meetings) of that Act</li> </ul> </li> <li>(b) the rates at which payments are to be made under section 174 (travelling and subsistence allowances) of that Act;</li> <li>(c) the amount of any allowance payable pursuant to a scheme under section 18 of the Local Government and Housing Act 1989, or the rates at which payments are to be made;</li> <li>(d) where a charge should be made for any approval, consent, licence, permit or registration the issue of which is not the responsibility of the Executive Board; and</li> <li>(e) where a charge is made for any such approval, consent, licence, permit or registration, the amount of the charge.</li> </ul>		Council	
(8) & (9) Subject to any provision of regulations under section 20 (joint exercise of functions) of the Local Government Act 2000, the function of - <ul style="list-style-type: none"> <li>(a) making arrangements for the discharge of functions by a committee or officer under Section 101(5) of the 1972 Act</li> <li>(b) making appointments under Section 102 (appointment of committees) of the 1972 Act.</li> </ul>		Council	
(10) Any other function which, by virtue of any enactment made prior to the Regulations, provides that it may be exercised only by an authority (unless provided otherwise elsewhere in this part)		Council	
<b>OTHER FUNCTIONS NOT TO BE THE RESPONSIBILITY OF THE EXECUTIVE</b>			

Functions	Provision of Act or Statutory Instrument	Committee/Decision Making Body	Delegation of Functions - (subject to any restrictions in the Scheme for Delegation to Officers)
<p><b>The promotion and maintenance of high standards of conduct within the Council</b></p>			
<p>To advise the Council on the adoption or revision of its Code of Conduct.</p> <p>To monitor and advise the Council about the operation of its Code of Conduct in the light of best practice, changes in the law, and guidance from the Public Services Ombudsman for Wales.</p> <p>Advice and/or training to Members and co-opted Members of the Authority</p> <p>Functions relating to standards of conduct of members under any relevant provision of, or regulations made under, the Local Government Act 2000.</p> <p>The granting of dispensations in accordance with the Standards Committees (Grants of Dispensations) (Wales) Regulations 2001</p>		Standards Committee	

**TABLE 3: FUNCTIONS WHICH ARE SPLIT BETWEEN THE EXECUTIVE BOARD AND THE COUNCIL**

The table below lists the specific functions in The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 that are split between the Council and the Executive depending on the circumstances according to Regulations 5 & 6 and Schedules 3 & 4.

Function	Role/Responsibility of the Executive Board (and Officers where such functions are delegated to them)	Role/Responsibility of the Council
<p>1. Formulation of the following plans and strategies:</p> <p>Council Plan (Improvement Plan)</p> <p>Well-being Plan (Public Services Board)</p> <p>Local Transport Plan</p> <p>Plans and alterations which together comprise the Development Plan</p> <p>Welsh Language Scheme</p> <p>Youth Justice Plan</p> <p>Rights of Way Improvement Plan</p> <p>Housing Strategy</p> <p>2. Formulation of a plan or strategy for the control of the Council's borrowing or capital Expenditure (which includes The Treasury Management Strategy and the Treasury Management Policy.</p> <p>3. Formulating or preparing plans, schemes or strategies (statutory or non-statutory), other than those listed at Paragraphs 1 or 2 above, where the Council decides that the decision on whether such plans, schemes or strategies should be adopted or approved, should be taken by them.</p>	<p>In relation to functions 1, 2 &amp; 3:-</p> <p>The formulation or preparation of the plans, schemes and strategies listed and referred to.</p> <p>AND</p> <p>The amendment, modification, variation or revocation of such plans, schemes or strategies (whether approved or adopted), only where such amendment etc. is:</p> <p>(i) required for giving effect to requirements of the Welsh Government or a Minister thereof in relation to a plan, scheme or strategy submitted for approval, or to any part so submitted, or</p> <p>ii) authorised by a determination made by the Council when making the arrangements or approving or adopting the plan, scheme or strategy, as the case may be.</p> <p>N.B. The Executive Board may approve details in relation to such plans and strategies and amendments to them so long as such details and amendments are not contrary to or undermine the plan/strategy as adopted by Council.</p> <p>The Executive Board is responsible for the adoption of the Capital Programme and the Annual Report.</p>	<p>In relation to functions 1, 2 &amp; 3:-</p> <p>(1) The giving of instructions requiring the Executive Board to reconsider such Draft plans, schemes or Strategies, which are submitted by the Executive Board for the Council's consideration.</p> <p>(2) The amendment of such draft plans, schemes or strategies submitted by the Executive Board for the Council's consideration.</p> <p>(3) The approval for the purpose of its submission to the Welsh Government, or any Minister thereof, of such plans, schemes or strategies (whether or not in the form of a draft) of which any part is required to be so submitted.</p> <p>(4) The adoption (with or without modification) of such plans, schemes or strategies.</p> <p>AND</p> <p>The amendment, modification, variation or revocation of any such plan, scheme or strategy, to any extent other than that set out in the preceding column as being the responsibility of the Executive Board.</p>

Function	Role/Responsibility of the Executive Board (and Officers where such functions are delegated to them)	Role/Responsibility of the Council
<p>4 The adoption or approval of a plan or strategy (whether statutory or non-statutory) other than a plan or strategy for the control of the Authority's borrowing or capital expenditure and those listed at paragraph 1 of this column.</p>	<p>To make the determination in all circumstances other than where the Council decides that the decision should be taken by them.</p>	<p>To make the determination where the Council decides that the decision whether the plan or strategy should be adopted or approved should be taken by them.</p>
<p>5 The determination of any matter in the discharge of a function which -</p> <p>(a) is the responsibility of the Executive Board, and</p> <p>(b) is concerned with the Council's budget, or their borrowing or capital expenditure.</p>	<p>To make the determination when decision is within the Council's budget and its adopted plans and strategies relating to borrowing or capital expenditure (i.e. other than the circumstances set out in the next column). However the Executive Board may make determinations on matters which are outside the budget strategy where the decision is required as a matter of urgency, so long as it is made in accordance with the Budget and Policy Framework Rules set out in Section 15 of this Constitution.</p> <p>N.B. A determination will be within the Council's budget if it is provided for in the Council's budget book.</p>	<p>To make the determination where the Executive Board -</p> <p>(a) is minded to determine the matter contrary to, or not wholly in accordance with -</p> <p>(i) the Council's budget (i.e. the Budget Book)</p> <p>or</p> <p>(ii) the plan or strategy for the time being approved or adopted by the Council in relation to their borrowing or capital expenditure, and</p> <p>(b) is not authorised by the Council's executive arrangements, financial Regulations, standing orders or other rules or procedures to make a determination in those terms.</p>
<p>6 The determination of any matter in the discharge of a function -</p> <p>(a) which is the responsibility of the Executive Board; and</p> <p>(b) in relation to which a plan or strategy (whether statutory or non-statutory) has been adopted or approved by the Council.</p>	<p>To make the determination if it accords with the Council's policy framework (i.e. other than the circumstances set out in the next column). However, the Executive Board may make determinations contrary to the policy framework where the decision is required as a matter of urgency, so long as it is made in accordance with the Budget and Policy Framework Rules set out in Section 15 of this Constitution.</p> <p>N.B. A determination will accord with the Council's Policy Framework if it is provided for in any of the Plans and Strategies listed in Section 4 of this Constitution.</p>	<p>To make the determination, where the Executive Board is minded to determine the matter in terms contrary to the plan, or, as the case may be, the strategy adopted or approved by the Council.</p>

Function	Role/Responsibility of the Executive Board (and Officers where such functions are delegated to them)	Role/Responsibility of the Council
<p>7 The function of making an application -</p> <p>(a) under sub-section (5) of section 135 (programmes for disposals) of the Leasehold Reform, Housing and Urban Development Act 1993; or</p> <p>(b) under section 32 (power to dispose of land held for the purposes of Part II) or section 43 (consent required for certain disposals not within section 32) of the Housing Act 1985.</p>	<p>The making of the application.</p>	<p>The authorisation of the making of the application.</p>
<p>8 The discharge of the function of -</p> <p>(a) (subject to the provisions in respect of calculation of Council tax base in Table 1) making a calculation in accordance with any of sections 32 to 37, 43 to 49, 52I, 52J, 52T and 52U of the Local Government Finance Act 1992 whether originally or by way of substitute; or</p> <p>(b) issuing a precept under Chapter IV of that Act.</p>	<p>(a) the preparation for submission to the Council for their consideration of -</p> <p>(i) estimates of the amounts to be aggregated in making the calculation or of other amounts to be used for the purposes of the calculation;</p> <p>(ii) the amounts required to be stated in the precept.</p> <p>(b) the reconsideration of those estimates and amounts in accordance with the Council's requirements.</p> <p>(c) the submission for the Council's consideration of revised estimates and amounts.</p>	<p>Any matter in connection with the discharge of this function, other than those matters set out in the previous column as being the responsibility of the Executive Board.</p>

**Table 4: Those Functions which are the Responsibility of Committees of the Council.**

**Appointments Committee**

**Audit committee**

**Democratic Services Committee**

**Environmental Licensing Committee**

**Licensing Committee**

**Planning Committee**



# **Appointments Committee**

Details of the composition of this committee are included in Section 9 of the Constitution.

The functions to be discharged by the Appointments Committee shall be:-

## **Appointment of Chief Executive**

In the event of a vacancy arising in the post of Chief Executive to undertake the selection process supported and advised by the Head of Service, HR & OD and make a recommendation for appointment to full Council.

## **Appointment of Chief Officers**

In the event of a vacancy arising in a Chief Officer post to undertake the selection process supported and advised by the Chief Executive and the Head of Service, HR & OD and to make the appointment.

*All appointments shall be made in accordance with the Officer Employment Procedure Rules in Section 11.9.*

# Audit Committee

Details of the composition of this committee are included in Section 9 of the Constitution.

The functions to be discharged by the Audit Committee shall be:-

## Statement of purpose

- 1 The 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 The purpose of the Audit Committee is 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 Council's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

## Governance, risk and control

- 3 To review the Council's corporate governance arrangements against the governance framework, including the ethical framework and the local Governance Code.
- 4 To review the Annual Governance Statement (AGS) 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 consider the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
- 6 To challenge the Council's framework of assurance and ensure that it adequately addresses the risks and priorities of the Council.
- 7 To monitor the effective development and operation of risk management in the Council.
- 8 To monitor progress in addressing risk-related issues reported to the committee.
- 9 To review reports on the effectiveness of internal controls and monitor the implementation of agreed actions.
- 10 To review the assessment of fraud risks and potential harm to the Council from fraud and corruption.
- 11 To monitor the Counter Fraud strategy, actions and resources.
- 12 To challenge the governance and assurance arrangements for significant partnerships or collaborations.

## Internal audit

- 13 To approve the Internal Audit charter.
- 14 To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.
- 15 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.
- 16 To approve significant interim changes to the risk-based Internal Audit plan and resource requirements.
- 17 To make appropriate enquiries of both management and the Head of Internal Audit to determine if there are any inappropriate scope or resource limitations.
- 18 To review any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the Head of Internal Audit. To approve and periodically review safeguards to limit such impairments.
- 19 To challenge the Head of Internal Audit on Internal Audit's performance during the year, including the performance of external providers of internal audit services. These will include:
  - a) Updates on the work of Internal Audit including key findings, issues of concern and action in hand as a result of internal audit work.
  - b) Regular reports on the results of the Quality Assurance and Improvement Programme (QAIP).
  - c) Reports on instances where the Internal Audit function does not conform to the Public Sector Internal Audit Standards (PSIAS) and Local Government Application Note (LGAN), considering whether the non-conformance is significant enough that it must be included in the AGS.
- 20 To review the Head of Internal Audit's annual report including:
  - a) The statement of the level of conformance with the PSIAS and LGAN and the results of the QAIP that supports the statement – these will indicate the reliability of the conclusions of Internal Audit.
  - 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 AGS.
- 21 To consider summaries of specific Internal Audit reports as requested.
- 22 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 agreed actions.
- 23 To contribute to the QAIP and in particular, to the external quality assessment of Internal Audit that takes place at least once every five years.
- 24 To consider a report on the effectiveness of Internal Audit to support the AGS, where required to do so by the Accounts and Audit (Wales) Regulations 2014.

- 25 To provide free and unfettered access to the Chair of the Audit Committee for the Head of Internal Audit, including the opportunity for a private meeting with the Audit Committee.

### **External audit**

- 26 To support the independence of External Audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by the Auditor General for Wales.
- 27 To consider the External Auditor's annual letter, relevant reports, and the report to those charged with governance.
- 28 To consider specific reports as agreed with the External Auditor and summary reports providing an overview of national reports to ensure that the Council has provided an effective response to recommendations.
- 29 To challenge the scope and depth of External Audit work and to ensure it gives value for money.
- 30 To commission work from Internal and External Audit.
- 31 To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

### **Financial reporting**

- 32 To approve the annual Statement of Accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the council.
- 33 To consider the External Auditor's report to those charged with governance on issues arising from the audit of the accounts.

### **Accountability arrangements**

- 34 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.
- 35 To report to Full Council on a regular basis on the Audit Committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.
- 36 To publish an annual report on the work of the Audit Committee.

# Democratic Services Committee

Details of the composition of this committee are included in Section 9 of the Constitution.

The functions to be discharged by the Democratic Services Committee shall be:-

- 1 To appoint one of the Council's Officers as the Head of Democratic Services.
- 2 To nominate a Member Development Champion from within the Committee's membership.
- 3 To review the adequacy of provision by the Authority of staff, accommodation and other resources to discharge democratic functions and make recommendations to the Executive or Council as appropriate.
- 4 To review and monitor the effectiveness of the Council's democratic services functions, including:-
  - a. The provision of support and advice to meetings of the Council, Committees, Sub-Committees and Joint Committees.
  - b. The provision of support and advice to Scrutiny.
  - c. The provision of support and advice to individual Councillors in carrying out their roles as Members.
  - d. Such other democratic services functions as may be prescribed from time to time by Regulations made by the Welsh Ministers and make recommendations to Executive and Council, as appropriate.
- 5 To review and make recommendations about the Council's Member ICT Policy and provision.
- 6 To review the Role Descriptions of elected Members.
- 7 To review the processes and monitor progress in relation to the introduction of Member Annual reports and Member Development Interviews.
- 8 To consider changes to the Member Development Strategy, consider the Annual Member Development Programme and make recommendations to Council as appropriate.
- 9 To consider reports of the Independent Remuneration Panel for Wales in respect of Members' salaries, expenses and allowances and any proposed responses.
- 10 To consider, as appropriate, consultation documents and contribute to any proposed responses which impact upon Members.
- 11 To monitor the development of webcasting of and remote attendance at council meetings.
- 12 To consider and make recommendations on the Authority's Member Induction Programme.
- 13 To monitor and review the Authority's arrangements in relation to Member Family Absence Regulations.

- 14 To require the attendance of any Members or Officers of the Council to answer questions and invite other persons to attend meetings, as required.
- 15 To appoint one or more Task and Finish Groups to receive reports back on their findings and recommendations.

It is for the Democratic Services Committee to determine how to exercise the above functions.

## Environmental Licensing Committee

Details of the composition of this committee are included in Section 9 of the Constitution.

The tables below list the specific functions in The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 (namely functions that are not to be the responsibility of the authority's Executive under Schedule 1 or local choice functions which may be but need not be the responsibility of the Executive under Schedule 2) which have been delegated to the committee. The headings, numbers and letters correspond to those in the Regulations.

The third column notes whether or not the function has been delegated onwards to a Chief Officer. Further details on the rights of the Chief Officer, including any restriction on the right to act are to be found in the Schemes for Delegation to Officers in Table 6 appended to Section 13 of the Constitution.

### SCHEDULE 1 - Functions that cannot be the responsibility of the Executive.

#### B. Licensing and Registration functions (provided that no other paragraph in this schedule deals with them)

Function	Provision of Act or Statutory Instrument	Delegation - (subject to any restrictions in the Scheme for Delegation to Officers)
1. Power to issue licences authorising the use of land as a caravan site.	Section 3(3) Caravan Sites and Control of Development Act 1960 (c.62)	Chief Officer Planning & Regulatory
2. Power to license the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936 (c.49).	Chief Officer Planning & Regulatory
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.	Chief Officer Planning & Regulatory
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.	Chief Officer Planning & Regulatory

<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>	<b>Delegation - (subject to any restrictions in the Scheme for Delegation to Officers)</b>
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.	Chief Officer Planning & Regulatory
6. Power to register pool promoters.	Schedule 2 to the Betting, Gaming and Lotteries Act 1963 (c.2)	Chief Officer Planning & Regulatory
7. Power to grant track betting licences.	Schedule 3 to the Betting, Gaming and Lotteries Act 1963.	Chief Officer Planning & Regulatory
8. Power to license intertrack betting schemes.	Schedule 5ZA to the Betting, Gaming and Lotteries Act 1963.	Chief Officer Planning & Regulatory
9. Power to grant permits in respect of premises with amusement machines.	Schedule 9 to the Gaming Act 1968 (c.65).	Chief Officer Planning & Regulatory
10. Power to register societies wishing to promote lotteries.	Schedule 1 to the Lotteries and Amusements Act 1976 (c.32).	Chief Officer Planning & Regulatory
11. Power to grant permits in respect of premises where amusements with prizes are provided.	Schedule 3 to the Lotteries and Amusements Act 1976.	Chief Officer Planning & Regulatory
12. Power to issue entertainments licences.	Section 12 of the Children and Young Persons Act 1933 (c.12).	Chief Officer Planning & Regulatory
13. Power to license sex shops and sex cinemas.	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.	Chief Officer Planning & Regulatory
14. Power to license performances of hypnotism.	The Hypnotism Act 1952 (c.46).	Chief Officer Planning & Regulatory
15. Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis.	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.	Chief Officer Planning & Regulatory
16. Power to license pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907 (c.53).	Chief Officer Planning & Regulatory
17. Power to license market and street trading.	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982.	Chief Officer Planning & Regulatory
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).	Chief Officer Planning & Regulatory



<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>	<b>Delegation - (subject to any restrictions in the Scheme for Delegation to Officers)</b>
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 Licensing Act 1860 (c.90), section 4 of the Customs and Inland Revenue Act 1883 (c.10), sections 12(3) and 27 of the Local Government Act 1874 (c.73), and section 213 of the Local Government Act 1972 (c.70).	Chief Officer Planning & Regulatory
20. Power to register and license premises for the preparation of food.	Section 19 of the Food Safety Act 1990 (c.16).	Chief Officer Planning & Regulatory
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).	Chief Officer Planning & Regulatory
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).	Chief Officer Planning & Regulatory
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).	Chief Officer Planning & Regulatory
26. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	Section 1 of the Pet Animals Act 1951 (c.35); section 1 of the Animal Boarding Establishments 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.	Chief Officer Planning & Regulatory
27. Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925 (c.38).	Chief Officer Planning & Regulatory
28. Power to license zoos.	Section 1 of the Zoo Licensing Act 1981 (c.37)	Chief Officer Planning & Regulatory
29. Power to license dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976 (c.38).	Chief Officer Planning & Regulatory
30. Power to enforce regulations in relation to animal by-products.	Regulation 49 of the Animal By-Products (Wales) Regulations 2006.	Chief Officer Planning & Regulatory

<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>	<b>Delegation - (subject to any restrictions in the Scheme for Delegation to Officers)</b>
31. Power to license the employment of children.	Part II of the Children and Young Persons Act 1933 (c. 33), byelaws made under that Part, and Part II of the Children and Young Persons Act 1963 (c.37).	Chief Officer Education & Early Intervention
32. Power to approve premises for the solemnisation of marriages.	Section 46A of the Marriage Act 1949 (c.76) and the Marriages (Approved Premises) Regulations 1995 (S.I.1995/510).	Chief Officer Governance & Customer
35. Power to license persons to collect for charitable and other causes.	Section 68 of the Charities Act 1992.	Chief Officer Planning & Regulatory
36. Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c.40).	Chief Officer Planning & Regulatory
38. Duty to register the movement of pigs.	Articles 21(3) and (4) of the Pigs (Records, Identification and Movement) (Wales) Order 2004 (S.I. 2004/96).	Chief Officer Planning & Regulatory
39. Power to enforce regulations in relation to the movement of pigs.	Article 27(1) of the Pigs (Records, Identification and Movement) (Wales) Order 2004.	Chief Officer Planning & Regulatory
40. Power to issue a licence to move cattle from a market.	Article 5(2) of the Cattle Identification Regulations (S.I. 1998/871)	Chief Officer Planning & Regulatory
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).	Chief Officer Planning & Regulatory
42. Duty to enforce and execute Regulations (E.C.) No. 852/2004 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.	Chief Officer Planning & Regulatory

### **C. Functions Relating to Health and Safety at Work**

<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>	<b>Delegation - (subject to any restrictions in the Scheme for Delegation to Officers)</b>
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<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>	<b>Delegation - (subject to any restrictions in the Scheme for Delegation to Officers)</b>
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).	Chief Officer Planning & Regulatory

### **I. Miscellaneous Functions**

<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>	<b>Delegation - (subject to any restrictions in the Scheme for Delegation to Officers)</b>
10. Power in respect of registration of motor salvage operators.	Part 1 of the Vehicles (Crime) Act 2001 (c.3)	Chief Officer Planning & Regulatory

### **SCHEDULE 2 - Functions which may be (but need not be) the responsibility of the Executive. (local choice functions)**

<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>	<b>Delegation - (subject to any restrictions in the Scheme for Delegation to Officers)</b>
11. The discharge of any function relating to the control of pollution or the management of air quality.	Pollution Prevention and Control Act 1999 (c.24), Part IV of the Environmental Act 1995 (c.25), Part I of the Environment Act 1990 (c.43) and the Clean Air Act 1993 (c.11)	Chief Officer Planning & Regulatory

The following functions, powers and duties shall be exercised by this committee:-

1. To authorise the grant of licences and exercise the Council’s functions under the following enactments (without prejudice to any powers otherwise delegated)
  - \* Betting, Gaming and Lotteries Act, 1963 (Betting Tracks)
  - \* Police, Factories etc. (Miscellaneous Provisions) Act, 1916 and House to House Collections Act, 1939 (House to House and Street Collections)
  - \* The Theatres Act, 1968 (Theatre Licences)
  - \* Cinemas Act, 1985 and Sunday Entertainments Act, 1932 (Cinemas)

\* Charities Act 2006 (or such other legislation as may replace or supersede such Act)

2. To exercise the Council's powers and duties under the Town Police Clauses Act, 1847 and the Local Government (Miscellaneous Provisions) Act, 1976 relating to hackney carriage and private hire vehicles including the issue and refusal of licences as appropriate, other than those otherwise delegated to the Chief Officer Planning & Regulatory.
3. To determine applications for Private Hire and Hackney Carriage Operators, Vehicles and Drivers' Licences which the Chief Officer Planning & Regulatory does not feel able to approve because of the facts revealed in the application and to advise applicants to attend personally in all cases.
4. To exercise the Council's functions under the Licensing Act 2003 in relation to Public Entertainment Licences including determining applications for licences in the light of submissions made by the applicants and objectors.
5. To exercise the Council's functions under the Local Government (Miscellaneous Provisions) Act 1982 in relation to the control of sex establishments.
6. To issue and monitor Authorisations to operate industrial processes.
7. To exercise the Council's functions relating to the control of pollution or the management of air quality pursuant to the Pollution Prevention and Control Act 1999, Part IV of the Environment Act 1995, Part 1 of the Environmental Protection Act 1990 and the Clean Air Act 1993, including the determination of applications for variation of authorisations under Sections 10 and 11 of the Environmental Protection Act, 1990, and permits under the Environmental Permitting (England and Wales) Regulations 2010, involving a substantial change.

## Licensing Committee

Details of the composition of this committee are included in Section 9 of the Constitution.

The tables below list the specific functions in The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 (namely functions that are not to be the responsibility of the authority's Executive under Schedule 1 or local choice functions which may be but need not be the responsibility of the Executive under Schedule 2) which have been delegated to the committee. The headings, numbers and letters correspond to those in the Regulations.

The third column notes whether or not the function has been delegated onwards to a Chief Officer. Further details on the rights of the Chief Officer, including any restriction on the right to act are to be found in the Scheme for Delegation to Officers in Table 6 appended to Section 13 of the Constitution.

### **SCHEDULE 2 - Functions which may be (but need not be) the responsibility of the Executive.**

<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>	<b>Delegation - (subject to any restrictions in the Scheme for Delegation to Officers)</b>
23. Licensing functions	Part 2 of the Licensing Act 2003, except section 6	Chief Officer Planning & Regulatory
24. Functions in respect of gambling	Gambling Act 2005 Sections 29, 30, 166, 212, 284, 304, 346, 349, 350 and Part 5 of Schedule 11	Chief Officer Planning & Regulatory

### **Licensing Functions**

To delegate the discharge of the following functions, powers and duties to Sub-Committees of the Licensing Committee:

(a) To determine the following applications where a "relevant representation" has been made:-

- Application for premises licence
- Application for club premises certificate
- Application for provisional statement
- Application to vary premises licence
- Application to vary club premises certificate

(b) To determine the following applications where a police objection has been made:-

- Application for (or renewal of) personal licence
- Application to transfer of premises licence
- Application for interim authority
- Application to vary designated premises supervisor

- (c) The determination of a police objection to a temporary event notice
- (d) To determine applications to review premises licences
- (e) To determine applications to review club premises certificates
- (f) To determine whether to object when Wrexham County Borough Council is a consultee and not the relevant authority considering an application
- (g) To determine applications for personal licences with unspent convictions
- (h) To determine applications for 3 or more gaming machines or an increase in the number of permitted machines on an alcohol licensed premises made under Section 34 of the Gaming Act 1968 and Section 16 of the Lotteries and Amusements Act 1976.
- (i) To authorise and revoke orders for gaming on alcohol licensed premises made under Section 6 of the Gaming Act 1968.

### **Gambling Functions**

To delegate the discharge of the following functions, powers and duties under the Gambling Act 2005 to Sub-Committees of the Licensing Committee:

- (a) To determine the following applications where a representation has been received and not withdrawn:
  - Application for premises licence
  - Application for variation to a licence
  - Application for a provisional statement
  - Application for club gaming/club machine permits
- (b) To determine applications for a transfer of a licence where representations have been received from the Gambling Commission
- (c) To review premises licences
- (d) To cancel club gaming/club machine permits
- (e) To make the decision to give a counter notice to a temporary use notice

## Planning Committee

Details of the composition of this committee are included in Section 9 of the Constitution.

The tables below list the specific functions in The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 (namely functions that are not to be the responsibility of the authority's Executive under Schedule 1 or local choice functions which may be but need not be the responsibility of the Executive under Schedule 2) which have been delegated to the committee. The headings, numbers and letters correspond to those in the Regulations.

The third column notes whether or not the function has been delegated onwards to a Chief Officer. Further details on the rights of the Chief Officer, including any restriction on the right to act are to be found in the Scheme for Delegation to Officers in Table 6 appended to Section 13 of the Constitution.

### SCHEDULE 1 - Functions that cannot be the responsibility of the Executive.

#### A. Town and Country Planning and Development Control functions (provided that no other paragraph in this schedule deals with them)

Function	Provision of Act or Statutory Instrument	Delegation - (subject to any restrictions in the Scheme for Delegation to Officers)
1. Power to determine applications for planning permission.	Sections 71(a) and (b) and 72 of the Town and Country Planning Act 1990 (c.8) (TCPA 1990)	Chief Officer Planning & Regulatory
2. Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 TCPA 1990.	Chief Officer Planning & Regulatory
3. Power to grant planning permission for development already carried out.	Section 73A TCPA 1990.	Chief Officer Planning & Regulatory
4. Power to decline to determine application for planning permission.	Section 70A TCPA 1990.	Chief Officer Planning & Regulatory
5. Duties relating to the making of determinations of planning applications.	Sections 69, 76 and 92 of the TCPA 1990 and relevant Articles under the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995.419) and any directions made thereunder.	Chief Officer Planning & Regulatory
6. Power to determine applications for planning permission made by a local authority, alone or jointly with another person.	Section 316 TCPA 1990 and Town Country Planning General Regulations 1992 (S.I. 1992/1492)	Chief Officer Planning & Regulatory

<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>	<b>Delegation - (subject to any restrictions in the Scheme for Delegation to Officers)</b>
7. Power to make determinations, give approvals and agree certain other matters related 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).	Chief Officer Planning & Regulatory
8. Power to enter into planning obligation, regulating development or use of land.	Section 106 TCPA 1990	Chief Officer Planning & Regulatory
9. Power to issue a certificate of existing or proposed lawful use or development.	Sections 191(4) and 192(2) TCPA 1990	Chief Officer Planning & Regulatory
10. Power to serve a completion notice.	Section 94(2) TCPA 1990	Chief Officer Governance & Customer
11. Power to grant consent for the display of advertisements.	Section 220 TCPA 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992.	Chief Officer Planning & Regulatory
12. Power to authorise entry onto land.	Section 196A TCPA 1990.	Chief Officer Planning & Regulatory
13. Power to require the discontinuance of a use of land.	Section 102 TCPA 1990.	Chief Officer Planning & Regulatory
14. Power to serve planning contravention notice, breach of condition notice or stop notice.	Sections 171C, 187A and 183(1) TCPA 1990	Chief Officer Planning & Regulatory
15. Power to issue an enforcement notice.	Section 172 TCPA 1990	Chief Officer Planning & Regulatory
16. Power to apply for an injunction restraining a breach of planning control.	Section 178B TCPA 1990	Chief Officer Planning & Regulatory
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)	Chief Officer Planning & Regulatory
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.	Para 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, para 9(6) of Schedule 13 to the Environment Act 1995 (c.25) and para 6(5) of Schedule 14 to that Act.	Chief Officer Planning & Regulatory



<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>	<b>Delegation - (subject to any restrictions in the Scheme for Delegation to Officers)</b>
19. Power to require proper maintenance of land.	Section 215(1) TCPA 1990	Chief Officer Planning & Regulatory
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)	Chief Officer Planning & Regulatory
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.	Chief Officer Planning & Regulatory
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 3-13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990	Chief Officer Planning & Regulatory
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	Chief Officer Planning & Regulatory
24. Power to issue a listed building enforcement notice.	Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Chief Officer Planning & Regulatory
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.	Chief Officer Planning & Regulatory
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	None
27. Power to execute urgent works.	Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990	Chief Officer Planning & Regulatory
28. Powers related to mineral working.	Schedule 9 TCPA 1990	Chief Officer Planning & Regulatory
29. Powers related to footpaths and bridleways.	Section 257 TCPA 1990	Chief Officer Planning & Regulatory
30. Power as to certification of appropriate alternative development.	Section 17 of the Land Compensation Act 1961 (c.33)	Chief Officer Planning & Regulatory
31. Duties in relation to purchase notices.	Sections 137-144 TCPA 1990	Chief Officer Governance & Customer
32. Powers related to blight notices.	Sections 149 – 171 TCPA 1990	Chief Officer Governance & Customer

## I. Miscellaneous Functions

<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>	<b>Delegation - (subject to any restrictions in the Scheme for Delegation to Officers)</b>
3. Powers relating to the preservation of trees.	Sections 197 to 214D TCPA 1990 and the Town and Country Planning (Trees) Regulations 1999 (S.I.1999/1892)	Chief Officer Planning & Regulatory
4. Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997 (S.I.1997/1160)	Chief Officer Planning & Regulatory

## Other functions, powers and responsibilities delegated by Council

<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>	<b>Delegation - (subject to any restrictions in the Schemes for Delegation to Officers)</b>
To authorise the stopping up or diversion of footpaths and bridleways.	Section 257 TCPA 1990	None
To approve local impact reports and any other representations by the Council to the examining authority	Section 60(2) Planning Act 2008	None
To act as a consultee in relation to the development of Supplementary Planning Guidance	TCPA 1990	
To act as a consultee in relation to Conservation Area Boundary Reviews and Designation, and Conservation Area Character Assessments	TCPA 1990 and Town and Country Planning (General Permitted Development) Order 1995	
The naming and numbering of streets and the numbering and re-numbering of properties		Chief Officer Planning & Regulatory

## **TABLE 5: RESPONSIBILITY FOR EXECUTIVE BOARD FUNCTIONS AND SCHEME OF DELEGATION TO EXECUTIVE MEMBERS**

### **EXECUTIVE BOARD**

- 1 The Executive Board will exercise all functions not reserved to the Council or otherwise delegated to a committee or officer, by this Constitution or the Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2007.
- 2 Without prejudice to the generality of the foregoing this includes but is not limited to the following functions of the Council:-
  - (a) The Council's Housing functions;
  - (b) The Council's function as Local Authority under the Education Acts.
  - (c) The Council's function as Highway Authority, Street Works Authority, Transport Authority and under any contractual arrangements with Welsh Water Plc.
  - (d) The Council's functions in all matters relating to economic, industrial, commercial and employment development, tourism and urban and area renewal and land reclamation.
  - (e) The Council's functions in relation to the provision, promotion and development of environmental standards, consumer protection and public health, and as a Waste Collection and Markets Authority.
  - (f) The Council's functions in relation to Library and Information Services, Archives, Archaeology, Museum and Art Galleries, Community Centres, Countryside Service and Country Parks and Leisure and Recreation.
  - (g) The Council's functions under Section 2 and Schedule 1 of the Local Authority Social Services Act 1970 (as amended).
- 3 The Executive Board will also be responsible for the functions listed as being the responsibility of the Executive Board in Tables 1 and 3 of this section of the Constitution.
- 4 The Executive Board will also:-
  - (a) Formulate and prepare the major strategic plans requiring Council approval.
  - (b) Recommend the Council's budget for approval to the Council and calculate the Council Tax base (see Table 3 of this section).
  - (c) Ensure the effective corporate political management of the Council.
  - (d) Establish and review the capital programme.
  - (e) Agree the allocation of financial, human, land and property resources to services in line with corporate and service priorities.
  - (f) Formulate for recommendation to Council and implement the Council's policy in relation to any future local government restructuring.
  - (g) Review, develop and establish policies, strategies and initiatives not otherwise delegated or reserved to the Council.
  - (h) Monitor regularly the overall performance of the revenue and capital expenditure budgets.
  - (i) Deal with proposed virements not delegated to officers.
  - (j) Make appointments to outside bodies within its defined area of responsibility.
  - (k) Monitor action in response to the Auditor General for Wales Annual Improvement Report
  - (l) Determine any proposals relating to the use of reserves.
  - (m) Receive reports and give any necessary authorisation for borrowing and treasury management.

- (n) Establish corporate standards for human resource management to ensure that the Council's legal obligations and policy requirements are met and to maximise the individual and collective contribution of employees in achieving the Council's objectives.
- (o) Determine responses to consultative documentation likely to have authority-wide implications.
- (p) Determine actions arising from the Improvement Objectives set and in conjunction with the appropriate Scrutiny Committee, to monitor progress against Improvement Objective action plans.
- (q) To foster and maintain positive relations with partner organisations.

5 A number of Executive Board functions are delegated to officers and Lead Members. Details of delegations to Lead Members can be found below and Scheme of Delegation to Officers are detailed in Table 6 appended to section 13 of the Constitution.

## 6 Joint Committees

### 6.1 The North and Mid Wales Trunk Road Agency Joint Committee

Under Section 10.3 the Executive Board has established a joint committee known as 'The North and Mid Wales Trunk Road Agency Joint Committee' with Conwy Borough Council, Ceredigion Council Denbighshire County Council, Flintshire County Council, Gwynedd Council, the Isle of Anglesey County Council and Powys County Council. The committee consists of two elected Councillors from each Member Authority. The Executive Board has delegated responsibility to the Joint Committee for supporting Gwynedd Council (as lead authority) and the other member authorities in delivering services pursuant to an agency agreement between the National Assembly for Wales and Gwynedd Council, relating to the maintenance and improvement of trunk roads in the areas of the member authorities, in accordance with the constitution of the joint committee.

### 6.2 Joint Committee for the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB).

Under Section 10.3 the Executive Board has established a joint committee known as the Joint Committee for the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB) with Denbighshire County Council and Flintshire County Council. The Joint Committee comprises of 6 Cabinet/Executive Members, 2 from each Local Authority.

The Executive Board has delegated Authority to the Joint Committee to implement the approved Action Plan within budgets approved by each local authority. Meetings of the Joint Committee will only be quorate if at least one Member of each authority is present.

### 6.3 Joint Committee to discharge their obligations in relation to the North Wales Growth Deal

Under Section 10.3 the Executive Board has established a joint committee with Flintshire County Council, Denbighshire County Council, Conwy County Borough Council, Gwynedd Council and Isle of Anglesey County Council governed by an agreement dated 18 December 2018 between the local authorities and in additiona other partners in the education and business sectors. The joint committee comprises the Leaders of the local authorities together with representatives from the other partners taking part in an advisory capacity. The parties have entered into the agreement to formalise their respective roles and responsibilities in order to discharge their obligations in connection with the North Wales Growth Deal up to the point at which the Growth Deal is signed by the parties, the UK Government and the Welsh Government.

#### 6.4 Regional School Effectiveness and Improvement Services Joint Committee

Under Article 10.3 the Executive Board has established a joint committee with Flintshire County Council, Denbighshire County Council, Conwy County Borough Council, Gwynedd Council and Isle of Anglesey Council in accordance with an agreement dated 18 February 2013. The joint committee comprises 6 Executive Members with responsibility for education, one from each local authority. The purpose of the joint committee is to undertake the statutory responsibilities of the six Local Authorities in North Wales in respect of duties to monitor, challenge, provide support services for curriculum, continued professional development and management of schools and in addition provide services that can be commissioned by schools and local authorities.

## **EXECUTIVE DELEGATIONS TO LEAD MEMBERS**

Details of executive functions delegated to Lead Members are set out below

### **A. GENERAL PROVISIONS**

None of these delegations affect existing delegations to Officers.

1. To approve the attendance of Members at conferences, seminars and events in respect of matters solely relating to the functional remit of a Lead Member for the purposes of payment of subsistence and travel allowances where it is considered that such would be in the interests of the Council and in accordance with Council policy. (Note: If the Lead Member is to attend that attendance is to be approved by the Leader or Deputy Leader).
2. To approve the formation, scope and membership of Advisory Groups to undertake projects relating to specified aspects of the Lead Member's work. Each such Advisory Group shall cease following expiry of a fixed period of time agreed at the commencement of the project or the occurrence of a specified event. The continuance of all or any such Advisory Groups shall be reviewed at least annually by the Lead Member.
3. To appoint representatives to attend meetings of appropriate outside bodies in respect of functions solely under the remit of the Lead Member.
4. To determine the response to any consultation document or inspection report which falls solely within the remit of their Lead Member role.
5. To approve publication of any consultation document or inspection report which relates solely to their Lead Member role.
6. To approve the content of any plan, strategy or other policy document which relates solely to the Lead Member's role. This does not include plans and strategies which comprise the Council's Policy Framework as defined in section 4 of this constitution.
7. In cases not already delegated to Officers, to determine whether to determine to publish any statutory notices (other than in relation to the closure of schools) and to determine the action to be taken in light of any representations received following publication of such notice.
8. In the absence or inability of any Lead Member to act, the Leader shall exercise any decision making function of that Lead Member or allocate the decision to another Lead Member.

### **B. SPECIFIC PROVISIONS**

#### **THE LEADER**

1. To approve the attendance of Lead Members at conferences, seminars and other similar events outside the functional remit of a Lead Member's role, or where there is an attendance cost, i.e. Conference fee, for the purposes of payment of subsistence and travel allowances where it is considered that such would be in the interests of the Council and in accordance with Council policy.

2. To approve visits outside the UK by Members for which the Council has paid or will pay other than visits undertaken by the Leader in which case the procedure identified in the Guidance Notes on Members' Remuneration in section 24 of the Constitution shall be followed.
3. To appoint representatives of the Council on outside bodies where those outside bodies relate to Executive Functions of the Council including but not limited to:
  - The North Wales Fire and Rescue Authority and as necessary the Fire Authority's Executive Panel
  - The Council of the Welsh Local Government Association and the General Assembly of the Local Government Association and the Coordinating Committee of the WLGA together with the power to decide how Wrexham's voting rights are to be exercised
4. To approve, in consultation with declared Group Leaders, the attendance of Members and/or Officers at Royal Garden Parties

#### **THE DEPUTY LEADER**

5. In the absence or inability to act of the Leader, to exercise any of the decision making functions delegated to the Leader.

#### **LEAD MEMBER FOR CHILDREN'S SERVICES AND EDUCATION**

6. To decide all matters relating to the appointment of Local Authority School Governors where there are more applicants than vacancies.
7. To appoint the Local Authority Member of the Fostering Panel.
8. To appoint the Local Authority Member of the Adoption Panel.
9. To appoint lay members to independent appeal panels dealing with admission and exclusion appeals to schools

A Lead Member may, if he/she considers it appropriate, elect to refer back to the Executive Board the exercise of any power delegated to that Member.

Delegations agreed by the Executive Board set out in this Section 13 Table 5 of the Constitution, shall remain in effect until subsequently amended or revoked as provided for in Section 5 of this Constitution.

Where a Lead Member, a Committee, or a Sub-Committee has not exercised a delegation to make an executive decision, the Executive Board may exercise their or his/her delegation.

Every decision of the Executive Board, a Lead Member, or a committee or a sub-committee exercising executive functions under delegated powers, shall comply in all respects with this Constitution and in particular with its Budget and Policy Framework, any relevant Rules of Procedure, Financial Regulations, codes and protocols.

## **TABLE 6: SCHEME OF DELEGATION TO OFFICERS**

The Chief Executive and each Chief Officer is authorised to act in relation to workforce matters within the delegations are set out below and also include reference to when any matter may be reserved to the Council or a specific appointments committee, or provisions are made in a policy.

### **GENERAL PROVISIONS**

1. The Chief Executive and Chief Officers shall discharge the functions and powers of the Council as specified herein and within the following Scheme of Delegation subject to:-
  - 1.1 Expenditure or income being within the approved revenue budget or the prior approval of the Council being received.
  - 1.2 Compliance with Council Policies, Standing Orders and Financial Regulations.
  - 1.3 Promotion of required standards and compliance with legislation e.g. Data Protection Act, Freedom of Information Act 2000, Human Rights Act 1998, Equality Act 2010, Health and Safety at Work Act 1974 (including the provision of personal/protective equipment and practices), Environmental Information Regulations 2004.
2. The Chief Executive, or as directed by the Chief Executive, a Chief Officer are authorised, in the absence or inability to act of the Chief Officer reporting to them, to exercise all powers delegated from time to time to those Chief Officers except where specifically prevented from so acting by limitation of statute, professional qualification or where other arrangements have been made in the relevant delegation.
3. The Chief Executive and Chief Officer are authorised to take or authorise in consultation with the relevant Committee or Sub-Committee Chair or Vice-Chair, or in their absence the Chair or Vice-Chair of the Executive Board, any action on any matter within the Terms of Reference of the relevant Committee or Sub-Committee which they consider to be of such urgency that it cannot await a meeting of that Committee or Sub-Committee provided that such action shall be reported for information to the next available meeting of the relevant Committee or Sub-Committee.
4. The Chief Executive or designated first point of contact in his/her absence are authorised to take or authorise in consultation with the Chair and Vice-Chair of the Executive Board, any action on any matter within the Terms of Reference of the Executive Board which they consider to be of such urgency that it cannot await a meeting of the Executive Board provided that such action shall be reported for information to the next available meeting of the Executive Board.
5. The Chief Executive, Chief Officers, and Head of Service posts that report directly to the Chief Executive have the power:-
  - 5.1 to recruit and appoint staff to posts below Chief Officer or designate to Managers who have the relevant skills in recruitment.



- 5.2 to approve the carry forward of annual leave in extenuating circumstances and Special Leave in accordance with the Time Off Work and Worklife balance policies.
- 5.3 to determine eligibility of employees to receive the following payments in accordance with Council's pay and reward policy and other related policies:-
- 5.3.1 honorarium payments for temporarily undertaking additional responsibilities as described in the Pay and Reward policy
  - 5.3.2 to authorise payments for advances of pay, in exceptional circumstances
  - 5.3.3 to determine a starting salary for new appointments, which is higher than the bottom incremental point, only in exceptional circumstances as set out in the Pay and Reward Policy.
  - 5.3.4 to invoke the relocation scheme for specific senior/ hard to fill posts, in exceptional circumstances in line with policy.
- 5.4 to extend contractual sick pay periods in exceptional circumstances, in accordance with the Council's policy and where the application is supported by significant medical evidence, and in consultation with the Head of Service, HR & OD.
- 5.5 to approve settlement agreements, authority for payments in consultation with Head of Service, HR & OD, and based on legal advice.
- 5.6 to suspend, dismiss employees, or take action short of dismissal where appropriate, in accordance with the Council's policies and procedures, where applicable in respect of:
- Conduct
  - Capability
  - Redundancy
  - Legal restriction
  - Some other substantial reason.
- 5.7 to dismiss on grounds of ill health retirement having considered an opinion from an Independent Registered Medical Practitioner appointed by the pension fund, that states the employee is unable to immediately partake in gainful employment and appropriate tier, in consultation with the Head of Service, HR & OD.
6. The Chief Executive and Chief Officers to have power to exercise such functions, powers and duties as may be specified in Standing Orders or Financial Regulations.
7. The Chief Executive and Chief Officers to have power to submit applications for planning permission in accordance with the Town and Country Planning General Regulations 1992.
8. The Chief Executive or his/her nominated alternate to have authority to amend or authorise amendment of all departmental structures below Chief Officer level in response to management needs including service or budgetary pressures provided that the Leader and Deputy Leader have been consulted on proposed amendments involving Heads of Service reporting to Chief Officers.

9. The Chief Executive and Chief Officers to have the power in an emergency in consultation with the Chair or Vice-Chair of the Executive Board to approve the attendance of Members at conferences, seminars and other similar meetings for the purposes of the payment of subsistence and travel allowances when it is considered that such would be in accordance with Council policy.
10. In cases of urgency the Chief Executive and Chief Officers to have the power to submit bids for resources in line with Council policy.

## CHIEF EXECUTIVE

1. To determine all matters relating to the corporate identity of the Council, including the grant of permission for the use of the Council Coat of Arms etc.
2. Where necessary, as a matter of urgency, to express the views of the Council with regard to local government and the functions associated therewith within the general policy laid down from time to time by the Council and to act thereon provided that such action shall be reported to the next meeting of the Executive Board.
3. To take all such action as is considered appropriate as a matter of urgency or in any emergency (as defined by the Chief Executive) in consultation with such Members and officers as he/she considers the circumstances will allow, subject to report to Members on action taken.
4. To manage the town twinning budget and make such arrangements and take such steps as are necessary to give effect to the policies of the Council as established from time to time.
5. To manage the Chief Executive's Department.
6. In consultation with the Mayor, to take all such action as he/she (the Chief Executive) may deem appropriate for the promotion and protection of the mayoralty and the image of the Borough.
7. To represent the views of the Council in responding to consultations with the Council by any outside body.
8. As Returning Officer, to apply the annually agreed uplift in respect of election fees for local government purposes in consultation with colleagues in other unitary authorities in North Wales.
9. To determine, in consultation with the Chief Officer Governance & Corporate, the Chief Officer Finance & ICT and each Member of the Executive Board, decisions required pursuant to the Council's policies in relation to the exercise of the Council's functions under the following regulations contained in the Local Government Pensions Scheme Regulations (Benefits, Membership and Contributions) Regulations 2007:-
  - Regulation 12 (power to increase total membership of active members)
  - Regulation 13 (power to award additional pension)
  - Regulation 18 (flexible retirement)
  - Regulation 30 (choice of early payment of pension)
10. To approve in consultation with the Monitoring Officer, the Chief Finance Officer, the Head of Service, HR & OD and Members of the Executive Board, voluntary early retirement/redundancy below Chief Officer level which accord with Council policy.
11. In the absence or inability of the Chief Executive to act he/she will designate a Chief Officer or other senior officer to exercise the above delegations and other functional responsibilities as he/she deems appropriate.

# CHIEF OFFICER EDUCATION & EARLY INTERVENTION

## Designation or delegation by Council

1. To be the “Chief Education Officer” appointed under Section 532 of the Education Act 1996 or any re-enactment of that provision (with or without modification).
2. To have the power to license the employment of children.

## Executive Functions

To have the power:-

3. to monitor and evaluate the provision and performance of schools;
4. to monitor the curriculum in all maintained schools and report on it as necessary;
5. to agree targets set by schools for pupil attainment;
6. to prepare a written statement of action to be taken in light of the report following an inspection of a maintained school where a school is placed in the statutory category of “in need of significant improvement” or “in need of special measures”;
7. to intervene to prevent the breakdown or continuing breakdown of discipline at a school, or where there is concern about standards of management;
8. to ensure that the performance management of teachers and Headteachers is carried out according to the National Assembly for Wales directions and regulations;
9. to investigate complaints made under Section 409 of the Education Act 1996;
10. to manage and operate the Education Psychology Service;
11. to arrange appeals against exclusions and redirect excluded pupils;
12. to determine and deal with all arrangements for the admission of pupils to community and voluntary controlled schools in accordance with the Council’s policy, including authority to:-
  - publicise information for parents of admission arrangements;
  - comply with parental preferences, with certain exceptions;
  - determine allocations of pupils to community and voluntary controlled primary and secondary schools, subject to the parental right of appeal;

13. to make arrangements to enable parents to appeal against decisions regarding admissions;
14. to appear or make written representations on behalf of the Authority in any appeal against a refusal to admit;
15. to give directions to admit a child to a specified school;
16. jointly with the Chief Officer Finance & ICT, to suspend the right of the governing body to have a delegated budget in circumstances permitted by the legislation;
17. to determine any matters relating to the Council's policy regarding charges and remissions and to authorise the recovery of any sums owed to the Council;
18. to determine the policy for uniform grants, the determination of applications being dealt with by the Chief Officer Finance & ICT;
19. to approve the acceptance of gifts on trust for education purposes;
20. to determine, where necessary in consultation with the trustee, applications received for financial support from charitable trust funds where the Authority is either itself trustee, or where the fund is administered on behalf of trustees;
21. to inspect and maintain schools for the purposes of an LA function;
22. to respond to changes in pupil numbers by making appropriate accommodation available;
23. to maintain joint use and/or transfer of control agreements with partners;
24. to authorise persons at educational establishments to exercise the power of removal of persons from school premises who are causing a nuisance or disturbance;
25. to authorise Officers to appear on behalf of the LA in proceedings being conducted in the Magistrates Court by Section 547 of the Education Act 1996 or any re-enactment of that provision;
26. to issue directions to County Borough and voluntary controlled schools with regard to health and safety;
27. to deal with nominations for LA governors making an appointment in instances where a single suitable nomination is received for any vacancy or otherwise reporting to the relevant Lead Member for determination and appointment;
28. to establish temporary governing bodies;
29. to determine questions as to who are to be considered parents of registered pupils;
30. to consider any resolutions sent to him/her from an annual parents meeting and to respond accordingly;

31. to act on behalf of the LA in any consultations initiated by the governors of any school, in relation to the times of school sessions and, if he/she considered it appropriate to do so, to require the governors to include his/her written comments on the proposals in the next governors' report to be prepared by the governors;
32. to manage governor training;
33. to deal with the staffing matters of community voluntary controlled and community special schools where the decision is that of the LA (rather than the governing body);
34. to determine the school term and holiday dates including in service training days for any community, community special or voluntary controlled schools;
35. to appoint sufficient education practitioners and governors in accordance with the arrangements approved by the Executive Board, who may be called upon to be required to serve as members on future Independent Appeal Panels;\*

\*in the absence or inability of the Chief Officer Education & Early Intervention to act his designated officer is authorised to exercise this function.

36. to constitute and maintain a Standing Advisory Council on Religious Education;
37. to review and make Instruments of Government for maintained schools within the County Borough where there is no disagreement with the draft Instrument;
38. to exercise powers under the Education Acts in accordance with the Code of Practice, to identify, assess and arrange provision for pupils special educational needs, including the admission of pupils to out of county schools (including non maintained special schools and independent schools providing for pupils with special education needs) and transport where appropriate, in accordance with the Council's Transport Policies;
39. to provide aids for use by pupils with special needs;
40. to authorise officers to represent the Education Authority in tribunal proceedings dealing with special educational needs;
41. to make arrangements for the provision of suitable education otherwise than in school, in accordance with Section 319 of the Education Act 1996;
42. to make arrangements for the provision of suitable education at school or otherwise for children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not receive it unless such arrangements were made;
43. to recoup the costs of providing education for persons not belonging to the Council's own area;
44. to exercise the powers of the Education Authority, with the exception of initiating legal proceedings, under the Education Act 1996 and the Children Act 1989 in respect of school attendance orders, non school attendance and education supervision orders.

45. to authorise in writing Officers of the Education & Early Intervention Department to issue Fixed Penalty Notices pursuant to Section 444B(4)(b) of the Education Act 1996 under the Council's Local Code of Conduct for Fixed Penalty Notices;
46. to ensure the provision of statutory youth services;
47. to grant and revoke licences to children of compulsory school age regarding child performances in accordance with the Children and Young Persons Act 1963 and the Children's (Performance) Regulations 1968 and any statutory modification thereof;
48. to supervise, prohibit and/or restrict the employment of children of compulsory school age pursuant to the Education Act 1996;
49. to manage the provision of the youth support services in pursuance of the Learning and Skills Act 2000;
50. to exercise those functions of the Council which relate to Children and Young People under the Crime and Disorder Act 1998 (as amended or re-enacted);
51. to receive and respond to any published proposals from governing bodies to federate by virtue of The Federation of Maintained Schools and Miscellaneous Amendments (Wales) Regulations 2010;
52. to determine applications for early retirement submitted under the Teacher's Pension Scheme, and urgent cases of school based Local Government Pension Scheme Members funded from delegated budgets, in consultation with the Chief Officer Finance & ICT, Chief Officer Governance & Customer and the Members of the Executive Board, having regard to current Council policy.

# **CHIEF OFFICER ENVIRONMENT & TECHNICAL**

## **Functions delegated by Council**

1. To have the power to grant a street works licence pursuant to Section 50 New Roads and Street Works Act 1991.

## **Executive Functions**

2. To have power to operate cleansing and waste and grounds maintenance responsibilities within the purview of the Environment & Technical Department from time to time under the following legislation as amended or re-enacted:-
  - Litter Act 1983
  - Refuse Disposal (Amenity) Act 1978
  - Environmental Protection Act 1990
  - Town and Country Planning Act 1990
  - Criminal Damage Act 1971
  - Control of Pollution Act 1974
  - Local Authority (Goods and Services) Act, 1970
  - Transport Act 1968
  - Local Government (Miscellaneous Provisions) Act 1976
  - Local Government Act 1988
  - Local Government Planning and Land Act 1980
  - Clean Neighbourhoods and Environment Act 2005
  - Anti-Social Behaviour Act 2003
  - Fraud Act 2006 (in relation to Blue Badges)
  - Public Health Acts, 1875, 1936 and 1961
3. To initiate Horticultural schemes within the Council's estimates.
4. To organise floral displays for Civic and Charitable functions.
5. To manage all allotment sites including the allocation of and the taking of action against tenants of untidy allotments.
6. To manage all cemeteries and crematoria controlled by the Council.
7. To supervise and manage the Countryside Service and Country Parks including maintenance of park, amenity areas and children's playgrounds and all other outdoor recreation facilities, including pavilions and changing accommodation incidental thereto.
8. To exercise the Council's powers to deal with dangerous trees pursuant to Section 23 of the Local Government (Miscellaneous Provisions) Act 1976.
9. To make arrangements for the collection of domestic and commercial waste and for its safe disposal.



10. To manage the Council's Waste Management Contract in all respects to include determining when changes are required whether prompted by guidance issued by Welsh Government, legislative change or otherwise and negotiating and agreeing any such changes in consultation with the Chief Officer Governance & Customer and the Chief Officer Finance & ICT as appropriate and in the case of significant changes/changes requiring a change notice consultation with the Leader and relevant Lead Member.
11. To prepare a plan of the Council's arrangements for recycling and to provide litter bins.
12. To grant consents to Community Councils for the placing of litter bins within the highway.
13. To institute action for the cleansing of street litter and refuse, including publicity for litter campaigns.
14. To maintain the public register for the principal litter authority.
15. To take action to control abandoned vehicles and trolleys, to remove fly posting and graffiti.
16. To classify various types of waste for collection and disposal and streets requiring cleansing.
17. The prohibition of street parking to facilitate street cleansing.
18. To control and monitor closed disposal sites to prevent pollution or environmental nuisance.
19. To carry out the Council's functions and duties in connection with the collection, reclamation, recycling and disposal of waste, street cleaning and litter, including the negotiation of terms for commercial waste collection.
20. To have the overall responsibility pursuant to the Transport Act 1968 for the proper operation and maintenance of the Council's transport fleet and to hold the relevant Operators Licence, or to designate an appropriate officer for such purpose.
21. To exercise, on behalf of the Council, the powers and duties arising from the statutory provisions relating to the service of notices for those functions for which he has responsibility.
22. To approve from time to time the scale of charges recommended by the Council's Refuse Collection Contractor for the commercial refuse collection service and the price of charges recommended by the Refuse Collection Contractor for the sale or rental by the contractor of commercial refuse containers.
23. To operate the testing of private hire and hackney carriage vehicles as well as operating a MOT service.
24. (i) To authorise in writing Officers of the Council or agents/contractors as appropriate, subject to those officers/agents/contractors being suitably trained to carry out the duties authorised, to undertake the gathering of evidence, issuing of Fixed Penalty Notices and allied action including legal proceedings pursuant to the legislation set

out below (including associated regulations or other subordinate legislation whether made thereunder or in exercise of powers conferred and any amendments or additions thereto) in respect of offences of littering, fly tipping, dog fouling, graffiti, fly-posting, smoking in prohibited areas, depositing waste and breaches of orders made pursuant of the following legislation:

- Smoking in prohibited areas Health Act 2006
- Environmental Protection Act 1990
- Clean Neighbourhoods and Environment Act 2005
- Anti Social Behaviour Act 2003
- Anti Social Behaviour, Crime and Policing Act 2014
- Health Act 2006 (as amended)

(ii) To issue written charges and Single Justice Procedure Notices for offences made under the following Acts (as amended or re-enacted):-

- Environmental Protection Act 1990
- Anti-Social Behaviour, Crime and Policing Act 2014

25. To approve applications for grant aid under the Environmental Community Grants Scheme in consultation with the appropriate Local Member(s).
26. To authorise the letting of contracts for works associated with highways, transportation and drainage, general engineering, land remediation, land reclamation, and building and construction, in accordance with Contract Procurement Rules.
27. To exercise the function of making Public Path Extinguishment Orders under Section 118 of the Highways Act 1980 in consultation with the Local Members.
28. (i) To exercise the function of making Public Path Diversion Orders under Section 119 of the Highways Act 1980 and Section 257 of the Town and Country Planning Act 1990 in consultation with the Local Members.  
  
(ii) To formally abandon Public Path Diversion Orders made under Section 119 of the Highways Act 1980 or Section 257 of the Town and Country Planning Act 1990, subject to the Local Member having no objection to the proposal with the power to decide proposals to which the Local Member objects remaining with the Council.
29. To agree to enter into Public Path Creation Agreements under Section 25 of the Highways Act 1980 on behalf of the Council.
30. To exercise the function of determining applications for Definitive Map Modification Orders, in consultation with the Local Members concerned (except in respect of 'legal event orders' under Section 53(3)(a) of the Wildlife and Countryside Act 1981) and the Chief Officer Governance & Customer.
31. To exercise the power to authorise the erection of stiles, etc., on footpaths and bridleways pursuant to Section 147 of the Highways Act 1980 in consultation with the Local Members concerned.

32. In consultation with the Chief Officer Governance & Customer, to take action under Section 130 (protection of public rights in respect of highway) and Section 149 (removal of items deposited on a highway) of the Highways Act 1980, in relation to highways which are Local Rights of Way as defined in Section 60(5) of the Countryside and Rights of Way Act 2000.
33. To determine individual applications for an additional refuse bin for households of 6 or more persons.
34. To arrange for the making of temporary traffic regulation orders under the Road Traffic Regulation Act 1984 as amended.
35. To undertake such functions (as are within the purview of the Environment and Technical Department) as are required of the Council under the Joint Trunk Road Agency Agreement with the National Assembly for Wales.
36. To approve the making of orders under Section 21 of the Town Police Clauses Act 1847, following consultation with the relevant Local Members.
37. To exercise all powers of the Council under the Land Drainage Act 1991 including the service of Notices under that Act.
38. To administer the provisions of the New Roads and Street Works Act 1991 as respect Streets, Street Works and Undertakers.
39. In consultation with the Local Member, to select bus stop sites and to select suitable sites for the erection of bus shelters, and grant consent to Community Councils for the erection of bus shelters within the highway under section 4 of the Local Government (Miscellaneous Provisions) Act 1953.
40. To arrange for the making of permanent traffic regulation orders under the Road Traffic Regulation Act 1984 as amended and to consider objections to permanent traffic regulation orders in consultation with the Local Members.
41. To grant consent to Community Councils for the placing of seats within the highway under section 5 of the Parish Councils Act 1957.
42. To grant consent to the Post Office for the erection of post boxes within the highway, in consultation with Local Members.
43. To grant consent for the erection of telephone kiosks within the highway in consultation with Local Members.
44. All necessary action under the Reservoirs Act 1975 in connection with enforcement.
45. To have responsibility for the management of the enforcement function for parking contraventions, both on-street and off-street and any other contraventions covered by the road traffic and traffic management legislation, but excluding responsibility for setting parking charges and penalty charge levels.

46. To approve applications for the reservations of spaces in the Council's car parks for special events or functions.
47. To waive or amend car parking charges for special promotions.
48. To take all necessary action to provide additional temporary car parks as required, in consultation with the Local Member(s).
49. To exercise the powers of the Council under Section 15 of the Clwyd County Council Act, 1985 where appropriate.
50. To authorise entry into Agreements under Section 278 of the Highways Act, 1980 were appropriate.
51. To authorise the making of applications to the Magistrates Court for the stopping up or diversion of highways under Section 116 of the Highways Act, 1980, in consultation with the Local Member(s).
52. In consultation with the Local Member(s) to undertake all necessary action following consideration of objections to Off Street Parking Places Orders.
53. To determine the commuted sum to cover the cost of maintenance, for a 10 year period, to be levied on developers who, as part of a development, create a highway verge.
54. To have the power to authorise (in writing) persons to enter onto land pursuant to, and for the purposes of, Sections 289 and 291 of the Highways Act 1980.
55. To decide applications for free and assisted transport to schools and colleges (except for pupils with special educational needs) in accordance with the Council's policies relating to home to school transport.
56. To set the level of charges for the issuing of consents for highway works and obstructions and other matters pursuant to the Local Authorities (Transport Charges) Regulations 1998 and to apply discretionary annual adjustments to such charges in line with inflation.
57. To authorise in writing Officers of the Environment & Technical Department to act for the purposes of enforcing Schedule 4 of the Environmental Protection Act 1990.
58. To serve written notices in accordance with the provisions of Part II of the Traffic Management Act 2004 on any Works Promoter or Contractor directly employed by the Council to prohibit or suspend planned works on any road within the County Borough for any period of time where such prohibition secures the expeditious movement of traffic within the County Borough.
59. In consultation with the Chief Officer Governance & Customer to sign and serve notices, give consents and take any other action, including authorising prosecutions for offences, as may be appropriate under any statute, including specifically the Highways Act, 1980, or any other legislation relating to the Highway or Local Rights of Way (as defined by Section 60(5) of the Countryside and Rights of Way Act 2000) or other functions, duties and powers within the purview of the Department.

60. To supervise the management of the Council's Leisure facilities unless otherwise delegated.
61. To carry out the general management of all the sports, leisure and recreation facilities.
62. To carry out the general management and administration of all indoor facilities including dual use facilities.
63. To vary charges or to agree promotional packages or to introduce minor new charges designed to cover cost of all departmental activities and facilities.
64. To approve all applications for the sale of commercial goods on those Council premises managed by the Chief Officer, unless the power has been specifically delegated otherwise.
65. To determine individual applications for sports sponsorship.
66. In consultation with the Chief Officer Governance & Customer, to authorise the institution of legal proceedings in respect of those matters for which the Chief Officer has operational responsibility.
67. To determine in consultation with Local Members applications for the temporary use of land under the control of the Environment & Technical Department for periods not exceeding one year.
68. To approve terms for renewal of licences to sporting organisations to use land or facilities within the purview of the Environment & Technical Department.
69. To deal with applications for hire of Council owned premises within the purview of the Environment & Technical Department.
70. To sign and serve requisitions for information under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 in respect of any function falling within the purview of the Environment & Technical Department but not as to preclude the Chief Officer Governance & Customer who is similarly authorised from exercising this power.
71. To determine applications to the Council in its capacity as the Sustainable Drainage Approval Body under Schedule 3 of the Flood and Water Management Act 2010.

# **CHIEF OFFICER FINANCE & ICT**

## **Functions delegated or designated by Council**

1. To act as Chief Finance Officer under Section 151 of the Local Government Act, 1972 and any other statutory functions assigned to the Section 151 Officer.

## **Executive Functions**

2. To determine entitlement to mortgage facilities pursuant to the Housing Act, 1985 (Council Dwellings) in accordance with the criteria laid down by the Secretary of State for Wales.
3. To authorise advances up to a maximum of level 6 in any one case pursuant to Sections 435 and 436 of the Housing Act, 1985, in accordance with the Council's policy.
4. To undertake all duties assigned to the Chief Finance Officer by Financial Regulations which relate to the day to day operations of the Finance Department.
5. To consider and determine requests that the Council exercises its discretion as to repayment of House Renovation Grants under the Local Government and Housing Act 1989 and the Housing Grants, Construction and Regeneration Act 1996.
6. To declare the local average interest rate pursuant to Schedule 16 of the Housing Act 1985.
7. To institute civil proceedings for the recovery of monies owed to the Council.
8. To conduct civil proceedings for the recovery of monies owed to the Council in consultation with the Chief Officer Governance & Customer.
9. To sign agreements regulated under the Consumer Credit Act 1974 in accordance with schemes approved by the Council e.g. cycle scheme hire agreements.
10. The administration of all charges levied in respect of the education services, including the waiving of charges.
11. To make annual funding adjustments to Schools' Budgets as required in the Local Management of Schools Scheme and to report thereon to the Executive Board.
12. To act as the Council's Money Laundering Reporting Officer for the purposes of the Money Laundering Regulations 2003, and in the absence of inability of the Chief Officer Finance & ICT to act, the Accountancy Manager shall act as the Deputy Money Laundering Reporting Officer.

13. Jointly with the Chief Officer Education & Early Intervention, to suspend the right of the governing body to have a delegated budget in circumstances permitted by the legislation.
14. To determine applications for uniform grants in accordance with Council policy.
15. To secure the safe custody of policies and to make claims under the Council's insurances.
16. To authorise the settlement of all claims for compensation whether from tenants, Council employees or other members of the public where such claims are the result of damage caused by Council or allied services and are not covered by insurance.
17. To certify contracts under the Local Government (Contracts) Act 1997.

# **CHIEF OFFICER GOVERNANCE & CUSTOMER**

## **Functions delegated or designated by Council**

1. To fulfil the role of Monitoring Officer of the Council.
2. To affix the seal and execute documents on behalf of the Council. \*
3. To authenticate Documents for Legal Proceedings.\*
4. To negotiate, conclude and execute on behalf of the Council any document or agreement required to give effect to any decision taken by the Council, Executive Board, other Committee, Sub-Committee or Chief Officer whether or not specifically so authorised by such decision. \*
5. To exercise the Council's functions relating to the approval of premises for marriages under the Marriage Act 1949 and the Marriages (Approved Premises) Regulations 1995, and the registration of civil partnerships under the Civil Partnership Act 2004 in consultation with the Local Member(s).
6. To amend the Council's Constitution document to accord with decisions of the Council, Executive Board or committees and to incorporate amendments to comply with legislative requirements.

## **Executive Functions**

7. To institute and conduct all civil, criminal and administrative proceedings, (including settlement of claims out of Court) and tribunal hearings of a quasi-judicial nature (other than matters specifically delegated to another Officer).\*
8. To serve all Notices under the Town and Country Planning legislation not otherwise specifically delegated. \*
9. To maintain records, including Minutes and Conveyances, Leases, Mortgages and other securities.\*
10. To issue warrants to the High Sheriff to deliver possession of properties included in confirmed Compulsory Purchase Orders, where the Council have served notice of entry but where the occupiers have refused to grant possession to the Council.\*
11. To take all appropriate legal action to secure the eviction of 'squatters' from Council property that is to say any persons occupying such property without the Council's authority and in contravention of its policies governing the letting of the same, in consultation with the Chief Officer Housing & Economy.\*
12. To enter into Agreements with developers for the adoption of amenity areas on private housing estates.\*



13. To apply to the Court for Prohibition Orders under the provisions of the Food Safety Act, 1990, in consultation with the Chief Officer Planning & Regulatory.\*
14. To issue and serve the following Notices under the provisions of the Housing Act, 1985 requiring tenants to complete transactions (Sections 140 and 141). \*
15. To undertake and conclude all the necessary legal formalities in connection with the disposal of Council dwellings and to recover possession of Council dwellings in appropriate cases, pursuant to the provisions of the Housing Act, 1985.\*
16. To take action upon Reports concerning mortgage defaulters. \*
17. To serve all appropriate notices in connection with the Rents to Mortgage Scheme under the provisions of the Leasehold Reform, Housing and Urban Development Act, 1993. \*
18. To exercise the powers of direction available under Section 77 of the Criminal Justice and Public Order Act, 1994, and also to make complaints to the Magistrates' Court on behalf of the Authority under Section 78 of the Act. \*
19. To vary the fees payable under Part VA of the Local Government Act 1972 (Access to Information). \*
20. To act as Registrar of Commons. \*\*
21. To sign contracts for the acquisition and disposal of interests in land in accordance with the Council's policy. \*
22. To sign and serve requisitions for information under Section 16 of The Local Government (Miscellaneous Provisions) Act, 1976. \*
23. To approve the attendance of Members at external Member development events where these are linked to the Council's agreed Member Development Programme, in consultation with the Leader and Deputy Leader.
24. In the event of the nominated Member(s) being unable to attend conferences, seminars or other similar meetings, in consultation with the Chair of the Executive Board (or in his absence the Vice-Chair), to authorise substitutes to attend in their place.
25.
  - (i) To approve applications for the hire of the Council Chamber and Committee Rooms.
  - (ii) To approve use of the video conferencing facility out of office hours in exceptional circumstances and to negotiate special rates for such use and for connection to international conferences in line with call charges incurred.
  - (iii) To offer reduced rates of hiring and/or waive all charges in consultation with the Leader of the Council, when considered appropriate.
  - (iv) To agree future revisions to the scale of charges in consultation with the Chief Officer Finance & ICT.
26. To deal with all issues associated with stock transfer related conflicts of interests.

27. To deal with the administration of the blue badge scheme and determine any matters relating thereto.
28. In addition to flying the Union and Welsh flags high at all times on two of the Guildhall flagpoles, in consultation with the Leader of the Council, to give instructions for the flying of the relevant flag or flags on Council Offices on significant occasions either high in celebration or half-mast as appropriate.
29. To be responsible for discharging the duties imposed on the Council by the Freedom of Information Act 2000, the Environmental Information Regulations 2004 and the Data Protection legislation.
30. (i) To decide whether information may be withheld under exemptions contained in the Freedom of Information Act 2000, the Data Protection legislation or the Environmental Information Regulations 2004 on behalf of the Council. \*\*\*  
  
(ii) In consultation with the Corporate Information Manager to act as the 'Qualified Person' for the purposes of Section 36 of the Freedom of Information Act 2000. \*\*
31. Annually to increase the Scale of Fees for Non-Statutory Registration Services in line with appropriate inflation indexation.
32. To prepare and maintain a list of those posts which are considered to be politically restricted under the provisions of the Local Government and Housing Act, 1989.

\*in the absence or inability of the Chief Officer Governance & Customer to act, the Head of Service, Legal, Democratic and Registration Services or a designated Senior Lawyer is authorised to exercise these functions.

\*\*in the absence or inability of the Chief Officer Governance & Customer to act, the Head of Service, Legal, Democratic and Registration Services is authorised to exercise these functions.

\*\*\*that in the absence or inability of the Chief Officer Governance & Customer to act, or for operational expediency, this delegation may be exercised by the Corporate Information Manager, or the Head of Service, Legal, Democratic and Registration Services.

# CHIEF OFFICER HOUSING & ECONOMY

## Functions delegated by Council

None.

## Executive Functions

To have the power to:

1. In consultation with the Lead Member and the Local Ward Member(s), to agree the terms for any acquisition and/or disposal of land and premises owned by or for use by the Council (including the final determination of boundaries), with prospective purchasers and/or vendors and to authorise completion of transactions. \*
2. To manage the facilities and property utilised for economic development purposes including factories, warehouses, offices, stores, land, markets, town centre shops and agricultural estate in particular to authorise: \*
  - (a) the selection and vetting of tenants;
  - (b) the negotiation and settlement of terms and to authorise the lettings; and
  - (c) the agreement of concessions at any point during a tenant's occupation.
3. To negotiate and settle rentals and other terms for short term licences, easements and wayleaves, including those required by statute upon terms agreed by statutory formula or otherwise, subject to appropriate consultation with the Lead member and the Local Member(s). \*
4. To negotiate and agree lease agreements including rent reviews on property leased by and to the Council. \*
5. To value all property assets of the Council. \*
6. To value land and buildings for Community Councils and other Public Bodies on a fee earning basis where appropriate. \*
7. To value properties for mortgage or grant and for other approved purposes, including the property assets of elderly persons entering the care of the Social Care Department of the Council. \*
8. To determine the value of all properties in respect of which a Notice claiming to exercise the right to buy is received under the provisions of Part V of the Housing Act 1985, and to determine the terms upon which such properties shall be disposed of in accordance with the provisions of the Housing Act, 1985. \*
9. To make home loss payments under the provisions of the Land Compensation Act, 1973 (amount calculated by statutory formula related to the rateable value). \*

10. To make disturbance payments under the provisions of the Land Compensation Act, 1973. \*
11. To select contractors to undertake works in relation to the various categories of work falling within the purview of the Housing and Economy Department, and acting on behalf of other clients using the department for such works, in accordance with the Contract Procedure Rules.
12. To approve, implement and administer business development grants and loans to eligible businesses in accordance with the terms and conditions of approved schemes, (including grants for training) and to reclaim grants and/or loans in accordance with the terms and conditions thereof.
13. To sign grant bids on behalf of the Council for the Communities First Partnerships and/or for the Council itself as Lead Delivery Body, as appropriate.
14. To enter into contracts with the European Commission and Welsh Assembly Government (and any other publicly sponsored body) to deliver services which support the delivery of the Council's approved Economic Prosperity Strategy.
15. To authorise, monitor and evaluate grants to the voluntary sector which facilitate the delivery of the Council's approved Economic Prosperity Strategy.
16. To submit bids to public, private and voluntary sector providers for funding and to deliver services in accordance with the terms of the funding provider.
17. To authorise the holding of specialist markets such as Farmers Markets, French Markets, Continental Markets and other similar markets on Council controlled land in consultation with the lead member and local members, as appropriate.
18. In the event of misconduct by a trader on any market, to take disciplinary action including suspension or exclusion from the market if deemed appropriate, in consultation with the Lead Member.
19. To authorise and implement events which the Council leads on or contributes towards, utilising resources from earned income from the Housing and Economy department (or other departments as appropriate) and when commissioned by the Governance & Customer Department utilising the corporate events budget, in consultation with the Lead Member.
20. To vary charges or to agree promotional packages or to introduce minor new charges designed to cover cost of all department activities and facilities.
21. To organise and deliver the entertainment and culture programmes sponsored by the Council through its arts programmes.
22. To determine and award individual applications for arts sponsorship.

23. To approve the opening and operational hours of facilities within the purview of the Housing and Economy department (including the Tourist Information Centre, Shopmobility and all other satellite offices).
24. To determine applications and provide where applicable, milk, meals and refreshments in accordance with the Council's policy.
25. To maintain the Council's Libraries Service.
26. To negotiate and settle rentals for recurring lettings of Community Centres.
27. Overall supervision of the management of the Community Centres and the Memorial Hall.

**Housing Functions:**

28. To enforce the powers contained in The Caravan Sites Act 1968.
29. To authorise the enforced sale of empty properties under the provisions of Part III of the Law of Property Act 1925 and Local Land Charges Act 1975.
30. To issue Certificates of Approval of Works carried out for works of improvement, repair, conversion and adaptations under Part I of the Housing Grants, Construction and Regeneration Act 1996, including payments by instalments.
31. To deal with all matters arising from applications for grants under Part 1 of the Housing Grants, Construction and Regeneration Act 1996 including approval and rejection of applications, subject to consultation with the Chief Finance Officer in respect of financial aspects, and to any financial allocation available for this purpose in any one year not being exceeded.
32. To deal with all aspects of approval and payments for unforeseen work above currently agreed limits in respect of House Renovation Grants.
33. To consult with the Chief Officer Finance & ICT to deal with matters arising from the Private Sector Improvement Loan and Vibrant and Viable Places Loan schemes, including the approval and rejection of applications for loans under the relevant schemes.
34. To administer the housing needs register (waiting list, transfer list etc.)
35. To let Council dwellings and to nominate to other social landlords including temporary non-secure lets, waiting list applicants, transfers, exchanges, key workers, tied tenancies and mobility schemes.
36. (i) To administer the Council's functions and responsibilities towards the Homeless under the provisions of the Housing Act 1996.  
(ii) To consider and determine any requests for review received by the Council pursuant to Section 202 of the Housing Act 1996.

- (iii) To make determinations under section 160A of the Housing Act 1996 in respect of applicants considered unsuitable to be a tenant.
37. To sign and serve all relevant notices under the Housing Act, 1985 (and any other relevant Housing Acts) pertaining to:-
- \* The setting and collection of rents and charges
  - \* Varying terms and conditions of tenancies
  - \* All matters under the 'Right to Buy' Provisions (not otherwise specifically delegated)
  - \* Consultation with tenants
  - \* Right to Repair
  - \* Compensation for tenants' improvements
38. To sign and serve all relevant Notices to Quit, Notices of Seeking Possession and, in consultation with the Chief Officer Governance & Customer, authorise legal proceedings for Possession, Costs and Warrants of Execution and to secure the eviction of Secure and Introductory tenants as a result of:-
- \* Non-payment of rent
  - \* Breaches of tenancy agreement
39. To carry out or arrange for the carrying out of repairs and maintenance of all Council owned properties in the housing portfolio.
40. To carry out or arrange for the carrying out of repairs, improvements and adaptations in accordance with the Housing Capital programme or revenue estimates.
41. To manage and control the Council's official site for accommodation for Gypsies.
42. To authorise legal proceedings for nuisance in consultation with the Chief Officer Governance & Customer and the Local Members.
43. To authorise Housing Officers to exercise the right of audience in the County Court under Section 60(2) of the County Courts Act 1984.
44. To dispose of properties in the housing portfolio identified as surplus to the requirements of the Authority, with the agreement of the Leader and Deputy Leader of the Council and the appropriate Local Members.
45. In consultation with the Chief Officer Governance & Customer, to consider and determine requests for the Council to exercise its discretion as to repayment of discount under the Housing Act 1985 (as amended).
46. To consider and respond to offer notices received pursuant to Section 156A of the Housing Act 1985 (as amended) provided that no offer is accepted without prior consultation with the Chair and Vice-Chair of the Executive Board, the relevant Lead Member for housing matters and the Chief Officer Finance & ICT, and afterwards to report action taken under this provision to the Executive Board for information.

47. To approve the implementation of local lettings policies where considered appropriate, following consultation with the Homes and Environment Scrutiny Committee, the relevant Local Members and the relevant Lead Member.
48. To exercise functions under the Anti-Social Behaviour Act 2003, on behalf of the Council in its capacity as landlord, to deal with instances of anti-social behaviour.
49. To review decisions to seek an order for possession of dwelling houses let under introductory and demoted tenancies, in accordance with the Introductory Tenants (Review) Regulations 1997 and the Demoted Tenancies (Review of Decisions) (Wales) Regulations 2005.
50. In consultation with Local Members and the relevant Lead Member, to approve, where there are no objections, future disposal schemes in accordance with the Council's policy for the fencing in of open plan gardens on Council housing estates.
51. Following consultation with the relevant Lead Member and Local Member(s), to deal with all matters associated with breach of covenants affecting properties sold under the 'Right to Buy' Scheme by way of:
  - (i) enforcement of the covenant, including if necessary injunction proceedings to prevent personal building works, or
  - (ii) the negotiation of release of the covenant in consideration of a financial payment.

\* In the absence of or inability of the Chief Officer Housing & Economy to act, the following are authorised to exercise his/her functions under the associated delegations:-

Head of Service, Assets	-	Delegations 1-10
Head of Service, Regeneration	-	Delegations 11 – 27
Head of Service, Housing	-	Delegations 28 - 51

# CHIEF OFFICER PLANNING & REGULATORY

## PLANNING and BUILDING CONTROL FUNCTIONS

### Functions delegated by Council

To have the power:

1. In cases where: \*
  - (a) No adverse comments have been received; and
  - (b) Objections have been resolved by discussion and negotiation.
- A. To approve all types of application submitted under the Town and Country Planning Act 1990 provided that:-
  - (i) they accord with the provisions of the appropriate development plan, other adopted policy guidance or development brief
  - (ii) they comply with all relevant adopted local authority standards
  - (iii) in all cases the Chief Officer Planning & Regulatory deems it prudent to exercise his delegated authority, failing which he shall report the matter to Committee.

Subject

- (i) where the Chief Officer Planning & Regulatory deems it appropriate in accordance with planning policies and guidance to the prior completion of agreements securing controls over the development or financial contributions/works for the benefit of the community and
  - (ii) to such conditions as the Chief Officer Planning & Regulatory deems it appropriate to impose on the grant permission.
- B To refuse all types of application submitted under the Town and Country Planning Act 1990 where he is satisfied that the proposals are contrary to the provisions of the appropriate development plan, planning policy guidance and circulars, do not comply with relevant adopted local authority standards or would be contrary to established planning practice and would cause demonstrable harm to an interest of acknowledged importance.

Provided that:-

- (i) the decision would not conflict with any representations received within the consultation period.



- (ii) in all cases the Chief Officer Planning & Regulatory considers it prudent to exercise his delegated authority failing which he shall report the matter to the Committee.
  - (iii) the Local Member(s) have been notified of the intention to refuse the application.
2. To DETERMINE as appropriate the following categories of application pursuant to the Planning legislation. \*

Determinations as to whether or not planning permission is required in consultation with the Chief Officer Governance & Customer.

3. To CARRY OUT the following functions:

Appeals: \* To conduct appeals against the decisions of the Local Planning Authority.

Tree Preservation Orders: \*\*

1. To initiate and, where no written objections are received, confirm Tree Preservation Orders.
2. To deal with notifications for works to trees in Conservation Areas. Where there are objections and the intention is to permit the works, this power to be exercised in consultation with the Chair and Vice-Chair of the Planning Committee.
3. To determine applications for works, including felling to trees subject to Tree Preservation Orders. When there are objections to felling and the Chief Officer is minded to permit the works, this power to be exercised in consultation with the Chair and Vice-Chair of the Planning Committee and relevant Local Members.

Vehicle Operators' Licensing: \* To lodge objections in consultation with the Chair and Vice-Chair of the Planning Committee and the Local Member.

Listed Buildings: \*

1. To determine applications for Listed Building consent with the exception of applications falling into the following categories which shall be passed to CADW with observations on behalf of the Council:-
  - (a) which involve demolition;
  - (b) which must be submitted to the Welsh Ministers in accordance with Regulation 9 of the Planning (Listed Buildings and Conservation Areas) (Wales) Regulations 2012;

(c) relating to works affecting the exterior of Grade II Listed Buildings, where the granting of consent would be contrary to the advice of the named Building Conservation Officer or, for whatever reason the named Building Conservation Officer will not be able to offer advice on that application; or

(d) which affects either the interior or exterior of a Grade I or II (starred) listed building.

2. To determine applications for demolition of un-listed buildings in conservation areas.
  3. To determine within the guidelines laid down by the Council applications for grant aid in respect of buildings of special architectural or historic interest.
  4. To determine within the guidelines laid down by the Council, applications for grant aid in respect of buildings of special architectural or historic interest. \*\*
4. To determine all applications for the discharge of conditions imposed upon planning permissions. \*
  5. To determine all applications submitted under section 96A of the Town and Country Planning Act, 1990 for non-material amendments to existing planning permissions. \*
  6. To deal with and respond to all agriculture and forestry notifications whether or not objections are received, within the 28 days allowed, in consultation with the Chair of the Planning Committee and the Local Member(s) for the area concerned. \*
  7. To determine deemed consent applications under the Planning (Hazardous Substances) Act, 1990. \*
  8. To determine, following notification, whether the prior approval of the Council will be required for the demolition of buildings which are not already protected by listed building and conservation area legislation and in cases where it is determined that approval is required to approve the application unless objections to the proposal have been received. \*
  9. To determine applications for Certificates of Lawfulness of Existing Use or Development and Certificates of Lawfulness of Proposed Use or Development under Sections 191 and 192 respectively of the Town and Country Planning Act, 1990, in consultation with the Chief Officer Governance & Customer. \*
  10. To issue Enforcement Notices under Section 172 and to vary and withdraw Enforcement Notices under Section 173A of the Town and Country Planning Act 1990

and to issue Listed Building Enforcement Notices and to vary and withdraw such Notices under Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 subject to prior consultation with the Chair and Vice-Chair of the Planning Committee, the Local Member(s) and the Chief Officer Governance & Customer. \*

11. To serve Breach of Condition Notices under Section 187A of the Town and Country Planning Act, 1990, subject to prior consultation with the Chair and Vice-Chair of the Planning Committee, the Local Member(s) and the Chief Officer Governance & Customer. \*
12. To serve:- \*
  - (i) Planning Contravention Notices under Section 171C of the Town and Country Planning Act, 1990 and to hear and determine any representations made as a result.
  - (ii) Enforcement warning notices under Section 173ZA of the Town and Country Planning Act 1990.
  - (iii) Temporary Stop Notices under Section 171E, F, G, H of the Town and Country Planning Act 1990.
13. To serve Notices under Section 215 of the Town and Country Planning Act, 1990, in respect of land adversely affecting the amenity of a neighbourhood ('Untidy Land Notices') subject to prior consultation with the Chair and Vice-Chair of the Planning Committee, the Local Member(s) and the Chief Officer Governance & Customer. \*
14. To determine applications under the Hedgerow Regulations 1997. \*
15. To authorise Officers to have the powers of entry under Section 196A of the Town and Country Planning Act, 1990.
16. To vary or revoke Tree Preservation Orders subject to prior consultation with and the agreement of the Local Member(s). \*\*

### **Executive Functions**

17. To deal with and respond to Telecommunication Development Notifications, in consultation with the Chair and Local Member whether or not objections are received. \*
18. To approve or reject all plans which comply or which do not comply with the Building Regulations for the time being in force or the Building Act 1984. \*\*\*
19. To arrange for the protection or demolition of dangerous structures, including the service of Notices under Section 78 of the Building Act, 1984. \*\*\*
20. To serve Notices under the Building Act 1984 and Section 16 of the Local Government (Miscellaneous) Provisions Act 1976. \*\*\*

21. Appeal against notice requiring works under Section 102 of the Building Act, 1984.
22. To grant consents for building over sewers. \*\*\*
23. To arrange and approve the numbering of houses and the naming of streets. \*\*\*
24. To issue the standard completion certificate as approved by the Council certifying that works are in accordance with the Building Regulations. \*\*\*
25. To negotiate and establish appropriate Building Control and Pre-Planning Application Advice Fees in response to market forces. \*\*\*
26. To take enforcement action in respect of non-compliance with the Building Regulations for the time being in force. \*\*\*
27. To authorise Officers to have the powers of entry under:-
  1. Section 95 of the Building Act, 1984
  2. Sections 214B and 324 of the Town and Country Planning Act, 1990.
  3. Section 88 of the Planning (Listed Buildings and Conservation Areas) Act, 1990  
and
  4. Section 36 of the Planning (Hazardous Substances) Act, 1990.
28. To decide on whether proposed developments require Environmental Impact Assessment, including decisions on whether environmental statements are needed and the giving of screening and scoping opinions, under the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, following consultation with the Chair of the Planning Committee and having informed the relevant Local Members. \*
29. To determine whether proposed developments require Appropriate Assessments and the giving of opinions on tests of likely significance, under the European Habitat Directive 1992, the Conservation (Natural Habitats, &c.) Regulations 1994 and any associated legislation/regulations, following consultation with the Chair of the Planning Committee and relevant Local Members. \*\*
30. To review annually the commuted sum payable for future maintenance of public open spaces in new housing developments and to set a new sum if it is deemed appropriate.
31. To make all necessary arrangements to set up and convene meetings of the Design Panel and to expand the membership of the Panel as considered appropriate. \*\*
32. To update from time to time: \*\*
  - (a) the Building Cost Multipliers and Contributions as shown in the Council's approved Local Planning Guidance Note on Developer Contributions to Schools in line with Government advice; and

- (b) the list of schools with a current shortage of places based on the Wrexham Schools Organisation Plan.\*\*
33. To exercise all the functions of the Council in respect of high hedges under the provisions of Part 8 of the Anti-Social Behaviour Act 2003 and any Regulations made thereunder, including authority to charge the maximum fee permissible under the relevant Regulations in connection with complaints made to the Council, or any concessionary rate in accordance with Council policies. \*\*
34. To respond to the following in relation to national infrastructure projects proposed pursuant to the Planning Act 2008 (as amended and associated regulations):-
- (a) Consultation on the promoter's statement of community consultation; \*
  - (b) request for representations on the adequacy of the promoter's consultation; \*
  - (c) request for representations on an EIA scoping opinion. \*
35. To act as Registrar of Local Land Charges. \*\*
36. To keep the fees charged for local searches under review and to make such changes to the fees as may be deemed appropriate from time to time.

## **REGULATORY FUNCTIONS**

### **Functions delegated by Council**

37. To exercise powers in respect of the registration of Motor Salvage Operators pursuant to the Vehicle (Crimes) Act 2001. \*\*\*\*
38. The discharge of any function relating to the control of pollution or the management of air quality. \*\*\*\*
39. To approve the grant of licences under the Town Police Clauses Act, 1847 and the Local Government (Miscellaneous Provisions) Act, 1976 Part II in respect of hackney carriages and private hire vehicles, operators and drivers in accordance with the Council's policies and to act as the Council's authorised officer for the purpose of Part II of the Act. \*\*\*\*
40. To refuse applications for Private Hire Vehicle Licences. \*\*\*\*
41. To have the power to suspend or revoke a licence to drive a hackney carriage or a private hire vehicle, if it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, all instances where this power is exercised shall be reported to the next available meeting of the Environmental Licensing Committee. \*\*\*\*
42. To determine applications for licences under the provisions of the Licensing Act 2003 for the provision of regulated entertainment and the settlement of regulations and conditions relating to such licences, in consultation with Local Members. \*\*\*\*

43. To refuse applications for the provision of regulated entertainment in respect of premises which have not been brought up to the required standards in respect of fire precautions. \*\*\*\*
44. To enforce the provisions of the Licensing Act 2003, relating to the sale of alcohol to children. \*\*\*\*
45. In consultation with the Chair or Vice-Chair of the Environmental Licensing Committee, to approve each advertisement to be displayed on Wrexham Hackney Carriages. \*\*\*\*

Licensing Act 2003 functions:

46. Approve all applications for the grant of a premises licence or club premises certificate pursuant to the Licensing Act 2003 where there are no relevant representations. \*\*\*\*
47. Approve all applications pursuant to the Licensing Act 2003 for a personal licence, variation of a designated premises supervisor or notices given in respect of an activity taking place under the authorisation of a temporary event notice where there is no police objection. \*\*\*\*
48. Determine all requests to be removed as a designated premises supervisor. \*\*\*\*
49. Determine whether a Hearing should take place pursuant to the Licensing Act 2003 if all parties are in agreement that no Hearing is necessary. \*\*\*\*
50. Request information from a party to clarify a point to be considered at a Hearing pursuant to the Licensing Act 2003 (Hearings) Regulations 2005. \*\*\*\*

Gambling Act 2005 functions:

51. To determine the following applications where no representations are received or where representations are withdrawn: \*\*\*\*
  - Application for a premises licence
  - Application for a variation to a licence
  - Application for a provisional statement
  - Application for club gaming/club machine permits
52. To determine the following matters: \*\*\*\*
  - Applications for permits other than club gaming/club machine permits
  - The cancellation of licensed premises gaming machine permits
  - Consideration of temporary use notice

53. To determine applications for a transfer of a licence where no representations are received from the Gambling Commission. \*\*\*\*
54. To determine fees in accordance with Section 212 of the Gambling Act 2005 in consultation with the Leader of the Council. \*\*\*\*
55. To sign and serve requisitions for information under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 in respect of any function falling within the purview of the Planning & Regulatory Department but not as to preclude the Chief Officer Governance & Customer who is similarly authorised from exercising this power. \*\*\*\*

### **Executive Functions**

To have the power:-

56. To Authorise in writing all officers of the Planning & Regulatory Department or agents/contractors, who may from time to time be employed/engaged to discharge the specific duties and functions delegated to the Chief Officer Planning & Regulatory, subject to such officers being suitably qualified for the discharge of those duties and functions. \*\*\*\*
57. To undertake inspections, investigations, interviews, sampling, prohibitions, seizures, detentions, recording, service of notices, (including suspension notices), issue penalty notices/fixed penalty notices, notifications, waivers, transfers, authorisations, licensing, registrations, legal proceedings and to set fees and charges as are within the purview of the Planning & Regulatory Department under the legislation applicable thereto set out below, together with any associated regulations or other subordinate legislation whether made thereunder or in exercise of powers conferred, and any amendments or additions thereto and to exercise all other relevant duties and powers, including powers of entry provided under such legislation. \*\*\*\*

### **Legislation**

Accommodation Agencies Act, 1953  
 Administration of Justice Act, 1970  
 Agriculture Produce (Grading and Marking) Act, 1928  
 Agriculture (Miscellaneous Provisions) Act, 1968, 1972 and 1976b  
 Agriculture Act, 1970  
 Animal Boarding Establishments Act, 1963  
 Animal Health and Welfare Act, 1984  
 Animal Health Act, 1981  
 Animal Health Act 1998  
 Animal Health Act 2002  
 Animal Welfare Act 2006  
 Anti-Social Behaviour Act 2003  
 Anti-Social Behaviour, Crime and Policing Act 2014  
 Anti-Terrorism, Crime and Security Act 2001  
 Protection of Animals Act 2000  
 Banking Act, 1987  
 Breeding of Dogs Act, 1973 and 1991

Building Act, 1984  
Business Names Act, 1985  
Cancer Act, 1939  
Caravan Sites and Control of Development Act, 1960  
Celluloid and Cinematographic Film Act, 1922  
Children and Families Act 2014  
Children and Young Persons Act, 1933  
Children and Young Persons (Protection from Tobacco) Act, 1991  
Christmas Day (Trading) Act 2004  
Cinemas Act, 1985  
Clean Air Act, 1993  
Clean Neighbourhoods and Environment Act 2005  
Climate Change Act 2008 & Single Use Carrier Bags Charge (Wales) Regulations 2010  
Companies Act, 1985  
Companies Act 2006  
Consumer Credit Act, 1974  
Consumer Credit Act, 2006  
Consumer Rights Act 2015  
Consumer Protection Act, 1987  
Control of Horses (Wales) Act 2014  
Control of Pollution Act, 1974  
Control of Pollution (Amendment) Act, 1989  
Copyright, Designs and Patents Act, 1988  
Copyright, Etc and Trade Marks (Offences and Enforcement) Act, 2002  
Court and Legal Services Act, 1990  
Criminal Attempts Act, 1981  
Criminal Justice Act, 1988  
Criminal Justice and Police Act 2001 (Closure Notices)  
Crossbow Act, 1987  
Customs and Excise Management Act 1979  
Dangerous Dogs Act, 1991  
Dangerous Wild Animals Act, 1976  
Development of Tourism Act, 1969  
Disability Discrimination Act 1995  
Dogs Act, 1906  
Dog (Fouling of Land) Act 1996  
Education Reform Act, 1988  
Energy Conservation Act, 1981  
Energy Act, 1976  
Energy Act 2011  
Enterprise Act 2002  
Environmental Protection Act, 1990  
Environment Act, 1995  
Environmental and Safety Information Act, 1968  
Environmental Protection (Microbeads) (Wales) Regulations 2018  
Estate Agents Act, 1979  
European Communities Act, 1972  
Explosives Act, 1875 and 1923  
Explosives (Age of Purchase) Act, 1976  
Factories Act, 1961  
Fair Trading Act, 1973



Farm and Garden Chemical Act, 1967  
Firearms Act 1968  
Fireworks Act, 1951  
Fireworks Act 2003  
Fire Safety and Safety at Places of Sports Act 1987  
Financial Services and Markets Act 2000  
Food Act 1984  
Food Hygiene Rating (Wales) Act 2013  
Food Safety Act, 1990  
Food and Environment Protection Act, 1985  
Forgery and Counterfeiting Act, 1981  
Fraud Act 2006  
Gambling Act 2005  
Guard Dogs Act, 1975  
Hallmarking Act 1973  
Health Act 2006 (as amended)  
Health and Safety at Work, etc. Act, 1974  
Healthy Eating in Schools (Wales) Measure 2009  
Hire Purchase Act, 1964  
Housing Act, 1985 (as amended by Local Government and Housing Act, 1989)  
Housing Act, 1996  
Housing Act, 2004  
Housing Act 2014  
Housing Grants, Construction and Regeneration Act, 1996  
Insurance Brokers (Registration) Act, 1977  
Insurance Companies Act, 1982  
Intoxicating Substances (Supply) Act, 1985  
Knives Act, 1997  
Law of Property (Miscellaneous Provisions) Act, 1989  
Legal Services Act 2007  
Legislative and Regulatory Reform Act 2006  
Licensing Act 2003  
Local Government (Miscellaneous Provisions) Act, 1976 and 1982 (as amended)  
London Olympic and Paralympic Games Act 2006  
Magistrates Court Act, 1980  
Malicious Communications Act, 1988  
Magistrates Court Act, 1980  
Medicines Act, 1968  
Mines and Quarries Act, 1954  
Mines and Quarries (Tips) Act 1969  
Mobile Homes (Wales) Act 2013  
Mock Auctions Act, 1961  
Motor Cycles Noise Act, 1987  
Motor Vehicles (Safety Equipment for Children) Act, 1991  
National Assistance Act 1948  
National Assistance (Amendment) Act 1951  
Noise Act, 1996  
Noise and Statutory Nuisance Act, 1993  
Nurses Agencies Act, 1957  
Offices, Shops and Railway Premises Act, 1963  
Olympic Symbol etc (Protection) Act 1995

Opticians Act, 1989  
Performing Animals (Regs) Act, 1925  
Pet Animals Act, 1951  
Petroleum (Consolidation) Act, 1928  
Plant Health Act, 1967  
Poisons Act, 1972  
Pollution Prevention and Control Act 1999  
Prices Act, 1974 and 1975  
Prevention of Damage by Pests Act, 1949  
Property Misdescriptions Act, 1991  
Protection of Animals Act, 1911 and 1934  
Protection of Animals Act 2000  
Protection of Animals (Amendment) Act, 1954  
Protection of Animals (Anaesthetics) Act, 1954  
Protection Against Cruel Tethering Act, 1988  
Protection From Eviction Act, 1977  
Psychoactive Substances Act 2016  
Public Health Acts 1875, 1936 and 1961  
Public Health (Control of Diseases) Act, 1984 as amended by the Health and Social Care Act 2008  
Public Health (Wales) Act 2017  
Rag Flock and Other Filling Materials Act, 1951  
Refuse Disposal (Amenity) Act 1978  
Registered Designs Act, 1949  
Regulatory Reform (Fire Safety) Order 2005  
Renting Homes (Fees etc.)(Wales) Act 2019  
Riding Establishments Acts, 1964 and 1970  
Road Traffic (Consequential Provision) Act, 1988  
Road Traffic (Foreign Vehicles) Act, 1972  
Road Traffic Act, 1988 and 1991  
Road Traffic Offenders Act, 1988  
Safety of Sports Grounds Act 1975  
Scotch Whisky Act, 1988  
Scrap Metal Dealers Act 2013  
Single Use Carrier Bags Charge (Wales) Regulations 2010  
Slaughter of Poultry Act, 1967  
Smoke-Free Premises etc (Wales) Regulations 2007  
Sunbeds (Regulation) Act 2010  
Sunbeds (Regulation) Act 2010 (Wales) Regulations 2011  
Solicitors Act, 1974  
Sunday Trading Act, 1994  
Telecommunications Act, 1984  
Theatres Act, 1968  
The Control of Horses (Wales) Act 2014  
The TSE (Wales) Regulations 2002 (As amended)  
The Products of Animal Origin (Import and Export) Regulations 1996 (As amended)  
The Tobacco Advertising and Promotion Act 2002  
The Violent Crime Reduction Act 2006  
The Official Feed & Food Controls (Wales) Regulations 2009  
The Official Feed & Food Controls (Wales) (Amendment) Regulations 2011  
The Trade in Animals & Related Products (Wales) Regulations 2011

The Environmental Damage (Prevention & Remediation (Wales) Regulations 2009  
The Protection from Tobacco (Sales from Vending Machines)(Wales) Regulations 2011  
The Health Protection (Local Authority Powers) (Wales) Regulations 2010  
The Health Protection (Part 2A Orders) (Wales) Regulations 2010  
Theft Act, 1968 and 1978  
Timeshare Act, 1992  
Tobacco Advertising and Promotion Act 2002  
Town Police Clauses Act, 1847  
Trade Descriptions Act, 1968  
Trade Marks Act, 1994  
Trading Representation (Disabled Persons) Act, 1958 and 1982  
Trading Schemes Act, 1996  
Trading Stamps Act, 1964  
Transport Act, 1982  
Unsolicited Goods and Services Act, 1971 (as amended)  
Unsolicited Goods and Services Acts 1971 and 1975  
Video Recordings Act, 1984  
Vehicles (Crime) Act 2001  
Vehicle (Excise) Act, 1971  
Water Act, 1989  
Water Industry Act, 1991  
Weights and Measures etc. Act, 1976  
Weights and Measures Act, 1985  
Wildlife and Countryside Act, 1981  
Young Persons (Employment) Acts, 1938 and 1964  
Zoo Licensing Act, 1981

58. To arrange burials under Section 46 of the Public Health (Control of Disease) Act, 1984.
59. To ensure the appointment of a suitably qualified person who shall be designated the Chief Inspector of Weights and Measures for the Authority. \*\*\*\*
60. In consultation with the Chief Officer Governance & Customer to authorise and commence legal proceedings in respect of those matters for which the Chief Officer has operational responsibility. \*\*\*\*
61. To nominate others to accompany officers in the course of their duty, as provided in the relevant legislation. \*\*\*\*
62. To authorise the issue of licences in respect of car boot sales and other similar sales where such applications are of a charitable nature, following consultation with the Local Member. \*\*\*\*
63. To issue Variations of Authorisations and Environmental Permits under Sections 10 and 11 of the Environmental Protection Act, 1990 and the Environmental Permitting (England and Wales) Regulations 2010, which do not involve a substantial change in consultation with the Local Members. \*\*\*\*
64. To act as the Home Authority/Primary Authority Officer for the Council. \*\*\*\*

65. To maintain registers of Licences issued and to approve the grant of licences under the following Acts:- \*\*\*\*
- Police, Factories etc (Miscellaneous Provisions) Act, 1916 and House to House Collections Act, 1939 (House to House and Street Collections) Licensing Act 2003  
Gambling Act 2005  
Hypnotism Act, 1952  
Charities Act 1992 (or such other legislation as may replace or supersede such Act).
66. To appoint Proper/Alternate Proper Officers for medical matters under all sections of the Public Health (Control of Diseases) Act 1984 and associated regulations. \*\*\*\*
67. To appoint Officers as Inspectors under Section 19 (1) of the Health and Safety at Work, etc. Act, 1974. \*\*\*\*
68. To exercise all powers and duties of a Local Authority under the Scrap Metal Dealers Act 2013, save that a Sub-Committee of three Members of the Executive Board, to include the relevant Lead Member who will normally chair the Sub-Committee, is to determine applications for a licence or a variation or revocation of a licence where the applicant or licensee has requested the opportunity to make oral representations in response to a notice issued pursuant to Paragraph 7(i) of Schedule 1 of the Scrap Metal Dealers Act 2013. \*\*\*\*
69. In consultation with the relevant Lead Member, to set the fees for applications under the Scrap Metal Dealers Act 2013. \*\*\*\*

In the absence or inability to act of the Chief Officer Planning & Regulatory, or for operational expediency, these delegations may be exercised by:

- \* & \*\* the Head of Service, Planning Control or the Head of Service, Planning Policy  
\*\*\* the Principal Building Control Surveyor  
\*\*\*\* the Head of Service, Public Protection

# CHIEF OFFICER SOCIAL CARE

## Designation by Council

1. To act as the Council's Statutory Director of Social Services in accordance with Section 6 of the Local Authority Social Services Act 1970 in relation to the Council's Social Services functions.

## Functions delegated by Executive Board

### Adult Social Care

2. The strategic and operational delivery and/or securing by the Council of Personal Social Services for Adults.
  - Adult services, including mental health, learning disabilities, older people, physical disabilities;
  - Performance and Financial Management, including complaints and representations relating to personal social services for adults;
  - Support services, including Human Resources;
  - Inter-agency and Partnership Working;
  - Commissioning and contracting across all services.
3. In particular, to exercise those functions of the Council which relate to personal social services for adults under the appropriate Sections of the following Acts as amended or re-enacted.
  - National Assistance Act 1948
  - Disabled Persons (Employment) Act 1958
  - Health Services and Public Health Act 1968
  - Chronically Sick and Disabled Persons Act 1970
  - Supplementary Benefits Act 1976
  - Mental Health Act 1983
  - Health and Social Services and Social Security Adjudication Act 1983
  - Public Health (Control of Disease) Act 1984
  - Housing Act 1985
  - Disabled Persons (Services, Consultation and Representation) Act 1986
  - National Health Service and Community Care Act 1990
  - Criminal Justice Act 1991
  - Social Security Administration Act 1992
  - Carers (Recognition and Services) Act 1995
  - Health Act 1999
  - Local Government Act 2000
  - Care Standards Act 2000
  - Health and Social Care Act 2001
  - Nationality, Immigration and Asylum Act 2002

- Carers and Disabled Children Act 2000
  - Social Services and Well-Being (Wales) Act 2014
4. The administration of all charges levied in respect of personal social services for adults including the waiving of charges.
  5. The provision of improvements and adaptations to a disabled persons' home under section 2(1)(e) of the Chronically Sick and Disabled Persons Act 1970.
  6. In consultation with the Chief Officer Governance & Customer to institute proceedings in a Court or other Tribunal under the following Acts as amended or re-enacted.
    - National Assistance Act 1948 Section 47 and 56(3)
    - Mental Health Act 1959 Section 131
    - Mental Health Act 1983 Sections 29 and 30, Part V and Section 130
    - Health and Social Services and Social Security Adjudications Act 1983 Section 22
    - Mental Capacity Act 2005 Part 2

Any other function of the Council in relation to the provision of personal social services for adults which involves an application to a Court or other Tribunal including the prosecution of offences or which requires the execution of any document having effect in law.

7. To have formal oversight of the complaints process in accordance with the Social Services Complaints Procedure (Wales) Regulations 2014 and Representations Procedure (Wales) Regulations 2014. This will include agreeing to timescale extensions and responding to formal complaint investigations.
8. To produce and publish an annual complaints report which will be considered by the appropriate Scrutiny Committee and made available to CIW for inspections.
9. To decide on the reception of persons into Guardianship of the Council under Section 7 and 37 of the Mental Health Act 1983.
10. To approve a package of Community Care in excess of the gross cost of Residential Placement for the registration category of the person concerned when the cost can be met by the budget holder.
11. To appoint Approved Mental Health Professionals.
12. To exercise the power to appoint Proper/Alternative Proper Officers for medical matters under the National Assistance Act 1948 and the National Assistance (Amendment) Act 1951.

### Children's Social Care

13. The operational delivery and/or securing by the Council of personal social care services for children and young people including:

- appropriate contact and referral arrangements for service users and other agencies
  - family support services to “children in need”
  - child protection (safeguarding) services
  - domiciliary care for children and young people who are disabled
  - accommodation services for looked after children including fostering and residential care
  - the full range of services required of an adoption agency
  - planning, commissioning contracting and performance management services
  - strategic planning in conjunction with partner agencies
  - the management of complaints and representation
  - support (administrative) services
14. In particular, to exercise those functions of the Council which relate to personal social services for children and young people (previously the responsibility of the Social Services Department) under the appropriate Sections of the following Acts as amended or re-enacted:
- Disabled Persons (Employment) Act 1958
  - Children & Young Persons Act 1969
  - Children Act 1989
  - Children (Leaving Care) Act 2000
  - Adoption & Children Act 2002
  - Children Act 2004
  - Public Health (Control of Disease) Act 1984
  - Disabled Persons (Services, Consultation and Representation) Act 1986
  - Carers (Recognition and Services) Act 1995
  - National Health Service and Community Care Act 1990
  - Criminal Justice Act 1991
  - Anti Social Behaviour Act 2003
  - Carers and Disabled Children Act 2000
  - Care Standards Act 2000
  - Nationality, Immigration and Asylum Act 2002
  - Social Services and Well-being (Wales) Act 2014
15. The administration of all charges levied in respect of personal social services for children and young people including the waiving of charges.
16. The provision of financial assistance under sections 17 & 24 of the Children Act 1989 and the Children (Leaving Care) Act 2000.
17. In consultation with the Chief Officer Governance & Customer to institute proceedings in a Court or other Tribunal under the following Acts as amended or re-enacted:
- Adoption and Children Act 2002
  - Children Act 1989 Sections 25, 31, 34, 39, 43, 44, 45, 48(9), 50, 70, 94, 100, 102 and Schedule 2 Paragraph 19 and Schedule 3 Paragraph 6(3).

Any other function of the Council in relation to the provision of personal social services which involves an application to a Court or other Tribunal including the prosecution of offences or which requires the execution of any document having effect in law.

18. To respond at the formal stage on behalf of the Authority on complaints dealt with under proceedings established under the Children Act 1989
19. To agree the accommodation of children under the Children Act 1989.
20. To give the necessary consents to appropriate matters relating to children the subject of Care Orders to the Authority including the giving of consent for medical treatment and obtaining passports for children the subject of Care Orders.
21. To decide upon recommendations of the Foster Care and Permanence Panels.
22. To respond on behalf of the Authority at the appeal stage following independent reviews and complaints under the procedures established under the Children Act 1989
23. To make arrangements for the provision of suitable education at school or otherwise for children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not receive it unless such arrangements were made.



## **SECTION 14**

# **ACCESS TO INFORMATION RULES**

## **SECTION 14**

### **14 ACCESS TO INFORMATION PROCEDURE RULES**

#### **14.1 Scope**

These rules apply to all meetings of the Council, the Executive Board, Overview and Scrutiny Committee, the Standards Committee, Regulatory Committees and other Committees.

#### **14.2 Additional Rights to Information**

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

#### **14.3 Rights to Attend Meetings**

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

#### **14.4 Notices of Meeting**

Unless a meeting is convened at short notice, the Council will give at least three clear days' notice of any meeting by posting details of the meeting at the Guildhall civic entrance and on its website.

#### **14.5 Access to Agenda and Reports Before the Meeting**

The Council will make copies of the agenda and reports open to the public available for inspection at the designated office and on its website at least three clear days before the meeting. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the designated Officer shall make each such report available to the public as soon as the report is completed and sent to Councillors) will be open to inspection from the time the item was added to the agenda.

#### **14.6 Supply of Copies**

The Council will supply copies of:

14.6.1 any agenda and reports which are open to public inspection;

14.6.2 any further statements or particulars necessary to indicate the nature of the items in the agenda; and

14.6.3 if the Chief Officer Governance & Customer 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.

#### **14.7 Access to Minutes etc after the Meeting**

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

- 14.7.1 the minutes of the meeting or record of decisions taken by the Executive Board, 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;
- 14.7.2 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;
- 14.7.3 the agenda for the meeting; and
- 14.7.4 Reports relating to items when the meeting was open to the public.

#### 14.8 **Background Papers**

##### 14.8.1 **List of Background Papers**

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

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report

but does not include published works or those which disclose exempt or confidential information as defined in Rule 14.10.

##### 14.8.2 **Public Inspection of Background Papers**

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

#### 14.9 **Summary of Public's Rights**

A written summary of the public's rights to attend meetings and to inspect and copy documents will be kept at, and made available to the public at the Guildhall, Wrexham.

#### 14.10 **Exclusion of Access by the Public to Meetings**

##### 14.10.1 **Confidential Information – Requirement to Exclude Public**

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

##### 14.10.2 **Exempt Information – Discretion to Exclude Public**

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

(b) Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public, unless a private hearing is necessary for one of the reasons specified in article 6.

#### 14.10.3 Meaning of Confidential Information

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

#### 14.10.4 Meaning of Exempt Information

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

NOTE: Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

No.	Category of Exempt Information	Condition
12.	Information relating to any individual.	Public interest test applies (see below).
13.	Information which is likely to reveal the identity of an individual.	Public interest test applies (see below).
14.	Information relating to the financial or business affairs of any particular person (including the authority holding that information).	Information falling within paragraph 14 is not exempt information by virtue of that paragraph if it is required to be registered under: <ul style="list-style-type: none"> <li>• The Companies Act 1985;</li> <li>• The Friendly Societies Act 1974;</li> <li>• The Friendly Societies Act 1992;</li> <li>• The Industrial and Provident Societies Acts 1965 to 1978;</li> <li>• The Building Societies Act 1986; or</li> <li>• The Charities Act 1993.</li> </ul> Public interest test applies (see below).
15.	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any	Public interest test applies (see below).

No.	Category of Exempt Information	Condition
	labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.	
16.	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	
17.	<p>Information which reveals that the authority proposes:</p> <ul style="list-style-type: none"> <li>• to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</li> <li>• to make an order or direction under any enactment.</li> </ul>	Public interest test applies (see below).
18.	<p>Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime. Public interest test applies (see below).</p> <p><i>(In relation to a meeting of a Standards Committee, or a Sub-Committee of a Standards Committee, which is convened to consider a matter referred under the provisions of section 70(4) or (5) or 71(2) of the Local Government Act 2000):</i></p> <p>7A Information which is subject to any obligations of confidentiality.</p> <p>7B Information which relates in any way to matters concerning national security.</p> <p>7C The deliberations of a Standards Committee or of a Sub-Committee of a Standards Committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred to it.</p>	Public interest test applies (see below).

## 14.11 **Public Interest Test**

14.11.1 Information which:

- (a) falls within any of paragraphs 12 to 15, 17 and 18 above; and
- (b) is not prevented from being exempt by virtue of the “qualifications” above,

is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

14.11.2 The starting point is that there is a general public interest in release and the public authority has to decide whether in any particular case it would serve the interest of the public better to either disclose or withhold the information.

14.11.3 There is no legal definition of what the public interest is, but the following have been identified as some of the relevant considerations:

There is a distinction between public interest and what merely interests the public.

- (a) Does it further the understanding of and participation in the public debate of issues of the day?
- (b) Does it promote accessibility and transparency by public authorities for decisions taken by them or in the spending of public money?
- (c) Does it allow individuals and companies to understand decisions made by public authorities affecting their lives?
- (d) Does it bring to light information affecting public health and public safety?

## 14.12 **Exclusion of Access by the Public to Reports**

If the Chief Officer Governance & Customer thinks fit, the Council may exclude access by the public to reports which, in his or her opinion, relate to items during which, in accordance with Rule 14.10, the meeting is likely not to be open to the public. Such reports will be marked “Not for Publication”, together with the category of information likely to be disclosed and if applicable, why it is in the public interest it is considered that the information should not be disclosed.

## 14.13 **The Forward Work Programme**

14.13.1 **Period of Forward Work Programme**

The Forward Work Programme will be prepared by the Chief Officer Governance & Customer to cover a period of four months. It will be updated at the end of this period.

#### 14.13.2 Contents of Forward Work Programme

- (a) The Forward Work Programme will contain matters which the Executive Board, Overview and Scrutiny Committees and Full Council are likely to consider. It will contain information on:
  - (i) the timetable for considering the budget and any plans forming part of the Policy Framework and requiring Council approval, and which body is to consider them;
  - (ii) the timetable for considering any plans which are the responsibility of the Executive;
  - (iii) any individual matters on which the Executive intends to consult in advance of taking a decision, and the timetable for consultation and decision;
  - (iv) the work programme of the Overview and Scrutiny Committees.
- (b) The Forward Work Programme will be published at least 14 days before the start of the period covered. The Chief Officer Governance & Customer will publish the Forward Work Programme on the Council's website.

#### 14.14 Record of Decisions of the Executive Board

##### 14.14.1 The Decision Record

- (a) A written record will be made of every Executive Decision made by the Executive and its Committees (if any) and by individual Executive Members, and Joint Committees and Joint Sub-Committees whose Members are all Members of a local authority executive.
- (b) This decision record will include a statement, for each decision, of:
  - (i) the decision made;
  - (ii) the date the decision was made;
  - (iii) the reasons for that decision;
  - (iv) any personal interest declared;
  - (v) any dispensation to speak granted by the Authority's Standards Committee;
  - (vi) any consultation undertaken prior to the decision.

##### 14.14.2 Preparing the Decision Record

- (a) The Chief Officer Governance & Customer or his or her representative shall attend any meeting of the Executive, a Committee of the Executive or a Joint Committee or joint Sub-Committee where all its Members are Members of a local authority

executive, and shall, as soon as reasonably practicable after the meeting, produce a decision record.

(b) Where an individual Executive Member has made any Executive Decision:

- (i) that Member shall as soon as reasonably practicable instruct the Chief Officer Governance & Customer to produce a decision record; and
- (ii) the decision shall not be implemented until that decision record has been produced, subject to paragraph (c) below.

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

- (i) the Chair of the relevant Overview and Scrutiny Committee; or
- (ii) if there is no such person or that person is unable to act, the Mayor; or
- (iii) if there is none of the above then the Deputy Mayor,

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

#### 14.15 **Decisions by An Individual Member of the Executive**

##### 14.15.1 **Reports Must Be Taken Into Account**

Where an individual Member of the Executive intends to make any decision, then he/she will not make the decision until taking into account the contents of an Officer report.

##### 14.15.2 **Provision of Copies of Reports to Overview and Scrutiny Committee**

On giving such a report to an individual decision maker, the person who prepared the report will give a copy of it to the Chair of the relevant Overview and Scrutiny Committee as soon as reasonably practicable, and make it publicly available at the same time.

##### 14.15.3 **Record of Individual Decision**

The decision recording rules in paragraph 14.14 will apply.

#### 14.16 **Members' Access to Documents and attendance at meetings**

##### 14.16.1 **Executive Board meetings**

All Councillors will be given access to agendas for Executive Board meetings and will be permitted to attend those meetings.



14.16.2 Access to agendas for meetings of Regulatory and other Committees, Sub-Committees, Panels and Working Groups

All Councillors will be permitted access to agendas and to attend Committees, Sub-Committees, Panels and Working Groups with the exception of:-

- (i) Appointments Committee;
- (ii) Environmental Licensing Committee and Licensing Committee in respect of those items which deal with individual applications or matters related to such applications or associated licences or permits (other than where the item relates to a site in their area, when Local Members may be able to attend);
- (iii) Standards Committee (exempt items if any); and

any meeting where circulation of the agenda is limited due to the potential disclosure of personal information or for other legal reasons.

14.16.3 Confidentiality of agendas

Agendas and reports for meetings or any part of a meeting which are not held in public shall be treated as confidential.

14.17 Overview and Scrutiny Committees

14.17.1 Rights of Access

Subject to paragraph 14.17.2 below, Overview and Scrutiny Committees will be entitled to access to any document which is in the possession or control of the Executive or its Committees and which contains material relating to:

- (a) any business transacted at a meeting of the Executive or its Committees; or
- (b) any decision taken by an individual Member of the Executive.

14.17.2 Limit on Rights

Overview and Scrutiny Committees will not be entitled to any part of a document that contains:

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

unless that information is relevant to an action or decision that is being reviewed or scrutinised or any review contained in a programme of work of the Committees.

14.18 **Additional Rights of Access for Members of Overview and Scrutiny Committees**

14.18.1 Rights of Access

All Members will be entitled (except where a Member has a prejudicial interest in any matter) to inspect any document which is in the possession or under the control of the Executive or its Committees and contains material relating to any business transacted at a meeting of a decision making body of the Council or by an individual Member of the Executive.

14.18.2 Limitation on Rights

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

- (a) it would disclose exempt information falling within paragraphs 12 to 18 of Part 4 of Schedule 12A of the Local Government Act 1972; or
- (b) it would disclose advice of a political advisor or assistant.

14.18.3 Nature of Rights

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

## **SECTION 15**

# **BUDGET AND POLICY FRAMEWORK PROCEDURE RULES**

## **SECTION 15**

### **15 BUDGET AND POLICY FRAMEWORK PROCEDURE RULES**

#### **15.1 The Framework for Executive Decisions**

The Council will be responsible for the adoption of its Budget and Policy Framework as set out in Section 4. Once a Budget or a Policy Framework is in place, it will be the responsibility of the Executive to implement it.

#### **15.2 Process for Developing the Framework**

15.2.1 The Executive Board, following detailed reports from respective Chief Officers, (following appropriate consultation with stakeholders) will present to Council, proposed plans, policies and the associated annual budgets. This will be done allowing adequate time for Council to deal with the matter and, if needed, refer the matter back to the Executive Board for further consideration.

15.2.2 The Council will consider the proposals of the Executive Board and may adopt them, amend them, refer them back to the Executive Board for further consideration, or substitute its own proposals in their place. In considering the matter, the Council shall have before it the Executive Board's proposals and any related report from a Scrutiny Committee.

15.2.3 Any amendments to the proposals of the Executive Board to be proposed by Members at Council may not be considered by Council unless notice of the proposed amendment has been given to the Proper Officer in writing and signed by the proposer and seconder not later than 17.00 hours at least three clear working days before the date of the Council meeting.

15.2.4 The Council's decision will be publicised and a copy shall be given to the Leader. The notice of decision shall be dated and shall state either that the decision shall be effective immediately (if the Council accepts the Executive Board's proposals without amendment) or (if the Executive Board's proposals are not accepted without amendment), that the Council's decision will become effective on the expiry of five working days after the publication of the notice of decision, unless the Leader objects to it in that period.

15.2.5 If the Leader objects to the decision of the Council, he/she shall give written notice to the Chief Executive to that effect, prior to the date upon which the decision is to be effective. The written notification must state the reasons for the objection. Where such notification is received, the Chief Executive shall convene a further meeting of the Council to reconsider its decision and the decision shall not be effective pending that meeting.

15.2.6 The Council meeting must take place within ten working days of the receipt of the Leader's written objection. At that Council meeting, the decision of the Council shall be reconsidered in the light of the objection, which shall be available in writing for the Council.

- 15.2.7 The Council shall, at that meeting, make its final decision on the matter on the basis of a simple majority. The decision shall be made public in accordance with Section 14 above and shall be implemented immediately.
- 15.2.8 All policy and budget reports presented to Council for decision shall subsequently be presented to the next meeting of the relevant Scrutiny Committee.

### 15.3 **Process for Developing the Budget**

- 15.3.1 The Executive Board will follow the process set out in the Financial Procedure Rules in Section 16 of the Constitution. In addition the following process shall apply to the development of the Budget:
- (a) The Executive Board will publicise a timetable for making proposals to the Council for the adoption of the Budget, and its arrangements for consultation after publication of the initial proposals. The Chair of the Scrutiny Committee will also be notified.
  - (b) At the end of the consultation period, the Executive Board will draw up firm proposals having regard to the responses to the consultation. If any Scrutiny Committee wishes to respond to the Executive Board in that consultation process then it may do so. The Scrutiny Committee shall report to the Executive Board on the outcome of its deliberations.
- 15.3.2 The Executive Board will take any response from the relevant 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 Executive Board's response.
- 15.3.3 Once the Executive Board has approved the firm proposals, it will refer them at the earliest opportunity to the Council.
- 15.3.4 Any Councillor, may propose an alternative budget or an amendment to the final budget proposals of the Executive Board subject to it being seconded in the usual way. In order for such a proposal to be considered by the Council it shall:-
- (a) be in writing signed the Councillor;
  - (b) be submitted to the Chief Finance Officer and the Monitoring Officer at least 10 working days before the date on which an annual budget is to be considered by the Council;
  - (c) propose a budget which balances overall income with expenditure for the year.
- He/she may also submit a report.
- 15.3.5 The Council will consider the final budget proposals of the Executive Board and any proposal compliant with section 15.3.4 above and may:-

- (a) adopt the final budget proposals of the Executive Board; or
- (b) adopt an alternative budget proposed in accordance with section 15.3.4 above; or
- (c) adopt amendment(s) to the final budget proposals of the Executive Board proposed in accordance with section 15.3.4 above.

In considering the matter, the Council shall have regard to any advice given by the Chief Finance Officer and the Monitoring Officer.

#### **15.4 Decisions Outside the Budget or Policy Framework**

- 15.4.1 Subject to the provisions of paragraph 15.6 (Virement) the Executive Board, committees of the Executive Board, individual Members of the Executive Board or any Officers or joint arrangements discharging Executive Functions may only take decisions which are in line with the Budget and Policy Framework. If any of these bodies or persons wishes to make a decision which is contrary to the Policy Framework, or contrary to or not wholly in accordance with the Budget approved by Full Council, then that decision may only be taken by the Council, subject to paragraph 15.5 below.
- 15.4.2 If the Executive Board, committees of the executive, individual Members of the Executive Board or any Officers or joint arrangements discharging Executive Functions want to make such a decision, they shall take advice from the Monitoring Officer and/or the Chief Finance 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.
- 15.4.3 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 15.5 (urgent decisions outside the Budget and Policy Framework) shall apply.

#### **15.5 Urgent Decisions Outside the Budget or Policy Framework**

- 15.5.1 The Executive Board, a committee of the Executive Board, an individual Member of the Executive Board or Officers or joint arrangements discharging Executive Functions may take a decision which is contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the budget approved by Full Council if the decision is a matter of urgency. However, the decision may only be taken:
  - 15.5.1.1 if, in exceptional circumstances only, it is not practical to convene a quorate meeting of the Full Council; and
  - 15.5.1.2 if the Chair of the relevant Scrutiny Committee agrees that the decision is a matter of urgency.
- 15.5.2 The reasons why it is not practical to convene a quorate meeting of Full Council and the Chair of the relevant Scrutiny Committee's consent to the decision being taken as a matter of urgency must be noted on the

record of the decision. In the absence of the Chair of the relevant Scrutiny Committee the consent of the Mayor and in the absence of both the Deputy Mayor of the Council will be sufficient.

- 15.5.3 Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

## **15.6 Virement**

Steps taken by the Executive, a committee of the Executive, individual Members of the Executive or Officers or joint arrangements discharging Executive Functions to implement Council policy, shall not exceed those budgets allocated to each budget head. In the event that virement across budget heads or budgets becomes necessary or desirable, it shall be carried out in accordance with the Financial Procedure Rules in Section 16 of this Constitution.

## **15.7 In-Year Changes to Policy Framework**

The responsibility for agreeing the Budget and Policy Framework lies with the Council and decisions by the Executive Board, a committee of the Executive Board, an individual Member of the Executive or Officers or joint arrangements discharging Executive Functions must be in line with it. No changes to any policy or strategy which make up the Policy Framework may be made by those bodies or individuals except those changes:

- 15.7.1 which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;
- 15.7.2 necessary to ensure compliance with the law, ministerial direction or government guidance;
- 15.7.3 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;
- 15.7.4 which relate to policy in relation to schools, where the majority of school governing bodies agree with the proposed change; or
- 15.7.5 for which provision is made within the relevant budget or policy.

## **15.8 Call-In of Decisions Outside the Budget or Policy Framework**

- 15.8.1 Where the relevant Scrutiny Committee is of the opinion that an Executive 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 Chief Finance Officer.
- 15.8.2 In respect of functions which are the responsibility of the Executive Board, the Monitoring Officer's report and/or Chief Finance Officer's report shall be to the Executive Board with a copy to every Member of the Council. Regardless of whether the decision is delegated or not, the Executive Board must meet to decide what action to take in respect of the Monitoring Officer's or Chief Finance 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 relevant Scrutiny Committee if the Monitoring Officer or the Chief Finance Officer conclude that the decision was not a departure.

15.8.3 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 Finance Officer is that the decision is or would be contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget, the relevant 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 ten working days of the request by the Scrutiny Committee. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Finance Officer. The Council may either:

15.8.3.1 endorse a decision or proposal of the Executive 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

15.8.3.2 amend the Council's Financial Procedure Rules or policy concerned to encompass the decision or proposal of the body or individual responsible for that Executive Function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or

15.8.3.3 where the Council accepts that the decision or proposal is contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget, and does not amend the existing framework to accommodate it, require the Executive Board to reconsider the matter in accordance with the advice of either the Monitoring Officer or Chief Finance Officer.



## **SECTION 16**

# **FINANCE PROCEDURE RULES**

## **SECTION 16**

### **FINANCIAL PROCEDURE RULES**

#### **1. Introduction & Overview**

##### **1.1 Introduction**

1.1.1 Financial Procedure Rules (the Rules) govern how the council manages its financial affairs.

1.1.2 This section contains an overview to the principles of good financial management, the roles and responsibilities of Officers and Members and the various documents and processes that form the council's financial management framework.

##### **1.2 Overview**

1.2.1 Part 2 of the Constitution contains an overview of the main components of the council and how they relate to each other. It explains how the decisions that the council has to make are either made by all of the elected Members acting together ("Council"), by the Executive Board (or individual Executive Board Members), by committees or by Officers.

1.2.2 It explains the council's core objective in decision making and sets out the principles of decision making that all Members and Officers must observe. The rest of the Constitution sets out various rules about who is authorised to take different types of decisions and how they should be taken and recorded.

1.2.3 Whenever a decision is taken it will have a financial implication in terms of either a cost or a saving for the council. These Rules provide the framework for managing those implications and setting out who is authorised to make decisions which have different types of financial implications.

1.2.4 The Rules apply to every Member and Officer of the council and anyone acting on the council's behalf. These rules sit alongside all of the rules, codes, protocols and principles contained in or made under the Constitution. All decision makers need to ensure that they are not only empowered under the Constitution to make every decision that they propose to make, but that they are also authorised under these Rules to incur the financial implications of every decision that they make.

1.2.5 Members and Officers are under a duty to ensure the security of resources under their control, and to ensure that the use of resources is lawful, properly authorised, provides value for money and achieves best value. Failure to comply with the Rules may lead to disciplinary action, even legal action, or may amount to a criminal offence so Officers should always seek advice from their line manager if they are in any doubt about any aspect of the Rules.

- 1.2.6 The Chief Officer Finance & ICT is responsible for keeping the Rules under review, issuing any advice or guidance, making minor amendments, or recommending significant amendments to Council as and when required. The Rules should be reviewed every three years as a maximum.
- 1.2.7 Chief Officers are responsible for ensuring that all Officers in their departments are aware of the requirements of the Rules (and any associated guidance, policies or procedures) and that they comply with them at all times.
- 1.2.8 It is not possible for these Rules, or the associated guidance, policies or procedures, to cover every eventuality that may arise. In the case of any doubt, advice should always be taken from the Chief Officer Finance & ICT and the spirit of the Rules should always be followed.
- 1.2.9 A full glossary of financial terms is available as an appendix to the Financial Procedure Rules and Contract Procedure Rules.

## **2. Financial Management**

2.1	Why is Financial Management Important?
2.2	Overview
2.3	What's covered in this Section?
2.4	Overview of roles and responsibilities for financial management
2.5	Budgeting Overview
2.6	Budget changes that require Member
2.7	Supplementary Revenue Estimates and virements that represent a change to approved policies
2.8	Funding Supplementary revenue estimates from reserves
2.9	Supplementary Capital Estimates (new schemes)
2.10	Year End Revenue and Capital Carry Forwards
2.11	Revenue carry forwards
2.12	Accounting Policies and Statement of Accounts

## **2.1 Why Is Financial Management Important?**

2.1.1 Financial management is essential to ensure that public funds are kept secure and used properly to best effect. This section explains who is accountable for the proper financial management of the council.

## **2.2 Overview**

2.2.1 Council approves and adopts these Financial Procedure Rules which are contained within the Constitution. They provide a framework for managing the Council's financial affairs, and the financial implications of decisions made under the delegation arrangements set out in the Constitution. They apply to everyone who makes decisions for the council or on its behalf.

2.2.2 They set out the financial limits which Members and officers must operate within. Chief Officers also set out internal Service Schemes of Financial Delegation which further clarify the authorisation limits for Officers within their services

2.2.3 There are also Codes of Practice in force from time to time which set out the steps of detailed procedures to follow to ensure the Financial Procedure Rules are properly applied in practice. These are issued by the Chief Officer Finance & ICT.

## **2.3 What's covered in this Section?**

2.3.1 This Section contains a short "high level" overview of the roles and responsibilities delegated by the Constitution, including:

- (a) Council
- (b) The Executive Board and Executive Board Members
- (c) Committees
- (d) Officers

2.3.2 This section also contains an overview of the process for approving changes to the council's budget, including:

- (a) When Chief Officer and/or Member approval is required
- (b) What can be approved within service schemes of delegation
- (c) Accounting policies and statement of accounts

## **2.4 Overview of Roles and Responsibilities for Financial Management**

The Constitution sets out in detail the arrangements Council has put in place for decisions to be taken by Members and Officers. The Financial Procedure Rules apply to the financial implications of all decisions taken under those arrangements. It is important that all decision makers are familiar with the provisions in the constitution and under these Rules which authorise them to make decisions.

2.4.1 The following is a “high level” summary of the decision making arrangements contained in the Constitution:-

- a) The Council adopts the Budget and Policy Framework. It is also responsible for discharging a number of functions it has “reserved” for itself. Council has also constituted a number of committees which discharge delegated powers. Part 2 of the Constitution contains information about the roles and responsibilities of Council and its committees.
- b) The Executive Board is responsible for proposing the Budget and Policy Framework to Council. Once approved, the Executive Board is responsible for taking all the necessary steps to implement it. The Executive Board operates collectively, and through individual Executive Board Members. Part 3 of the Constitution contains information about the roles and responsibilities of the Executive Board and individual Executive Board Members.
- c) Officers are responsible for the vast majority of day to day operational decisions under powers delegated to them by both Council and the Executive Board. In addition there are certain specified officers (“Statutory” and “Proper Officers”) who are responsible for discharging certain specified functions. Part 3 of the Constitution contains more information about the roles and responsibilities of Officers while Part 7 includes the “Proper Officers” Schedule.

## **2.5 Budgeting Overview**

2.5.1 In February / March each year, Council sets a budget for the following financial year. Inevitably in a large and complex organisation, changes will need to be made to this approved budget during the year.

2.5.2 To ensure that there is appropriate approval and control, changes that have a material financial or policy impact will generally require the approval of Chief Officers and/or Members. The type and level of approval required will depend on the nature of the proposed changes and the source of funding. Specific guidance on the approval process is set out below.

## **2.6 Budget Changes that Require Member approval**

2.6.1 This section sets out the approval process for changes to the Council’s revenue and capital budgets that have a material financial and policy impact. In particular:

- (a) Fully funded supplementary revenue estimates and virements.
- (b) Funding changes to the revenue budget from reserves
- (c) Use of contingency provisions
- (d) Capital virements between existing approved allocations

(e) Supplementary capital estimates for existing schemes

(f) Supplementary capital estimates for new schemes

## 2.7 Supplementary Revenue Estimates and Virements that Represent a Change to Approved Policies / Increase in Expenditure

2.7.1 Where services wish to undertake an activity not originally identified in the approved budget, or there is an overall increase in the cash income or expenditure of the council, approval must be sought for a supplementary revenue estimate or a virement.

2.7.2 The level of approval required will depend on the source of funding. Where the source of funding does not include general reserves, earmarked reserves or contingency provisions, the approval levels are as follows

Approval	Virement within Service Blocks	Virement between Service Blocks	Virement between Services
Up to £25k	Budget holder or Chief Officer	Chief Officer	
£25k to £70k	Chief Officer		
£70k to £150k	Chief Officer consulting Chief Officer Finance & ICT	Chief Officer consulting Chief Officer Finance & ICT and Chair of the Executive Board	
£150k to £300k	Chief Officer consulting Chief Officer Finance & ICT and Chair of the Executive Board	Executive Board	
Over £300k	Executive Board		

## 2.8 Funding Supplementary Revenue Estimates from Reserves

2.8.1 Supplementary revenue estimates which are to be funded wholly or in part from general reserves, regardless of value, must be approved by Council. Council approval is also required where there are significant implications (as determined by the Chief Officer Finance & ICT) for future years' budgets.

2.8.2 For supplementary revenue estimates that are to be funded from earmarked reserves, the approval limits are as follows:

Approver	
Chief Officer Finance & ICT	Up to £100,000
Chief Officer Finance & ICT in consultation with the Chair of the Executive Board	£100,001 to £500,000
Executive Board	Over £500,001

## **2.9 Supplementary Capital Estimates (new schemes)**

- 2.9.1 Where services wish to undertake a new capital scheme which is not already included in the Council's approved capital programme, they must follow the Project Management Toolkit and prepare a business case for review by the Corporate Land and Buildings Strategy Group before any Member approval is sought, regardless of value or source of funding. Detailed guidance on the Project Management Toolkit process is available on the intranet (SAM).
- 2.9.2 Once approval of the Corporate Land and Buildings Strategy Group has been obtained, Member approval is required before the scheme can commence.

## **2.10 Year End Revenue and Capital Carry Forwards**

- 2.10.1 This section deals with the approval process for revenue and capital budget under and overspends.

## **2.11 Revenue carry forwards**

- 2.11.1 There should be compliance with the Budget Monitoring and Control procedures at all times including carry forward proposals. During the course of the financial year, services can request permission to provisionally carry forward a revenue underspend at year end. In-year, these revenue carry forwards will be approved in principle as "subject to outturn". The approval limits for these in-year revenue carry forwards are:

<b>Approver</b>	<b>Approval Limit</b>
Chief Officer Finance & ICT	Up to £100,000

## **2.12 Accounting Policies and Statement of Accounts**

- 2.12.1 The Chief Officer Finance & ICT is responsible for the preparation of the council's Statement of Accounts, in accordance with proper practices as set out in the format required by the Code of Practice on Local Council Accounting in the United Kingdom for each financial year ending 31 March.
- 2.12.2 The key controls for accounting policies are:
- (a) Systems of internal control that ensure financial transactions are lawful.
  - (b) Suitable accounting policies are selected and applied consistently.
  - (c) Accurate and complete accounting records are maintained.
  - (d) Financial statements are prepared which present a true and fair view of the financial position of the Council.
- 2.12.3 The Chief Officer Finance & ICT is responsible for
- (a) Selecting suitable accounting policies and ensuring that they are applied consistently.
  - (b) Exercising supervision over financial and accounting records and systems.



- (c) Preparing and publishing reports containing the statements on the overall finances of the Council including the Council's Accounts.
- 2.12.4 The Chief Officer Finance & ICT is responsible for determining the accounting procedures and records for the council. All accounting procedures will be approved by the Chief Officer Finance & ICT
- 2.12.5 Chief Officers are responsible for ensuring that staff in their departments are aware of, and adhere to, the accounting policies, procedures and guidelines set by the Chief Officer Finance & ICT.
- 2.12.6 All accounts and accounting records will be compiled by the Chief Officer Finance & ICT or under his/her direction. The form and content of records maintained in other Departments will be approved by the Chief Officer Finance & ICT.

### **3. Financial Planning**

3.1	Why is Financial Planning important?
3.2	What's covered in this Section?
3.3	Policy Framework
3.4	Format of the Budget
3.5	Revenue Expenditure
3.6	Budget Preparation
3.7	Budget Monitoring and Control
3.8	Budget Management Framework
3.9	Responsibility of Chief Officers
3.10	Determination, Monitoring & Control of Affordable Borrowing
3.11	Responsibility for borrowing
3.12	Capital Expenditure
3.13	Capital Monitoring and Amendments to the Capital Programme
3.14	Capital Receipts
3.15	Leasing and Rental Agreements
3.16	Maintenance of Reserves

### 3.1 Why Is Financial Planning Important?

3.1.1 Part 4 of the Constitution explains how Council adopts the Budget and Policy Framework following proposals from the Executive Board, and that once adopted the Executive Board is responsible for its implementation. In terms of financial planning, the key elements of the Budget and Policy Framework are.

- (a) **The Council Plan** – this sets out the Council’s long term aims and objectives. It is regularly revisited to ensure that the Council’s priorities remain relevant to its overall aims and to assess the progress being made in achieving these.
- (b) **The Budget** - 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.
- (c) The Capital Strategy has been drafted in response to the latest requirements of the Prudential Code 2017, and is designed to form a key part of the Council’s overall corporate planning policy aligned to the Council Plan. The Strategy is a live document and the intention is to develop it year on year. The core requirement of the Strategy is to provide a high-level overview of how capital expenditure, capital financing and treasury management activity contribute to the provision of local public services, and how risk and sustainability are managed by integral procedures embedded in the Council’s working practices.
- (d) The Capital Programme - 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 Capital Programme sets the framework for the planning, prioritisation, management and funding of capital expenditure.
- (e) Specific Service Plans and Strategies which have financial implications.

### 3.2 What’s covered in this Section?

3.2.1 This section contains information on:-

- (a) Policy Framework
- (b) Budgeting
- (c) Format of the Budget
- (d) Revenue Budget Preparation, Monitoring and Control
- (e) Determination, Monitoring & Control of Affordable Borrowing
- (f) Resource Allocation

- (g) Capital Programmes
- (h) Leasing and Rental Agreements
- (i) Maintenance of Reserves
- (j) Reporting

### **3.3 Policy Framework**

- 3.3.1 Council is responsible for approving the Budget and Policy Framework. The policy framework will comprise the statutory plans and strategies which the Council is required to produce.
- 3.3.2 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. Decisions should be referred to Council by the Monitoring Officer.
- 3.3.3 Council is responsible for approving the process to enable changes to be made to the budget during the financial year. The Executive Board 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.
- 3.3.4 Each year the Council produces:-
  - (a) The Council Plan detailing its objectives and targets over a 3 to 4 year planning horizon.
  - (b) A Medium Term Financial Strategy, including a Capital Programme, detailing the financial and service scenario over a 3 to 4 year planning horizon and the policy and expenditure options required to respond to this scenario.
- 3.3.5 The Chief Officer Finance & ICT will advise the Council on the financial environment, financial policies (including the appropriate levels of reserves and contingencies, prudential borrowing and treasury management) and the policy and expenditure options to assist in the determination of its Budget. Individual Chief Officers will support this process by assessing and advising on the service scenario and policy and expenditure options for Revenue and Capital, in their area of responsibility, in a form determined by the Chief Officer Finance & ICT.

The Executive Board, advised by the Chief Officer Finance & ICT and Chief Officers, will develop a budget package including financing options, policy and expenditure options and capital programme. This will be subject to scrutiny by the Scrutiny Committee before the Executive Board finalises its recommendations to Council. The final Budget policy and Council Tax precept will be determined by Council.

### **3.4 Format of the Budget**

- 3.4.1 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 also sets the level at which funds may be reallocated within budgets.
- 3.4.2 The general format of the budget will be approved by Council and proposed by the Executive Board on the advice of the Chief Officer Finance & ICT. The draft budget should include allocation to different services and projects, proposed taxation levels and contingency funds.

### **Revenue Budget Preparation, Monitoring and Control**

#### **3.5 Revenue Expenditure**

- 3.5.1 Revenue expenditure is broadly defined as any expenditure incurred on the day to day running of the Council. Examples of revenue expenditure include salaries, energy costs, and consumable supplies and materials.

#### **3.6 Revenue Budget Preparation**

- 3.6.1 The Chief Officer Finance & ICT is responsible for ensuring that a revenue budget is prepared on an annual basis for consideration by the Executive Board, before submission to Council. Council may amend the budget or ask the Executive Board to reconsider it before approving it in accordance with the Constitution.
- 3.6.2 The Executive Board is responsible for issuing guidance on the general content of the budget in consultation with the Chief Officer Finance & ICT as soon as possible following approval by the Council.
- 3.6.3 It is the responsibility of Chief Officers to ensure that budget estimates reflecting agreed service plans are submitted to the Executive Board and that these estimates are prepared in line with guidance issued by the Executive Board.
- 3.6.4 The Executive Board will then submit a 'final budget' to Council for approval.
- 3.6.5 The Chief Officer Finance & ICT is responsible for reporting to Council on the robustness of estimates contained within the budget proposed by the Executive Board and the adequacy of reserves allowed for in the budget proposals.
- 3.6.6 Council shall not approve additional net expenditure to either revenue or capital budgets without first having considered the advice of the Executive Board and the Chief Officer Finance & ICT on the financial implications arising.

### **3.7 Budget Monitoring and Control**

3.7.1 The Chief Officer Finance & ICT is responsible for providing appropriate financial information to enable budgets to be monitored effectively. He or she must monitor and control expenditure against budget allocations at a corporate level and report to the Executive Board on the overall position on a regular basis.

3.7.2 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 Officer Finance & ICT. 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 Officer Finance & ICT to any problems.

### **3.8 Budget Management Framework**

3.8.1 The Chief Officer Finance & ICT is responsible establishing an appropriate framework of budgetary management and control that ensures that:-

- (a) Budget management is exercised within annual cash limits unless Council agrees otherwise
- (b) Each Chief Officer has timely information available 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, including the Financial Procedure Rules
- (e) Each cost centre 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 commits expenditure
- (f) Significant variances from approved budgets are investigated and reported by budget managers regularly

3.8.2 In addition, the Chief Officer Finance & ICT will:

- (a) Administer the council's scheme of virement (both administrative virements and those requiring Member approval)
- (b) Submit reports to the Executive Board and to Council, in consultation with the relevant Chief Officer, where the Chief Officer is unable to balance expenditure and resources within existing approved budgets under their control
- (c) Prepare and submit reports on the council's projected income and expenditure compared with the budget on a regular basis

### **3.9 Chief Officers' Responsibilities**

3.9.1 Chief Officers are responsible for maintaining budgetary control within their departments, in adherence to the principles set out in this document, and in particular to ensure that:-

- (a) All income and expenditure are properly recorded and accounted for
- (b) An accountable budget manager is identified for each item of income and expenditure under the control of the Chief Officer (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.
- (c) 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.
- (d) A monitoring process is in place to review performance levels/levels of service in conjunction with the budget and is operating effectively
- (e) Reports to the Executive Board are prepared and submitted on the service's projected expenditure compared with its budget, in consultation with the Chief Officer Finance & ICT
- (f) There is prior approval at the appropriate level for new proposals that create financial commitments in future years, change existing policies, initiate new policies or cease existing policies or materially extend or reduce the council's services.
- (g) There is compliance with the scheme of virement
- (h) Agreement 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 Officers's level of service activity, after having consulted with the Chief Officer Finance & ICT and the Executive Board.

### **3.10 Determination, Monitoring & Control of Affordable Borrowing**

3.10.1 Under the Local Government Act 2003 the Council is required to have regard to the Chartered Institute of Public Finance and Accountancy's (CIPFA) Prudential Code for Capital Finance in Local Authorities and the CIPFA Treasury Management Code in the Public Services.

3.10.2 The key objectives of the Prudential Code are to ensure that within a clear framework, the capital investment plans of local authorities are affordable, prudent and sustainable. A further objective is to ensure that treasury management supports prudence, affordability and sustainability. The revised Code 2017 placed a further requirement on public sector bodies to draft a

Capital Strategy (Section 3.1 above), to be approved by Council for the forthcoming financial year.

- 3.10.3 The Council is responsible for approving prior to the commencement of the financial year the prudential indicators for the forthcoming financial year and at least the two subsequent financial years required by the Code and it is the intention that these be included with the Capital Strategy.
- 3.10.4 The minimum indicators required for the three year period are:-
- (a) Estimates of the ratio of financing costs to net revenue stream
  - (b) Estimates of capital expenditure
  - (c) Estimates of capital financing requirement (underlying need to borrow for a capital purpose)
  - (d) Authorised limit for external debt
  - (e) Operational boundary for external debt
- 3.10.5 After the year end actual values are to be calculated for:-
- (a) Ratio of financing costs to net revenue stream
  - (b) Capital expenditure
  - (c) Capital financing requirement
  - (d) External debt

### **3.11 Responsibility for Borrowing**

- 3.11.1 The Chief Officer Finance & ICT is responsible for:-
- (a) Establishing procedures to both monitor performance against all forward looking prudential indicators and for ensuring that net external borrowing does not exceed the capital financing requirement
  - (b) Reporting to Council any significant deviations from expectations
  - (c) Ensuring that regular monitoring is undertaken in year against the key measures of affordability and sustainability, by reviewing estimates of financing costs to revenue and the capital financing requirement
  - (d) Reporting to Council, setting out management action, where there is significant variation in the estimates used to calculate these prudential indicators, for example caused by major overruns of expenditure on projects or not achieving in-year capital receipts.



## **Capital Programmes**

### **3.12 Capital Expenditure**

- 3.12.1 Capital expenditure is broadly defined as expenditure in excess of £10,000, on the acquisition of a tangible asset, or expenditure which adds to (rather than merely maintains), the value of an existing asset and/or extends the useful life of an asset and increasing usability, provided that the asset yields benefits to the Council and the services it provides is for a period of more than one year.

### **3.13 Capital Monitoring and Amendments to the Capital Programme**

- 3.13.1 As part of the annual policy and planning process, schemes in the capital programme which have not reached an advanced stage will be reconsidered.
- 3.13.2 All capital schemes and allocations should be approved through the annual capital programme setting process, within the timetable set out by the Chief Officer Finance & ICT and approved at the annual budget setting Council.
- 3.13.3 Project Managers must ensure that the project specification remains consistent with the approved business case and continues to represent value for money for the Council. Where project outcomes or costs alter significantly from those originally approved a revised Business Case must be completed for approval by the Corporate Land and Buildings Strategy Group.

### **3.14 Capital Receipts**

- 3.14.1 The Chief Officer Finance & ICT must be informed of all proposed sales of land and buildings so that the effect on financial and property management can be assessed. Further guidance on the sale of assets is set out in Section 4.7.
- 3.14.2 The Chief Officer Housing & Economy will be responsible for the purchase and disposal of all land or property and the Property Procedures and Standards Policy must be followed at all times.
- 3.14.3 The Council will determine the amount of receipts to be set aside for the repayment of debt and how the balance of such receipts is to be used.

### **3.15 Leasing and Rental Agreements**

- 3.15.1 Leasing or renting agreements that do not involve land or property must not be entered into unless the service has established that they do not constitute a charge against the Council's prudential borrowing limits. Advice can be obtained from the Chief Officer Finance & ICT on general leasing arrangements and on whether the lease is a finance or operating lease. The Chief Officer Finance & ICT must approve in advance all agreements which may involve a leasing charge.

3.15.2 Leases relating to land or property must also follow 3.15.1 but also require the approval of the Chief Officer Housing & Economy.

### **3.16 Maintenance of Reserves**

3.16.1 The Chief Officer Finance & ICT is responsible for advising the Executive Board and / or Council on prudent levels of reserves for the Council, taking into account of the advice of the external auditor.

3.16.2 The key controls are:

(a) To maintain reserves in accordance with the Code of Practice on Local Council Accounting in the United Kingdom and agreed accounting policies

(b) For each reserve established, the purpose, usage and basis of transactions should be clearly identified

(c) Authorisation and expenditure from reserves is in accordance with the Reserves Policy.

3.16.3 Chief Officers are responsible for ensuring that resources are used only for the purposes for which they were intended.

#### **4. Risk Management & Control of Resources**

4.1	Insurance
4.2	Risk Management
4.3	Internal Controls
4.4	Internal Audit
4.5	External Audit
4.6	Preventing Fraud, Corruption & Bribery
4.7	Assets
4.8	Property
4.9	Inventories
4.10	Stocks
4.11	Cash
4.12	Treasury Management
4.13	Banking
4.14	Investment & Borrowing
4.15	Trust Funds & Funds Held For Third Parties
4.16	Salaries & Wages
4.17	Travelling & Subsistence
4.18	Code of Conduct
4.19	Third Party Funds
4.20	Information Management
4.21	Intellectual Property

## **4.1 Insurance**

- 4.1.1 The Chief Officer Finance & ICT is responsible for preparing the council's Risk Management Policy, for promoting it throughout the council and for advising the Executive Board on the appropriate insurance cover.
- 4.1.2 The Chief Officer Finance & ICT will maintain and administer the Council's insurances which takes account of the Council's approach to the financing of risk, its overall risk appetite and the level of funding available. This includes insurance risk management arrangements which aim to reduce the Council's exposure to risk.
- 4.1.3 No new insurances may be taken out without prior consultation with the Chief Officer Finance & ICT.
- 4.1.4 The Chief Officer Finance & ICT is responsible for authorising the settlement or repudiation of insurance claims and associated costs. Advice will be sought as required from the council's insurers and advisors.
- 4.1.5 A provision will be made for losses that might result from unidentified risks or losses or known liabilities e.g. Municipal Mutual Insurance.
- 4.1.6 Chief Officers are responsible for informing the Chief Officer Finance & ICT immediately of:
  - (a) Any insurance claims received
  - (b) Any events which may result in an insurance claim against the Council
  - (c) The terms of any indemnity which the Council is required to give prior to entering into any contracts etc.
  - (d) Any new risks which might require to be insured, together with any changed circumstances affecting existing risks. Consideration should be given to new projects, new ways of working, and changes in legislation requiring new ways of delivery etc. where the insurance impact is often overlooked. This allows compliance with the "Duty of Fair Presentation" as contained in the Insurance Act 2015.
  - (e) Changes to the assets insured by the Council
- 4.1.7 Chief Officers must ensure that any documents requested to defend claims are provided within the strict timescales of the Civil Procedure Rules.
- 4.1.8 Service budgets will be charged with
  - (a) Any amounts below the deductible amount applicable to each policy
  - (b) The cost of legal penalties or losses incurred by the Council as a result of any failure to comply with the requirements of the Civil Procedure Rules and the Financial Procedure Rules.

## **4.2 Risk Management**

- 4.2.1 The Risk Management Policy recognises that innovation and the pursuit of opportunities involves risk-taking and commits the Council to:
- (a) Managing risks in a way which is structured, systematic, focussed and accountable, and
  - (b) Embedding risk management into its culture so that it becomes part of 'everyday management' across all activities.
- 4.2.2 The Chief Officer Finance & ICT will lead and coordinate the Council's risk management activities including the production of the Risk Management Policy and associated guidance and provide strategic guidance to Members, the Executive and other Chief Officers.
- 4.2.3 Chief Officers will manage all risks within their areas of accountability in compliance with the Risk Management Policy. This includes reviewing risk registers on a regular basis to ensure that the contents remain relevant and effective. This should be part of routine management rather than a separate compliance exercise.
- 4.2.4 The Principal Risk Register will be produced on an annual basis after taking into account the view of Members and officers. This will set out the principal risks that the Council has identified to it achieving its priorities and outcomes, as set out in the Council Plan, and also its key governance commitments. It identifies the key controls in place and any further key actions required to mitigate the risks.
- 4.2.5 Risks relating to projects or partnerships should be managed in accordance with the Project Management Toolkit and the Partnership Toolkit.
- 4.2.6 The Audit Committee has delegated responsibility to review the effectiveness of the Council's risk management arrangements. The Chief Officer Finance & ICT will provide reports on a regular basis to ensure that this can be achieved.

## **4.3 Internal Controls**

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 economical, efficient and effective use of resources and that the Council's assets and interests are safeguarded.

- 4.3.1 Effective internal controls are fundamental to effective governance, and effective governance is essential for achieving the Council's vision and priorities as set out in the Council Plan
- 4.3.2 The Chief Officer Finance & ICT will advise 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.

- 4.3.3 Chief Officers should establish sound arrangements 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.
- 4.3.4 The Audit Committee and the Senior Leadership Team will ensure that the overall internal control environment is reliable and effective and is compliant with the Council's Governance Code (as set out in the Constitution).
- 4.3.5 The Council is required to account annually on the effectiveness of its internal controls and governance framework through the publication of its Annual Governance Statement. The Chief Officer Finance & ICT will oversee the production of the Annual Governance Statement in that:
  - (a) The Statement is produced in accordance with statutory and regulatory requirements.
  - (b) The evidence it is based on is sufficient and reliable,
  - (c) Any weaknesses or gaps in internal control, or any significant instances of non-compliance are appropriately reported,
  - (d) Significant control issues or weaknesses are appropriately addressed and that corrective action is implemented where necessary

#### **4.4 Internal Audit**

- 4.4.1 The requirement for an internal audit function for local authorities is implied by section 151 of the Local Government Act 1972, which requires that authorities "make arrangements for the proper administration of their financial affairs".
- 4.4.2 The Accounts and Audit (Wales) Regulations 2014 - Regulation 7 (1) places a statutory obligation on the Council to 'maintain an adequate and effective system of internal audit of its accounting records and of its system of internal control.'
- 4.4.3 The Head of Internal Audit, currently the Head of Service, Audit & Technical, is responsible for the production of the Internal Audit Charter which includes
  - (a) Developing an annual audit plan (the Plan) based on an understanding of the significant risks to which the Council is exposed.
  - (b) Submitting the Plan to the Audit Committee and the Council's Senior Management Team for review and agreement.
  - (c) Implementing the Plan and reporting any amendments that may occur.

- (d) Ensuring compliance with the Public Sector Internal Audit Standards (PSIAS).
  - (e) Maintaining a professional internal audit team with sufficient knowledge, skills and experience to carry out the Plan.
  - (f) Providing an annual opinion as to the adequacy and effectiveness of the Council's control environment including any issues which should be considered for inclusion in the Council's Annual Governance Statement.
- 4.4.4 The Chief Officer Finance & ICT should review the effectiveness of Internal Audit in accordance with the relevant legislation and reporting to the Audit Committee if it does not meet its core responsibilities or comply with the PSIAS.
- 4.4.5 Internal Audit shall have unrestricted coverage of the Council's activities and unrestricted access to all records and assets deemed necessary in the course of audit activity. This includes:
- a) Access Council premises or land at reasonable times provided that where such premises or land are leased to a third party that the terms of the lease are observed;
  - b) Access, or remove, all assets, records (electronic and paper), documents and correspondence relating to any financial or other transactions of the Council;
  - c) Meet with any of the Council's employees, or school maintained by the Council, at any reasonable time.
  - d) Receive any information and explanation considered necessary concerning any matter under consideration;
  - e) Carry out or support investigations in accordance with the council's Counter Fraud Strategy.
  - f) Require any employee of the Council to account for or produce cash, stores or any other Council asset under his or her control;
  - g) Be provided with a separate log-in to any computer system within the Council and have full access to any system, personal computer or other device in the ownership of the Council.
  - h) Access records belonging to third parties e.g. contractors or funded bodies including requesting any explanations as may be required to enable any investigation to be progressed.
- 4.4.6 Chief Officers shall immediately notify the Head of Internal Audit of the following and the outcome once the matter has been concluded:

- a) Irregularities, improper use or misappropriation any of the Council's property or resources including cash, stores, property, expenditure and income
- b) Irregularities suggesting fraud against the Council or by any employee or related party;
- c) Any non-compliance with the Employee or Member Code of Conduct, the Council's Acceptable Use Policy or any other Council Policy or Procedure that has a financial or governance implication.

## **4.5 External Audit**

4.5.1 The Wales Audit Office is responsible for appointing external auditors to each local authority.

4.5.2 The basic duties of the external auditor are governed by the Public Audit (Wales) Act 2004 which permit the Auditor General for Wales to prepare a code of audit practice, prescribing the way in which external auditors should carry out their functions. The Auditor General's Code of Audit and Inspection Practice, issued in May 2005, sets out the general principles governing the work of auditors as well as specific requirements in relation to the:

- a) Audit of financial statements; and
- b) Evaluation of arrangements for securing economy and efficiency.

4.5.3 The authority may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Revenues and Customs, Welsh Government and the European Union who have statutory rights of access.

## **4.6 Preventing Fraud, Corruption and Bribery**

The Council is committed to being **Tough on Fraud**. Whenever instances of fraud, bribery or corruption against it are found, the Council will always take legal and / or disciplinary action against the perpetrator and seek recovery and redress using all available sanctions. This applies to **all** forms of fraud, bribery and corruption from both internal and external sources and includes staff who are proven to have carried out benefit fraud.

4.6.1 The responsibility for maintaining an counter-fraud culture rests with all Members, senior management and individual members of staff. There are clear links to the Council's Whistleblowing Policy and the Money Laundering Policy.

4.6.2 The Chief Officer Finance & ICT will develop and maintain the Counter Fraud Strategy, (the CFS) which includes sections on corruption and bribery. It also contains a Fraud Response Plan which sets out the Council's response to allegations.



- 4.6.3 Any matters which involve, or are thought to involve, any fraud or other significant irregularity involving Council assets or those of a third party fund, must be notified immediately to the Head of Internal Audit (FPR 4.4.6).
- 4.6.4 Any allegation of fraud will be investigated in accordance with the Fraud Response Plan. Any investigation work by the Council will comply with Data Protection, the Regulation of Investigatory Powers and Money Laundering legislation.
- 4.6.5 Any cases of financial impropriety will normally be referred to the Police. The [Chief Officer Governance & Customer](#) is responsible for considering any such cases prior to referral and acting as the main contact point thereafter.

## 4.7 Assets

- 4.7.1 Chief Officers are responsible for the care, control and proper and economical use of all assets used in connection with the operation and delivery of their services. Proper records should be maintained for these assets, together with appropriate arrangements for their management and security.
- 4.7.2 Assets should only be acquired and used for official purposes and all appropriate rights, licenses and insurances should be obtained. All computer software used must be properly licensed.
- 4.7.3 Chief Officers are expected to have policies in place for:-
  - (a) The effective disposal of surplus assets in an open and transparent manner so as to maximise benefits
  - (b) Asset replacement programme
  - (c) Compilation of and regular review of Asset inventories
- 4.7.4 The responsibility for the acquisition and disposal of specified assets is as follows

Asset Description	
Land or Property	Chief Officer Housing & Economy in accordance with the Constitution
Vehicles	Chief Officer – Environment & Technical
ICT equipment	Chief Officer Finance & ICT
Items of historic value	Chief Officer Housing & Economy
Leased items (except those that are part of a corporate contract e.g. copiers)	Chief Officer Finance & ICT

- 4.7.5 Chief Officers should inform the Chief Officer Finance & ICT of any disposal to ensure that appropriate accounting entries are made to remove the value

of disposed assets from the Council's records and to include the sale proceeds if appropriate.

4.7.6 Any item to be disposed of by sale or destruction must be appropriately valued, authorised for disposal, and disposed of with integrity in an open and transparent manner so as to maximise the sale proceeds

4.7.7 Any loss which arises as a result of theft or fraud must be notified to the Head of Internal Audit immediately (4.4.6).

## **4.8 Property**

4.8.1 The Council's approach to property asset management is based on two main principles:-

(a) Property is a corporate resource, owned by the Council, not by individual Departments. This principle underpins the fact that property is one of the Council's most expensive resource and that it needs to be managed proactively to support service delivery and improvement across all Departments.

(b) Property is held to support the delivery of the Council's corporate objectives. This is to be delivered through a rigorous policy of property review and the disposal of any properties that are no longer required to meet corporate objectives.

4.8.2 The Council's policies, aims and objectives relating to property asset management are explained further in the Corporate Land & Buildings Strategy and Property Procedures and Standards Policy.

4.8.3 Chief Officers are responsible for ensuring that property under their day to day control is occupied / used in accordance with all appropriate legal and regulatory requirements and that nothing occurs which might diminish the value of the asset. Particular care is required when carrying out alterations to a building and where any form of shared use with another organisation is planned. The Chief Officer Housing & Economy's approval must be obtained before this is permitted.

## **4.9 Inventories**

4.9.1 Chief Officers must ensure that proper arrangements are made to maintain inventories of all valuable and transportable items, including vehicles, furniture, computer and other equipment (including software), visual aids, expensive tools and sports equipment.

4.9.2 The inventory must be updated for all acquisitions and disposals and checked at least annually. Items acquired under leasing arrangements must be separately identified for disclosure in the published final accounts.

#### **4.10 Stocks**

4.10.1 Stock is defined as consumable items constantly required and held by a Service centre in order to fulfil its functions. Chief Officers are responsible for the control of stocks. They must ensure that stocks are appropriately recorded, do not exceed reasonable requirements and that all significant stock is accounted for in the year end accounts. Stocks should be checked at least once a year, more frequently in the case of expensive items.

#### **4.11 Cash**

4.11.1 Cash held on any Council premises should be held securely and should not exceed any sums for which the Council is insured. (Detailed guidance on limits is available from the Council's Insurance Team). If this is unavoidable, in exceptional circumstances, the Chief Officer is responsible for making appropriate security arrangements.

4.11.2 The type of receptacle used to secure the cash should be appropriate to the amount of cash held and records detailing the amounts should be maintained and stored separately to the cash.

#### **4.12 Treasury Management**

4.12.1 The Council has met its legal obligation under the Local Government Act 2003 to have regard to

(a) CIPFA's Treasury Management in the Public Services: Code of Practice 2011 Edition which requires the Council to approve a Treasury Management Strategy before the start of each financial year.

(b) Welsh Government's Guidance on Local Authority Investments in April 2010 that requires the Council to approve an Investment Strategy before the start of each financial year.

4.12.2 The Chief Officer Finance & ICT will present to Council:

(a) A Treasury Management Policy Statement, stating the policies, objectives and approach to risk management of its treasury management activities.

(b) Suitable treasury management practices (TMPs), setting out the manner in which the Authority will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.

4.12.3 The Chief Officer Finance & ICT has delegated responsibility for implementing, monitoring and ensuring compliance with the above. The content of the policy statement and TMPs will follow the recommendations contained in Sections 6 and 7 of the Code, subject only to amendment where necessary to reflect the particular circumstances of this Authority. Such amendments will not result in the Authority materially deviating from the Code's key principles

- 4.12.4 All money in the hands of the council is controlled by the Chief Officer Finance & ICT as designated for the purposes of section 151 of the Local Government Act 1972, referred to in the code as the Finance Director.
- 4.12.5 All executive decisions on borrowing, investment or financing shall be delegated to the Chief Officer Finance & ICT, who is required to act in accordance with CIPFA's Code of Practice for Treasury Management in Local Authorities.
- 4.12.6 The Chief Officer Finance & ICT is responsible for reporting to the Executive Board each financial year on the activities of the treasury management operation and on the exercise of his or her delegated treasury management powers. One such report will comprise an annual report on treasury management for presentation by 30 September of the succeeding financial year.

#### **4.13 Banking**

- 4.13.1 The Council will approve the terms under which banking services including overdraft facilities are provided.
- 4.13.2 Subject to any directions given by the Council, all arrangements with the Council's bankers must be made solely through the Chief Officer Finance & ICT
- 4.13.3 It is the responsibility of the Chief Officer Finance & ICT to operate bank accounts as are considered necessary. Opening or closing any bank account shall require the prior approval of the Chief Officer Finance & ICT.
- 4.13.4 Issued cheques must bear the facsimile signature of the Chief Officer Finance & ICT. The only exception is where the cheque exceeds an agreed value in which case it must be signed by the Chief Officer Finance & ICT or an authorised signatory.
- 4.13.5 Bank accounts operated as imprest accounts can only be authorised by the Chief Officer Finance & ICT. The individual balance of each account at any one time may not exceed £25,000.

#### **4.14 Investments and Borrowings**

- 4.14.1 It is the responsibility of the Chief Officer Finance & ICT to:-
- (a) Ensure that all investments of money are made in the name of the council or in the name of nominees approved by Council
  - (b) Ensure that all securities that are the property of the council or its nominees and the title deeds of all property in the council's ownership are held in the custody of the appropriate Chief Officer
  - (c) Effect all borrowings in the name of the council

- (d) Act as the council's registrar of stocks, bonds and mortgages and to maintain records of all borrowing of money by the council.

#### **4.15 Trust Funds and Funds Held for Third Parties**

4.15.1 It is the responsibility of the Chief Officer Finance & ICT to:-

- (a) Arrange for all trust funds to be held, wherever possible, in the name of the council
- (b) Arrange, where funds are held on behalf of third parties, for their secure administration, approved by the Chief Officer Finance & ICT, and to maintain written records of all transactions
- (c) Ensure that trust funds are operated within any relevant legislation and the specific requirements for each trust.

4.15.2 All officers acting as trustees by virtue of their official position shall deposit trust assets and securities with the Chief Officer Finance & ICT, unless the Trust Deed provides otherwise.

#### **4.16 Payroll**

4.16.1 Payroll transactions are only to be processed through the payroll system and there must be full compliance with all relevant legislation at all times

4.16.2 Chief Officers are responsible, in consultation with the Head of Service, HR & OD, for providing accurate and appropriate information and instructions to enable the calculation and prompt payment of salaries, expenses and pensions, including details of appointments, promotions, regarding, resignations, dismissals, retirements and absences from duty.

4.16.3 The Head of Service, HR & OD will make arrangements for payment to the appropriate bodies, of all statutory, including PAYE, and other payroll deductions.

4.16.4 Time sheets and other documents which are used to generate payment of salaries, wages or other employee-related expenses must be on official forms or via authorised electronic inputs. Chief Officers are responsible for ensuring that they are certified by an authorised officer and that they are submitted to the Head of Service, HR & OD in accordance with the specified timetable. This includes on-line input entered locally.

4.16.5 The Head of Service, HR & OD will maintain a list of all officers who are approved to authorise any payroll related records as notified by the relevant Chief Officer. This shall be reviewed on a regular basis. Chief Officers must communicate any changes as soon as they are known.

4.16.6 The Head of Service, HR & OD will implement national and local pay agreements as soon as possible after their notification from the appropriate body. Arrangements for funding such awards will be determined each year as part of the budgetary process.

4.16.7 The Head of Service, HR & OD, in consultation with the Chief Officer Finance & ICT, is responsible for ensuring that all matters relating to pension contributions are accounted for correctly. This includes interpreting legislation and providing advice where required to employees.

#### **4.17 Travelling and Subsistence**

4.17.1 The Staff and Member Travel Plan will reduce costs and improve health and well being, saving time and resources through better journey planning and access to clearer travel information.

4.17.2 Chief Officers are responsible for providing appropriate and accurate information to enable the prompt and accurate payment of travelling, subsistence and other expenses to authorised employees in accordance with the terms of employment agreed by the Council.

4.17.3 Claims for travel and subsistence must comply with the Travel and Subsistence Guidance which is updated annually and the Staff and Member Travel Plan and should only be reimbursed through the Payroll system either by submission of an authorised claim form or through the online expenses system. It is the authorising officer's responsibility to ensure compliance.

4.17.4 No claim by Officers shall be payable without a detailed enquiry if it is submitted more than three months after the event giving rise to the claim. No claim shall be payable if it is submitted more than six months after the event giving rise to the claim. Detailed enquiries shall be carried out by the Head of Service, HR & OD. Member claims are covered under Para 5.12.3

4.17.5 Chief Officers shall ensure that employees who undertake business mileage have a valid UK driving licence to cover the make and model of the vehicle being driven, a current insurance policy covering business use and a valid MOT certificate and road fund licence in accordance with the Occupational Road Risk Policy and that payments are only made in respect of journeys which are necessary and actually undertaken.

#### **4.18 Code of Conduct**

4.18.1 The Code of Conduct for Employees applies to and will be followed by all officers. It covers standards, disclosure of information, political neutrality, relationships, appointments and other employment matters, outside commitments, personal interests, equality issues, separation of roles during tendering, gifts and hospitality, use of financial resources and sponsorship.

4.18.2 Where an outside organisation wishes to sponsor or is asked to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts and hospitality applies, as detailed in the Code of Conduct for Employees.

## **4.19 Third Party Funds**

- 4.19.1 A third party fund is defined as any fund financed other than by the Council, controlled wholly or partly by a member of the Council's staff in connection with the clients, establishments or activities of the Council such as School Funds, Amenity Funds or Criminal Injuries Compensation Payments for children in care.
- 4.19.2 The School Financial Regulations 2017 and School Financial Procedures, Section 12 must be followed for the operation of all school funds in Wrexham CBC.
- 4.19.3 Officers maintaining third party funds are responsible for informing the Chief Officer Finance & ICT of their nature and purpose as soon as the fund is set up. The Chief Officer Finance & ICT reserves the right to inspect the accounts and records of such funds as necessary. This right should be contained within any joint arrangement with an external organisation
- 4.19.4 Money or goods belonging to the third party fund must be kept completely separate from other money or goods belonging to the Council. Similarly, completely separate records must be kept of the money or goods involved.
- 4.19.5 Ensure there is full compliance with the Council's best practice relating to records and procedures (this is available on the Council's intranet) which includes the following:
- (a) Regular reports on fund transactions and balances are received and checked against bank statements;
  - (b) Annual statements of income and expenditure and fund balances are prepared and audited.
  - (c) The independent auditor is provided with a copy of the Council's expected standards regarding the auditing of voluntary (unofficial) funds.
  - (d) Provide an independent audit certificate for the fund on an annual basis. This is known as a "Form D". This must be forwarded to the Council's Head of Internal Audit by the 31 October following the end of the previous financial year
  - (e) The independent auditor has signed the "Form D" confirming that the Fund has at the year-end (this should be wherever possible the financial year i.e. 1 April to 31 March),
  - (f) A reconciled summary receipt and payment account should be prepared and audited in accordance with the Council's expected standards.

4.19.6 Chief Officers are responsible for ensuring that any third party funds controlled by Council staff are:-

- (a) Formally declared to the Chief Officer Finance & ICT
- (b) Maintained separately and correctly in accordance with these Finance Procedure Rules
- (c) Subject to the same standards of stewardship and probity as Council funds.

#### **4.20 Information Management**

4.20.1 Chief Officers must comply at all times with the Information Management Standard and the Framework which set out the standards and tools that the Council will use for managing information to ensure quality, security, sharing, access and to monitor our performance.

4.20.2 All employees and anyone else working on behalf of the organisation (e.g. agency staff, honorary contracts, management consultants etc.) who process and have access to WCBC information must understand their personal responsibilities for information governance requirements and comply with UK law.

#### **4.21 Intellectual Property**

4.21.1 In the event that the Authority decides to become involved in the commercial exploitation of intellectual property e.g. software development, the matter should be agreed by the Executive Board.

4.21.2 Ensure that staff are aware of an employer's rights with regard to intellectual property as contained in the Employee Code of Conduct.



## **5. Financial Systems & Procedures**

5.1	Legal Powers – Charging or trading by the Council
5.2	Identification of statutory powers
5.3	Resources
5.4	Charging policy
5.5	Collection of Income
5.6	Bad Debts
5.7	General Principles - Ordering and paying for work, goods and services
5.8	Payment of Invoices
5.9	Payment of Non-P2P Invoices
5.10	Purchase Cards
5.11	Local Bank and Imprest Accounts
5.12	Payments to Members
5.13	Local Taxation
5.14	Taxation
5.15	Local Authority Trading Companies, Trading Accounts and Business Units

## **5.1 Legal Powers - Charging or Trading by the Council**

- 5.1.1 The Council has limited powers to charge for discretionary services or to trade by offering services for sale.
- 5.1.2 The Council can only trade through a Local Authority Trading Company and the Chief Officer is responsible for ensuring that the consent of the Chief Officer Finance & ICT and Chief Officer Governance & Customer is obtained before proceeding with a project that involves charging or trading.
- 5.1.3 All fees and charges must be in accordance with the Council's Cost Recovery Policy. (5.4)

## **5.2 Identification of Statutory Powers**

- 5.2.1 The officer decision notice giving consent must identify the statutory power/s that is/are being relied upon.

## **5.3 Resources**

- 5.3.1 Charging projects where a relevant statutory power has been identified are relatively straightforward and will not require significant allocation of resources to establish.
- 5.3.2 Trading projects will require significant allocation of time and resources to set up. Legal advice must be sought at the concept stage to see if the Council has the correct status and resources to develop a trading vehicle.
- 5.3.3 Following initial consent, Officers are responsible for consulting with the Chief Officer Governance & Customer throughout the project to ensure the appropriate documents are drafted to evidence the arrangement.

## **5.4 Charging Policy**

- 5.4.1 The setting, charging and management of all relevant fees and charges including VAT, shall be in accordance with the Council's Cost Recovery Policy.

## **5.5 Collection of Income**

- 5.5.1 All income due to the Authority should be identified and collected using effective debt recovery systems which have been approved by the Chief Officer Finance & ICT. This applies to all Council income including sundry debt, Council Tax, Business Rates, housing rents etc .
- 5.5.2 Council officers must comply with arrangements determined by the Chief Officer Finance & ICT for the safe and efficient collection and recording of all money due to the Council.
- 5.5.3 Chief Officers are responsible for ensuring that accounts for income due to the Council, including grant claims, reimbursements and third party

contributions, are raised immediately and accurately in a form approved by the Chief Officer Finance & ICT. These must include VAT where appropriate.

- 5.5.4 The cost of collection should be taken into account when raising accounts. Chief Officers must ensure that the method of collection is appropriate to the value of the transaction. As a guide, individual amounts of less than £50 should be collected in advance.
- 5.5.5 Chief Officers are responsible for ensuring that all income received is receipted, where required, recorded correctly against the appropriate budgets, and in the case of cash and cheques, banked with the minimum of delay. The frequency of banking should follow the guidelines provided by the Chief Officer Finance & ICT to avoid incurring disproportionate banking charges on relatively low value transactions, taking into account local security arrangements.
- 5.5.6 Any receipts, tickets or other documents used as receipts should be in a format agreed by the Chief Officer Finance & ICT. All controlled stationery issued to a Chief Officer must be recorded in a register, which is held by a single officer within each Service.

## **5.6 Write-Offs**

- 5.6.1 The Council's guiding principle that customers have a responsibility to pay amounts that have been properly assessed as being due. The Council is committed to using the most appropriate and effective recovery methods available to it.
- 5.6.2 The Chief Officer Finance & ICT can write off without limit any sums which are deemed uncollectable by virtue of any type of insolvency, bankruptcy, dissolved companies or liquidation of the debtor, the debt being statute barred or the absence of further remedies being available such as following a committal hearing, a deceased debtor with no estate or where the debtor cannot be traced.
- 5.6.3 The Chief Officer Finance & ICT may also write off debts in accordance with the following limits:
- (a) Not more than £5,000 for any one debtor in respect of any one financial year.
  - (b) In consultation with the Chair of the Executive Board, not more than £15,000 for any one debtor in respect of any one financial year.
  - (c) Following a report to and the agreement of the Executive Board in respect of debts over £15,000 for any one debtor in respect of any one financial year.
- 5.6.4 The Chief Officer Finance & ICT may cancel invoices and debit the relevant Departmental budget for invoices that are deemed irrecoverable where:

- (a) There remains an unresolved dispute and/ or query originating within the client Department where resolution has not or cannot be reached between parties;
- (b) The client Department are unable to provide supporting documentation or evidence in respect of a debt which later prohibits the Debtors section from normal recovery, including possible County Court action;
- (c) The debt raised refers to a 'contribution' "sponsorship" or "voluntary donation" and is therefore not subject to standard recovery practices, including possible County Court action;
- (d) An invoice is raised to a debtor at an address given by the client Department after the debtor has left the said address i.e. the debtor was not at the address to receive the invoice to begin with.
- (e) The debt was raised more than two months after the service was provided or, in the case of an overpayment, more than 2 months after the overpayment was found.
- (f) Where an invoice is raised but the service department is preventing recovery of the outstanding debt.

5.6.5 The Chief Officer Finance & ICT is responsible for ensuring that an adequate provision for bad debt is made in the Council's accounts at year end and that contributions to this provision are included in budgetary projections and outturn reports.

## **5.7 General Principles – Ordering and paying for work, goods and services**

5.7.1 All goods and services should be ordered in accordance with the Council's Contract Procedure Rules and the Council's Procurement Strategy.

5.7.2 The Chief Officer Finance & ICT will maintain a list of authorised signatories for the approval of orders and invoices for expenditure. Goods and services may only be ordered by these officers and they must be correctly recorded when the order is actually placed. Chief Officers should promptly notify the Chief Officer Finance & ICT of any changes to the names of authorised signatories.

5.7.3 Orders must be raised and authorised by an authorised officer using the Purchase to Pay system (P2P) in advance of the works, goods or service being delivered. Chief Officers are responsible for ensuring compliance with this requirement. Exceptions e.g. utilities, rent, rates, petty cash purchases are allowed but any further exemptions must be approved in advance by the Chief Officer Finance & ICT.

5.7.4 Telephone or email orders will only be allowed in exceptional circumstances. Where, due to urgent need, it is necessary to place a verbal, fax or e-mail

order an official p2p order should be raised retrospectively and clearly marked as confirmation order only..

- 5.7.5 Standard terms and conditions must not be varied with the prior approval of the Chief Officer Finance & ICT.
- 5.7.6 Staff must be constantly on their guard against fraudulent practices e.g. invoice or mandate fraud, pressure selling, the supply of unwanted items or the receipt of an invoice for an unsolicited entry in a directory or journal. All instances should be reported to Internal Audit
- 5.7.7 All purchases must be supported by an official purchase order which has been authorised by an authorising signatory. Orders through the P2P system will automatically meet this requirement.
- 5.7.8 All official purchase orders must include, as a minimum, the order number, the price agreed with the supplier, description of the goods or services to be provided, the delivery address, the address where invoices must be received and the terms and conditions for the goods and services to be provided.
- 5.7.9 Chief Officers must ensure that there is adequate separation of duties in the raising and authorisation of requisitions, authorising of purchase orders, receipt of goods and authorisation of payments to creditors.
- 5.7.10 Loans, leasing or rental agreements must not be entered into without the Chief Officer Finance & ICT's prior approval. The Chief Officer Finance & ICT maintains a record of all such agreements in order to assess each and accurately make the required disclosures within the Statement of Accounts.
- 5.7.11 Payments should be processed and paid on time wherever possible. Where an invoice is disputed then the appropriate reason should be forwarded to the Creditors team for adding to the p2p system .

## **5.8 Payment of Invoices**

- 5.8.1 Payments will be made using the Bankers Automated Clearing Services (BACS) wherever possible. Cheques will only be used where BACS is not available
- 5.8.2 Chief Officers are responsible for providing all appropriate information and instructions to the Chief Officer Finance & ICT to enable the prompt and accurate payment for goods and services provided and for the analysis of expenditure
- 5.8.3 Payments will not be made unless goods have been received by the authority and the price, quantity and quality standards are correct. Payments in advance including the use of "Escrow" accounts is not allowed unless with the express, prior permission of the Chief Officer Finance & ICT
- 5.8.4 All invoices must be sent directly by the creditor to the address stated on the official purchase order to enable prompt payment. Unless there are

exceptional circumstances, all creditor invoices should be sent to the central payments team.

- 5.8.5 All invoices, as a minimum, must include the official purchase order number, the description of the goods or services provided, the quantity delivered, the delivery address, the date of the invoices and/ or date of delivery of the goods or services, the address and VAT registration number of the supplier and the price and VAT at the prevailing rate.

## **5.9 Payment of Non-P2P Invoices**

- 5.9.1 There must be adequate separation of duties in the ordering and payments system. Payments must be certified and authorised by two different officers. These principles also apply to electronic payments e.g. one-bill invoices for electricity, telephones, water etc

- 5.9.2 All non-P2P invoices must be examined, verified and certified to comply with guidelines issued by the Chief Officer Finance & ICT which include the accuracy of the invoice in terms of price, quantity, description, VAT and whether the goods have actually been received.

## **5.10 Purchase Cards**

- 5.10.1 The Chief Officer Finance & ICT shall approve all requests to hold a corporate Purchase Card and maintain a list of all such officers. Purchase Cards may only be held by employees of Wrexham CBC.
- 5.10.2 Any orders or payments made using the corporate Purchase Card Scheme shall be in accordance with the Cardholder User Guide.
- 5.10.3 Chief Officers are responsible for ensuring compliance with the User Guide including the authorisation of purchases and the prompt coding of transactions.
- 5.10.4 Any cardholder found not to have complied with the Cardholder User Guide may have their Purchase Card removed at the discretion of the Chief Officer – Finance & ICT after consultation with the relevant Chief Officer.

## **5.11 Local Bank and Imprest Accounts**

- 5.11.1 Local bank and imprest accounts may only be used as alternatives to purchase orders by prior consent and in accordance with specific guidance and instructions issued by the Chief Officer Finance & ICT.
- 5.11.2 Chief Officers are responsible for ensuring that:
- (a) They are operated in accordance with issued guidance and that appropriate management supervision and compliance monitoring is undertaken.

- (b) If not already apparent, all vouchers shall clearly indicate the reason for the expenditure and if applicable the recipient / recipients. It is not acceptable just to attach a receipt showing the level of expenditure.
  - (c) Adequate records are maintained to allow for the verification and reconciliation of all payments made to the Council's general ledger and bank accounts, and to allow for the proper treatment of VAT.
  - (d) Arrangements are being operated for legitimate Council business only.
- 5.11.3 Imprest accounts must not be used in any circumstances to circumvent either the Council's Corporate Procurement Strategy or agreed approval and authorisation procedures, nor must they be used for any payments in respect of salaries and wages, travelling or other employment expenses, reimbursement of credit or debit cards, or payments for work carried out under the Construction Industry Tax Deduction Scheme.

## **5.12 Payments to Members**

- 5.12.1 The Chief Officer Governance & Customer is responsible for ensuring that all aspects relating to the payment of Members Allowances including the retention of records and publication of amounts claimed is in accordance with the Members Remuneration Scheme and the relevant legislation
- 5.12.2 Payments to any Members entitled to claim allowances will only be upon receipt of the proper form, completed and certified in accordance with the Council's scheme for allowances.
- 5.12.3 No claim by Members shall be payable without a detailed enquiry by the Chief Officer Governance & Customer if it is submitted more than three months after the event giving rise to the claim. No claim shall be payable if it is submitted more than six months after the event giving rise to the claim.
- 5.12.4 Members should be responsible for ensuring that all travel is approved in advance in accordance with the Staff and Member Travel Plan

## **5.13 Local Taxation**

- 5.13.1 Local Taxation (Business Rates and Council Tax) is largely governed by statute and provides a large part of the Council's income
- 5.13.2 The Chief Officer Finance & ICT shall administer, including obtaining information, billing, granting discounts, exemptions, mandatory and discretionary rate relief and other statutory reliefs, issuing notices and pursuing all aspects of recovery and enforcement, National Non-Domestic Rates and Council Tax in accordance with the provisions of the Local Government Finance Acts of 1988 and 1992 and regulations made thereunder.

## **5.14 Taxation**

5.14.1 It is the responsibility of the Chief Officer Finance & ICT and / or the Head of Service, HR & OD to:-

- (a) Complete all Inland Revenue returns regarding PAYE
- (b) Complete a monthly return of VAT inputs and outputs to HM Revenue and Customs
- (c) Provide details to HM Revenue and Customs regarding the construction industry tax deduction scheme
- (d) Maintain up-to-date guidance for council employees on taxation issues

5.14.2 It is the responsibility of Chief Officers to:-

- (a) Ensure that the correct VAT liability is attached to all income due and that all VAT recoverable on purchases complies with HM Revenue and Customs' regulations
- (b) Ensure that, where construction and maintenance works are undertaken, the contractor fulfils the necessary construction industry tax deduction requirements
- (c) 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
- (d) Follow the guidance on taxation issued by the Chief Officer Finance & ICT and / or the Service Manager, HR & OD.

## **5.15 Local Authority Trading Companies, Trading Accounts and Business Units**

5.15.1 The Chief Officer Governance & Customer and Chief Officer Finance & ICT shall advise on the establishment and operation of Local Authority Trading Companies, trading accounts and business units.

5.15.2 Chief Officers shall:

- (a) Consult with the Chief Officer Finance & ICT 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
- (b) 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

- (c) Ensure that the same accounting principles are applied in relation to trading accounts as for other services or business units
- (d) Ensure that each business unit prepares an annual business plan

## **6. Partnerships**

### **6.1 General**

- 6.1.1 A partnership is a joint working arrangement between the Council and other independent bodies who agree to co-operate to achieve a common goal.
- 6.1.2 The Council's contribution to a partnership may be capital, revenue or contributions in kind such as staff time, and contributions of any kind fall within this section.
- 6.1.3 Where the Council undertakes a procurement in respect of a partnership then the Council's Contract and Financial Procedure Rules shall apply.

### **6.2 Compliance with Partnership Toolkit**

- 6.2.1 The Council will maintain a register of significant partnerships and each partnership shall comply with the Partnership Toolkit at all times including:
  - (a) Risk management processes are in place to identify and assess all known risks and these are carried out on an ongoing basis.
  - (b) Project appraisal processes are in place to assess the viability of the project in terms of resources, staffing and expertise.
  - (c) A formal agreement outlining the roles and responsibilities of each partner is agreed and signed by each of the partners involved in the project before the project commences.
  - (d) Regular reviews are carried out especially for significant partnerships and the results reported accordingly
  - (e) Regular communication with other partners throughout the project so that problems can be identified and shared to achieve their successful resolution
  - (f) All parties, including partner organisations, are aware of their responsibilities under the Council's Financial and Contract Procedure Rules.
- 6.2.2 Any collaboration which involves the creation of or participation in a separate legal entity, such as a limited company, trust or charity, must be approved by the Chief Officer Governance & Customer and the Chief Officer Finance & ICT.

Partnership arrangements must be recorded in writing, the content and format of which must comply with the Partnership Toolkit. Where it involves the commitment of significant Council resources (be they finance, staff, land, buildings or equipment) or where the Council acts as an accountable body must have a formal agreement in place.
- 6.2.3 Any collaborative working in which the Council is to act as Accountable / Responsible Body must be approved by the Chief Officer and Chief Officer Finance & ICT.

6.2.4 Where the Council does act as the Accountable Body, the full cost of this service must be charged to the partnership arrangement (including a fair share of corporate overheads).

### **6.3 Approval Process**

6.3.1 The approval process for participation in a collaborative working arrangement is based on:

(a) Compliance with corporate objectives

(b) The financial contribution of the Council

6.3.2 If the Council's financial contribution has not already been included in the approved budget, further approval will be required. The level of approval required will depend on both the amount, and whether the funding is to come from existing budgets or from reserves. The financial contribution of the Council should be assessed over the lifetime of the collaborative working arrangement.

6.3.3 Each Chief Officer is responsible for preparing regular reports for the relevant Lead Member outlining the key outcome and achievements of each significant collaborative working arrangement. The report should also review the affordability and continued relevance of the arrangement to the Council's corporate objectives.

6.3.4 The Chief Officer Finance & ICT will encourage the same high standards of conduct with regard to financial administration in partnerships and joint ventures that apply throughout the Council insofar as the constitutions of respective organisations permit them to do so.

## **SECTION 17**

# **CONTRACT PROCEDURE RULES**

## **Section 17**

# **CONTRACT PROCEDURE RULES**

## **1. Basic Principles**

- 1.1 The aims of the Contract Procedure Rules (the Rules) are to:-
  - (a) Ensure compliance with all legal requirements;
  - (b) Achieve best value;
  - (c) Ensure transparency, openness, non-discrimination and fair competition;
  - (d) Demonstrate probity, consistency, accountability and integrity;
  - (e) Support the Council's corporate aims of value for money, best practice and leadership; and
  - (f) Ensure compliance with the Council's Procurement Strategy and Welsh Government Procurement Policy.
- 1.2 The principles of transparency, non-discrimination and equality are obligations that apply to all procurements and must be complied with at all times.
- 1.3 Where these Rules provide for a decision to be made by a Chief Officer, the decision may be delegated in writing by the relevant Chief Officer to another Officer.
- 1.4 These Rules are supplemented by the Procurement Code of Practice and the Procurement Route Planner as indicated.
- 1.5 The Chief Officer Finance & ICT is responsible for keeping the Rules under review, issuing any advice or guidance, making minor amendments, or recommending significant amendments to Council as and when required. The Rules should be reviewed every three years as a maximum.
- 1.6 Chief Officers are responsible for ensuring that all Officers in their departments are aware of the requirements of the Rules (and any associated guidance, policies or procedures) and that they comply with them at all times.
- 1.7 It is not possible for these Rules, or the associated guidance, policies or procedures, to cover every eventuality that may arise. In the case of any doubt, advice should always be taken from the Chief Officer Finance & ICT and the spirit of the Rules should always be followed.
- 1.8 A full glossary of financial terms is available as an appendix to the Financial Procedure Rules and Contract Procedure Rules

## **2. Statute**

- 2.1 The Council is required by s.135 of the Local Government Act 1972 to make standing orders to ensure competition and regulate the procurement process.
- 2.2 The Council must also comply with various other statutes when purchasing goods, works or services, including the Public Contracts Regulations 2015 (the "Regulations"). Nothing in these Rules is intended to override national or EU legislation.
- 2.3 The risks of non-compliance are significant and include awards of damages and contracts being set aside.

### **3. Compliance**

- 3.1 These rules apply to the following undertaken by or on behalf of the Council:-
- (a) The purchase of all goods, services or works;
  - (b) Concessions\*;
  - (c) In circumstances where the Council is procuring goods, works or services on behalf of a collaborative working arrangement; and
  - (d) In circumstances where the Council is seeking a commercial partner for the purposes of a joint venture.
- 3.2 All references in these Rules apply equally to a) to d) above as appropriate and as advised by the Chief Officer Finance & ICT . All Officers are responsible for ensuring compliance with these Rules.
- 3.3 Third parties acting on behalf of the Council must also comply with the Rules. Officers instructing third parties to procure contracts must supply the third party with a copy of the Rules.
- 3.4 Officers and third parties must ensure that any conflicts of interest are avoided. Any conflicts of interest must be declared to appropriate line managers as set out in the Officer Code of Conduct. Legal advice must be obtained by Officers where any conflict has potential to impact on contractual relationships.
- 3.5 Bribery and corruption are a criminal offence. All Officers who let, manage or supervise contracts must act in accordance with the highest standards of propriety and ensure adequate records are kept.
- 3.6 Differences in the interpretation of these rules will be resolved by the Chief Officer Finance & ICT in consultation with the Chief Officer Governance & Customer.
- 3.7 These Rules do not apply to the sale, leasing or purchase of land or any interest in land or any contract of employment or loans or the sale, issue or purchase of any shares or other similar financial asset.
- 3.8 These Rules do not apply to an award of a contract in the following circumstances
- 3.8.1 Any contracts between the Council and a company that is controlled by it (sometimes referred to as a Teckal company); or
  - 3.8.2 Any contracts between the Council and a company that is jointly controlled by the Council with another contracting authority; or
- Any contract which establishes or implements a co-operation between the Council and another contracting authority with the aim of ensuring that public services they have to perform are provided with a view to achieving objectives they have in common and where implementation of the co-operation is governed solely by considerations relating to the public interest and participating contracting authorities perform on the

open market less than 20% of the activities concerned by that co-operation; or

- 3.8.3 Any service contract awarded by the Council to another contracting authority on the basis of an exclusive right which the latter enjoys pursuant to a law, regulation or published administrative provision which is compatible with the Treaty on the Functioning of the European Union ( also known as “TFEU”).
- 3.9 For contracts falling within the exceptions at 3.8, written advice from the Chief Officer Governance & Customer must be obtained to ensure that the specific rules relating to the exceptions apply and to ensure that the award does fall outside of the scope of these Rules.
- 3.10 Additional goods, services or works within the scope of a contract falling within 3.8.1 and 3.8.2 above may be permitted and shall comply with paragraphs 12.7, 12.8 and 12.9 below. It may be possible to increase the scope of a contract falling within 3.8.1 and 3.8.2, but before seeking to do so, the Officer shall prepare a business case demonstrating value for money. Increasing the scope of a contract falling within 3.8.1 and 3.8.2 above shall comply with the general principles stated in paragraph 12.5 below, shall be approved in writing and in advance by both the Chief Officer and the Chief Officer Finance & ICT .
- 3.11 In calculating the total value of a contract, the following principles shall apply to determine the total value:
- 3.11.1 The total amount payable over the term of the contract plus any extension period, net of VAT, including any form of option and any renewal of the contract by all Council Services utilising the contract;
- 3.11.2 Where the award of a contract involves lots, the total amount payable for all of the lots, net of VAT, including any form of option and any renewal of the contract by all Council Services utilising the contract and
- 3.11.3 For joint purchasing arrangements, the contract value shall be the aggregate of both parties’ spend under the contract.
- 3.11.4 For contracts of an indeterminate period, the value will be calculated as if it were a four year contract.
- 3.12 No officer shall take any steps or omission which seeks to subdivide procurements or payments in order to avoid the application of the Rules or any part of the Rules or the Public Contracts Regulations 2015.
- 3.13 Rules relating to grants and collaborative working arrangements are dealt with in Sections F and G of the Financial Procedure Rules.

## **4. Consequence of Breach**

- 4.1 Failure to comply with any of these rules may be considered a breach of the Officer Code of Conduct and may result in disciplinary action and legal proceedings against the Officer or third parties concerned. No Officer shall take any steps or fail to take steps to knowingly or recklessly seek to avoid the Rules.
- 4.2 Any Officer who fails to follow the Rules may lose the protection of the indemnity given to Officers by the Council and therefore may have personal liability for a contract or any losses.
- 4.3 Where it becomes apparent that there has been non-compliance with the Rules the Chief Officer must notify the Chief Officer Finance & ICT immediately. The Chief Officer must compile a report outlining the reasons for the non-compliance and the steps taken to prevent a re-occurrence.
- 4.4 The Head of Service, Audit & Technical will, if the breach of the Rules is significant, submit a report to the Chief Officer Finance & ICT and the Chief Officer Governance & Customer with appropriate recommendations before reporting to Audit Committee.

## **5. Review**

- 5.1 The Chief Officer Finance & ICT will keep the Rules under review and shall have authority to make minor amendments as required or to reflect changes in legislation.
- 5.2 Any significant changes require the consent of full Council after consideration by the Audit Committee and the Executive Board.
- 5.3 The Chief Officer Finance & ICT will keep the Procurement Code of Practice and the Procurement Route Planner under review and have authority to make such amendments and updates as are required.
- 5.4 The Rules will be subject to a full review every three years.

## **6. Corporate Contracts**

- 6.1 Corporate contracts are defined as being contracts which have been approved by the Chief Officer Finance & ICT for use by officers. They are deemed to comply with the Rules and offer value for money.
- 6.2 Officers must always check if there is an existing corporate contract in place before starting a new procurement activity.
- 6.3 If a Council contract exists it must be used unless the contract allows for and the Chief Officer Finance & ICT authorises another course of action.



## **7. Frameworks**

- 7.1 A framework contract is an agreement with suppliers which establishes the terms governing contracts from which orders for goods, services or works may be placed or 'called off'.
- 7.2 Frameworks may only be used when:-
- (a) The works, goods or services required are clearly identified within the framework; and
  - (b) The framework allows the Council to participate; and
  - (c) The framework adheres to the aims of the Rules.
- 7.3 Officers must ensure that they follow the rules applicable to the framework which set out how individual contracts can be called off. Often this will involve a further procurement activity, referred to as a mini competition. Advice and approval must be sought from the Chief Officer Finance & ICT prior to commencing any direct 'call off' or further competition exercise.
- 7.4 Authority to establish a new framework agreement must be evidenced by the submission and approval of a 'Instruction – Procurement and Contracts Form' signed by the Chief Officer, the Service Manager and the relevant officer from the Commissioning, Procurement & Contract Management (CP&CM) Unit before the procurement activity is started. The 'Instruction – Procurement and Contracts Form' must in addition to the standard requirements clearly state the maximum value of the framework agreement, the range of contracting authorities able to call-off from it and monitoring arrangements in particular relating to the total spend under the framework and compliance with call-off procedures.
- 7.5 No framework agreement established by the Council shall exceed a contract term of four years unless exceptional circumstances exist which are substantiated and are related to the subject matter of the framework agreement. If a framework agreement is to exceed a term of 4 years then the reasons for this must be set out in the 'Instruction – Procurement and Contracts Form' to establish a new framework agreement (see 7.4).
- 7.6 No contracting authority shall be entitled to call off from a framework agreement established by the Council unless the contracting authority has signed an access agreement with the Council. The Chief Officer Finance & ICT must advise on the most appropriate form of access agreement.

## **8. In House Suppliers**

- 8.1 Various services can be provided internally from within the Council or by the Council's controlled companies, (see rule 3.8). The Chief Officer Finance & ICT can provide advice on utilising these services.

## **9. Joint or Collaborative Procurement**

- 9.1 It is best practice to consider working with others either internally or externally where there may be benefits to a joint procurement with other service areas or public bodies to achieve economies of scale and prevent duplication.
- 9.2 Advice from the Chief Officer Governance & Customer must be sought as to the most appropriate form of agreement for joint procurement activity and the apportionment of risk between the parties.
- 9.3 If the Council is responsible for any procurement under such joint arrangements which result in the Council entering into a contract with a supplier, the Rules must be followed.
- 9.4 Where a National Procurement Service Framework or Contract is in place then the Council must utilise that procurement route for obtaining all Council goods, services or works within the scope of the Framework or Contract.

## **10. Authority to Proceed**

- 10.1 Before beginning a procurement, the Chief Officer is responsible for ensuring that the appropriate authority and budget is in place. The form of the authority will depend on the value, strategic importance of the proposed contract, budget implications and risks.
- 10.2 If the services being procured is dependant upon grant funding then the Chief Officer should ensure that the risk of funding not being available for the life of the contract is reflected in the contract terms i.e. early termination clauses.
- 10.3 An 'Instruction – Procurement and Contracts Form' is required to be submitted to the Chief Officer Finance & ICT in relation to decisions to procure any contract and framework over the value of £25,000. This must be submitted prior to the start of the tender process.

## **11. Insurance**

- 11.1 Officers are responsible for checking that all chosen contractors provide written evidence of adequate insurance to cover public liability, employers' liability and if necessary professional indemnity for the full duration of the contract.
- 11.2 Indemnity levels must reflect the risk to the Council which typically will be for each and every contract:-
  - (a) £10m for public liability insurance;
  - (b) £5m for employers liability insurance;
  - (c) £1m to 5m for professional indemnity insurance;
  - (d) At least £5 million for medical indemnity for public health services contracts.
- 11.3 The levels required may be reduced following the written consent of the Chief Officer Finance & ICT either as a one off in respect of a particular contract or,

where other arrangements have been agreed, for particular types of contract. The Officer shall consider insurance risks and issues before commencing a procurement and shall seek any necessary approvals prior to issue of the invitation to tender.

11.4 In some circumstances, it may be necessary to obtain specialist insurance cover and the Chief Officer must consult with the Chief Officer Finance & ICT in advance.

11.5 Further information is available in Section 4.1 of the Financial Procedure Rules.

## **12. Form of Contract**

12.1 The form of contract must be identified. Every Formal Quotation or Formal Tender must be accompanied by approved terms and conditions of contract. Chief Officers should seek legal advice at the earliest opportunity in relation to the preparation or use of appropriate contractual documentation including terms and conditions for a particular procurement exercise. It is the responsibility of the Chief Officer managing the tender process or contract to obtain such advice.

12.2 Section 12.1 does not apply to call-off contracts from frameworks. In addition, in appropriate circumstances, industry standards such as PSPC, NEC, JCT, JClI, ACE, RIBA & ICE may be used with the Council's additional standard clauses covering freedom of information and other local government specific issues. If considering these industry standards Chief Officers must consult with and obtain appropriate approval from the Chief Officer Governance & Customer.

12.3 Letters of Intent will only be used in exceptional circumstances and with the consent of the Chief Officer Governance & Customer.

12.4 Contracts with a value of less than £500,000 may be signed by two authorised officers in accordance with the Scheme of Delegation contained in the Constitution. Contracts for £500,000 or more shall be sealed as a deed by the Chief Officer Governance & Customer.

12.5 A change to a contract, such as an extension of the contract period (in addition to any extension period included in the original contract), or a change to any of the terms or adding in scope to the goods, works or services, is known as a variation to the contract. When drafting the specification for the ITT, it is good practice to provide for a variation in clear, precise and unequivocal words that state the scope of the variation(s) permitted and the conditions under which the variation(s) shall apply, provided that such variation(s) do not alter the overall nature of the contract. For example, the ITT may state additional goods, works or services which may be included in the contract in the future, or an extension in time of the contract period.

12.6 In relation to EU procurements, variations to contracts shall only be permitted where the variation falls into one of the categories listed in Regulation 72 of the

2015 Regulations or as amended from time to time. Variations to such contracts shall be recorded in writing and shall be authorised by the Chief Officer and the Chief Officer Finance & ICT . Appropriate notices will be issued by the Chief Officer Finance & ICT to comply with Regulation 72 requirements.

- 12.7 For non EU procurements, Officers shall not enter into variations which would extend the contract beyond the original scope or which would increase the contract price by more than an additional 20% of the original contract price, without the prior written approval of the Chief Officer Finance & ICT and the Chief Officer. A business case will be required to obtain this approval. The Chief Officer Finance & ICT will keep a record of such approvals. Any variation pursuant to this paragraph 12.7 shall comply with the principles in Para 12.5 above.
- 12.8 In all cases, any variation shall be agreed between the parties to the contract and as a minimum shall be recorded in writing and signed by the parties.
- 12.9 In no circumstances shall a variation be made to a contract which has ended or which has been terminated. If there is no provision within the contract terms for a variation of the type required, legal advice shall be sought.
- 12.10 Each Chief Officer is responsible for ensuring that contracts are effectively monitored and contract managed throughout the period of the contract. Evidence of this must be provided to the Chief Officer Finance & ICT on request.
- 12.11 Appropriate records should be kept until seven years after the expiry of the contract.
- 12.12 Contracts shall not permit payment in advance except in respect of software licences, hardware or software support, HP leases, deposits or warranties unless the Chief Officer and Chief Officer Finance & ICT agrees otherwise, such agreement to be recorded in writing . Part payments may be made during the contract period after the completion of a stage of work provided that the services, goods or works have been completed or delivered. The contract shall include a clear payment schedule which identifies milestones and payment dates or shall identify the events and performance indicators which will trigger a part payment. No part payment shall be made unless the contract precisely sets out the payment schedule and the circumstances in which the part payment shall be made.
- 12.13 Payments made under a contract shall be made in accordance with the relevant Service scheme of delegation.
- 12.14 Any variation to contracted price(s) can only be made in accordance with that allowed under the terms and conditions of the contract. Any exceptional circumstances being considered to vary price outside of that contractually permitted must be done so with full involvement of and approval from the Chief Officer Finance & ICT .

### **13. Bonds and Security**

- 13.1 A performance bond or adequate security will be required where;
- (a) The nature and length of the contract is such that the risk of failure is sufficiently high; or
  - (b) The estimated cost of re-establishing a service if the contract fails is relatively high; or
  - (c) The financial and technical standing of the contractor is such that the risk of the failure is sufficiently high.
- 13.2 The decision as to whether a performance bond or other security is required shall be made by the Chief Officer in consultation with the Chief Officer Finance & ICT
- 13.3 The amount of the bond will be 10% of the total contract value unless otherwise agreed by the Chief Officer Finance & ICT .
- 13.4 Where the contractor is a limited company which is part of a larger group, the ultimate holding company may be required to provide a parent company indemnity in addition to or instead of a performance bond or other security.

### **14. Third Sector Commissioning Guidance**

- 14.1 The Third Sector Commissioning Guidance is a framework designed to build relationships between organisations in the public, voluntary, community and faith sectors.
- 14.2 Where a procurement process may involve applicants from the voluntary, community and faith sectors, Officers shall comply with the requirements of the Third Sector Commissioning Guidance

### **15. Procurements of Works, Goods or Services below the EU Threshold**

- 15.1 All procurement exercises that fall below the EU threshold must be carried out in accordance with the schedules shown below:

Description	Schedule
Goods or services	Schedule 1A
Works	Schedule 1B
Consultancy	Schedule 1C

- 15.2 The EU threshold is reviewed annually and advice must be taken from Chief Officer Finance & ICT as to the relevant threshold at the earliest opportunity.
- 15.3 The procedure for procurement activity that falls below the above thresholds threshold is explained in the Procurement Code of Practice and the Procurement Route Planner.

- 15.4 All procurements over the value of £25,000 must be notified to the Chief Officer Finance & ICT using the 'Instruction – Procurement and Contracts Form' prior to any exercise commencing. All exercises should be conducted in full liaison with the Commissioning, Procurement & Contract Management Unit.

## **16. Procurement of Goods, Services or Works above the EU Threshold**

- 16.1 The Public Contracts Regulations 2015 apply to contracts above the EU threshold for the supply of goods, services and works. There is a separate procedure, (known as the 'light touch regime'), for social care and health care contracts and other contracts specified in Schedule 3 of the Regulations.
- 16.2 There are six types of procurement routes available for contracts exceeding the EU threshold:
- (a) Open Procedure;
  - (b) Restricted Procedure (including through the use of a dynamic purchasing system);
  - (c) Competitive Procedure with Negotiation;
  - (d) Competitive Dialogue;
  - (e) Innovation Partnerships and
  - (f) Call Off from a Framework Agreement.
- 16.3 There is a separate procedure for some types of procurements, known as the "light touch regime". Further advice on this should be obtained from the Chief Officer Finance & ICT .
- 16.4 Advice shall be taken from the Chief Officer Finance & ICT as to the most appropriate type of procurement procedure. The Procurement Code of Practice and the Procurement Route Planner provide a general guide to the types of procurement procedures.
- 16.5 The procedures to be followed for each type of procurement at 16.2 (a) to (f) above are set out in the 2015 regulations and cannot be varied under any circumstances. The types of procurement at (c), (d) and (e) are not to be used unless the appropriate procedures apply. There is a separate procedure for social care and health care procurements and other contracts specified in Schedule 3 of the Regulations, see 16.1 above. Call-offs under a framework agreement shall follow the procedure set down by the framework authority.
- 16.6 Before commencing any above EU threshold procurement, the Council's Procurement Unit should be fully engaged in the process and if relevant the Chief Officer Governance & Customer.

## **17. Remedies for Breach of the Regulations**

- 17.1 The consequences for breaches of the Regulations and these Rules are significant and include

- (a) Setting aside of contracts following a declaration of ineffectiveness;
- (b) Financial penalties;
- (c) Awards of damages and costs to successful challengers;
- (d) Compensation to the contractor for repudiatory breach of contract;
- (e) Costs of delays in provision of the required goods/services/works or
- (f) Costs of further procurement.

17.2 Compliance with these Rules and the EU Regulations is therefore essential.

## **18. Timescales**

- 18.1 Procurements over the EU threshold can take a minimum of six months and sometimes over 18 months to complete depending on complexity.
- 18.2 An accelerated procedure may be available for use in urgent circumstances after consultation with the Chief Officer Finance & ICT . The Chief Officer shall certify the urgency making it impractical to comply with the stipulated timescales.

## **19. Electronic Tendering**

- 19.1 Bravo Solutions and Sell2Wales Software are the Council's e sourcing tools, which are used for competitive procurement activities of £25,000 and over
- 19.2 The nominated e-sourcing tools must be used for all procurement with a value of £25,000 and over unless the Chief Officer Finance & ICT has provided written consent for the exception or unless the procurement is being conducted through a framework which has its own e-procurement software, when it is permissible to use the e-procurement facility provided by the framework provider.

## **20. General Rules for Procurements Involving an Element of Competition**

- 20.1 For procurements of £25,000 and over, an 'Instruction – Procurement and Contracts Form' must be completed by the Head of Department. The Chief Officer Finance & ICT 's approval of this form will constitute approval to proceed and agree the appropriate process which will ensure value for money and adequate competition.
- 20.2 The Chief Officer, in liaison with the Commissioning, Procurement & Contract Management Unit is responsible for drafting a clear and robust specification. The specification must set out exactly what the Council requires and timescales for delivery.
- 20.3 Where a variant is permitted, the minimum requirement(s) of the variant must be set out. Lots must be considered where appropriate and Corporate Procurement will advise on the best use of this option.
- 20.4 The Invitation To Tender (ITT) must as a minimum include the;

- (a) Time, date and internet address for submission of tenders;
  - (b) Information the supplier must provide;
  - (c) Timescales for the project;
  - (d) Criteria for award;
  - (e) Contract documents and
  - (f) Method for dealing with queries during the tender period
  - (g) Code of Practice on Workforce Matters (when public services are outsourced to a third party and staff transfer)
- 20.5 The ITT must state that the Council is not bound to accept the lowest or any tender.
- 20.6 The ITT must set out how errors in tenders will be dealt with using one of the following two ways;
- (a) The tenderer shall be given details of the error(s) found during the evaluation and shall be given the opportunity to confirm without amendment or withdraw the tender; or
  - (b) Amending the tender to correct genuine error(s) provided that in this case, apart from these genuine errors, no other adjustment, revision or qualification is permitted.
- 20.7 The ITT must state that by submitting a tender the tenderer agrees to the Council's contract terms. There shall be no discussion or negotiation about the contract terms prior to the tender close date. Once an award has been made, modifications may exceptionally be necessary, for example to address an error, where an issue with consistency with the specification is identified or exceptionally where a condition is at odds with the approach in that sector of the market. Legal advice shall always be obtained to ensure that any modification is appropriately drafted. Such modifications shall comply with the general principles listed below:
- (a) The modifications shall not render the contract materially different from the one forming part of the ITT;
  - (b) Had the modifications been included originally with the ITT, the modification would not have allowed for the admission of bidders other than those initially selected OR for the acceptance of a tender other than that originally accepted OR have attracted additional bidders;
  - (c) The modifications do not change the economic balance of the contract in favour of the contractor in a way which was not provided for in the original contract;
  - (d) The modification does not extend the scope of the contract considerably.
- 20.8 Any modifications which do not fall within at least one of the conditions listed in (a) to (d) above shall require approval by the Chief Officer Finance & ICT . Advice shall always be taken from the Chief Officer Governance & Customer before agreeing to any modifications of the Council's contract terms.
- 20.9 Any offer submitted in competition received after the specified date and time will not be considered. Correspondence shall be issued to the relevant tenderer informing that the late bid will not be accepted.



- 20.10 The only exception to this is that the tender may be considered when the Chief Officer Finance & ICT is satisfied that there is evidence of technical issues (i.e. issues confirmed by the software provider) constituting to the late delivery.
- 20.11 Evaluation criteria are the basis on which scores are given to assess responses. Tender evaluation criteria are assessed on:-
- (a) Price only
  - (b) MEAT (Most Economically Advantageous Tender) based on a consideration of quality and cost or
  - (c) Life cycle costing or
  - (d) Fixed price with quality criterion only.
  - (e) Quality only
- 20.12 Tenders shall be evaluated in accordance with the evaluation criteria set out in the Invitation to Tender. All contracts, except contracts where lowest price was predetermined to be the appropriate criteria, shall be awarded on the basis of most economically advantageous (ie MEAT) or on the basis of a life cycle cost approach. Award on the basis of fixed price or quality only (20.11 (d) and (e)) shall be carried out only with the prior approval of the Chief Officer Finance & ICT .
- 20.13 The evaluation criteria shall be predetermined and approved by the relevant Chief Officer and listed in the Invitation to Tender documentation, detailing percentage (price /quality) weightings being applied. In addition, the criteria shall be strictly observed and remain unchanged at all times throughout the contract award procedure. Guidance and assistance on relevant evaluation criteria can be obtained from the Commissioning, Procurement & Contract Management Unit.
- 20.14 Negotiation or discussion is generally not permitted except for certain types of procedures which permit negotiation or where it clearly states in the ITT that negotiation or discussion is part of the tender process. If used, negotiations or discussions must be recorded either contemporaneously or as soon as possible after the negotiation or discussion has concluded. The responsible officer may seek clarification from tenderers where appropriate in consultation with the Chief Officer Finance & ICT .
- 20.15 The evaluation process must always be able to demonstrate equitable treatment of all valid bids, so that it can stand up to scrutiny whether from Freedom of Information requests or other challenges. Further guidance is available from the Chief Officer Finance & ICT .
- 20.16 The Chief Officer Finance & ICT shall maintain a record of all tenders received shall be kept on the Bravo Solutions and Sell2Wales e sourcing software to include
- (a) Service name;
  - (b) Bidder's names;
  - (c) Tender value;

- (d) Date;
- (e) Reasons for any disqualifications for late tenders and
- (f) Name of those who were invited but did not submit a tender

- 20.17 Any request for an extension to a tender period must be made no later than the period stated in the ITT and in any event before the tender close date and shall be agreed by the Chief Officer Finance & ICT . If an extended date is permitted all tenderers must be advised.
- 20.18 For incomplete tenders, if commercial (e.g. priced 'Form of Tender / commercial envelope') or technical (e.g. quality envelope) information essential for the tender and as specified is not included in the tender envelope then the tender cannot be considered.
- 20.19 However if supporting qualification information relating to the contract or supplier is not included in the tender envelope then the Chief Officer shall contact the relevant tenderer to request the information upon receipt of which the tender can be considered.
- 20.20 Clear written records must be kept of the assessment process. For EU procurements, a report must be written and retained until the expiry of the contract term. The Chief Officer Finance & ICT shall advise what must be recorded in the procurement report.
- 20.21 In line with best practice (and relevant compliance with the Public Contracts Regulations 2015), all procurement exercises for tenders above the EU Threshold and for those tenders with an aggregate total value of £25k or more (goods and services), £75k (works), £5k (consultancy) should incorporate a formal standstill period between communicating the award decision to all tenderers and entering into a contract with the appointed tenderer. This standstill period shall be at least 10 calendar days if sent electronically or 15 calendar days for notices sent by other methods. Where the last day of the standstill period is not a working day, the standstill period is extended to midnight at the end of the next working day. Should the award of the tender be challenged during the standstill period, it is vital that the details of such challenge are immediately notified to the Chief Officer Finance & ICT and to the Chief Officer Governance & Customer
- 20.22 If any additional information is requested during the standstill period and to be disclosed to tenderers (in addition to that provided under 20.21) this must be agreed in advance with the Chief Officer Finance & ICT , taking into account the requirements of any legislation relating to the disclosure of information.
- 20.23 Any further de briefing (in addition to that provided under 20.21 and 20.22) must not be conducted before the contract is awarded. It should be made clear that the de-briefing process cannot be used to change the choice of a supplier/ contractor or to re-open the selection process. Further de-briefing will only be conducted at the request of the supplier/ contractor.

## **21. Abandonment**

- 21.1 If less than three tenders are received, consideration should be given as to whether continuing with the process will achieve a competitive price, value for money and quality of services. A further advertisement may be required.
- 21.2 Before abandonment or recommencement of an above threshold procurement, there shall be consultation with the Chief Officer Finance & ICT to ensure appropriate procedure and risk management.

## **22. Advertising**

- 22.1 All relevant procurement opportunities which involve an element of competition over £5,000 (consultancy), £25,000 (goods and services) and £75,000 (works), shall be advertised on "Sell2Wales". An element of competition means where the procurement opportunity is put into the public domain for the attention of suppliers generally. It does not include situations where a tender or quote is sought from a limited number of suppliers such as a call-off from a framework agreement or seeking quotes/tenders from selected suppliers.

## **23. Contracts Register**

- 23.1 Chief Officers will ensure that every accepted contract or Framework Agreement, which exceed the following aggregated total contract value, must be notified to the Chief Officer Finance & ICT by the timely completion of an electronic form (available on the Intranet) together with a copy of the signed contract or quotation.
- |     |                           |             |
|-----|---------------------------|-------------|
| 1.1 | Goods, Works and Services | £10,000     |
| 1.2 | Consultants               | Any Value . |
- 23.2 For recording purposes 'contracts' are defined as agreements for supply of goods, services or works i.e. those agreements that have specific contractual terms set against them. It does not include one-off purchases of goods. The Chief Officer Finance & ICT will record every applicable arrangement on the Contracts Register, for the purpose of clarity these will include:
- Contracts or Framework Agreements with an aggregated contract value in excess of amounts as defined above
  - Any appointment of consultants regardless of value
  - Regional or collaborative contracts where the Council is not the Lead Authority but where the Council receives services from the contractor / service provider
  - All contracts with Third / Faith sector organisations
  - All grants to Third / Faith sector organisations except one-off grants under a Council administered awards scheme e.g. Welsh Church Acts etc.
- 23.3 General 'one off' purchases for supplies / services (falling outside of the definition of a contract) do not need to be included.

23.4 The Contracts Register will be available to view on the Intranet and a summarised version available to view on the Council's website

## **24. Signing/Sealing**

- 24.1 Contracts with a value of less than £500,000 may be signed by two authorised officers in accordance with the Scheme of Delegation contained in the Constitution. Contracts for £500,000 or more shall be sealed as a deed by the Chief Officer Governance & Customer.
- 24.2 Contracts awarded from approved collaborative Frameworks (e.g. National Procurement Service, Crown Commercial Services, YPO, ESPO) may be entered in to in a Form of Agreement as described by the Contracting body (irrespective of value).
- 24.3 Contracts must be sealed or signed before work is started to ensure incorporation of terms. Making payments before the contract is sealed or signed may be a breach of the Rules and may result in disciplinary action.

## **25. Exemptions**

- 25.1 The Chief Officer Finance & ICT shall approve all exemptions to these Rules and any exemptions should be sought before contractual negotiations have begun. The Chief Officer Finance & ICT will not consider any request for an exception where that request is deemed to be cover for a lack of compliance with the Rules. The Chief Officer Finance & ICT will maintain a register of all requests and the decision made.
- 25.2 All Chief Officers shall record all approved or rejected exemptions granted for their services detailing the nature and value of the proposal, the reason for the exemption, the relevant clause under which the exemption is being applied for and evidence of formal approval / rejection from the Chief Officer Finance & ICT / Executive Board.
- 25.3 The only exemptions to the tender processes outlined within these Rules shall be as shown below. All other parts of the procurement process must be complied with at all times.
- 25.4 The following exemptions do not require formal approval from the Chief Officer Finance & ICT :
- a) The Council is using government contracts e.g. National Procurement Service (NPS) framework agreements or those arranged by a consortium, collaboration or similar body including the Welsh Government in respect of trunk road and other contracts. In these cases, an equally reputable body will be deemed to be following its own tendering procedures subject to prior confirmation by the Council as necessary
  - b) A contract is made by a school within the County Borough operating under Fair Funding arrangements.

- 25.5 The following exemptions may be approved subject to a prior written request being submitted to the Chief Officer Finance & ICT for consideration and determination by him in conjunction with Members as deemed appropriate. An exemption may be granted if:
- (a) There would not be genuine competition because no reasonably satisfactory alternative is available and:
    - (i) The items are proprietary or sold at a fixed price; or
    - (ii) Prices are controlled by trade organisations or government order; or
    - (iii) The services concerned are, in the opinion of the relevant Chief Officer, so specialised as to make genuine competition impractical; or
    - (iv) Other reasons to the satisfaction of the Chief Officer Finance & ICT
  - (b) The contract is so urgent that tenders are not practicable. In this case the Chief Officer concerned must certify it as urgent to the Chief Officer Finance & ICT and report on it to the next meeting of the Executive Board. It should be noted that urgency shall not normally be an acceptable reason for non-compliance. Urgency that could have been avoided by reasonable foresight and planning will not be acceptable as an adequate reason for departure from normal practice; or
  - (c) The Council is issuing a grant to support the 'core costs' of an organisation, whereby the activities of that organisation support or compliment the objectives of the Council, however, where there is potential for more than one organisation to be eligible for the grant then normal expectation is that a procurement exercise in line with these Rules will be carried out. Prior approval from the Chief Officer Finance & ICT that a grant can be issued as an exception must be obtained in ALL circumstances

## **26. Contract Extensions**

- 26.1 A contract may be extended before the expiry date only where it is expressly in accordance with its terms and such an extension does not compromise the basis upon which the contract was originally procured.
- 26.2 In cases of urgent business need, where the Executive Board gives approval to a short-term extension of an existing contract where the total value of the contract including the extended term is below the relevant European Public Procurement threshold levels for supplies, services and works applicable at the time the Executive Board considers the request for an extension of the contract.
- 26.3 In all cases where it is proposed to extend an existing contract, advice and guidance must be sought from Procurement Officers or from Legal Services before any negotiations are entered into with suppliers or contractors over an extended term.
- 26.4 A contract cannot be extended
- a) where the terms of the contract do not expressly provide for extension except for in 26.2 above or

- b) once a contract has expired or
- c) where an extended term alters the basis upon which the service, supply or works were originally procured or
- d) where the extended term would lead to the total value of the contract exceeding the European Public Procurement threshold levels applicable at the commencement of the extended term or
- e) where such an extended term would be in breach of statutory regulation,

## **27. Payment of Undisputed Invoices**

- 27.1 The Council has a duty under the Public Contracts Regulations 2015 for every public contract (whether it is above or below the OJEU threshold) to pay undisputed invoices within 30 days.
- 27.2 Section 5.7 of the Financial Procedure Rules contains further information relating to the payment of invoices.

## **28. Sustainable Procurement**

- 28.1 For all contracts exceeding £2,000,000 in value it will be mandatory to deliver a social, economic and environmental return on investment through the adoption of a community benefits approach.
- 28.2 For all contracts below £2,000,000 in value it will be optional to deliver a social, economic and environmental return on investment through the adoption of a community benefits approach. However, even for these contracts it will be desirable to deliver relevant community benefits.
- 28.3 All contractors that will be required to deliver Community Benefits shall be required to complete the Community Benefits Toolkit as part of their contractual requirements.
- 28.4 All requests for Community Benefits shall comply with the rules laid down by the Chief Officer Finance & ICT as administered by the Commissioning, Procurement & Contract Management Unit.
- 28.5 For all contracts over £500,000 for Goods, Services and Works the Council shall give consideration of social, economic and environmental issues when making procurement decisions using the sustainable risk assessment template.
- 28.6 The inclusion of Sustainable Procurement requirements arising from the Sustainable Risk Assessment (SRA) under 28.4 shall be at the discretion of the relevant Chief Officer, having taken into considerations any financial impact of including such requirements.

## **29. Appointment of Barristers**

- 29.1 In the case of engagement of Barristers the agreement on level of fees payable will normally be by negotiation or by appointment via any available National Procurement Service Framework rather than any other form of competition.

## **30. Appointment of Consultants**

- 30.1 As part of the justification and approval process, the appointment of Consultants can only be made by the Chief Executive or a Chief Officer. Schedule 1C to the Rules provides information on the limits and procurement requirements.
- 30.2 All appointments with an aggregated value of more than £5,000, except the appointment of Barristers (29.1) must be in consultation with the appropriate Lead Member unless there is a conflict of interest in which case the consultation should be with the Leader or Deputy Leader.
- 30.3 The Head of Finance shall produce an annual report for all members which will include details of all appointments, performance evaluation details including performance against specified outcomes and the actual cost and period of the appointment.
- 30.4 For all proposed consultancy engagements over the value of £5,000 a Consultancy Chief Officer Finance & ICT Form (CPC1) must be completed and forwarded to the Chief Officer Finance & ICT prior to any steps to engage or actual procurement exercise commencing.
- 30.5 Prior to the commencement of any procurement of Consultants the tender documentation and specification must include:
- a) A clear identification of need, outcomes and outputs which should be aligned where possible with the extant version of the Council Plan
  - b) A written project brief including timescales
  - c) A suitable quality and price assessment mechanism for inclusion in the tender documentation and subsequent tender evaluation.
  - d) A formal written agreement or detailed letter of engagement.
- 30.6 As part of the procurement exercise, the authorising officer (30.1) making the appointment must establish whether the Consultant or any individual who may carry out the engagement on behalf of the Consultant, has worked for Wrexham CBC in the two years preceding the appointment. This will not preclude the use of the consultant but it will be taken into account in the appointment process. Should a Consultant be identified as having worked for the Authority then the responsible Officer shall record the detail and notify the Chief Officer Finance & ICT as part of the Appointment Form.
- 30.7 Immediately following the appointment of a Consultant, the authorising officer (30.1) should complete the Consultant's Appointment form (CPC2) and forward it to the Chief Officer Finance & ICT . All appointments, regardless of value, will be registered on the Corporate Contracts Register.
- 30.8 The formal written agreement or detailed letter of engagement should be signed by the Council and the Consultant prior to the commencement of the work.

- 30.9 Once work has commenced the authorising officer (30.1) must ensure that there is effective, ongoing contract management including:
- a) Fee payments and progress are monitored and all payments are for work completed and are in accordance with the signed contract agreement.
  - b) Performance against specified outcomes
  - c) The implementation of any recommendations made and this information is used to complete the Performance Evaluation form.
  - d) Prompt action is taken to address any issues of non-performance
  - e) The consultant's insurances are up to date and continue to meet the Council's requirements.
- 30.10 Immediately following the completion or termination of a Consultant's agreement, the authorising officer (30.1) responsible for the agreement should complete the Consultant's Performance Evaluation form (CPC3) and forward it to the Chief Officer Finance & ICT . This will include performance evaluation details including performance against specified outcomes and the actual cost and period of the appointment.



**Goods and Services**

**Where the estimated costs of any goods or services is less than the EU threshold, quotes shall be invited as outlined below;**

Total Estimated Contract Value From To		GOODS & SERVICES
£0	£10,000	Each purchase must demonstrate value for money and so corporate contracts must be used where available. Where not available or a one off purchase, there must be evidence that value for money has been achieved
>£10,000	£25,000	INFORMAL QUOTATIONS – AT LEAST 3 electronic, written, fax, e-mail or documented telephone quotes.
>£25,000	EU Limit	FORMAL TENDERS – AT LEAST 3 (obtained via e sourcing software, set return date and time for receipt and opening). <b>Sell2Wales must be used</b>
<p><b>Note:</b></p> <p>1. These are the minimum requirements for all works; the threshold can be lowered.</p>		

Works

**Where the estimated costs of works is below the EU threshold, quotes shall be invited as outlined below**

Total Estimated Contract Value From To		WORKS
£0	£10,000	Each purchase must demonstrate value for money and so corporate contracts must be used where available. Where not available or a one off purchase, there must be evidence that value for money has been achieved
>10,000	£75,000	INFORMAL QUOTATIONS – AT LEAST 3 electronic, written, fax, e-mail or documented telephone quotes.
>£75,000	EU Limit	FORMAL TENDERS – AT LEAST 3 (obtained via e sourcing software, set return date and time for receipt and opening). <b>Sell2Wales must be used</b>
<p><u>Note:</u> 2. These are the minimum requirements for all works; the threshold can be lowered.</p>		

## Consultancy

**Where the estimated costs of Consultancy is below the EU threshold, quotes shall be invited as outlined below**

Total Estimated Contract Value		CONSULTANCY
From	To	
£0	£5,000	There must be evidence to demonstrate that value for money <b>WILL BE</b> been achieved.
>£5,000	EU Limit	FORMAL TENDERS (obtained via e sourcing software, set return date and time for receipt and opening). AT LEAST 3. <b>Sell2Wales must be used</b>
<p><u>Note:</u></p> <p>1. These are the minimum requirements; the threshold can be lowered.</p>		

**GLOSSARY OF FINANCIAL TERMS**  
**Financial Procedure Rules / Contract Procedure Rules**

Aggregate External Finance (AEF)	Aggregate external finance (AEF) represents the support for local revenue spending from the Welsh Government and is made up of formula grant. Formula grant includes the revenue support grant (RSG), and the distributable part of non-domestic rates (NDR). Amounts are determined annually and in advance of each new financial year as part of the Local Government Financial Settlement.
Annual Report & Accounts	A document that contains a summary of the purpose of an organisation, its activities and performance for the year, as well as its annual accounts.
Anti Canvassing	A declaration that a supplier, provider or contractor has not been party to canvassing or lobbying Council staff or Members either directly or indirectly to gain preferential treatment in competitive tendering processes.
Anti Collusive	A declaration that a supplier, provider or contractor has not been party to possibly fraudulent arrangements between two or more of them whereby prices or service requirements are manipulated to get round competitive tendering.
Asset Management Plan	A document setting out the Council's plan for developing systems and internal controls to manage its land, buildings and capital expenditure in the most effective way to achieve its goals.
Asset Register	A detailed listing of land, buildings, vehicles and major items of plant and fixed equipment (assets). Asset registers are important because they enable an effective assessment of the management of assets to be made through a comprehensive record of attributes. They are also a useful basis for arranging appropriate insurance cover and substantiating insurance claims in the event of fire, theft or other loss.
Assets	Any item of value owned by an entity (e.g. buildings, vehicles). Assets can be classed as Non-current or capital assets where the asset has a useful life of more than one year (e.g. buildings, vehicles), or a current asset which includes cash or other assets which can reasonably be expected to be converted to cash in the normal course of business including stocks, debtors etc.
Audit Certificate	The document that contains the opinion of the external auditor regarding an organisation's accounts, systems and standards.
Audit Committee	Audit Committees monitor and review the risk, control and governance processes that have been established in an organisation and the associated assurance processes to ensure that internal control systems are effective and that activities are within the law and governing regulations. This is done through a process of constructive challenge.
Audit Plan	Internal audit identification of the work that they intend carrying out over the audit planning period (up to a year) and the resources needed for that work.

Barnett Formula	The formula used to allocate a population based share of changes in planned expenditure on comparable services by Departments of the UK Government to the devolved administrations of Wales, Scotland and Northern Ireland. The Barnett Formula calculates the size of change to the assigned budget rather than the total assigned budget.
Benchmarking	A method for Councils to work out how well they are doing, by comparing their performance with other, similar Councils, and with performance indicators.
Best value	A statutory duty owed by local authorities to their local community, requiring them to make continuous improvements in the way they carry out their functions having regard to a combination of economy, efficiency and effectiveness.
Block Grant	The Block Grant is the sum of money voted by parliament to the Secretary of State for Wales. It constitutes the assigned element of the Welsh Governments' Departmental Expenditure Limit and is calculated from the existing baseline using the Barnett Formula.
Budget	A statement expressing the Council's policies and service levels in financial terms for a particular financial year. In its broadest sense it includes both the revenue budget and the capital programme and any authorised amendments to them.
Budgets	References to Budgets means any individual code against which budgets are maintained in the Council's financial ledger
Budget Book	The publication in which the Council sets out its budget for a particular financial year.
Budget Head	For a particular service activity, the level of detail at which revenue or capital budgets are approved by the Council, whether in the Budget Book, the latest approved capital programme or as a result of supplementary estimates approved for the budget year.
Budgetary Control	The continual review of expenditure and income, both revenue and capital, against planned levels of expenditure and income to help ensure that service objectives are achieved and the overall resources of the Council are not over or under spent. This process is aided by the use of budget profiles.
Capital Programme	The Council's financial plan covering capital schemes and expenditure proposals for the current year and a number of future years. It also includes estimates of the capital resources available to finance the programme.
Capital Charges	A calculation of the annual costs, included within the revenue accounts of using capital assets. This includes, where appropriate depreciation.
Capital Expenditure	Spending on non-current assets (buildings, equipment and land) intended to benefit future accounting periods or spending that increases the capacity, economy, efficiency or lifespan of an existing asset.

Chief Officer(s)	Refers to all Chief Officers and includes the Chief Executive where the context relates to services or staff related matters for which the Chief Executive is responsible
CIPFA	Chartered Institute of Public Finance and Accountancy
Code of Corporate Governance	The part of the Council's constitution which sets out the systems and processes, and cultures and values necessary for achieving and demonstrating good corporate governance.
Codes of Conduct	The protocols within which Members and Officers will work as set out in the Constitution.
Codes of Practice	Guidance issued by professional bodies in relation to standards which are not regulated by statute, or by the Council itself.
Collaborative Arrangement	A contract or agreement established in conjunction with one or more other organisations.
Collaboration/ Consortium	The process of procurement shared between different Council's or other public sector organisations.
Construction Industry Scheme 2007	Legislation designed to ensure that all payments to contractors are made in accordance with HMRC legislation.
Consultant	A person (not an employee), agency or firm engaged for a limited period of time on a fee basis to carry out a specific task or tasks. A consultant provides subject matter expertise and/or experience to the Council either because it does not possess the skills or resource in-house or which requires an independent evaluation/assessment to be made
Contracts	Contracts are defined as formal agreements for supply of goods, services or works i.e. those agreements that have specific contractual terms set against them. It does not include one-off purchases of goods.
Contractor/ Supplier/ Provider	The successful 'other party' with whom a contract is formed to provide the specified requirement.
Corporate Contracts	A contract which has been procured by Wrexham County Borough Council or a Consortium for the potential use of, and on behalf of, the whole of the county borough.
Corporate Governance	The system by which organisations are directed and controlled. The framework that ensures that an organisation fulfils its overall purpose, achieves its intended outcomes for residents of Wrexham County Borough and service users, and operates in an effective, efficient and ethical manner.
Council Fund	The fund to which all the Council's revenue expenditure is charged
Council Tax	A local tax based on the capital value of residential properties.

Council Tax Base	The estimated number of chargeable properties, expressed as the equivalent number of 'Band D' properties in the Council's area. The Council is required to annually advise the Welsh Government of its Council Tax Base (as at 31 <sup>st</sup> October), which they use in the Local Government Financial Settlement, and to allow the County Council, North Wales Police Authority and Town / Community Council's to calculate the following year's Council Tax charges.
Council's Constitution	The Constitution sets out how Wrexham County Borough Council operates, how decisions are made and the procedures which are followed to ensure that the Council is efficient, transparent and accountable to local people.
Council's Monitoring Officer	The Officer designated by the Council as its Statutory Monitoring Officer.
Creditors	A person or body to whom the Council owes money.
Debtors	A person or body who owes the Council money. The debt may derive from a number of sources such as Council Tax or rent arrears, rechargeable works or where an account has been rendered for a service provided by the Council.
E procurement	The effective use of ICT to communicate and transact Council business with suppliers etc.
E tender	The effective use of ICT to undertake tenders.
Escrow Account	An arrangement made under contractual provisions between transacting parties, whereby an independent trusted third party receives and disburses money and/or documents for the transacting parties, with the timing of such disbursement by the third party dependent on the fulfilment of contractually-agreed conditions by the transacting parties
Estimated Outturn	Estimates of the expenditure to the end of the financial year, made on the basis of actual expenditure incurred to date.
External Audit	External auditors provide an independent check that the annual accounts of a body properly reflect the financial year, funds were spent in accordance with relevant regulations or directions, and that the body achieves the best possible value for public money. External audit may also carry out value for money or other reviews of services.
Financial Regulations	That part of the Council's Constitution which provides an approved framework for the proper financial management of the authority.
Financial year	The period of twelve months commencing on 1 April.
Framework Agreements	An arrangement under which a contracting Authority establishes with a provider of goods, works or services, the terms under which contracts subsequently can be entered into, or 'called-off' (within the limits of the agreement) when particular needs arise.

Fraud	Fraud is an intentional deception made for personal gain or to damage another individual. Good internal controls and governance arrangements are essential to minimise the risk of fraud. When council suffer fraud or theft it is often the case that the perpetrator has prepared false documents to disguise or to cover up the theft or fraud. In many cases the false documents include invoices and minutes
Fraud Response Plan	Contained in the Counter Fraud Strategy. The procedures by which all frauds shall be investigated.
Goods	Tangible, moveable commodities (e.g. furniture and equipment etc.)
Housing Revenue Account	The Housing Revenue Account (HRA) is a local authority account showing current income and expenditure on housing services related to its own housing stock. The account is separate from the council fund and is funded primarily from rents.
HMRC	Her Majesty's Revenue and Customs
Hypothecated Funding	Ring-fenced funding, which must be spent on particular services or initiatives
Indicator Based Assessments (IBAs)	Service specific Indicator Based Assessments (IBAs) are combined to generate total Standard Spending Assessments (SSAs, see further on) which are used by the Welsh Government to distribute the Revenue Support Grant funding to Local Authorities. IBAs are for use in calculating total SSAs and are not intended for use in determining individual authorities' budgeted expenditure on particular services.
Investment Income	Income from interest receipts on investments held by the council
Indemnity	Protection against future loss, or legal exemption from liability for damages
Insurance	Insurance is one of the ways that the Council's manage the risk of losses
Internal Audit	Internal audit provides an objective appraisal service within an organisation, to improve the organisation's risk management, control and governance procedures, and to provide assurance to the accountable officer and the audit committee on these matters.
Internal control	The systems an organisation has in place to manage and mitigate risk.
Inventory	A detailed listing of all goods, materials, furniture and equipment in the ownership or use of a particular service, other than those held in stocks and stores records. They are also subject to periodic physical checks. Inventories are normally maintained in sufficient detail as to description, location, age, value etc. to enable any material loss arising from a fire, theft or other event to be identified and to support any insurance claim.
Items	All goods, works or services purchased by the Council
Land Terrier	Records of land owned by the Council
Liabilities	Items that are owed by the entity such as loans, leases, etc.



Liquidated Damages	A prior estimate of a justifiable financial loss in the event of a failure to complete by the specified date(s).
Materiality	An expression of the relative significance of a particular matter in the context of the financial statements as a whole.
Members Allowances	A scheme of payments to elected Members of the Council in recognition of their duties and responsibilities in accordance with the relevant Regulations.
Medium Term Financial Strategy	The approved strategic process by which the council expects to finance its activities in the medium term.
Outturn	Expenditure actually incurred.
Partnering	A management approach used by two or more organisations to achieve specific business objectives by maximising the effectiveness of each participant's resources. The approach is based on mutual objectives, an agreed method of problem resolution and an active search for continuous measurable improvements.
Partnerships	These can mean a wide range of different things. The most basic being a trading organisation, and different from a sole trader or limited company. The term has also been used to generally describe a whole range of commercial agreements including PFI and 'outsourcing'. It can also describe voluntary agreements and the coming together of different groups and agencies for an agreed purpose through shared understandings.
Partnership Framework	A Council framework designed to break down barriers between organisations to address issues in partnership. This will be achieved through a shared vision, and objectives that aim to provide improved and sustainable services in the longer term.
PAYE	Tax deductions from salaries and wages payments made by the Council in accordance with HMRC legislation.
Payroll	All payments or deductions made to / from an employee as a result of their employment by Wrexham CBC including but not limited to salaries, wages, overtime, honoraria, PAYE, National Insurance, pension contributions etc.
Petty Cash/Imprest Account	A small amount of cash kept on hand by a service for incidental expenses.
Precept	This is the Council Tax collected by the Council on behalf of the Community Council's and the North Wales Police Authority.
Procurement	Procurement is the process of obtaining supplies, services and works spanning the life cycle of the asset or service contract. It has a wider meaning than traditional terms such as purchasing, buying or commissioning. It is about securing services and products which best meet the needs of all stakeholders; anyone who can or might be affected by the services and products involved.

Procure to Pay (P2P)	The procurement procedures which include ordering items through to making payments. The Council's P2P system allows electronic orders to be approved and placed and invoices matched electronically upon receipt after matching key data.
Project Management Code of Practice	The Council Code of Practice for the Project Management of all projects with an expected value in excess of £250,000
Reserves	These are balances in hand that have accumulated over previous years and are held for defined (earmarked reserves) and general (general reserves) purposes. Councils are required to regularly review the level and purpose of their reserves and to take account of the advice of the Head of Finance.
Revenue	A term used to describe the day-to-day costs of running Council services and income deriving from those services. It also includes however charges for the repayment of debt, including interest, and may include direct financing of capital expenditure.
Revenue Support Grant (RSG)	<p>The Revenue Support Grant (RSG) represents the major element in the support for local revenue spending that the Council receives from the Welsh Government, as required by section 78(1) of the <i>Local Government Finance Act 1988</i>. Amounts are determined annually and in advance of each new financial year as part of the Local Government Financial Settlement, and form a part of the Aggregate External Finance (AEF).</p> <p>The objective of the revenue support grant system is to enable authorities to provide a common level of service consistent with an aggregate figure of total standard spending (as assessed by Welsh Government using Standard Spending Assessments, see below). Its aim is to compensate for differences in the levels at which authorities need to spend and at which they can raise council tax in order to provide a common level of service. This objective is met by calculating the revenue support grant for each authority as the difference between its standard spending assessment and the sum of its re-distributed non-domestic rate income and council tax (as calculated by the Welsh Government for standard spending purposes.)</p>
Risk	The chance of something happening that will have an effect on the Council's priorities, aims, aspirations, values and obligations. It is measured in terms of likelihood and impact, which could be negative or positive. As well as events which can impede, the scope of this definition therefore also includes events which could result in opportunities being lost.
Risk Management	A planned and systematic approach, involving culture, structure and processes, to provide assurance that the Council's significant risks are identified, evaluated and managed effectively.
Risk Management Policy	An agreed policy which sets out how and why the Council will manage risk of all types across all of its activities.

Scheme of Delegation	The framework by which budgetary control and financial monitoring are exercised at a local level.
Section 151 Officer	Section 151 of the Local Government Act 1972 requires every local authority to make arrangements for the proper administration of their financial affairs and requires one officer to be nominated to take responsibility for the administration of those affairs. In Wrexham CBC, this responsibility is vested in the Head of Finance.
Select List	A list of suitably qualified contractors, suppliers or providers that has been drawn up and assessed through an advertising and short-listing exercise for a particular contract or procurement activity.
Service	A service is one shown with its own summary in the budget book. For central services it includes the elements of Corporate & Central Expenditure managed by them
Service Block	Service Blocks means the broad groupings of services shown on each Budget Summary page of the Budget Book. In the case of central departments, it also includes those elements of Corporate and Central Expenditure for which that department is responsible
Services	Intangible commodities (e.g. agency staff, consultants etc.). It can also mean support to individuals or groups.
Smartwater	A device for marking equipment to show the owner's details. This helps increase the probability of recovery of theft occurs.
Standard Spending Assessments (SSAs)	<p>Standard Spending Assessments (SSAs) are notional assessments of each council's need to spend on revenue services, calculated each year by the Welsh Government for use in the distribution of the Revenue Support Grant (RSG). SSAs are calculated prior to the year to which they relate using principles established by the Welsh Government, which encompass the demographic, physical and social characteristics of each area, as reflected by a range of indicators. SSAs include the need to spend on the current element of revenue expenditure and the need to spend on the capital charges element of revenue expenditure. The distribution of the current element between local authorities is based on the distribution of, such as pupil numbers, population and measures of deprivation and rurality. The distribution of the capital charges element between local authorities is based on the latest available credit ceiling figure for each authority (which is essentially the level of unpaid debt) together with estimates of how this will change in the year to which the SSAs relate.</p> <p>SSAs are intended to reflect variations in the need to spend which might be expected if all authorities responded in a similar way to the demand for services in their area, and as this is the mechanism for distributing the RSG to local authorities this would enable all authorities in Wales to charge the same level of council tax for the provision of a similar standard of service.</p> <p>An authority's SSA is derived as a funding mechanism to distribute the RSG, it is not and should not be viewed as a target level of expenditure for an authority. The RSG funding is unhypothecated, SSAs are not meant</p>

	to be prescriptive in any way, and therefore authorities will spend at levels above and below their SSA according to decisions that have been made locally.
Statement of Accounts	<p>The Statement of Accounts provides details of the Council's financial position over the previous financial year. Its purpose is to give electors, those subject to locally levied taxes and charges, members of the authority, employees and other interested parties clear information about the authority's finances. Statements of Accounts across all local authorities should reflect a common pattern of presentation, although this does not require them to be in an identical format.</p> <p>The Statement of Accounts is produced in accordance with the requirements of the Code of Practice on Local Authority Accounting in the UK (the code). The code is updated annually.</p>
Stocks	E.g. fuel, heating oil, spare parts etc. held for future use
Sub-contractors	A subcontractor is a legal person appointed by a contractor to get the contract, part of the contract or any section of the contract assigned to him to be executed.
Supplies	Consumables (e.g. paper, stationery, foodstuffs etc.).
Tender List	Drawn from a previously determined select list, the list of suppliers, providers or contractors actually invited to tender.
Tenderer	A potential supplier or provider or contractor.
Third Sector	Third Sector Organisations are key partners in the delivery of services on behalf of the people of Wrexham County Borough.
Treasury Management	The management of the authority's cash flows, its borrowings and its investments, the management of the associated risks, and the pursuit of the optimum performance or return consistent with those risks.
Treasury Management Strategy	The strategy for the Treasury Management activities to be adopted for a particular financial year. The strategy needs to be flexible enough to allow the Head of Finance to respond appropriately to changing circumstances during the course of the year to the best advantage of the Council.
Underspend	<p>When referring to expenditure the actual expenditure incurred is less than the budget.</p> <p>When referring to income the actual income achieved exceeds the budget.</p>
Unhypothecated Funding	Funding allocated without restrictions on how it should be spent.
Unhypothecated Supported Borrowing	A source of funding from the Welsh Government to finance general capital expenditure. Allocations are issued annually to each local authority as part of the Local Government Financial Settlement. The Welsh Government includes an element within the Revenue Support Grant to fund the cumulative costs of this borrowing that is classed as supported borrowing.

<p>Unsupported (Prudential) Borrowing</p>	<p>Borrowing to fund capital expenditure which exceeds Welsh Government support in the Revenue Support Grant. Councils can choose to fund capital expenditure through Unsupported (Prudential) Borrowing so long as they demonstrate that borrowing is prudent, sustainable and affordable, as the ongoing revenue costs of unsupported borrowing will still need to be met from available resources.</p>
<p>Value for Money</p>	<p>Broadly value for money is the extent to which objectives are achieved in relation to costs. It is about achieving the optimum combination of costs and benefits to an organisation.  Value for money is more formally defined as the relationship between economy, efficiency and effectiveness.  Economy is the price paid for what goes into providing a service  Efficiency is a measure of productivity – how much you get out in relation to what is put in  Effectiveness is a measure of the impact achieved and can be quantitative or qualitative. Outcomes should be equitable across communities, so effectiveness measures should include aspects of equity.</p>
<p>Variance</p>	<p>Difference between latest budget and actual income or expenditure. Can be to date if reflecting the current or most up to date position or projected for example projected to the end of the month or financial year.</p>
<p>Webstaff</p>	<p>The software system which allows payments to be received over the phone or electronically</p>
<p>Welsh Government</p>	<p>Headed by the First Minister of Wales, the Welsh Government is responsible for areas such as health, education, language and culture and public services.</p>
<p>Welsh Purchasing Card</p>	<p>A credit card issued to a Council employee for the purpose of making purchases on the Council's behalf. There must be compliance with the Card Holder User Guide at all times.</p>

## **SECTION 18**

- A. CODE OF CONDUCT FOR MEMBERS**
- B. MEMBERS' SELF REGULATORY PROTOCOL**
- C. CONFIDENTIAL REPORTING PROCEDURE FOR MEMBERS**
- D. PROCEDURE FOR DEALING WITH ALLEGATIONS MADE AGAINST COUNCILLORS AND REFERRED TO THE STANDARDS COMMITTEE**

## Section 18

# A Members' Code of Conduct

## PART I

### Interpretation

1.—a) In this code —

“co-opted member”, 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” means any meeting —

- (a) of the relevant authority,
  - (b) of any executive or board of the relevant authority,
  - (c) of any committee, sub-committee, joint committee or joint sub-committee of the relevant authority or of any such committee, sub-committee, joint committee or joint-committee of any executive or board of the authority, or
  - (d) where members or officers of the relevant authority are present other than a meeting of a political group constituted in accordance with regulation 8 of the Local Government (Committee and Political Groups) Regulations 1990,
- and includes circumstances in which a member of an executive or board or an officer acting alone exercises a function of an authority;

“member” includes, unless the context requires otherwise, a co-opted member;

“registered society” means a society, other than a society registered as a credit union, which is —

- (a) a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014; or
- (b) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969;

“register of members’ interests” (*“cofrestr o fuddiannau’r aelodau”*) means the register established and maintained under section 81 of the Local Government Act 2000;

“relevant authority” means—

- (a) a county council,
- (b) a county borough council,
- (c) a community council,
- (d) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies,
- (e) a National Park authority established under section 63 of the Environment Act 1995;

“you” means you as a member or co-opted member of a relevant authority; and

“your authority” means the relevant authority of which you are a member or co-opted member.

(2) In relation to a community council—

- (a) “proper officer” (“*swyddog priodol*”) means an officer of that council within the meaning of section 270(3) of the Local Government Act 1972; and
- (b) “standards committee” (“*pwyllogor safonau*”) means the standards committee of the county or county borough council which has functions in relation to the community council for which it is responsible under section 56(1) and (2) of the Local Government Act 2000.

## PART 2

### GENERAL PROVISIONS

- 2.—b) Save where paragraph 3(a) applies, you must observe this code of conduct -
- (a) whenever you conduct the business, or are present at a meeting, of your authority;
  - (b) whenever you act, claim to act or give the impression you are acting in the role of member to which you were elected or appointed;
  - (c) whenever you act, claim to act or give the impression you are acting as a representative of your authority; or
  - (d) at all times and in any capacity, in respect of conduct identified in paragraphs 6(1)(a) and 7.
- (2) You should read this code together with the general principles prescribed under section 49(2) of the Local Government Act 2000 in relation to Wales.
3. Where you are elected, appointed or nominated by your authority to serve —
- (a) on another relevant authority, or any other body, which includes a Local Health Board you must, when acting for that other authority or body, comply with the code of conduct of that other authority or body; or
  - (b) on any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject
4. You must —
- (a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;
  - (b) show respect and consideration for others;
  - (c) not use bullying behaviour or harass any person; and
  - (d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.
5. You must not —
- (a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;



(b) prevent any person from gaining access to information to which that person is entitled by law.

**6.(1)** You must —

- (a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;
- (b) report, whether through your authority's confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or on behalf of, your authority which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);
- (c) report to your authority's monitoring officer any conduct by another member which you reasonably believe breaches this code of conduct;
- (d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority.

(2) You must comply with any request of your authority's monitoring officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers.

**7.** You must not —

- (a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;
- (b) use, or authorise others to use, the resources of your authority —
  - (i) imprudently;
  - (ii) in breach of your authority's requirements;
  - (iii) unlawfully;
  - (iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;
  - (v) improperly for political purposes; or
  - (vi) improperly for private purposes

**8.** You must —

- (a) when participating in meetings or reaching decisions regarding the business of your authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by your authority's officers, in particular by —
  - (i) the authority's head of paid service;
  - (ii) the authority's chief finance officer;
  - (iii) the authority's monitoring officer;
  - (iv) the authority's chief legal officer (who should be consulted when there is any doubt as to the authority's power to act, as to whether the action proposed lies within the policy framework agreed by the authority or where the legal consequences of action or failure to act by the authority might have important repercussions);
- (b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

**9.** You must —

- (a) observe the law and your authority's rules governing the claiming of expenses and allowances in connection with your duties as a member;
- (b) avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by your authority), material benefits or

services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation.

### PART 3 INTERESTS

#### *Personal Interests*

- 10.—**(1) You must in all matters consider whether you have a personal interest, and whether this code of conduct requires you to disclose that interest.
- (2) You must regard yourself as having a personal interest in any business of your authority if —
- (a) it relates to, or is likely to affect —
- (i) any employment or business carried on by you;
  - (ii) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated Director;
  - (iii) any person, other than your authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member;
  - (iv) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;
  - (v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;
  - (vi) any land in which you have a beneficial interest and which is in the area of your authority;
  - (vii) any land where the landlord is your authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;
  - (viii) any body to which you have been elected, appointed or nominated by your authority;
  - (ix) any —
    - (aa) public authority or body exercising functions of a public nature;
    - (bb) company, registered societies, charity, or body directed to charitable purposes;
    - (cc) body whose principal purposes include the influence of public opinion or policy;
    - (dd) trade union or professional association; or
    - (ee) private club, society or association operating within your authority's area, in which you have membership or hold a position of general control or management;
  - (x) any land in your authority's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer;
- [note: sub-paragraph (b) is omitted]*
- (c) a decision upon it might reasonably be regarded as affecting —
- (i) your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;
  - (ii) any employment or business carried on by persons as described in 10(2)(c)(i);

- (iii) any person who employs or has appointed such persons described in 10(2)(c)(i), any firm in which they are a partner, or any company of which they are directors;
- (iv) any corporate body in which persons as described in 10(2)(c)(i) have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
- (v) any body listed in paragraphs 10(2)(a)(ix)(aa) to (ee) in which persons described in 10(2)(c)(i) hold a position of general control or management, to a greater extent than the majority of—
  - (aa) in the case of an authority with electoral divisions or wards, other council tax payers, rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or
  - (bb) in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area.

### *Disclosure of Personal Interests*

- 11.—**(1) Where you have a personal interest in any business of your authority and you attend a meeting at which that business is considered, you must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.
- (2) Where you have a personal interest in any business of your authority and you make -
- (a) written representations (whether by letter, facsimile or some other form of electronic communication) to a member or officer of your authority regarding that business, you should include details of that interest in the written communication; or
  - (b) oral representations (whether in person or some form of electronic communication) to a member or officer of your authority you should disclose the interest at the commencement of such representations, or when it becomes apparent to you that you have such an interest, and confirm the representation and interest in writing within 14 days of the representation.
- (3) Subject to paragraph 14(1)(b) below, where you have a personal interest in any business of your authority and you have made a decision in exercising a function of an executive or board, you must in relation to that business ensure that any written statement of that decision records the existence and nature of your interest.
- (4) You must, in respect of a personal interest not previously disclosed, before or immediately after the close of a meeting where the disclosure is made pursuant to sub-paragraph 11(1), give written notification to your authority in accordance with any requirements identified by your authority's monitoring officer or in relation to a community council, your authority's proper officer from time to time but, as a minimum containing —
- (a) details of the personal interest;
  - (b) details of the business to which the personal interest relates; and
  - (c) your signature.
- (5) Where you have agreement from your monitoring officer that the information relating to your personal interest is sensitive information, pursuant to paragraph 16(1), your obligations under this paragraph 11 to disclose such information, whether orally or in writing, are to be replaced with an obligation to disclose the existence of a personal interest and to confirm that your monitoring officer has agreed that the nature of such personal interest is sensitive information.
- (6) For the purposes of sub-paragraph (4), a personal interest will only be deemed to have been previously disclosed if written notification has been provided in accordance with this code since the last date on which you were elected, appointed or nominated as a member of your authority.

- (7) For the purposes of sub-paragraph (3), where no written notice is provided in accordance with that paragraph you will be deemed as not to have declared a personal interest in accordance with this code.

### *Prejudicial Interests*

- 12-(1)** Subject to sub-paragraph (2) below, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- (2) Subject to sub-paragraph (3), you will not be regarded as having a prejudicial interest in any business where that business—
- (a) relates to —
    - (i) another relevant authority of which you are also a member;
    - (ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;
    - (iii) a body to which you have been elected, appointed or nominated by your authority;
    - (iv) your role as a school governor (where not appointed or nominated by your authority) unless it relates particularly to the school of which you are a governor;
    - (v) your role as a member of a Local Health Board where you have not been appointed or nominated by your authority;
  - (b) relates to —
    - (i) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;
    - (ii) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends;
    - (iii) the functions of your authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority;
    - (iv) the functions of your authority in respect of an allowance or payment made in accordance with the provisions of Part 8 of the Local Government (Wales) Measure 2011, or an allowance or pension provided under section 18 of the Local Government and Housing Act 1989;
  - (c) your role as a community councillor in relation to a grant, loan or other form of financial assistance made by your community council to community or voluntary organisations up to a maximum of £500.
- (3) The exemptions in subparagraph (2)(a) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration.

## *Overview and Scrutiny Committees*

- 13** You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—
- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive, board or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
  - (b) at the time the decision was made or action was taken, you were a member of the executive, board, committee, sub-committee, joint-committee or joint sub-committee mentioned in sub-paragraph (a) and you were present when that decision was made or action was taken.

## *Participation in Relation to Disclosed Interests*

- 14** (1) Subject to sub-paragraphs (2), (2A), (3) and (4), where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority's standards committee —
- (a) withdraw from the room, chamber or place where a meeting considering the business is being held—
    - (i) where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or
    - (ii) in any other case, whenever it becomes apparent that that business is being considered at that meeting;
  - (b) not exercise executive or board functions in relation to that business;
  - (c) not seek to influence a decision about that business;
  - (d) not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business; and
  - (e) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.
- (2) Where you have a prejudicial interest in any business of your authority you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.
- (2A) Where you have a prejudicial interest in any business of your authority you may submit written representations to a meeting relating to that business, provided that the public are allowed to attend the meeting for the purpose of making representations, answering questions or giving evidence relating to the business, whether under statutory right or otherwise.
- (2B) When submitting written representations under sub-paragraph (2A) you must comply with any procedure that your authority may adopt for the submission of such representations.
- (3) Sub-paragraph (1) does not prevent you attending and participating in a meeting if —
- (a) you are required to attend a meeting of an overview or scrutiny committee, by such committee exercising its statutory powers; or
  - (b) you have the benefit of a dispensation provided that you —
    - (i) state at the meeting that you are relying on the dispensation; and
    - (ii) before or immediately after the close of the meeting give written notification to your authority containing —

- (aa) details of the prejudicial interest;
  - (bb) details of the business to which the prejudicial interest relates;
  - (cc) details of, and the date on which, the dispensation was granted; and
  - (dd) your signature.
- (4) Where you have a prejudicial interest and are making written or oral representations to your authority in reliance upon a dispensation, you must provide details of the dispensation within any such written or oral representation and, in the latter case, provide written notification to your authority within 14 days of making the representation.

## **PART 4**

### **THE REGISTER OF MEMBERS' INTERESTS**

#### *Registration of Financial and Other Interests and Memberships and Management Positions*

- 15—**(1) Subject to sub-paragraph (4), you must, within 28 days of—
- (a) your authority's code of conduct being adopted or the mandatory provisions of this model code being applied to your authority; or
  - (b) your election or appointment to office (if that is later),
- register your personal interests where they fall within a category mentioned in paragraph 10(2)(a) in your authority's register of members' interests by providing written notification to your authority's monitoring officer.
- (2) Subject to sub-paragraph (4), you must, within 28 days of becoming aware of any new personal interest falling within a category mentioned in paragraph 10(2)(a), register that new personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer.
- (3) Subject to sub-paragraph (4), you must, within 28 days of becoming aware of any change to a registered personal interest falling within a category mentioned in paragraph 10(2)(a), register that change in your authority's register of members' interests by providing written notification to your authority's monitoring officer, or in the case of a community council to your authority's proper officer.
- (4) Sub-paragraphs (1), (2) and (3) do not apply to sensitive information determined in accordance with paragraph 16(1).
- (5) Sub-paragraphs (1) and (2) do not apply if you are a member of a relevant authority which is a community council when you act in your capacity as a member of such an authority.
- (6) You must, when disclosing a personal interest in accordance with paragraph 11 for the first time, register that personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer, or in the case of a community council to your authority's proper officer.

#### *Sensitive information*

- 16.—**(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to the interest under paragraph 15.
- (2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under sub-paragraph (1) is no longer sensitive information, notify your authority's monitoring officer, or in relation to a community council, your authority's proper officer asking that the information be included in your authority's register of members' interests.

- (3) In this code, “sensitive information” 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 £25.00 in value, provide written notification to the 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.

## **B. Members' Self Regulatory Protocol**

### **1. General Principles**

- 1.1 To promote high standards of conduct and behaviour as a means of strengthening respect and trust among members. It is NOT intended to replace the Code of Conduct, rather it is intended to sit alongside the Code, enabling behaviour which may not reach the threshold to become a breach to be dealt with; and that which justifies a formal complaint to the Ombudsman.
- 1.2 The protocol does not replace the Member-Officer Relations Protocol set out in the Council's Constitution.
- 1.3 Members will make all reasonable attempts to resolve disputes through agreed internal processes subject to their obligations under the Members' Code of Conduct.
- 1.4 Referral to external regulators will become a last resort subject to Members' obligations under the Code of Conduct.
- 1.5 Members will avoid personal confrontation in any public forum, especially full Council and through the media
- 1.6 These commitments will not stifle legitimate political debate or scrutiny
- 1.7 Group discipline will become the cornerstone of self-regulation with Group Leaders taking responsibility for their own members
- 1.8 Group Leaders individually and collectively will work to ensure compliance with this protocol
- 1.9 Members will commit to training and development in support of this protocol

### **2. Working to avoid problems**

To minimise the number of instances of alleged breaches all Group Leaders have committed to :-

- (i) A Member Development Strategy – to which they will seek to secure the commitment of their group members. All reasonable endeavours will be made to ensure that the Member Development Strategy identifies and responds to the needs of members.
- (ii) Attending relevant Member training events - in particular those relating to the Code of Conduct or probity courses within the scope of their role.
- (iii) WLGA Charter – The Council is committed to retaining the WLGA's Charter for Member Support and Development and supports its objectives. Group Leaders will seek to secure individual member commitment to training and keep this under review.

### **3. Role of Group Leaders**



- 3.1 A complaint by a member relating to a member of the same group will be referred to the Group Leader. A complaint by a member concerning the activities of a member of a different political group will be discussed with the complainant's own Group Leader, who will then refer the issue to the Group Leader with responsibility for the member against whom the complaint is made.
- 3.2 Upon receiving a complaint, it is the role of Group Leaders to take responsibility for discipline within their groups. Group discipline should seek to be informal, resolved through face to face meetings. Group Leaders will need to retain some records but the process will not be "document heavy". The emphasis should be on training, education, mediation and conciliation.
- 3.3 When appropriate, a sanction such as removal from a committee or an outside body, may be used in extreme cases or after persistent breaches and the matter will be referred to the Public Services Ombudsman for Wales.
- 3.4 Prior to considering any sanction, or training, the relevant Group Leader may consult with a member of the Standards Committee in conjunction with the Monitoring Officer or Deputy Monitoring Officer. The Standards Committee will seek to ensure fairness and consistency in the discipline imposed within each Group.
- 3.5 At the next available Group Leaders' meeting any issue of discipline which has been referred to a Group Leader will be discussed with the Group and with the objective of seeking to ensure that fair and consistent sanctions are applied.
- 3.6 Where the complaint relates to the Group Leader themselves, the Mayor will be requested to consider the complaint, just as with non aligned or unaffiliated members.

#### **4. Non Aligned or Unaffiliated Members**

- 4.1 As far as non-aligned or unaffiliated members are concerned, the Mayor will fulfil the role of "Group Leader". Concerns regarding the conduct of an unaffiliated member should be referred to the Mayor who will apply the same principles and standards as those of the Group Leaders in terms of training/mediation/conciliation.

#### **5. Persistent Breaches**

- 5.1 In the case of persistent breaches, or areas where the Group Leaders have concerns that the conduct of an individual member or members is damaging to relations between political groups or to the reputation of the Council, then the Group Leaders will meet with the Chief Executive Officer and the Monitoring Officer to agree a way forward. Consideration will be given to joint references to the Ombudsman, by the Group Leaders, for persistent low level breaches.

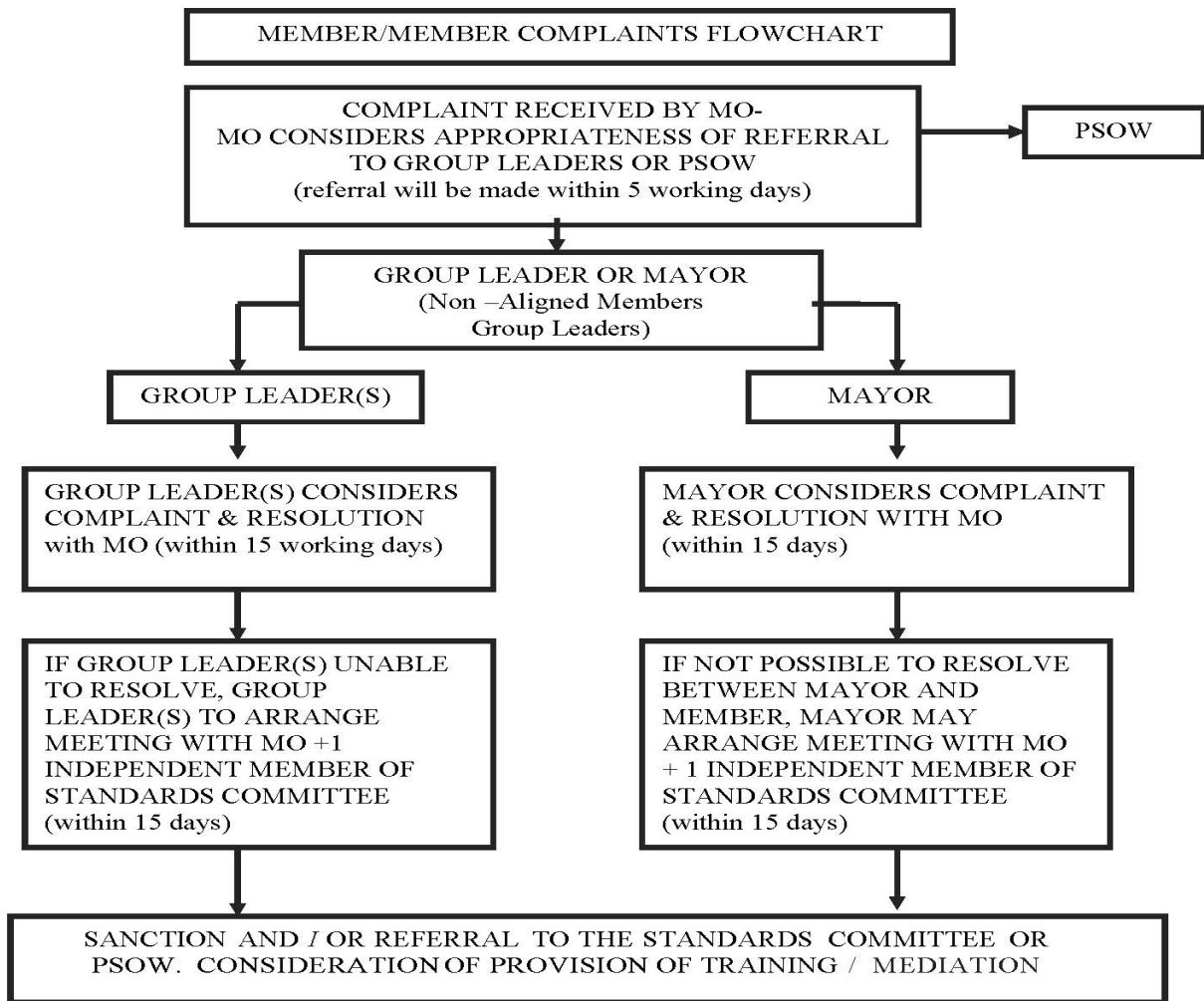
#### **6. Standards Committee**

- 6.1 Owing to any potential issues of conflict, any involvement as referred to in paragraph 3.4 above will include no more than one independent member of the Standards Committee. This will be subject to a rotational basis and in accordance with availability.
- 6.2 The Standards Committee Members will play a supporting/advisory role to the Group

Leaders. This process will be initiated at the request of the Group Leader, in a particular case.

6.3 Such meetings will be private and informal.

6.4 Any documentation, attendance notes, file notes or advisory notes passing between a Group Leader (or as appropriate the Mayor) and the members of the Standards Committee shall remain private and confidential (subject to compliance with Freedom of Information legislation).



**IN THE CASE OF PERSISTENT BREACHES, GROUP LEADERS WILL MEET WITH THE CHIEF EXECUTIVE AND MONITORING OFFICER TO AGREE WAY FORWARD. CONSIDERATION MAY BE GIVEN TO JOINT REFERENCES TO THE OMBUDSMAN BY GROUP LEADERS FOR PERSISTENT, LOW LEVEL BREACHES.**

MO = Monitoring Officer  
PSOW = Public Services Ombudsman for Wales

## C. Confidential Reporting Procedure for Members

### 1. INTRODUCTION

- 1.1. This is the Council's confidential reporting procedure for Members referred to in paragraph 6(1)(b) of the Code of Conduct for Members which states:-

*“You must 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).”*

- 1.2. The purpose of this procedure is to provide clarity for Members on the process for raising such concerns within the Council.

### 2. SCOPE OF THIS PROCEDURE

This procedure applies to concerns about conduct by the following types of individuals (list not exhaustive):-

- (i) Other elected Members of the Council;
- (ii) Officers of the Council;
- (iii) Agency workers, consultants and contractors engaged by the Council;
- (iv) Volunteers who participate in the provision of services by the Council.

### 3. MATTERS TO WHICH THIS PROCEDURE DOES NOT APPLY

This procedure will generally not apply in the following cases:-

- (i) Matters subject to a current or closed investigation into a matter (either internally or externally);
- (ii) Concerns falling within the ambit of the Council's Whistleblowing Policy;
- (iii) Complaints arising out of a breach of the Protocol on Member/Officer Relations;
- (iv) Concerns about the safety and/or well-being of a person (child or adult);

Members should contact the duty team on **01978 292039/292066** or email [socialservices@wrexham.gov.uk](mailto:socialservices@wrexham.gov.uk) in normal office hours or the Out of Hours Emergency Duty Team on **0845 0533116** or email [emergency.hours@wrexham.gov.uk](mailto:emergency.hours@wrexham.gov.uk) or **in the case of immediate direct danger contact the police on 999.**

### 4. CONFIDENTIALITY

- 4.1. Reports or referrals made under this procedure are treated by the Council as made in confidence and will generally not be made public (or communicated to other Members or officers) unless required by law or in circumstances where this is necessary.
- 4.2. A Member who makes a report under this procedure will be expected to keep their report confidential and will ensure that any investigation is not impeded by disclosure of the report or complaint they have made.

## **5. REPORTING CONCERNS**

Wrongful activity to which this procedure applies should be reported to the Council's Monitoring Officer who will determine how to take the matter further. Reports may be made verbally or in writing. Reports made in writing must be clearly marked CONFIDENTIAL.

## **6. ACTION FOLLOWING A MEMBER'S REPORT**

- 6.1. Once the Monitoring Officer has received a report from a Member under this procedure, he will consider the matter and determine what, if any, further action is required. This may involve an investigation or direct resolution of the complaint.
- 6.2. Alternatively, the Monitoring Officer may decide that the matter requires the involvement of the Police or Public Services Ombudsman for Wales or another body, regulator or law enforcement agency.
- 6.3. The Monitoring Officer may advise the reporting Member of the outcome of the investigation. However, this may not be possible in all cases. Depending on the nature of the matter giving rise to the concern, it might be necessary for any further details of the investigation to remain confidential and as such to be withheld from the reporting Member.

## **D Procedure for Dealing with Allegations made against Councillors and referred to the Standards Committee**

### **1. INTRODUCTION**

This document sets out the procedure that the Council's 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 related regulations. If there is any conflict between this document and any statutory requirements then those statutory requirements will prevail.

### **2. INTERPRETATION**

In this procedure:

- 2.1 the "Act" means the Local Government Act 2000;
- 2.2 the "Council" means Wrexham County Borough Council;
- 2.3 the "Code of Conduct" means the code of conduct for members adopted by the Council or the community councils within the Council's area in 2008 in accordance with section 51 of the Act, including any revisions;
- 2.4 the "Complainant" means any person who made any allegation which gave rise to the investigation;
- 2.5 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;
- 2.6 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 s71(2) of the Act or by the Monitoring Officer under the Regulations;
- 2.7 the "Member" means any person who is the subject of an investigation into any alleged breach of the Code of Conduct;
- 2.8 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;
- 2.9 the "Ombudsman" means the Public Services Ombudsman for Wales;
- 2.10 the "Regulations" means the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001 as amended;
- 2.11 the "Standards Officer" means the officer for the time being appointed by the Council to support the work of the Standards Committee.

### 3. **SUMMARY OF THE PROCEDURE**

- 3.1 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.
- 3.2 Under section 70(4) of the Act, where the Ombudsman ceases such an investigation before it is completed, he/she may refer the matters which are the subject of the investigation to the Monitoring Officer. The Monitoring Officer will then investigate matters in accordance with the Regulations before reporting and, if appropriate, making recommendations to the Standards Committee.
- 3.3 Alternatively, under section 71(2) of the Act, where the Ombudsman decides after investigating that it is appropriate, he/she will produce a report on the outcome of the investigation and send it to the Monitoring Officer and the Council's Standards Committee. The Monitoring Officer will then consider the report of the Ombudsman in accordance with the Regulations, before, if appropriate, making recommendations to the Standards Committee.
- 3.4 The Standards Committee will then make an initial determination either:
  - 3.4.1 that there is no evidence of any failure to comply with the Code of Conduct;  
or
  - 3.4.2 that the Member should be given the opportunity to make representations, either orally or in writing.
- 3.5 Where the Member is given an opportunity to make representations, the Standards Committee will convene a hearing to consider any response made by the Member and it must determine under regulation 9(1) of the Regulations either that:
  - 3.5.1 there is no evidence of any failure to comply with the Code of Conduct and that therefore no action needs to be taken;
  - 3.5.2 the Member has failed to comply with the Code of Conduct but that no action needs to be taken in respect of that failure;
  - 3.5.3 the Member has failed to comply with the Code of Conduct and should be censured; or
  - 3.5.4 the 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.

### 4. **INVESTIGATIONS BY THE MONITORING OFFICER (REFERRALS UNDER SECTION 70(4) OF THE ACT)**

- 4.1 Where the Ombudsman ceases his/her 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:
  - 4.1.1 conduct and investigation; and

4.1.2 report, and if appropriate, make recommendations to the Council's Standards Committee.

4.2 The Monitoring Officer will investigate in accordance with the Regulations and may follow such procedures as he or she considers appropriate in the circumstances of the case.

4.3 After concluding an investigation, the Monitoring Officer must:

4.3.1 produce a report on the findings of his or her investigation and, if appropriate, may make recommendations to the Standards Committee;

4.3.2 send a copy of the report to the Member; and

4.3.3 take reasonable steps to send a copy of the report to the Complainant.

4.4 The Standards Committee will consider the Monitoring Officer's report and any recommendations in accordance with the procedure set out below.

5. **INVESTIGATIONS BY THE OMBUDSMAN (REFERRALS UNDER SECTION 71(2) OF THE ACT)**

5.1 Where the Ombudsman completes his or her investigation and sends a report to the Monitoring Officer and the Council's Standards Committee under section 71(2) of the Act, the Monitoring Officer must consider the Ombudsman's report and, if appropriate, make recommendations to the Council's Standards Committee.

5.2 The 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.

6. **THE FIRST MEETING OF THE STANDARDS COMMITTEE - INITIAL DETERMINATION**

6.1 After the Monitoring Officer has:

6.1.1 produced an investigation report in accordance with paragraph 4.3; or

6.1.2 considered the Ombudsman's investigation report in accordance with paragraph 5.1

he/she will arrange for a meeting of the Standards Committee to be convened as soon as possible and for a copy of the investigation report, together with the Monitoring Officer's recommendations (if any), to be sent to each of the members of the Standards Committee.

6.2 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 Standards Committees (Wales) Regulations 2001.

6.3 If the investigation report is produced by the Ombudsman, the Monitoring Officer will advise the Standards Committee. If the investigation report is produced by the Monitoring Officer, the Standards Officer or some other suitably qualified person will advise the Standards Committee.



6.4 The business of the Standards Committee meeting will be limited to considering the investigation report and the Monitoring Officer's recommendations (if any) and to making an initial determination either:

6.4.1 that there is no evidence of any failure to comply with the Code of Conduct;  
or

6.4.2 that the Member should be given the opportunity to make representations,

either orally or in writing in respect of the findings of the investigation and any allegation that he or she has failed, or may have failed, to comply with the Code of Conduct.

## **7. AFTER THE FIRST MEETING OF THE STANDARDS COMMITTEE**

7.1 Where the 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.

7.2 Where the Standards Committee decides that the Member should be given the opportunity to make representations, the Standards Officer will notify the Member of the Committee's decision and the procedure which the Committee proposes to adopt to receive and consider any representations that he or she may wish to make.

## **8. PREPARING FOR THE HEARING TO CONSIDER THE MEMBER'S REPRESENTATIONS**

8.1 The Standards Officer, in consultation with the Chair of the 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 respond in writing within 14 days to confirm whether he/she:

8.1.1 is able to attend the hearing;

8.1.2 wants to make representations, whether orally or in writing and if so, to include any written representations in his or her response;

8.1.3 disagrees with any of the findings of fact in the investigation report, and if so, which matters he or she disagrees with and the reasons for any disagreements;

8.1.4 wants to appear before the Committee in person or be represented at the hearing by a solicitor, barrister or any other person, in accordance with his/her right under the Regulations;

8.1.5 wants to give evidence to the Standards Committee, either orally or in writing;

8.1.6 wants to call relevant witnesses to give evidence to the Standards Committee;

8.1.7 wants any part of the meeting to be held in private;

8.1.8 wants any part of the investigation report or other relevant documents to be withheld from the public

- 8.2 The Standards Officer will notify the Investigating Officer of the proposed hearing date and ask whether he or she will be attending the hearing.
- 8.3 The Standards Officer will send a copy of the Member's response under paragraph 8.1 to the Investigating Officer and will ask him/her to confirm in writing within seven days whether he/she:
  - 8.3.1 has any comments on the Member's response;
  - 8.3.2 wants to be represented at the hearing;
  - 8.3.3 wants to call relevant witnesses to give evidence to the Standards Committee;
  - 8.3.4 wants any part of the meeting to be held in private; and
  - 8.3.5 wants any part of the investigation report or other relevant documents to be withheld from the public.
- 8.4 The Standards Officer will write to the members of the Committee, the Member and the Investigating Officer at least two weeks before the hearing to:
  - 8.4.1 confirm the date, time and place for the hearing;
  - 8.4.2 summarise the allegation;
  - 8.4.3 outline the main facts of the case that are agreed;
  - 8.4.4 outline the main facts which are not agreed;
  - 8.4.5 note whether the Member or the Investigating Officer will attend or be represented at the hearing;
  - 8.4.6 list those witnesses, if any, who will be asked to give evidence;
  - 8.4.7 enclose the investigation report, any relevant documents, the Member's response and any further response from the Investigating Officer; and
  - 8.4.8 outline the proposed procedure for the meeting.

## 9. **POWERS OF THE STANDARDS COMMITTEE**

- 9.1 The Standards Committee 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. It must so far as appears to it appropriate seek to avoid formality and inflexibility in its proceedings. The Standards Committee will decide factual evidence on the balance of probabilities.
- 9.2 The Member or the Investigating Officer may be represented or accompanied whether or not legally qualified but if in any particular case the 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.

- 9.3 The 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.
- 9.4 Where appropriate, and in accordance with the Regulations, the Standards Committee has power to censure the Member, or suspend or partially suspend the Member for a period not exceeding six months.

## 10. **PROCEDURE AT THE HEARING**

- 10.1 The hearing will be held in public unless the Standards Committee is persuaded that there is a good reason to exclude the public.
- 10.2 The procedure at the meeting shall be as set out below, subject to the Chair making such changes as he or she thinks fit in order to ensure a fair and efficient hearing.

### 10.3 **Introduction**

The Chair of the Standards Committee will introduce those persons present and will explain the manner and order of proceedings

### 10.4 **First Stage - Preliminary Procedural Issues**

The Standards Committee will then resolve any issues or disagreements about how the hearing should continue, which have not been resolved during the prehearing process.

### 10.5 **Second Stage - Making Findings of Fact**

The Standards Committee will then consider whether or not there are any significant disagreements about the facts contained in the investigation report.

10.5.1 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 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;
- (c) the Member will then be invited to make representations to support his or her version of the facts;
- (d) the Member may call any necessary witnesses to give evidence, with the 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.

10.5.2 At any time, the Standards Committee may question any of the people involved or any of the witnesses.

10.5.3 If the Member disagrees with any relevant fact in the investigation report, without having given prior notice of the disagreement, he or she must give good reasons for not mentioning it before the hearing. If the Investigating Officer is not present, the 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 he or she is not already.

10.5.4 At the conclusion of the representations as to matters of fact, the Standards Committee will retire to deliberate in private on the representations, after which the Chair of the Standards Committee will announce their findings of fact.

#### 10.6 **Third Stage - Deciding whether the Member has failed to comply with the Code**

10.6.1 The Standards Committee will then consider whether, based on the facts it has found, the Member has failed to comply with the Code.

10.6.2 The 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.

10.6.3 The 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, he or she has failed to comply with the Code of Conduct.

10.6.4 The Standards Committee may, at any time, question anyone involved on any point they raise in their representations.

10.6.5 The Member will be invited to make any final relevant points.

10.6.6 The Standards Committee will retire to deliberate in private on the representations and decide whether or not the Member has failed to comply with the Code of Conduct, after which the Chair of the Standards Committee will announce their findings.

#### 10.7 **Fourth Stage - Action to be Taken**

10.7.1 If the Standards Committee decides that the Member has not failed to comply with the Code of Conduct, it will 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.

10.7.2 If the 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.

10.7.3 The Standards Committee will retire to deliberate in private on the representations and decide either 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,

after which the Chair of the Standards Committee will announce their decision.

10.7.4 After making a decision the 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 (including details of the Member's right of appeal) to the Member, the Complainant and the Ombudsman as soon as reasonably practicable.

## **11. FAILURE TO MAKE REPRESENTATIONS / ATTEND THE HEARING**

11.1 If the Member fails to make representations, the Standards Committee may:

11.1.1 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

11.1.2 give the Member a further opportunity to make representations.

11.2 If a party fails to be present or represented at a hearing, the 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:

11.2.1 hear and decide the matter in the party's absence; or

11.2.2 adjourn the hearing.

## **12. ILLNESS OR INCAPACITY**

If the 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 Standards Committee may make such arrangements as may appear best suited, in all the circumstances of the case, for disposing fairly of the matter.

### 13. **SUSPENSION**

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

- 13.1 the expiry of the time allowed to lodge a notice of appeal to an appeals tribunal under the Regulations (ie within 21 days of receiving notification of the Standards Committee's determination);
- 13.2 receipt of notification of the conclusion of any appeal in accordance with the Regulations;
- 13.3 a further determination by the Standards Committee made after receiving a recommendation from an appeals tribunal under the Regulations,

whichever occurs last.

### 14. **REFERRAL BY AN APPEALS TRIBUNAL**

- 14.1 Where the 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.
- 14.2 An appeals tribunal may endorse the decision of the Standards Committee, refer a matter back to it recommending it impose a different penalty, or overturn the decision.

14.3 If:

- 14.3.1 the Standards Committee determines that the Member failed to comply with the Code of Conduct;
- 14.3.2 the Member appeals to an appeals tribunal drawn from the Adjudication Panel for Wales; and
- 14.3.3 the said tribunal refers the matter back to the Standards Committee with a recommendation that a different penalty be imposed,

the 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.

- 14.4 After making its determination the 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.

### 15. **PUBLICATION OF THE STANDARDS COMMITTEE'S REPORT**

15.1 The Standards Committee will cause to be produced within 14 days after:

- 15.1.1 the expiry of the time allowed to lodge a notice of appeal under the Regulations, or
- 15.1.2 receipt of notification of the conclusion of any appeal in accordance with the Regulations, or

15.1.3 a further determination by the 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.

15.2 Upon receipt of the report of the Standards Committee, the Monitoring Officer shall:

15.2.1 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;

15.2.2 supply a copy of the report to any person on request if he or she pays such charge as the Council may reasonably require, and

15.2.3 not later than seven days after the report is received from the 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 paragraphs 15.2.1 and 15.2.2 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.

## 16. **COSTS**

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

## **SECTION 19**

# **CODE OF CONDUCT FOR MEMBERS & OFFICERS DEALING WITH PLANNING MATTERS**



## **Section 19**

# **PLANNING CODE OF PRACTICE**

## **1. INTRODUCTION**

- 1.1 This Code of Practice is intended to guide the procedures by which Councillors ('Members') and Officers of the Council deal with planning matters and to set standards of probity and conduct which the people of Wrexham can expect of them.
- 1.2 The town and country planning system involves the Council taking decisions about the development and use of land in the public interest. Planning law requires that all planning applications be determined in accordance with the adopted Wrexham development plan unless material planning considerations indicate otherwise.
- 1.3 As Planning affects peoples' lives and private interests it can be very contentious. It is therefore important that the people of Wrexham understand the system and have confidence in its integrity and transparency, and that Members and Officers avoid impropriety or even the suspicion of impropriety. This approach is endorsed by the Committee on Standards in Public Life (the Nolan Committee), District Audit and the Local Government Association.
- 1.4 Members and Officers must not only ensure that their conduct accords with the Council's Codes of Conduct for Members and Officers (which cover such matters as declarations of interests, gifts and hospitality), but, when dealing with planning matters, also act in accordance with this Planning Code of Practice.
- 1.5 A breach of this code, while not usually amounting to a breach of criminal law, may adversely affect the standing of the Council. It could result in a decision being judicially reviewed or in a complaint of maladministration or an allegation of a breach of the Code of Conduct being made to the Local Government Ombudsman.
- 1.6 If Members or Officers are in doubt about the application of this Code they should seek advice from the Council's Monitoring Officer.

## **2. GENERAL ROLES, RESPONSIBILITIES AND CONDUCT**

- 2.1 The elected Councillors ('Members') and Officers have different, but complementary roles in the planning process. Members of the Planning Committee have different roles to other Councillors.

### **Members of the Planning Committee**

- 2.2 Councillors who are Members of the Planning Committee determine the more significant and contentious planning applications received by the Council and make recommendations on the adoption of planning policy, such as the Development Plan. In doing so these Members perform a quasi-judicial role and are required to consider all planning proposals against the wider public interest.
- 2.3 The full Council can, in exceptional circumstances, carry out the functions of the Planning Committee. Other applications are delegated to the Chief Officer Planning & Regulatory to decide, as described in Paragraph 2.10 below.

## 2.4 Planning Committee Members shall:

1. act fairly and openly and avoid any actions which would give rise to an impression of bias
2. avoid inappropriate social contact with applicants and their agents, objectors and other interested parties
3. approach each planning application/issue with an open mind, avoiding pre-conceived ideas
4. not organise support or opposition to a planning application
5. not publicly\* express an opinion in advance of deciding an application which may be taken to indicate that they have made up their minds without hearing all the evidence and arguments which will be presented at the Planning Committee.

If a Member of the Planning Committee publicly\* supports a particular outcome or expresses a final view on an application prior to the meeting of the Committee it will be very difficult for that Member to argue convincingly, when the Committee comes to take a decision, that he or she has carefully weighed the arguments. The proper course of action for such a Member would be to make an open declaration, not speak and not vote. Failure to do so could place the Council in danger of judicial review or complaint to the Local Government Ombudsman.

- \* 'Publicly', in this context means any situation where the view expressed might reasonably be expected to gain wider public circulation including a statement to the press, in a letter submitted by the Member to the Planning & Regulatory Department, or at a meeting of a Community/Town Council (or one of its Committees).
6. carefully weigh up all relevant planning issues before making a decision
  7. make decisions purely on planning grounds in the public interest and not favour, or appear to favour, any person, company, group or locality. In this respect, while Committee Members have a special duty to their Ward constituents, including those who did not vote for them, their over-riding duty is to the whole community.
  8. not decide how to vote on applications on the basis of a political 'whip', but on the planning merits of each case. (The view of the Ombudsman is that subjecting a planning decision to the discipline of the political whip could amount to maladministration)
  9. ensure that the reasons for their decisions are clearly stated.

### **Members of the Planning Committee who are also Members of Community/Town Councils**

- 2.5 Membership of a Community/Town Council provides an opportunity to listen to local views and does not of itself give rise to a conflict of interest for a Planning Committee Member provided he/she maintains an open mind until all the evidence & arguments have been presented at the Planning Committee.
- 2.6 If the Member is present at a meeting of the Community/Town Council (or one of its Committees) when a planning application/matter is under consideration, he/she can enter into discussion and ask questions, but should not express a view in favour or against the proposal and should not vote.

- 2.7 If a Planning Committee Member expresses a firm view in support or against an application at a meeting of the Community/Town Council (or one of its Committees), he/she should take no part in the subsequent determination of that application at the Planning Committee.

### **Non-Committee Members of the Council**

- 2.8 Non-Planning Committee Members represent their Wards and the County Borough as a whole and may exercise their right to attend the Planning Committee and Committee site inspections to speak on any planning matter (subject to declarations of interest), but may not vote. Such Members do not act in the quasi-judicial role performed by Committee Members, but shall: -
1. act fairly and openly and avoid any actions which would give rise to an impression of bias or undue influence
  2. avoid inappropriate social contact with applicants and their agents, objectors and other interested parties
- 2.9 Such Members may express support for a particular opinion in advance of the matter being considered by the Committee (or by the Chief Officer Planning & Regulatory under delegated powers), but should respect the fact that Planning Committee Members cannot do the same.

### **All Members**

- 2.10 Members shall not pressure Officers to make particular recommendations in reports.

### **Officers**

- 2.11 The Chief Officer Planning & Regulatory makes decisions on a proportion of planning applications under delegated powers and makes recommendations on more significant and contentious applications and other planning matters for decision by the Planning Committee and the Council. In considering applications and in advising Members and the public on planning policy, the determination of planning applications, enforcement and other planning matters, Planning Officers shall: -
1. act fairly and openly and avoid any actions which would give rise to an impression of bias
  2. avoid inappropriate social contact with applicants and their agents, objectors and other interested parties
  3. approach each planning application/issue with an open mind, avoiding pre-conceived ideas
  4. carefully weigh up all relevant planning issues
  5. make decisions purely on planning grounds having regard to the development plan and other material considerations
  6. give professional, objective and consistent planning advice
  7. provide a comprehensive and accurate analysis of the planning issues
  8. give a clear recommendation
  9. carry out the decisions of the Committee
- 2.12 The Council's Legal Officers advise Members on legal and procedural matters. In doing so, they must: -

1. act fairly and openly and avoid any actions which would give rise to an impression of bias
2. avoid inappropriate social contact with applicants and their agents, objectors and other interested parties
3. give professional, objective and consistent advice
4. carry out the decisions of the Committee so far as they relate to the completion of any legal agreement, institution/defence of proceedings etc.

### **3. PRE-APPLICATION/DECISION AND ENFORCEMENT DISCUSSIONS**

- 3.1 Discussion and negotiation are essential in the planning process as they can bring about improvements that can make an application acceptable or otherwise remedy problems.
- 3.2 Such discussions will normally take place at officer level and Members shall, wherever possible, refer requests for such advice to the Officers. If Members become involved in such discussions they should make clear that their views are personal and provisional and they may wish to make a record of the discussion.
- 3.3 All Officers taking part in such discussions shall:
  1. make clear whether or not they are the decisionmaker for the purposes of the application/issue under discussion
  2. make clear that only personal and provisional views can be expressed which will not bind the Council to reach a particular decision when determining an application
  3. express views in the context of the development plan and other material planning considerations
  4. be consistent in interpreting planning policies
  5. advise applicants and neighbours/objectors on procedural matters
- 3.4 Occasionally local people or Community/Town Councils will arrange public meetings to discuss a current application and may invite the applicants, Members and Officers to attend. Given the need to avoid pre-determination, Members of the Committee and Officers who attend such meetings shall use them for fact-finding; not express an opinion for or against the proposal and shall otherwise act in accordance with Paragraphs 2.2 to 2.6 and 3.3 above.

### **4. LOBBYING OF MEMBERS OF THE PLANNING COMMITTEE**

- 4.1 It is a legitimate part of the planning process for applicants, neighbours, non-Committee Members and other interested parties to approach Members of the Planning Committee. These discussions can help Members to understand the issues and concerns. As stated in the Nolan Committee Third Report: "it is essential for the proper operation of the Planning system that local concerns are adequately ventilated"
- 4.2 In responding to approaches of this kind, Committee Members shall follow the 9 principles outlined in Paragraph 2.3 above and may wish to make a record of the discussion, but may also: -
  1. Explain the potentially conflicting position they are in if they express an opinion on a proposal before consideration at the Committee/by the Chief Officer Planning & Regulatory

2. Explain the procedures by which representations can be made; the discretionary system of allowing the public to speak at the Committee, should the application come to the Committee for decision, and that a decision will be taken only when all relevant planning considerations have been taken into account
3. Explain the kinds of planning issues that the Council can take into account
4. Report issues raised to the Officers or direct the public to the Officers so that their views can be considered
5. Advise the public to contact non-Committee Members who may be able to represent local views with less restraint

## **5. PLANNING APPLICATIONS SUBMITTED BY MEMBERS, COMMUNITY/TOWN COUNCILS AND OFFICERS**

- 5.1 Planning Applications submitted by or on behalf of Members or Officers employed in the Planning & Regulatory Department or their close relatives\* where known, shall be decided by the Planning Committee and not by the Chief Officer Planning & Regulatory under delegated powers. This will also apply where the Member or Officer is acting as an agent for another party. (\*'Close relative' is defined as spouse, partner, parent, child or sibling).
- 5.2 The affected Member shall declare an interest and take no part in the decision.
- 5.3 The affected officer shall take no part in the decision.
- 5.4 Where a Community/Town Council submits a planning application, the County Borough Council Members who are also Members of that Community/Town Council should disclose their interest and not vote on that application should it come to Committee for decision.

## **6 OFFICERS' REPORTS TO THE PLANNING COMMITTEE**

- 6.1 All Planning matters considered by the Planning Committee will be the subject of full written reports by the Chief Officer Planning & Regulatory (or, in the case of legal matters, the Chief Officer Governance & Customer) incorporating his/her recommendations. Such reports shall be comprehensive, but succinct in setting out the key planning (or legal) issues to be considered (in terms of the provisions of the development plan and other material planning considerations), the substance of any representations received and any relevant planning history.

## **7 PUBLIC SPEAKING AT THE PLANNING COMMITTEE**

### **Eligibility to Speak**

- 7.1 The planning application concerned must be on the agenda of the Planning Committee meeting in question. Public speaking is not permitted at
  - Committee meetings if the application has been discussed at a previous meeting, but deferred
  - Committee site inspections, unless asked by the Chair to clarify factual matters
  - Committee meetings convened to decide applications following site inspections

- 7.2 Both applicants (or their agents) and objectors (or their agents) can speak and there are no other qualifying criteria other than compliance with the Council's procedure attached as Appendix 1.
- 7.3 Normally only one person can speak for and one person against an application. Very exceptionally **the Chair** of the Committee may exercise his/her discretion to allow one additional speaker per 'side'. This discretion will usually only be exercised for major applications where there are significant differences of view within one 'side' (e.g. two people speaking against an application for a large supermarket where one represents the views of retailers and the other the views of nearby residents). In such cases the 'other side' will be allowed 2 speakers or twice the normal time, if they wish to use it.
- 7.4 Anyone requesting to speak must allow the Council to give their name and contact number to other people (of the same view) wishing to speak so that they can agree on a spokesperson, the issues to raise etc. If they cannot agree, the first person who notified the Council of his/her intention to speak will normally be chosen to speak.
- 7.5 Requests to speak must be made to the **Administration Manager** in the Planning & Regulatory Department before the deadline referred to in the notification letters sent to applicants and neighbours and published on the web-site (presently 4.30 p.m. on the Friday before the Committee).

#### **Time Allowed to Speak**

- 7.6 The spokesperson will be allowed **up to 3 minutes** to address the Committee.

#### **Visual Aids**

- 7.7 The spokesperson may not circulate or display written material in the Committee meeting. Any written representations should have been submitted to the Council during the statutory publicity period and will be summarised in the Officer's report.

#### **Procedure**

- 7.8 The procedure for public speaking at Committee is described in **Appendix 1**.

## **8 PLANNING COMMITTEE SITE INSPECTIONS**

#### **Purpose of Committee Site Inspections**

- 8.1 Committee site inspections are fact-finding exercises which allow the Planning Committee to make a more informed decision than would otherwise be possible from reading the officer's report and considering the views expressed at the Committee meeting by interested parties.

#### **Requests for Inspections**

- 8.2 Requests by Members for site inspections shall be made to the Planning Committee with reasons and the issues they would like the Committee to inspect while on site.

#### **Criteria for Agreeing to Hold Site Inspections**

8.3 Site visits involve delay in determining the applications concerned and additional cost. While the decision whether to undertake an inspection is a matter for the Planning Committee, Members shall ensure that such visits are only held where the Committee cannot make an informed decision without seeing the site for themselves and the inspection would have substantial benefit. Examples where a site visit would not normally be appropriate include where:

1. purely policy matters or issues of principle are at issue
2. the Member simply disagrees with the conclusion reached in the report

### **Attendance**

8.4 Members of the Planning Committee will carry out the inspections, but non-Committee Members may also attend and address the meeting on issues of fact.

8.5 The applicant has a right of attendance at the site, but not to join in the meeting, except to answer questions from the Chair of the Committee on issues of fact.

8.6 The public does not have a right of attendance at the site, other than from public vantage points, and cannot address the meeting, except to answer questions from the Chair of the Committee on issues of fact.

8.7 Local Members and the public can attend the Planning Committee meeting that follows the site inspections.

### **Conduct**

8.8 The inspections will be chaired by the Chair of the Planning Committee (or in his/her absence by the Vice-Chair) who will ensure that they are conducted as a single meeting and in an orderly fashion.

8.9 Members of the Planning Committee attending the site inspection shall not make comments that would create an impression that they have already formed a view on the merits of the application.

8.10 Members of the Planning Committee shall not discuss the application, other than to clarify issues of fact, and shall not make a decision while on site.

8.11 If a Member finds it necessary to visit a site alone (perhaps because it was not possible to attend the Committee inspection), he or she shall view it from public vantage points only, seek to avoid discussion with interested parties, and, if discussion occurs, make it clear that a decision will be taken when it has been discussed by the Committee after the site inspections.

### **Procedure**

8.12 The procedure for Committee site inspections is described in **Appendix 2**.

## **9 PLANNING COMMITTEE DECISIONS CONTRARY TO OFFICER RECOMMENDATION**

9.1 From time to time the Committee will disagree with professional advice given by the Officers and may decide to determine an application contrary to that advice. When this occurs the Chair of the Planning Committee will endeavour to ensure that the following principles are followed:-

1. Members shall clearly express the planning reason(s) for their decision and these shall be minuted
2. The Officers shall be given an opportunity to explain to the Committee the planning and/or legal implications of their intended decision before the decision is confirmed
3. Where the Committee wish to add or amend conditions/reasons or attach a planning obligation the Officers shall be given the opportunity to explain the planning and/or legal implications before the decision is confirmed

## **10 APPEALS AGAINST COUNCIL DECISIONS**

10.1 Officers will organise and generally appear as witnesses at planning appeals and other proceedings on behalf of the Council. In some circumstances it may be necessary to appoint consultants to appear for the Council.

10.2 In giving evidence Officers will present the best possible case on behalf of the Council while complying with the RTPI Code of Professional Conduct \*.

10.3 In cases where the appeal is against a decision which the Committee has made contrary to the Officers' recommendation, the planning case-officer may be able to give evidence, but in some cases, another officer or consultants will be employed if the Chief Officer Planning & Regulatory considers that the case-officer's previously stated views may be unhelpful to presenting a full case.

10.4 Members can have an important role to play in appeals and may, within set deadlines, make written representations to the inspector and may also appear at Informal Hearings or as a witness at Inquiries. In doing so they should state whether they are acting in their local Councillor capacity or, exceptionally, representing the Council's case.

10.5 Officers shall support Members who wish to attend the appeal and/or make representations and advise them on preparing and delivering evidence.

\* The Royal Town Planning Institute Code of Professional Practice requires, inter alia, that Planning Officers who are members of the Institute do not make statements purporting to be their own, but which are contrary to their bona fide professional opinion

## **11 MEMBER TRAINING**

11.1 The Council has decided that Members of the Planning Committee shall undertake training and that this opportunity be offered to all Members.

11.2 Members will be offered core training within three months of appointment to the Committee. This will take the form of 2 one-day sessions covering planning procedures, the development plan and material planning considerations, probity and



other subjects determined from time to time by Officers in consultation with the Members.

- 11.3 Other training will be available in the form of additional sessions, short presentations to the Committee and the circulation of briefing notes.

WREXHAM COUNTY BOROUGH COUNCIL

PROTOCOL ON PUBLIC SPEAKING AT THE PLANNING COMMITTEE

JUNE 2015

1. INTRODUCTION

- 1.1 This protocol explains the procedure by which the public can address the Planning Committee. The public cannot address the Committee as of right, but at the discretion of the Chair of the Committee and in accordance with the Council's Planning Code of Practice and the procedure set out below.

2. THE PROCEDURE

**Pre-Committee Notification of the Public**

- 2.1 The Council's letters acknowledging receipt of applications and notifying neighbours of applications include a note explaining how representations can be made and summarising the procedure by which the public can speak at the Committee. This note is also published on the Council's web-site.
- 2.2 Persons must write to, e-mail or telephone **the Administration Manager** in the Planning & Regulatory Department to express a wish to speak or be informed if the application is to go to the Committee so that they can decide later whether to speak. Either way, **the Administration Manager** will advise them that the application may not necessarily be determined by Committee, unless representations are made contrary to the Planning Officers intended recommendation, but that if it is referred to Committee he/she will ring/write to/e-mail them.
- 2.3 Requests to speak must be made before the deadline included in the notice to applicants and neighbours and published on the Council's web-site. It is currently 4.30 p.m. on the Friday before the Committee meeting, but may change over time. If a request to speak is received after the deadline, the **Administration Manager** will make it clear to the member of the public that the Chair of the Planning Committee may exercise his/her discretion to allow them to speak, but that it will not be possible to confirm this until immediately before the Committee meeting (following confirmation by the Chair in the pre-Committee briefing) and that they should ask the **Committee Clerk** when attending the Committee Meeting.
- 2.4 Persons requesting to speak must allow the Council to give their name and telephone number to others of the same view who subsequently request to speak. This allows them to agree who will speak on the night and the issues to raise, but should they not reach agreement, the first person to request to speak will normally be allowed to do so. The speaker will also be asked whom they are representing so that this can be indicated on the report to the Committee (e.g. applicant, agent, neighbour, representing neighbours).

- 2.5 If a second person contacts the Council asking to speak, **the Administration Manager** informs him/her that the Council has already received a request and gives the name and telephone number of the person concerned so that they can discuss content etc. The second person's name is retained in case the first person no longer wishes to speak.
- 2.6 The **Administration Manager** logs requests to speak on a database.
- 2.7 If the application is decided by the Chief Officer Planning & Regulatory under delegated powers the **Administration Manager** rings or e-mails the 'speaker' to inform them of the decision.
- 2.8 When the **Administration Manager** assembles the planning applications item of the Committee Agenda he/she contacts the first person on the list who expressed an interest in speaking, and informs them of:
- the recommendation
  - where the report can be inspected
  - arrangements for attending the Committee (e.g. venue, parking, disabled access, need to report to the Committee Clerk between 3.30 and 3.45 p.m).
  - not needing to repeat points already reported in the written representations

If the first person on the list does not wish to speak the **Administration Manager** will contact the second person.

### **The Committee Agenda**

- 2.9 The Committee agenda will be ordered as follows so that the speakers do not need to sit through the whole agenda:
1. apologies
  2. minutes
  3. **planning applications**
  4. other items for decision
  5. other items for information

### **The Day of the Committee**

- 2.10 On the day of the Committee, the **Planning Control Manager** prepares an Addendum Report which, in addition to listing information and representations received since the agenda was prepared, lists those applications for which there are speakers. The Addendum re-orders the agenda on the night so that those applications with 'speakers' are heard first.
- 2.11 The **Planning Control Manager** informs Ward Members of any intention to change a recommendation.
- 2.12 The **Planning Control Manager** prints the Addendum for collection by the **Committee Clerk** by **1.30 p.m.** on the day of the Committee.
- 2.13 **The Committee Clerk** brings the Addendum to the pre-Committee Briefing meeting.
- 2.14 **Planning Admin Officers** place copies of the Addendum in Member and public seating areas when the application files are brought to the Committee room.

## **Pre-Committee Chair/Vice-Chair Briefing Meeting**

2.15 The **Chair** considers late requests to speak. He/she will usually exercise his/her discretion to allow a speaker only where there is already one for 'the other side'. Otherwise it would be unfair to those who do not attend because they are aware that no one has requested to speak.

## **Immediately Prior to the Start of the Committee**

2.16 At 3.30 p.m. (up to **3.45 p.m.**), the **Committee Clerk** greets the speakers, explains that the Chair will call them to speak, where to sit, that they have 3 minutes and that the Chair will ask them to return to their seat unless Members have questions.

2.17 If anyone asks to speak who is not listed on the Addendum, the **Committee Clerk** explains that it may be too late, but that he will ask the Chair.

2.18 Other people may say that they are speaking instead of the person listed in the Addendum and the **Committee Clerk** notes these on the Addendum. There are unlikely to be disputes about this, but if there are, the person named on the Addendum will be called to speak.

2.19 The **Committee Clerk** notifies the Chair by giving him a marked version of the Addendum Report.

2.20 **The Chair** says whether he is prepared to allow the late speakers.

2.21 The **Committee Clerk** informs the late speaker of the Chair's decision.

## **Management of the Committee Meeting**

2.23 **The Chair** welcomes the public and explains that following consideration of the minutes, the items for which there are speakers will be heard first. He refers people to the Addendum, which shows this revised running order and advises them that the agenda will revert to its original order once these items have been dealt with.

2.24 If there is a very large application **the Chair** will usually take this first, even before the minutes, in order to allow the public to leave and make the rest of the meeting more manageable.

2.25 **The Chair** informs the public that there are Ward Members in the room. This announcement shows the public the different roles performed by the Members in the meeting.

2.26 **The Chair** calls forward the first speaker against an application. The speaker sits at the main table with the microphone. The speaker is not permitted to distribute written material, hold placards etc or use videos.

2.27 Once the speaker starts, the **Committee Clerk** starts a clock that makes a 'peep' audible to all in the room. Once the 3 minutes are up this makes another audible peep.

2.28 If the speaker takes more than 3 minutes **the Chair** usually waits for him/her to finish a sentence and then tactfully says something like 'I'm afraid your 3 minutes are up.' He

does not allow them to go over in the interests of fairness, but if they seem to be unfamiliar with the process he may allow them a few seconds more and then allow the speaker 'for' the proposal to have a similar extension of time.

2.29 Occasionally **Committee Members** may ask a question of the speaker through the Chair, but the speakers are not allowed to enter into debate with the Members.

2.30 **The Chair** asks the speaker to return to his/her seat before inviting the speaker 'for' the application to the microphone.

2.31 If one of the speakers does not arrive and the remaining speaker is in favour of the officers' recommendation and there is no Ward Member who wishes to speak, a **Committee Member** may ask to 'test the water' by moving the recommendation and if this is carried without debate, the speaker is not invited to speak. However, if a Ward Member wishes to speak or Members want to ask questions or discuss the application, **the Chair** will invite the speaker to speak first.

2.32 **The Chair** invites non-Committee Members to speak **after the public/applicant, but before discussion by the Committee**. These Members come forward to the microphone used by the public.

2.33 The application is discussed in the normal way.

2.34 **The Chair** reports the decision to the public.

2.35 The **Committee Clerk** minutes who actually spoke at the Committee.

### **Reverting to the Main Agenda**

2.36 When the items with speakers have finished the original agenda resumes. This merely requires the list of the page numbers that have been dealt with to be marked as the meeting goes along in order to fill the blanks.

**WREXHAM COUNTY BOROUGH COUNCIL  
PROTOCOL ON PLANNING COMMITTEE SITE INSPECTIONS**

**MAY 2003**

**1. INTRODUCTION**

1.1 This protocol explains the procedure by which the Planning Committee conducts site inspections.

**2. PROCEDURE**

2.1 All Council Members will be notified of site inspections.

2.2 The applicant will be notified to facilitate access to the site.

2.3 A list of site visits and times will be publicised in accordance with the normal arrangements and the statutory requirements for Committee meetings.

2.4 The Chair (or in his absence Vice-Chair) will call the meeting to order.

2.5 The Planning Officer will give a brief summary of the application and planning issues at the beginning of each inspection

2.6 Non-Committee Members will be permitted to address the Committee on issues of fact.

2.7 The applicant and neighbours will not be permitted to address the Committee during the inspection, but may be asked to clarify issues of fact by the Chair.

2.8 The Planning Committee will not discuss the application or come to a decision on site, but may, through the Chair, ask questions of the officers, applicant or public to clarify factual matters. Any such questions put to the applicant or public shall be put so that they can be heard by both parties.

2.9 The Planning Committee will convene after the last inspection in the Guildhall to reach a decision when Members will have before them all necessary information to be able to make an informed decision and all parties will have the opportunity to be present. The Local Members can address the Committee, but the applicant and neighbours will not be permitted to speak.

## **SECTION 20**

# **CODE OF CONDUCT FOR EMPLOYEES**

## **Section 20**

# **Officers' Code of Conduct**

**Wrexham County Borough Council Employees**

### **CONTENTS**

- 1. Introduction**
- 2. General Principles**
- 3. Accountability**
- 4. Equality**
- 5. Standards & Attitude**
- 6. Confidentiality & Disclosure of Information**
- 7. Politically Restricted and Neutrality**
- 8. Relationships with Members, Contractors, the Public and Other Employees**
- 9. Appointments & Outer Employment Matters**
- 10. Outside Commitments**
- 11. Personal Interests**
- 12. Financial Regulations**
- 13. Stewardship**
- 14. Tendering Procedures**
- 15. Corruption & Bribery**
- 16. Gifts & Hospitality**
- 17. Sponsorship – Giving & Receiving**
- 18. Whistleblowing**
- 19. Investigation by the Monitoring Officer**
- 20. Disciplinary Policy and Procedure, Grievance Procedures and Conditions of Service**



## 1. INTRODUCTION

- 1.1 Set out below is the Code of Conduct (the Code) which is incorporated by law into the terms and conditions of employment of every employee of the Council (except teachers). This is based on the National Assembly for Wales Statutory Code of Conduct.
- 1.2 The Code incorporates the Statutory Code and also additional standards which are expected of all employees of Wrexham County Borough Council. The aim of the Code is to lay down the requirements for employees which will help maintain and improve standards and protect employees from any misunderstanding or criticism and is designed to provide clear guidance to assist employees in their day to day work. These are the minimum standards that should apply.
- 1.3 Some of the provisions will affect senior, managerial and professional employees more than others. The Code, however, covers all employees with a contract of employment with the Council, including office holders such as registrars.

## 2. GENERAL PRINCIPLES

- 2.1 The public is entitled to expect the highest standards of conduct from all employees. The role of such employees is to serve the Council in providing advice, implementing its policies, and delivering services to the local community. In performing their duties, they must act with integrity, honesty, impartiality and objectivity.
- 2.2 The Code sets out the standards which are expected of an employee and provides a framework which will help to promote best practice. Reference should also be made to [Nolan's Seven Principles of Public Life](#). All employees of the Council are required to observe and uphold the standards of the Code and all policies and procedures of the Council. Failure to do so is a serious matter which could result in disciplinary action, including dismissal.
- 2.3 All employees should therefore read the document carefully and, if they are uncertain about any aspect of its contents, they should contact their immediate manager or supervisor.

## 3. ACCOUNTABILITY

- 3.1 Employees work for the Council and serve the whole of the Council. Employees are accountable to, and owe a duty to the Council. Employees must act in accordance with the principles set out in this Code, recognising the duty of all public sector employees to discharge public functions reasonably and according to the law.
- 3.2 It is important for an employee to recognise what is driving the Council, how the Council will deliver the services and how the Council expects employees to behave as an organisation.

The Council's values are as follows and it is expected that these are demonstrated through employees' behaviours-

**Trust** – saying what you are going to do, doing it, and letting people know what you have done;

- Respect** – valuing and having consideration for the people and communities we work with;
- Innovation** – the ambition and enthusiasm to be creative and make Wrexham the best;
- Flexibility** – the ability to adapt to changes and create new climates to achieve results;
- Integrity** – confidence in people to deliver. Accountability at the right level;
- Commitment** – Dedication to deliver on our priorities and become a strong Community.

#### **4. EQUALITY**

All members of the local community, customers and Council employees have a right to be treated fairly and equally. Employees should become familiar with and observe all Council policies relating to equality issues, e.g. The Strategic Equality Plan which reflects the public sector requirements of the Equality Act 2010.

#### **5. STANDARDS AND ATTITUDE**

All Council employees are expected to give the highest possible standard of service to the public and where it is part of their duties to provide performance appropriate advice to councillors and fellow employees with impartiality.

- 5.1 In performing their duties, all employees must act with integrity, honesty, impartiality and objectivity.
- 5.2 Employees' attitudes in dealing with people reflect on the Council so it is important that you are helpful, polite and courteous.
- 5.3 All employees are expected to report, in the first instance to their manager or supervisor, any illegality, impropriety, breach of procedure or policy of the Council.
- 5.4 There are a number of ways available to employees to do this, including the Council's Complaints Procedure, the Whistleblowing Policy (Section 18) or, if it relates to a suspected fraud, to the Audit & Technical Manager.
- 5.5 In all cases, it is not enough to avoid actual impropriety, as public perceptions are very important. Employees should, at all times, avoid any appearance of improper conduct which may give rise to suspicion.

#### **6. CONFIDENTIALITY AND DISCLOSURE OF INFORMATION**

The Council should be open when disseminating information or making decisions. However, certain information may be confidential or sensitive and therefore not appropriate for a wide audience. Employees must follow the Acceptable Use of ICT Policy at all times, especially when dealing with personal or confidential information.

- 6.1 Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should not be released to anyone other than a member, relevant Council employee or other person who is entitled to receive it, or needs to have access to

it for the proper discharge or common law obligations to keep certain information confidential or to divulge certain information.

- 6.2 Nothing in this Code can be taken as overriding existing statutory or common law obligations to keep certain information confidential or to divulge certain information.
- 6.3 It is generally accepted that open government is to be encouraged. The law requires that certain types of information must be available to councillors, auditors, government services, service users and the public. Different rules apply in different situations. If an employee is in any doubt as to whether they can release any particular information, the employee should always check with their manager or supervisor first.
- 6.4 Executive Board, Council and all Committee Meetings require agendas, reports and background papers to be available for public inspection by law. Detailed guidance is available from the Chief Officer Governance & Customer. Obstruction of a member of the public who wishes to exercise these rights is a criminal offence.
- 6.5 The confidentiality of information received in the course of the employee's duties should be respected and must never be used for personal or political gain. Also, the employee should not knowingly pass information on to others who might use it in such a way.
- 6.6 Employees should follow any specific rules adopted by the Council in relation to commercially sensitive information, particularly with regard to competitive tendering.
- 6.7 The employee should not communicate confidential information or documents to others who do not have a legitimate right to know. Information must only be disclosed in accordance with the requirements of the Data Protection legislation, which covers computerised and manual information held on individuals. All employees need to bear in mind that an e-mail is as legally binding as a letter and informal messages sent internally can be used as evidence in court proceedings.
- 6.8 Information given in the course of the employee's duties should be accurate and fair and never designed to mislead.
- 6.9 Employees may not use any information received by the employee from a councillor, which is personal to that councillor, should not be divulged by the employee without the prior approval of that councillor, except where such disclosure is required by law.
- 6.10 Employees must not communicate to the public or the media, the proceedings of any Committee meeting nor the contents of any document relating to the Council, which is confidential or which is exempt from the requirement to make such information public.
- 6.11 Each Chief Officer must ensure employees are fully aware of which information the Council makes available and that which it does not. The Council's Publication Scheme provides details of information which the Council publishes. If there is any doubt, the employee should ask their manager or head of department.

## **7. POLITICALLY RESTRICTED OR NEUTRALITY**

- 7.1 Employees serve the Council as a whole and not individual members or groups.

- 7.2 Employees must serve all councillors equally and ensure that the individual rights of all councillors are respected. Employees are not required to advise or attend meetings of political groups. Officers' personal or political views must not interfere with their work.
- 7.3 From time to time, some employees may also be requested to advise a full meeting of a political group or its executive. The employee must do so in ways which do not compromise their political neutrality and inform the Chief Officer Governance & Customer in advance.
- 7.4 Where employees are politically restricted (by reason of the post the employee holds, the nature of the work the employee carries out, or the salary they are paid), they must comply with any statutory restrictions on their political activities. This is contained in the employee's Contract of Employment.
- 7.5 Whether the employee holds a politically restricted post or not, the employee must not allow their own personal or political opinions to interfere with work.
- 7.6 If there is any doubt whether or not a political activity is permitted, the Chief Officer Governance & Customer should be consulted. Contracts of Employment for employees employed in politically restricted posts will contain a restriction against certain political activities. Human Resources can advise employees if posts are politically restricted.
- 7.7 Politically restricted is particularly important during election periods. Employees should not be asked to engage and should avoid engaging in activities which could give rise to accusations that people paid from public funds are being used for party political or electioneering purposes. The Chief Officer Governance & Customer will issue separate guidance to staff on their conduct during such periods.

## **8. RELATIONSHIPS WITH MEMBERS, CONTRACTORS, THE PUBLIC AND OTHER EMPLOYEES**

### **Councillors**

- 8.1 Mutual respect between employees and councillors is essential for good local government. Some employees need to work closely with councillors. Close personal familiarity between employees and individual councillors can damage the relationship and prove embarrassing to other employees and councillors and should therefore be avoided.

### **The Local Community and Service Users**

- 8.2 Employees should always remember their responsibilities to the whole of the community they serve and ensure courteous, effective and impartial service delivery to all groups and individuals within that community in accordance with the policies of the Council. Employees should deal with the public, members and other employees sympathetically, efficiently and without bias.

### **Contractors and Suppliers**

- 8.3 Employees who have, or who have had, a relationship of a business or private nature with the Council's external providers (or potential providers) including voluntary or third sector organisations, must declare that relationship to their Chief Officer who will record it in a register kept for this purpose. This applies equally to all employees, whether or not they engage or supervise contractors, or have any other official relationship with contractors, on behalf of the Council.
- 8.4 Orders and contracts must be awarded on merit in accordance with the Council's Standing Orders and Financial Regulations and no special favours may be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.
- 8.5 The attention of employees is drawn to the Protocol on Member/Officer Relations which provides guidance to members and officers on their relations with one another and what each may expect of each other in terms of conduct. The operation of the Protocol is monitored by the Council's Standards Committee.

## **9. APPOINTMENT AND OTHER EMPLOYMENT MATTERS**

It is unlawful for appointments to be made on the basis of anything other than the ability of the candidate to undertake the duties of the post. If you are involved in making appointments, you should do everything possible to ensure that these are made on the basis of merit and in accordance with the Council's policies and procedures.

- 9.1 In order to avoid any possible accusation of bias, you must not become involved in any appointment if you are related to an applicant or have a close personal relationship with him/her.
- 9.2 Managers must disclose to their Chief Officer if they are to be a part of an appointment process and they are aware of any relationship known to exist between them and any person they know who is a candidate for an appointment with the Council.
- 9.3 If an employee applies for promotion or another post in the Council, the employee must not approach any councillor for a reference. Issues relating to employees' conditions of service, working arrangements or grading should be raised with the employee's manager or supervisor and not with councillors.
- 9.4 Similarly, employees should not be involved in decisions relating to discipline promotion or pay adjustments in respect of any other employee who is a relative or with whom you have a close personal relationship; nor should the employee attempt to influence such decisions.

## **10. OUTSIDE COMMITMENTS**

During working and non-working hours, employees should ensure they do not allow their private interests to come into conflict with contractual obligations or are detrimental to the interests or reputation of the Council.

- 10.1 Employees must not misuse their official position or information acquired in the course of their employment to further their private interests, or the interests of others.

In particular, they must comply with:-

- a) any rules relevant to the Council on the registration and declaration by employees of financial and non-financial interests (see paragraph 12.1 below).
- b) any rules of the Council on the declaration by employees of hospitality or gifts offered to or received by them, from any person or organisation doing or seeking to do business or otherwise benefiting or seeking to benefit from a relationship with the Council. Employees must not accept benefits from a third party unless authorised to do so by their manager (see Section 16 below).

10.2 Employees, subject to Green Book conditions and paid from Spinal Point 29, are required to devote their whole-time service to the work of the Council and shall not engage in any other business or take up any other additional appointments without the prior express consent of their Chief Officer (in consultation with the Chief Officer Governance & Customer). Each Chief Officer will maintain a register of all such requests.

10.3 The Council will not unreasonably stop employees from undertaking additional employment, but this employment must not, in the Council's view, conflict with or be detrimental to its interests, or weaken public confidence in the conduct of its business.

10.4 All employees below Spinal Point 29 are expected to inform their Chief Officer of any private work or business activity which they undertake (be it of a professional or non-professional nature) which could be deemed detrimental to the Council's interest. (See Paragraph 11.1)

10.5 Even if an employee is not subject to the Green Book provisions, they should ensure that no outside activities are detrimental to the Council's interests.

10.6 If the employee writes a book or article for payment on subjects relating to the employee's work for the Council, the employee must seek the prior permission of the Council through the Chief Officer. The general presumption would be that any fee or royalty payable would be paid to the Council.

10.7 The employee must not undertake private or personal work of any description in working hours, whether it is in their normal place of work or at any other location where they are carrying out their duties.

10.8 Private use of Council facilities and equipment is not allowed.

## **11. PERSONAL INTERESTS**

Employees must declare, to the Chief Officer, any non-financial or financial interest that they consider could bring about conflict within the Council's interests.

11.1 If an employee is in doubt about a potential conflict of interest, they should immediately bring the matter to the attention of their manager or supervisor so that a decision can be made as to how best to proceed.

11.2 The employee must not make, or become involved with any official or professional decisions about matters in which the employee has a personal interest.

11.3 Section 117 of the Local Government Act 1972 requires the employee to make a formal declaration about contracts or personal contracts with the Council in which the employee has a financial interest. Such declarations should be made to the Chief Officer who will discuss the matter with the Chief Officer Governance & Customer. It is a criminal offence to fail to comply with this provision.

11.4 Employees must declare, to the Chief Officer Governance & Customer, their membership of any organisation not open to the public, requiring any commitment of allegiance, or which has secrecy about rules, membership or conduct, for example, the freemasons. The following definition should be used:-

- a) is not open to members of the public who are not members of that lodge, chapter society or trust;
- b) includes in the grant of membership an obligation on the part of the member to make a commitment (whether by oath or otherwise) of allegiance to the lodge, chapter, society, gathering or meeting; and
- c) 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.

## **12. FINANCIAL REGULATIONS**

All employees must follow the Council's Financial Regulations at all times. This includes temporary and agency staff. This applies especially to those staff involved in financial activities and transactions on behalf of the Council, including budgetary control, payments of accounts, payments of salaries and wages, petty cash and orders for works, goods or services.

## **13. STEWARDSHIP**

13.1 All employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. The employee should strive to ensure value for money to the local community and to avoid any legal challenge to the Council. The employee must not utilise property, vehicles or other facilities of the Council for personal use, unless authorised to do so.

13.2 In order to ensure that there is no confusion with regard to the use of Council vehicles and equipment (similarly the use of vehicles and equipment contracted to the Council), the following guidelines apply:-

- (a) The vehicles and equipment should, in no circumstances, be used privately and, when not in official use, must be kept, at all times (overnight and at weekends) at Council depots or offices. NB: the use of vehicles or equipment by employees could be authorised where the needs of a service required it or it was part of the Conditions of Employment e.g. regular call out.
- (b) Council owned equipment may not be loaned or hired to employees other than in the following circumstance:-

- where equipment is hired along with the use of Council accommodation (such as the Council Chamber or Committee Room);
- where the same facility is deemed to be available to members of the public.

## ICT Equipment

13.3 Wrexham Council recognises the importance of ICT security as an integral part of the day-to-day operations and ensures appropriate procedures and processes are in place to maintain a secure environment at all times. The ICT Security Policy and Guidelines have been developed to provide a level of awareness for all users and to ensure that they understand the importance of ICT security and their individual responsibilities.

Access and usage of Wrexham's ICT facilities is governed by the **Acceptable Use of ICT Facilities Policy and Guidelines**. This provides guidance for employees on the appropriate use of ICT facilities. **Note** - All Wrexham staff have signed up to this Policy as part of their standard working terms and conditions or through an electronic acceptance process.

## Press and Social Media

13.4 The Council's Social Media Guidelines for Employees should be followed at all times. They provide guidance as to employee's behaviours whilst engaging with social media.

Social media refers to online technology used to share opinions and information, promote discussion, build relationships and create and publish information online.

The increasing use of social media exposes organisations to greater reputational risks either through ignorance or malicious intent. Employees are reminded that the same rules that apply to actions in general, as found in Wrexham Council's Acceptable Use of ICT policy and the Code of Conduct, apply to conduct online.

The Council respects the legal rights of employees and, by and large, what employees do in their own time is not the Council's concern. However, actions in or outside of work that affect work performance, the work of others, or the Council's interests and reputation are covered under the Council's Social Media Guidelines for Employees.

The Council has daily contact with the media and the Press Office manages, co-ordinates and deals with all of the Council's media. Any employee who is contacted directly by a journalist must pass their details to the Press Office in order for them to deal with it. Guidelines for dealing with the media and how to respond to inaccurate and negative publicity can be found on the Council's intranet.

Only certain employees have permission to access approved social media sites in order to assist them with their work. However, the Council is aware that employees regularly use social media outside of work and, in order to ensure that they better understand their responsibilities, both inside and outside of work, the Social Media Guidelines for Employees contains guidance which should be followed at all times.

## 14. TENDERING PROCEDURES

14.1 The Council's Financial Regulations must be followed at all times.



- 14.2 Employees involved in the tendering process or who have any other official relationship with contractors, must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors. They must be clear, at all times, regarding a clear separation of client and contractor roles within the Council.
- 14.3 Employees who have both a client and a contractor responsibility must be aware of the need for accountability and openness that they may not both bid for a particular contract and be involved in the evaluation of bids received.
- 14.4 If the employee is responsible for engaging or supervising contractors and have previously had, or currently have a relationship in a private or domestic capacity with contractors, the employee must declare that relationship to their manager or supervisor.
- 14.5 Employees must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors
- 14.6 Employees who are privy to confidential information on tenders or costs for either internal or external contractors may not disclose that information to any unauthorised party or organisation.
- 14.7 Employees must ensure that no special favour is shown to current or former employees or their partners, close relatives or associates, in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.
- 14.8 Employees who are contemplating a management buy-out or similar, must, as soon as they have formed a definite intent, inform the Chief Officer Governance & Customer (Monitoring Officer) and withdraw from the contract awarding process.

## **15. CORRUPTION & BRIBERY**

- 15.1 The Council expects the highest standards of propriety and ethics in the delivery of its services and the management of its resources and assets, and will carry out its business fairly, honestly and openly at all times.
- 15.2 The Council has a zero tolerance approach to all types of fraud, corruption and bribery and seeks to carry out its business fairly, honestly and openly at all times. All instances of fraud, corruption or bribery will be pursued using all available sanctions. This includes employees who are proven to have carried out housing benefit fraud. Further information is contained in the Counter Fraud Strategy.
- 15.3 The Council is committed to maintaining anti-bribery compliance as 'business as usual'. Accordingly, the Council **does not and will not:**
- pay bribes or offer improper inducements to anyone for any purpose, or accept bribes or improper inducements,
  - engage indirectly in or otherwise encourage bribery.
- 15.4 Employees must be aware that it is a serious criminal offence under the Bribery Act 2010 for them to receive or give any gift, loan or reward or advantage in their official capacity "for doing, or not doing, anything", or "showing favour, or disfavour to any person". If an allegation is made against you, it will be for you to demonstrate that any such rewards

have not been corruptly obtained. Further information is available in the Counter Fraud Strategy or from the Head of Service, Audit and Technical.

- 15.5 Employees must ensure that they or a third party do not show any form of preferential treatment, or in any suspicious circumstances in connection with a contract, you must report the matter to your Chief Officer.
- 15.6 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner and ensure that they are held securely at all times. Employees should strive to ensure value for money to the local community and to avoid legal challenge to the Council.
- 15.7 If any employee is concerned about whether particular funds or assets are being properly applied, they should raise the matter with the head of department in the first instance (see Section 18 - Whistleblowing).

## **16. GIFTS & HOSPITALITY**

### Introduction

A potential source of conflict between public and private interests is the offer of gifts, hospitality or benefits in kind to employees in connection with their official duties. It is important to avoid any suggestion of improper influence in this area and so the following requirements should be followed at all times

### 16.1 Gifts Generally

- 16.1.1 Casual gifts offered to employees by contractors, organisations, firms or individuals, may not be intended as an inducement or connected in any way with the performance of your official duties so as to involve the Bribery Act 2010.
- 16.1.2 Employees should decline any personal gifts offered to them or their partner, or to a member of their family, by any person or organisation having dealings with the Council. The exception to this rule is any insignificant gifts such as diaries, calendars, pens and similar tokens which can be accepted.
- 16.1.3 When a gift needs to be refused, this should be done with tact and courtesy, because the offer of gifts is common custom and practice in the commercial world, particularly at Christmas time. If the gift is simply delivered to your place of work, there may be a problem returning it, in which case, it should be reported immediately to your Chief Officer for recording in the Gifts and Hospitality Register. The gift should then be donated to the Mayor's Charity.

### 16.2 Gifts to Employees with a Caring Role

- 16.2.1 There are sometimes special problems encountered by employees who have a "caring" role, or provide a direct personal service to vulnerable people.

- 16.2.2 It is not unusual for residents of residential care homes or for people receiving support at home from Council employees, or their relatives, to wish to express their thanks and gratitude to care employees by offering gifts, money or even, exceptionally, by making an employee a beneficiary in their will.
- 16.2.3 It is most important in such situations that employees and the Council are protected from any suggestion of improper motives or conduct. For the avoidance of doubt, members of staff and their families are not allowed to accept gifts or legacies from clients.
- 16.2.4 If the employee is made aware that a client is considering making a gift to them or including the employee in their will, or has actually done so, then the employee should immediately report the matter to their manager who will take it up with the client.
- 16.2.5 Similarly, the employee should never become involved with making wills for clients nor act as an executor in a client's will.
- 16.2.6 For the purposes of this Section of the Code, "client" means any current or former client.

### 16.3 Exceptions

- 16.3.1 Gifts of a token value given at Christmas, such as calendars, diaries, blotters, pens or other simple items of office equipment for use in Council offices, but only if it bears the company's name or insignia.
- 16.3.2 Gifts of a promotional nature on the conclusion of a courtesy visit to a factory or company offices, of a sort normally given by the company to visitors.

### 16.4 Hospitality

- 16.4.1 Offers of hospitality are a normal part of the courtesies of business life but, in the public service, it is important for employees to avoid creating an appearance of improper influence, thus undermining public confidence. Insignificant hospitality, defined as basic refreshment (including a meal) and limited to food and drink only, can be accepted.
- 16.4.2 Employees may only accept offers of hospitality if there is a genuine need to impart information or to represent the Council in the community. Offers to attend social or sporting functions should be accepted only when these are part of the life of the community or where the Council should be seen to be represented and they should be properly authorised and recorded (in such instances the employee should either offer to pay for the ticket or donate the face value of the ticket to a charity of their choice).
- 16.4.3 Where significant gifts or hospitality or attendance at social or sporting functions are offered, the fact should be recorded in a "Register of Gifts and Hospitality" maintained by Chief Officer. The entries in the register are made regardless of whether or not the offer is accepted. Entries are to be certified by the Chief Officer. When hospitality has to be declined, those making the offer should be

courteously but firmly informed of the procedures and standards operating within the Council. These should still be recorded in the Gifts and Hospitality Register.

- 16.4.4 If hospitality is offered to an employee, special caution is needed, particularly when the host is seeking to do business with the Council or to obtain a decision from it. The employee must exercise the utmost care in dealing with contractors, developers, etc, who may stand to benefit from the goodwill of the Council. Employees may not accept offers of hospitality when the Council is about to take a decision affecting the party offering that hospitality.
- 16.4.5 The employee should also be careful about attending exhibitions, seminars or visiting manufacturers, etc. There is an increasing trend towards linking such visits to, for example, a major sporting event, show or concert with a view to legitimising offers of hospitality. Acceptance by employees of hospitality, whilst attending relevant conferences and courses, is acceptable where it is clear that the hospitality is corporate rather than personal, where the Council gives consent in advance to attend and where the Council is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment are required, employees should ensure that the Council meets the costs of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.
- 16.4.6 In general terms, it is more likely to be acceptable for the employee to join in hospitality offered to a group, than to accept something unique to the employee. When a particular person or body has a matter currently in issue with the Council, for example, an arbitration arising from a contract, then clearly, common sense dictates that offers of hospitality should be refused, even if at normal times they would be acceptable.
- 16.4.7 If it is suspected that an improper motive exists concerning an offer, the employee concerned should report this immediately to the head of department who will, in conjunction with the monitoring officer, decide on appropriate action e.g. possible withdrawal of business or referral to the police.

## **17. SPONSORSHIP – GIVING AND RECEIVING**

- 17.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a council service, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors as a Financial Regulation 10 would apply.
- 17.2 Where the Council wishes to sponsor an event or service, the employee nor any partner, spouse or relative may benefit from such sponsorship without there being full disclosure to the Chief Officer or monitoring officer of any such interest. Similarly, where the Council, through sponsorship, grant aid, financial or other measure, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest.

## **18. WHISTLEBLOWING**

- 18.1 In the event that the employee becomes aware of activities which they believe to be illegal, improper, unethical or otherwise inconsistent with this Code, the employee should report the matter, in accordance with Section 7 of the Council's Whistleblowing Policy.

- 18.2 This provides details of both internal and external contacts for raising concerns and encourages employees, as a first step, to raise concerns with their manager, although if the employee is concerned that the information may not be properly dealt with through this channel may contact the Chief Executive, the Monitoring Officer (who is the Chief Officer Governance & Customer), the Chief Officer Finance & ICT or the Head of Service, Audit and Technical.
- 18.3 The Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998) provides legal protection for workers (including contractors and agency staff) who raise genuine concerns and make disclosures about malpractice which they reasonably believe to be in the public interest. The Act makes it unlawful for the Council to dismiss anyone or allow them to be penalised or victimised on the basis that they have made an inappropriate lawful disclosure in accordance with the Employment Rights Act 1996 (hereafter referred to as “the Act”).

## **19. INVESTIGATIONS BY THE MONITORING OFFICER (HEAD OF CORPORATE & CUSTOMER SERVICES)**

Where a monitoring officer is undertaking an investigation in accordance with regulations made under Section 73 (1) of the Local Government Act 2000, a qualifying employee must comply with any requirement made by the monitoring officer in connection with such an investigation.

## **20. DISCIPLINARY POLICY AND PROCEDURE, GRIEVANCE PROCEDURES AND CONDITIONS OF SERVICE**

- 20.1 This Code of Conduct does not supersede the Council’s Disciplinary Policy and Procedures and Grievance Procedures or the Local Government Terms and Conditions of Service, copies of which can be obtained from the HR Service Centre. However, the statutory code is now deemed to be incorporated, by law, in the terms of appointment and conditions of employment of every employee.
- 20.2 Breaches of the Code may render employees liable to disciplinary proceedings which, depending on the circumstances, could result in termination of employment.

## **SECTION 21**

# **PROTOCOL ON MEMBER/OFFICER RELATIONS**

## **Section 21**

# **Protocol on Member/Officer Relations**

## **1 Introduction**

- 1.1 The purpose of this protocol is to guide members and officers of the Council in their relations with one another. The quality of the interface between the two is vital in ensuring that the highest standards permeate the Council in both its private and public dealings.
- 1.2 Given the variety and complexity of such relations, this protocol does not seek to be either prescriptive or comprehensive . It seeks simply to offer guidance on some of the issues which most commonly arise. It is hoped however that the approach which it adopts on these issues will serve as a guide to dealing with other issues.
- 1.3 This protocol is to a large extent no more than a written down statement of current practice and convention. In some respects however, it seeks to promote greater clarity and certainty.
- 1.4 This protocol also seeks to reflect the principles underlying the respective Codes of Conduct which apply to members and officers. The shared object of these codes is to enhance and maintain the integrity (real and perceived) of local government and they therefore demand very high standards of personal conduct.
- 1.5 Relevant extracts from the Codes of Conduct for Members and Employees are reproduced below:
  2. Employees of authorities work for their employing authority and serve the whole of that authority. They are accountable to, and have a duty to that authority (Employees' Code)
  4. Mutual respect between employees and Members is essential to good local government and working relationships should be kept on a professional basis.

Qualifying Employees should deal with the public, Members and other employees, sympathetically, efficiently and without bias (Employees' Code).
- 1.6 The Principles of Conduct which govern the conduct of Members include:-

“They (Members) must respect the impartiality and integrity of the authority’s statutory officers and its other employees”.

In line with the Code’s requirements, it is important that any dealings between members and officers should observe reasonable standards of courtesy and that neither should seek to take unfair advantage of their position.

## **2 Officer advice to Party Groups**

- 2.1 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 relevant Council decision making body. Officers may properly be

requested through the Chief Executive, where appropriate, to support and contribute to such deliberations by party groups. In particular, it is essential that requests for Officer attendance at full party groups meetings should be made through the Chief Executive. It should be noted that Officers cannot be required to attend such group meetings.

- 2.2 The support provided by officers can take many forms, ranging from a briefing meeting with a Chair prior to a Board or Committee meeting to a presentation to a full party group meeting. Whilst in practice such officer support is likely to be in most demand from a party group in control of the Council, such support is available to all party groups.
- 2.3 Certain points must however be clearly understood by all those participating in this type of process, members and officers alike. In particular:
  - (a) The political neutrality and impartiality of all officers should be respected by members.
  - (b) Officer support in these circumstances must not extend beyond providing information and advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business. The observance of this distinction will be assisted if officers are not expected to be present at meetings, or parts of meetings, when matters of party business are to be discussed;
  - (c) Party group meetings, whilst they form part of the preliminaries to Council decision making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such; and
  - (d) Similarly, where officers authorised by the Chief Executive provide information and advice to a party group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the Council, Executive Board, Committee or Sub-Committee when the matter in question is considered.
- 2.4 Special care needs to be exercised whenever officers are involved in providing information and advice to a party group meeting which includes persons who are not members of the Council. Such persons will not be bound by the Code of Conduct (in particular, the provisions concerning the declaration of interests and confidentiality) and for this and other reasons officers may not be able to provide the same level of information and advice as they would to a members only meeting.
- 2.5 Officers must respect the confidentiality of any party group discussions at which they are present in the sense that they should not relay the content of any such discussion to another party group.
- 2.6 Any particular cases of difficulty or uncertainty in this area of officer advice to party groups should be raised with the Chief Executive who will discuss them with the relevant group leader(s).

### **3 Support Services to Members and Party Groups**

- 3.1 The only basis on which the Council can lawfully provide support services (e.g. stationery, typing, printing, photocopying, transport, etc) to members is to assist them in discharging



their role as members of the Council. Such support services must therefore only be used on Council business. They should never be used in connection with party political or campaigning activity or for private purposes.

#### **4 Members' access to information and to Council documents**

- 4.1 Members are free to approach any Council Department to provide them with such information, explanation and advice (about that Department's functions) as they may reasonably need in order to assist them in discharging their role as members of the Council. This can range from a request for general information about some aspect of a Department's activities to a request for specific information on behalf of a constituent. Such approaches should normally be directed to the Chief Officer or to another senior officer of the Department concerned for day to day issues.
- 4.2 As regards the legal rights of members to inspect Council documents, these are covered partly by statute and partly by the common law.
- 4.3 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, Executive Board, Committee or Sub-Committee meeting. This right applies irrespective of whether the member is a member of the Committee or Sub-Committee concerned and extends not only to reports which are to be submitted to the meeting, but also to any relevant background papers. This right does not however apply to documents relating to items which contain exempt information relating to employees, occupiers of Council property, applicants for grants and other services, the care of children, contract and industrial relations negotiations, advice from Counsel and criminal investigations.
- 4.4 The common law right of members is much broader and is based on the principle that any member has a prima facie right to inspect Council documents so far as his/her access to the documents is reasonably necessary to enable the member properly to perform his/her duties as a member of the Council. This principle is commonly referred to as the "need to know" principle.
- 4.5 The exercise of this common law right depends therefore upon the member's ability to demonstrate that he/she has the necessary "need to know" . In this respect a member has no right to "a roving commission" to go and examine documents of the Council. Mere curiosity is not sufficient. The crucial question is the determination of the "need to know". This question must initially be determined by the particular Chief Officer whose Department holds the document in question (with advice from the Chief Officer Governance & Customer). In the event of dispute, the question falls to be determined by the relevant Council body - i.e. the Executive Board or the Committee in connection with whose functions the document is held.
- 4.6 In some circumstances (e.g. a Board or a Committee member wishing to inspect documents relating to the functions of the Board or Committee) a member's "need to know" will normally be presumed. In other circumstances (e.g. a member wishing to inspect documents which contain personal information about third parties) a member will normally be expected to justify the request in specific terms.
- 4.7 Whilst the term "Council document" is very broad and includes for example, any document produced with Council resources, it is accepted by convention that a member of one party

group will not have a “need to know”, and therefore a right to inspect, a document which forms part of the internal workings of another party group.

- 4.8 Further and more detailed advice regarding members’ rights to inspect Council documents may be obtained from the Chief Officer Governance & Customer.
- 4.9 Finally, any Council information provided to a Member should only be used by the Member for the purpose for which it was provided, i.e. in connection with the proper performance of the Member’s duties as a member of the Council. Members need to be mindful of their and the Council’s obligations under the Data Protection legislation. The point is also emphasised in the Code of Conduct in the following terms:
- 4.10. Members must not disclose information given in confidence without the express consent of a person authorised to give such consent, or unless required by law to do so.

## **5 Officer/Chair Relationships**

- 5.1 It is clearly important that there should be a close working relationship between the Chairs of the Executive Board and Committees and the Chief Officers and other senior officers who report to those bodies. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the officers’ ability to deal impartially with other members and other party groups.
- 5.2 Whilst the Chairs of the Executive Board and Committees (or Sub-Committees) will routinely be consulted as part of the process of drawing up the agenda for a forthcoming meeting, it must be recognised that in some situations a Chief Officer will be under a duty to submit a report on a particular matter. Similarly, a Chief Officer will always be fully responsible for the contents of any report submitted in his/her name. Any issues arising between a Chair and a Chief Officer in this area should be referred to the Chief Executive for resolution in conjunction with the Leader of the Council.
- 5.3 In relation to action between meetings, it is important to remember that the Council’s Constitution only allows for decisions (relating to the discharge of any of the Council’s functions) to be taken by the Executive Board, a Committee, a Sub-Committee or an officer. It does not allow for such decisions to be taken by the Leader or indeed by any other single member.
- 5.4 It is customary at the Executive Board, Committee and Sub-Committee meetings for a resolution to be passed, which authorises named officers to take action between meetings in consultation with the Chair and/or Vice Chair. In such situations, it is the officer, rather than the Chair and/or Vice Chair who takes the action and it is the officer who is accountable for it.
- 5.5 Finally, it must be remembered that officers within a Department are accountable to their Chief Officer and that whilst officers should always seek to assist a Chair (or indeed any member), they must not, in so doing, go beyond the bounds of whatever authority they have been given by their Chief Officer.

## **6 Correspondence**

- 6.1 Correspondence between an individual member and an officer should not normally be copied (by the officer) to any other member. Where it is appropriate to copy the

correspondence to another member, this should be made clear to the original member. In other words, a system of “silent copies” should not be employed.

- 6.2 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 a member. It will be appropriate on occasions for letters to appear in the name of a Member such as the Leader, but this would be the exception rather than the norm. Letters which for example, create obligations or give instructions on behalf of the Council should never be sent out in the name of a member.

## **7 Involvement of Ward Councillors**

- 7.1 Whenever a public meeting is organised by the Council to consider a local issue, all the members representing the Ward or Wards affected should as a matter of course be invited to attend the meeting. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the Ward members should be notified at the outset of the exercise.

## **8 Complaints about Breaches of this Protocol**

- 8.1 Breaches of this Protocol may lead to disciplinary action in the case of Officers or reference to the Council’s Standards Committee in the case of Members.
- 8.2 If a Member is dissatisfied with the conduct of an officer he/she should in the first place discuss the matter with the relevant Chief Officer in order to try to resolve the matter informally. The Council’s disciplinary procedures will not necessarily be relevant and/or appropriate in all circumstances but in appropriate cases the relevant Chief Officer will resort to these procedures.
- 8.3 If an Officer is dissatisfied with the conduct of a Member, he/she should raise the matter with his/her line manager or Chief Officer in order to try and resolve the matter informally with the Member. The Chief Officer may, depending on the circumstances, consult with the Chief Executive or Monitoring Officer (Chief Officer Governance & Customer) who may, where appropriate, raise the issue with the Leader of the relevant political group.
- 8.4 All formal complaints, i.e. those which cannot be resolved informally should be made in the first instance in writing to the Monitoring Officer (Chief Officer Governance & Customer).

## **SECTION 22**

# **WHISTLEBLOWING POLICY**

## **Section 22**

# **Whistleblowing Procedure**

## **1. INTRODUCTION**

- 1.1 People who work for or with the Council are often the first to realise that there may be something wrong within the Council. However, they may feel unable to express their concerns because they fear that speaking up would seem disloyal to their colleagues, managers or to the Council. They may also fear harassment or victimisation. They may be worried about raising such issues or they may want to keep the concerns to themselves, perhaps feeling it's none of their business or that it's only a suspicion. They may decide to say something but find that they have spoken to the wrong person or raised the issue in the wrong way and are not sure what to do next.
- 1.2 The Council has introduced this policy to enable you to raise your concerns at an early stage and in the right way. We would prefer that you raised the matter when it is just a concern rather than wait for proof.
- 1.3 This policy makes it clear that you can raise your concerns without fear of harassment, victimisation, subsequent discrimination or disadvantage and is intended to encourage and enable people working for or with the Council to raise concerns about problems within the organisation rather than overlooking a problem. This policy provides both an internal reporting procedure and a range of external contacts who can be contacted where you feel your concerns cannot be appropriately dealt with from within the organisation. If something is troubling you which you think we should know about or look into, please use this policy.
- 1.4 This policy applies to all:
  - Employees of Wrexham County Borough Council;
  - Consultants, agency workers or contractors (or their employees) working for the Council (including those not working on Council premises);
  - Those providing services under a contract or other agreement with the Council in their own premises, for example, care homes;
  - Voluntary workers working with the Council as part of, or together with, the Council's services.

This policy does not however relate to elected Members, who may wish to make a whistleblowing report or complaint. Elected Members do not have the same statutory protection that employees and other workers do and as such will not be protected under this policy. Reference must be made to section 8 of this policy which deals with cases where a whistleblowing report is received by a Member directly.

Furthermore, this policy does not apply to employees appointed by the Governing Body of a school within the County Borough of Wrexham for whom a procedure will usually be provided by the relevant Governing Body.

## **2. AIMS AND SCOPE OF THIS POLICY**

- 2.1 The Whistleblowing Policy is an important part of the Council's corporate governance framework and its aims are to:

- encourage you to feel confident in raising concerns and to question and act upon concerns about malpractice;
- provide avenues for you to raise concerns and receive feedback on any action taken;
- ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied;
- reassure you that you will be protected from reprisals or other action if you have a reasonable belief that you have made any disclosure in good faith.

2.2 The Whistleblowing Policy is intended to cover concerns other than in relation to your employment, where the interests of others or of the Council itself are at risk. These include:

- conduct which is an offence or a breach of law;
- disclosures related to miscarriages of justice;
- cases where the health and safety of any individual has or is likely to be endangered;
- unlawful discrimination;
- damage to the environment;
- the unauthorised use of public funds;
- possible bribery, fraud and corruption;
- the theft or unauthorised use of public funds or equipment;
- sexual or physical abuse of clients;
- the neglect, emotional, physical or sexual abuse of children or other inappropriate behaviour towards them;
- other unethical conduct; or
- that information tending to show any of these matters is being or is likely to be deliberately concealed.

This is not intended to be an exhaustive list.

2.3 Thus, any concerns that you have about any aspect of service provision or the conduct of officers or members of the Council or others acting on behalf of the Council can be reported under the Whistleblowing Policy. This may be about something that:

- makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Council subscribes to; or
- is against the Council's Standing Orders, Financial Regulations and policies; or
- falls below established standards of practice; or
- amounts to improper conduct.

2.4 The Officers Code of Conduct Para. 5.2 provides that, if an employee becomes aware of activities which he or she believes to be illegal, improper or unethical, the employee should report the matter in accordance with this Policy.

2.5 This Policy does not apply in the following circumstances:

#### **2.5.1 Employment Issues**

If you are an employee, there are existing procedures in place to enable you to raise concerns relating to your own employment, such as issues relating to your contract of employment, salary, problems with your colleagues, etc. These issues are generally not whistleblowing complaints but rather grievances or general employment complaints. These types of issues should usually be raised directly with your manager and in accordance with the relevant Council policy (such as the Grievance Procedure, the Dignity at Work Anti-Bullying and Harassment Policy and Procedure, etc).

#### **2.5.2 Elected Members Conduct (other than the above)**

Concerns relating to the conduct of elected Members, other than the types of concern outlined at 2.2 above, should be raised under the complaints provisions of the Protocol on Member/Officer Relations and usually be directed to your line manager in the first instance.

#### **2.5.3 Complaints**

This policy does not replace the corporate *Complaints Procedure* which is concerned with addressing complaints about Council services.

#### **2.5.4 Other Services**

If you have any concerns about another organisation that provides services on behalf of the Council you should contact the service provider in the first instance. In cases where the Council contracts with a private organisation, it may be appropriate to notify the relevant Service Area of the Council. In some cases it may also be necessary to inform the appropriate regulatory organisation.

### **3. SAFEGUARDS – OUR ASSURANCES TO YOU**

3.1. The Council is committed to good practice and high standards and wants to be supportive of employees and others using this policy.

#### **Your legal rights**

3.2. The Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998) provides legal protection for workers (including contractors and agency staff) who raise genuine concerns and make disclosures about malpractice which they reasonably believe to be in the public interest. The Act makes it unlawful for the Council to dismiss anyone or allow them to be penalised or victimised on the basis that they have made an appropriate lawful disclosure in accordance with the Employment Rights Act 1996 (hereafter “the Act”).

## **Support to you**

- 3.3. The Council recognises that the decision to report a concern can be a difficult one to make. If you believe what you are saying is true and that it is in the public interest, then you have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service. You will not be at risk **of** losing your job or suffering any form of punishment as a result.
- 3.4. The Council will not tolerate the subjection of those who have made whistleblowing reports to discrimination, harassment or victimisation (including informal pressures) and will take appropriate action, including disciplinary action to protect you when you raise a concern
- 3.5. Any investigations into allegations of potential malpractice raised by you will not influence or be influenced by other procedures such as investigations and hearings under the disciplinary, sickness, capability, redundancy or any other procedures that already affect you or may affect you in the future.
- 3.6. At all times during the raising and investigation of your concerns:
  - 3.6.1 you will be given full support from Senior Management;
  - 3.6.2 your concerns will be taken seriously;
  - 3.6.3 the Council will do all it can to help you throughout the investigation, e.g. provide advocacy services, interpreters etc.
- 3.7. If appropriate, after full consultation the Council will consider temporarily re-deploying you or others for the period of the investigation.

## **4 CONFIDENTIALITY**

- 4.1. All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. If the situation arises where we are not able to resolve the concern without revealing your identity, you will be informed of this and the reasons. Sometimes it might be necessary to pass your details on to external law enforcement bodies such as the Police. If that is necessary, it will only be done after consultation with yourself.

## **5 ANONYMOUS ALLEGATIONS**

- 5.1. This policy encourages you to put your name to your allegation whenever possible.
- 5.2. Concerns expressed anonymously are much less powerful, but will be considered at the discretion of the Chief Officer Governance & Customer (who, as stated above, is the Council's Monitoring Officer) where these are made internally.
- 5.3. In exercising this discretion, the factors to be taken into account would include:
  - the seriousness of the issues raised;



- the credibility of the concern; and
  - the likelihood of confirming the allegation from attributable sources.
- 5.4. Remember that if you do not tell us who you are, or you refuse to engage with the investigating officer, then it will be much more difficult for us to look into the matter, to protect your position and to give you feedback. Accordingly, you are encouraged to provide your name to ensure your report can be looked into to the fullest extent possible.
- 5.5 If the Chief Officer Governance & Customer decides not to pursue an anonymous allegation he/she will record the reasons for this decision in writing. These decisions will be included in the Chief Officer Governance & Customer's annual report to the Standards Committee referred to in 11.7 below.

## **6 UNTRUE ALLEGATIONS**

- 6.1. If you make an allegation reasonably believing it is in the public interest, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.
- 6.2. The question of whether or not an allegation has been made frivolously, maliciously or for personal gain will be determined by the outcome of the investigation into your concern.

## **7 HOW TO RAISE A CONCERN**

- 7.1 The Council wishes to ensure that people who have concerns that should be raised under this Policy do so. Paragraphs 7.2 to 7.7 set out the procedure for you to do so internally and the appendices at the end of this policy will provide contact details for both internal and external contacts.
- 7.2 Where you feel unable to raise a concern within the organisation, you may contact one of the external bodies listed in Appendix 2 to this policy who, if they accept your complaint, will have their own procedure to follow.
- 7.3 As a first step, we hope you will feel able to raise concerns with your immediate manager. Your manager will then need to report this to the Chief Officer Governance & Customer (the Council's "Monitoring Officer") in accordance with paragraph 9.3.
- 7.4 In some cases, it may be more appropriate to raise concerns with someone more senior or directly with one of the internal contacts listed at the end of this document (see Appendix 1). Again, these individuals will ensure this is raised with the Chief Officer Governance & Customer.
- 7.5 This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that your management is involved, you should approach the Chief Executive,

the Chief Officer, Governance & Customer, the Chief Officer Finance & ICT or the Head of Service, Audit and Technical.

- 7.6 If any information raises concern about harm or potential harm to either children or vulnerable adults, then these concerns should be reported immediately to the Child Protection Co-ordinator or the Protection of Vulnerable Adults Co-ordinator or the out of hours Emergency Duty Team.
- 7.7 If you have serious concerns which you feel unable for whatever reason to raise within the Council, you should raise the matter with one of the external contact points referred to in Appendix 2 to this policy.
- 7.8 Concerns may be expressed verbally or in writing. Where you make your concerns known verbally, the Council may write to you outlining your concerns to ensure these have been captured correctly. If you wish to make a written report then you are invited to use the following format:
  - the background and history of the concern (giving relevant dates);
  - the reason why you are particularly concerned about the situation.

If you prefer, you may use the report form contained at the end of this policy and give this to the person with whom you raise your concern. Please provide as much information as you can, but it is important that you do not provide unsubstantiated allegations, do not carry out surveillance of the individuals concerned and that you do not commit any illegal act or put yourself or others at risk of harm in obtaining the information. The concerns you raise will be investigated fully once these have been brought to the attention of the Chief Officer Governance & Customer, who will ensure that any investigation is conducted lawfully and appropriately.

- 7.9 The earlier you express your concern the easier it is to take action.
- 7.10 Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.
- 7.11 Advice and guidance on how matters of concern may be pursued can be obtained either from your Chief Officer or the Chief Officer Governance & Customer.
- 7.12 You may invite your Trade Union representative or a work colleague to be present during any meetings or interviews in connection with the concerns you have raised. If translation facilities are required then you should inform the relevant investigating officer as soon as possible.

## **8 WHISTLEBLOWING REPORTS MADE TO ELECTED MEMBERS**

- 8.1 This section applies to cases where an employee, or other person to whom this policy applies, makes a whistleblowing report or complaint directly to an elected member of this authority.

- 8.2 If an elected member is approached in connection with a concern covered by this policy, they should encourage individuals to raise the concern in accordance with this policy.
- 8.3 In cases where an elected member receives a whistleblowing report, they shall forward it to the Chief Officer Governance & Customer who will then process the report in line with this policy.
- 8.4 Members must not investigate concerns raised themselves.

## **9 HOW THE COUNCIL WILL RESPOND**

- 9.1 This section will apply to all concerns raised internally. Where a complaint is raised with an external body, listed in Appendix 2, the procedure may differ depending on how the external body proposes to deal with the matter.
- 9.2 The Council will respond to your concerns (provided you have provided contact details) and it may need to ask you questions as part of the investigation. Do not forget that testing out your concerns is not the same as either accepting or rejecting them. However, direct discussions with yourself are often the best way of investigating concerns and so it would be beneficial if you made yourself available for the Council's investigation.
- 9.3 The person to whom you report your concerns under this policy **must** in turn report them to the Chief Officer Governance & Customer within three working days.
- 9.4 The Chief Officer Governance & Customer will liaise with the Head of Service, Audit and Technical to consider the most appropriate method of investigating the matters of concern raised by you. Please do not attempt to investigate these matters yourself once they have been raised as this could compromise any subsequent investigation into your concern.
- 9.5 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the Council will have in mind is the public interest.
- 9.6 There may be cases where a whistleblowing report contains a variety of matters, some of which may fall outside of the ambit of this policy (such as where general employment issues are raised). Accordingly, to address this possibility, the Council will endeavour to convene an initial meeting with yourself (to which you may be accompanied by a Trade Union representative or a work colleague) to discuss your concerns and to determine whether they can be dealt with wholly under this policy or whether other policies may need to be used for part or all of your concerns. In cases where your concerns are deemed not to fall under this policy in their entirety, this policy will cease to apply, though the Council will endeavour to keep the details of your initial meeting confidential as set out in section 4 above.
- 9.7 Some concerns may be resolved by agreed action without the need for further investigation. If urgent action is required this will be taken before any investigation is conducted.

9.8 Where appropriate, the matters raised may:

- be investigated internally by management, internal audit, or through the disciplinary process;
- be referred to the Police;
- be referred to the External Auditor;
- form the subject of an independent inquiry.

9.9 Within ten working days of a concern being raised, you will receive a letter (or information in your preferred format):

- acknowledging that the concern has been received;
- indicating how we propose to deal with the matter;
- giving an estimate of how long it will take to provide a final response;
- telling you whether any initial enquiries have been made;
- supplying you with information on staff support mechanisms; and
- telling you whether further investigations will take place, and if not, why not.

9.10 The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from you.

9.11 Where any meeting is arranged off-site, if you so wish you can be accompanied by a Trade Union representative or a work colleague.

9.12 The Council will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, in the event that an investigation results in action being taken against the subject of a concern and you are required to give evidence in criminal or disciplinary proceedings, the Council will advise you about the procedure and endeavour to provide you with the necessary support in respect of such proceedings.

9.13 The Council accepts that you need to be assured that the matter has been properly addressed. You will, subject to legal constraints, receive information about the outcome of any investigations.

9.14 Whilst we cannot guarantee that we will respond to all matters in the way that you might wish, we will try to handle the matter fairly, properly and without undue delay. By using this policy, you will help us to achieve this.

9.15 Where the Council is required to interview other members of staff, they will have the right to be accompanied by a Trade Union representative or work colleague to any such interview/meeting. Furthermore, where an investigation concludes with a finding that there was no case to answer, employees who were interviewed will be advised of this by letter.

## **10 INDEPENDENT ADVICE**

10.1 If you are unsure whether or how to raise a concern or you want confidential advice, you can contact the independent charity Public Concern at Work on 020 7404 6609 or at [www.pcaaw.co.uk](http://www.pcaaw.co.uk).

Their lawyers and advisers can give you free confidential advice on how to raise a concern about serious malpractice at work.

10.2 You may prefer to speak to your Trade Union to seek advice about how to raise a concern under this policy. The contact details for the Trade Unions recognised by the Council for collective bargaining purposes are contained in Appendix 2.

## **11 THE RESPONSIBLE OFFICER**

11.1 The Chief Officer Governance & Customer has overall responsibility for the maintenance and operation of this policy.

11.2 The Chief Officer Governance & Customer maintains a record of concerns raised and the outcomes of investigations in a form which does not endanger your confidentiality.

11.3 The person who receives your concerns must report them to the Chief Officer Governance & Customer in accordance with 7.3 above.

11.4 The person who receives the report into the investigation of your concerns must report the outcomes to the Chief Officer Governance & Customer.

11.5 The Chief Officer Governance & Customer will pursue the outcomes of the investigation if they are not reported promptly in accordance with 11.4 above.

11.6 The Chief Officer Governance & Customer will review all concerns and outcomes on a periodic basis to ensure that they have all been investigated in accordance with this Policy.

11.7 The Chief Officer Governance & Customer will report, in a format that does not compromise confidentiality, at least once a year to the Standards Committee on the operation of this Policy, the outcome of the reviews conducted under 11.6 above and any changes in practice introduced as a result of a concern raised under this Policy.

## **12 HOW THE MATTER CAN BE TAKEN FURTHER**

12.1 This Policy is intended to provide you with an avenue within the Council to raise concerns. The Council hopes you will be satisfied with any action taken. If you are not and if you feel it is right to take the matter outside the Council, further possible contact points are given in the External Contact List at Appendix 2 to this policy.

12.2 If you do take the matter outside the Council, you should ensure that you do not disclose information which should properly remain confidential. You will need to confirm this with the person or organisation you decide to contact.

12.3 The Council is bound to comply with the Data Protection Act 2018 (which aims to secure your privacy) and the Freedom of Information Act 2000 (which relates to release of information to the public). However, the Council will endeavour to ensure that your confidentiality and privacy is protected at all times. If you have any concerns about this then you should direct these to the Chief Officer Governance & Customer.

**INTERNAL CONTACT LIST**

Advice or guidance about how to pursue matters of concern may be obtained from any of the people named below:

Chief Executive, Guildhall, Wrexham, LL11 1AY – Tel. No. 01978 292100

Chief Officer Governance & Customer, Governance & Customer Department, Guildhall, Wrexham, LL11 1AY – Tel. No. 01978 292202

Deputy Monitoring Officer, Legal Services Section, Governance & Customer Department, Guildhall, Wrexham, LL11 1AY – Tel. No. 01978 292221

Chief Officer Finance & ICT, Lambpit Street, Wrexham, LL11 1AR – Tel. No. 01978 292704

Head of Service, Audit and Technical, Finance & ICT Department, Lambpit Street, Wrexham, LL11 1AR – Tel. No. 01978 292750

The Chair of the Standards Committee – By a sealed letter addressed to the Committees Section, Guildhall, Wrexham, LL11 1AY

Any other Chief Officer or any local Trade Union official.

Any Elected Member of Wrexham County Borough Council (who will refer the concerns in accordance with section 8 of this policy)

Concerns about harm or potential harm to a child, young person or vulnerable adult should be reported immediately to:

Child or Young Person:

Single Point of Access (SPOA) – Tel. No. 01978 292039

Vulnerable Adults:

Protection of Vulnerable Adults – Tel. No. 01978 292066

For both Adults or Children and Young Persons:

Emergency Duty Team (out of hours) - Tel. No. 0345 0533116

**EXTERNAL CONTACT LIST**

Although the Council encourages employees to make use of internal contacts to try raise a whistleblowing complaint, you are permitted by law to contact certain specific regulatory bodies/persons. Furthermore, the Council recognises certain additional external bodies which you can use to raise a whistleblowing complaint.

Under the Public Interest Disclosure (Prescribed Persons) Order 2014, there is a prescribed list of bodies/persons who can be contacted externally. The full list can be found in the order<sup>1</sup>, but some of those which are most likely to be relevant are:-

<b>Body/Person</b>	<b>Matters which can be referred to them</b>
Auditor General for Wales Tel. No. 02920320522	The proper conduct of public business; value for money, fraud and corruption in relation to the provision of public services.
Social Care Wales Tel. No. 0300 30 33 444	Matters relating to the registration of social care workers under the Care Standards Act 2000.
Chief Executive of the Criminal Cases Review Commission Tel. No. 0121 233 1473	Actual or potential miscarriages of justice.
Children's Commissioner for Wales Tel. No. 01792 765601 (ask for Investigation and Advice Team)	Matters relating to the rights, welfare and interests of children.
Health and Safety Executive Tel. No. 0300 0031647 (Concerns Team)	Matters which may affect the health or safety of any individual at work other than individuals at work wholly or mainly on premises which are, or are on—  (a) a GB nuclear site (within the meaning given in section 68 of the Energy Act 2013); (b) an authorised defence site (within the meaning given in regulation 2(1) of the Health and Safety (Enforcing Authority) Regulations 1998); or

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<sup>1</sup> A copy of the order, as it was originally enacted, can be found at: <http://www.legislation.gov.uk/ukxi/2014/2418/contents/made> Please note that the list of bodies may change from time to time. The Council cannot be responsible for the accuracy of the content on external websites.



(c) a new nuclear build site (within the meaning given in regulation 2A of those Regulations). Matters, which may affect the health and safety of any member of the public, arising out of or in connection with the activities of persons at work other than persons at work on a GB nuclear site, an authorised defence site or new nuclear build site.

Information Commissioner

Tel. No. 0303 123 1113

Compliance with the requirements of legislation relating to data protection and to freedom of information.

The National Society for the Prevention of Cruelty to Children (NSPCC)

Tel. No. 0808 800 5000

Matters relating to child welfare and protection.

Natural Resources Wales (formerly the Environment Agency Wales)

Tel. No. 0300 065 3000  
(or for urgent incidents: 0800 807060)

Acts or omissions which have an actual or potential effect on the environment or the management or regulation of the environment, including those relating to pollution, abstraction of water, flooding, the flow in rivers, inland fisheries and migratory salmon or trout.

Public Services Ombudsman for Wales

Tel. No. 0300 790 0203

Breaches by a member or co-opted member of a relevant authority (i.e. the Council or a community council) of that authority's code of conduct.

The Welsh Government

<http://wales.gov.uk>

Matters relating to the provision of Part II services as defined in section 8 of the Care Standards Act 2000 and the Children Act 1989.

Matters relating to the inspection and performance assessment of Welsh local authority social services as defined in section 148 of the Health and Social Care (Community Health and Standards) Act 2003.

Matters relating to the review of, and investigation into, the provision of health care by and for Welsh NHS bodies as defined under the Health and Social Care (Community Health and Standards) Act 2003.

In addition to the above, the Council recognises and approves the following external bodies who you may contact to make a whistleblowing complaint:

- Care and Social Services Inspectorate for Wales – Tel. No. 0300 7900126
- Equality and Human Rights Commission – Tel. No. 020 7832 7800
- North Wales Police – Tel. No. 0300 330 0101
- The following recognised Trade Unions:

UNITE	Tel. No. 01352 733611
UNISON	Tel. No. 01492 511667
GMB	Tel. No. 01492 535313

If you are unsure whether or how to use this procedure or want independent advice, you may contact the independent charity Public Concern at Work on 020 7404 6609 or at [www.pcaaw.co.uk](http://www.pcaaw.co.uk). Their lawyers can give you free confidential advice at any stage on how to raise a concern about serious malpractice at work.

Alternatively, if you are still not sure of what to do, you can seek advice from your local Citizens Advice Bureau (for Wrexham the contact number is 01978 363332).



**Whistleblowing Policy**  
**Report Form**

The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees and others that we deal with who have concerns to come forward and voice those concerns. It is recognised that many cases will have to proceed on a confidential basis. If you wish to make a report please use this pro-forma.

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- 1 Background and history of the concern (please give as much information as you can dates, times of incidents, names of others who may have information, names of people involved)
  
- 2 The reasons why you are particularly concerned about the situation.

(Please attach additional sheets if necessary)

- 3 You are encouraged to put your name to this report. Concerns expressed anonymously are much less powerful but they will be considered so far as is possible by the Council. If you feel able to, please give your name and details below.

Signed .....

Name.....

Department (if applicable).....

Address:.....

.....

Contact Telephone Number.....

E-mail address: .....

Date.....

## **SECTION 23**

# **CODE OF CORPORATE GOVERNANCE**

## **Section 23**

# **Governance Code**

Corporate Governance refers to the processes by which organisations such as the Council are directed, controlled, led and held to account. It is also about culture and values - the way that councillors (members) and employees think and act. In summary, if management is about running the Council, corporate governance is about seeing that it is run properly.

The Council is a complex organisation which affects all who live and work in Wrexham and businesses and organisations that are based here. It is therefore essential that there is confidence in our corporate governance, and the Council must therefore ensure that:

- as a democratic body, we engage with and account to our citizens and stakeholders effectively;
- we conduct our business in accordance with the law and to proper standards;
- public money is properly accounted for and is used economically, efficiently and effectively;
- controls are proportionate to risk so as not to impede performance;
- we continuously improve the way in which we function, in terms of effectiveness, quality, service availability, fairness, sustainability and innovation; and
- we fulfil our purpose and meet our priorities as set out in [the Council Plan](#).

The Council is therefore committed to good corporate governance – to doing the right things in the right way for the right people in a way which is timely, inclusive, open, honest and accountable. This Code sets out Wrexham County Borough Council's approach to achieving and maintaining good corporate governance. It follows guidance produced by the Chartered Institute of Public Finance and Accountancy (CIPFA) and the Society of Local Authority Chief Executives and Senior Managers (SOLACE).

**The Governance Code can be viewed by clicking on the link below**

[http://www.wrexham.gov.uk/english/council/documents/code\\_corporate\\_governance.htm](http://www.wrexham.gov.uk/english/council/documents/code_corporate_governance.htm)

## **SECTION 24**

# **MEMBER ROLE DESCRIPTIONS**

## **Section 24**

### **Elected Member Role Description**

#### **1 Accountabilities**

- To Full Council
- To the electorate of their ward
- To the public

#### **2 Role Purpose and Activity**

- **Representing and supporting communities**
  - To represent ward interests
  - To be a representative for the Council in the ward and communities they serve
  - To be a channel of communication to the community on council strategies, policies, services and procedures
  - To represent individual constituents and local organisations, undertaking casework on their behalf and serving all fairly and equally
  - To liaise with executive members, other council members, council officers and partner organisations to ensure that the needs of the local communities are identified, understood and considered
  - To promote tolerance and cohesion in local communities
- **Making decisions and overseeing council performance**
  - To participate in Full Council meetings, reaching and making informed and balanced decisions, and overseeing performance
  - To participate in informed and balanced decision making on committees and panels to which they might be appointed
  - To adhere to the principles of democracy and collective responsibility in decision making
  - To promote and ensure efficiency and effectiveness in the provision of council and other public services
- **Representing the Council (subject to appointment)**
  - To represent the Council on local outside bodies as an appointee of the Council
  - To represent the Council on local partnership bodies, promoting common interest and co-operation for mutual benefit
  - To represent and be an advocate for the Council on national bodies and at national events
- **Internal governance, ethical standards and relationships**
  - To promote and support good governance of the Council and its affairs
  - To provide community leadership and promote active citizenship
  - To promote and support open and transparent government
  - To support, and adhere to respectful, appropriate and effective relationships with employees of the Council

- To adhere to the Members' Code of Conduct, the Member/Officer Protocol, all other adopted codes and protocols and the highest standards of behaviour in public office
- **Personal and role development**
  - To participate actively in opportunities for development and training provided for members by the authority

### **3 Values**

- To be committed to the values of the Council identified in its Council Plan as
  - Trust
  - Respect
  - Innovation
  - Flexibility
  - Integrity
  - Commitment



## Leader (and Deputy) Role Description

### 1 Accountabilities

- To Full Council
- To nominating group
- To the Public

### 2 Role Purpose and Activity

- **Provide political leadership to the Council**
  - To be a political figurehead for the Council; to be the principal political spokesperson for the Council.
  - To provide leadership in building a political consensus around council policies
  - To form a vision for the Council and community
  - To provide strong, clear leadership in the co-ordination of policies, strategies and service delivery
- **Role on Executive Board**
  - Designate the appropriate lead roles
  - Appoint appropriate Executive Board members to each lead role
  - Allocate Executive Board Members to roles having regard to their abilities.
  - Make executive decisions as delegated to the Leader
- **Representing and acting as ambassador for the Authority**
  - Represent the Authority to a high standard. Provide a strong, competent and eloquent figure to represent the Authority both within the County Borough and on external bodies.
  - Represent the Authority on the WLGA coordinating committee and the WLGA regional partnership board.
  - Provide leadership and support local partnerships and organisations.
  - Represent the Authority in regional and national bodies as appropriate.
- **Provide leadership within the lead role**
  - If allocated, to fulfil the role of a lead Member, having regard to the role purpose, activities, and role specification of a Lead Member
- **Manage and lead the work of the Executive Board and chair meetings**
  - Ensure the effective running of the Executive Board by managing the forward work programme and ensuring its continuing development.
  - Ensure the work of the Executive Board meets national policy objectives.
  - Advise and mentor other Executive Board Members in their work.
  - To chair meetings of the Executive Board in line with the Constitution.
  - In the Leader's absence the Deputy Leader will fulfil this role.

- **Participate in the collective decision making of the Executive Board**
  - To work closely with other Executive Members to ensure the development of effective council policies and the budgetary framework for the Council, and the delivery of high quality services to local people.
  - To accept collective responsibility and support decisions made by the Executive Board once they have been made.
  
- **To work with officers to lead the organisation**
  - Liaise with the Chief Executive, and other appropriate officers, on a regular basis
  - Work with employees of the Council in relation to the strategic vision and direction of the Council, the management roles of officers and the development of policy issues.
  
- **Leading partnerships and community leadership**
  - To give leadership to local strategic partnerships and local partners in the pursuit of common aims and priorities
  - To negotiate and broker in cases of differing priorities and disagreement
  - To act as a leader of the local community by showing vision and foresight
  
- **Internal governance, ethical standards and relationships**
  - To promote and support good governance of the Council and its affairs
  - To provide community leadership and promote active citizenship
  - To promote and support open and transparent government
  - To support, and adhere to respectful, appropriate and effective relationships with employees of the Council
  - To adhere to the Members' Code of Conduct, Member/Officer Protocol, all other adopted codes and protocols and the highest standards of behaviour in public office

### 3 Values

- To be committed to the values of the Council identified in its Council Plan as
  - Trust
  - Respect
  - Innovation
  - Flexibility
  - Integrity
  - Commitment

#### Deputy Leader

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

## Lead Member Role Description

### 1 Accountabilities

- To the Leader
- To the Executive Board (through collective responsibility)
- To Full Council

### 2 Role Purpose and Activities

- **Lead Member Role**
  - Giving political direction to officers working within the Lead Role
  - Gain the respect of officers within the Lead Role; provide support to officers in the implementation of Lead Role programmes
  - Provide political leadership in the Lead Role
  - Liaise with the appropriate scrutiny chair(s) and receive scrutiny reports as required
  - Be accountable for political choices, advocacy and performance in the Lead Role
  - Have an overview of the performance management, efficiency and effectiveness of the Lead Role
  - Make executive decisions as delegated to the Lead Role
  - Advocate and present reports relevant to the Lead Role or as allocated by the Leader to meetings of the Executive Board, Scrutiny Committees and Council
- **Contribute to the setting of strategic agenda and work programme for the Lead Role**
  - Work with officers to formulate policy documents both strategic and statutory and to prepare reports for presentation to the Executive Board. Ensure that the political will of the majority is carried to and through the Executive Board.
  - Provide assistance in working up and carrying through a strategic work programme both political and statutory. Carry out consultations with stakeholders as required. Make sure that the Lead Role's forward work programme is kept up to date and accurate.
- **Provide representation for the Lead Role**
  - Provide a strong, competent and persuasive figure to represent the Lead Role. Be a figurehead in meetings with stakeholders.
- **Reporting and accounting**
  - Report as appropriate to the Leader, Full Council, Executive Board, appropriate chairs of scrutiny committees, regulatory bodies and the media.
  - Be the principal political spokesperson for the Lead Role.
  - Appear before scrutiny committees in respect of matters within the Lead Role to present reports as necessary and to be held to account for and to answer questions relating to the Lead Role.

- **Take an active part in Executive Board meetings and decision making**
  - To show an interest in and support for the Lead Roles of others
  - To recognise and contribute to issues which cut across Lead Roles or are issues of collective responsibility
- **Leading partnerships and community leadership**
  - To give leadership to local strategic partnerships and local partners in the pursuit of common aims and priorities
  - To negotiate and broker in cases of differing priorities and disagreement
  - To act as a leader of the local community by showing vision and foresight
- **Internal governance, ethical standards and relationships**
  - To promote and support good governance of the Council and its affairs
  - To provide community leadership and promote active citizenship
  - To promote and support open and transparent government
  - To support, and adhere to respectful, appropriate and effective relationships with employees of the Council
  - To adhere to the Members' Code of Conduct, Member/Officer Protocol, all other adopted Codes and Protocols and the highest standards of behaviour in public office

### **3 Values**

- To be committed to the values of the Council identified in its Council Plan as
  - Trust
  - Respect
  - Innovation
  - Flexibility
  - Integrity
  - Commitment

## **Board Member Role Description (without Lead Role)**

### **1. Accountabilities**

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

### **2. Role Purpose and Activities**

- **Take an active part in Executive Board meetings and decision making**
  - To participate in Executive Board meetings, reaching and making informed and balanced decisions and overseeing executive performance
  - To adhere to the principles of democracy and collective responsibilities in executive decision making
  - To promote and ensure efficiency and effectiveness in the provision of Council and other public services for which the Executive Board has functional responsibility
- **Reporting and accounting**
  - Report as appropriate to the Leader, full Council, Executive Board, appropriate chairs of scrutiny and regulatory bodies
  - Appear before Scrutiny Committees as necessary in respect of Executive Board decisions
- **Representing the Executive Board**
  - To represent the Executive Board on outside bodies as an appointee of the Board
- **Internal governance, ethical standards and relationships**
  - To promote and support good governance of the Council and its affairs
  - To provide community leadership and promote active citizenship
  - To promote and support open and transparent government
  - To support, and adhere to respectful, appropriate and effective relationships with employees of the Council
  - To adhere to the Members' Code of Conduct, Member/Officer Protocol, other adopted Codes and Protocols and the highest standards of behaviour in public office

### **3 Values**

- To be committed to the values of the Council identified in its Council Plan as
  - Trust
  - Respect
  - Innovation
  - Flexibility
  - Integrity
  - Commitment

## Mayor and Deputy Mayor of the Council Role Description

### 1 Accountabilities

- Full Council

### 2 Role Purpose and Activity

- **Act as a symbol of the Council's democratic authority**
  - As the ceremonial and civic head of the Council, to be non-political and uphold the democratic values of the Council
  - To represent the Council at civic and ceremonial functions
- **Chair Council meetings**
  - To preside over meetings of the Council, so that its business can be carried out efficiently, effectively and fairly
  - To ensure the Council conducts its meetings in line with the Council's Standing Orders and other Procedure Rules
- **Uphold and promote the Council's Constitution**
  - To ensure the Constitution is adhered to and, if necessary and having taken appropriate advice, to rule on the interpretation of the Constitution
- **Internal governance, ethical standards and relationships**
  - To promote and support good governance of the Council and its affairs
  - To provide community leadership and promote active citizenship
  - To promote and support open and transparent government
  - To support, and adhere to respectful, appropriate and effective relationships with employees of the Council
  - To adhere to the Members' Code of Conduct, Member/Officer Protocol, all other relevant Council codes and protocols and the highest standards of behaviour in public office

### 3 Values

- To be committed to the values of the Council identified in its Council Plan as

#### **Deputy Mayor**

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

This Role Description describes the duties of the Mayor in his/her capacity in presiding over Council Meetings.

It does not provide the detail of the wider ambassadorial or ceremonial responsibilities required of the Mayor.

## Chair of a Regulatory Committee Role Description

### 1 Accountabilities

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

### 2 Role Purpose and Activity

- **Provide leadership and direction**
  - Provide confident and effective management of meetings to facilitate inclusivity, participation and clear decision making
  - Ensure that applicants and other interested parties are satisfied as to the transparency of the regulatory process
  - Demonstrate integrity and impartiality in decision making which accord with legal, constitutional and policy requirements
  - Delegate actions to sub committees as appropriate
- **Promoting the role of the regulatory committee and quasi-judicial decision making**
  - Act as an ambassador for the regulatory committee, facilitating understanding of the role
  - Act within technical, legal and procedural requirements to oversee the functions of the committee fairly and correctly
  - Ensure thoroughness and objectivity in the committee, receiving and responding to professional advice in the conduct of meetings and in individual cases/applications before formal committee meetings
- **Internal governance, ethical standards and relationships**
  - Develop the standing and integrity of the committee and its decision making
  - understand the respective roles of members, officers and external parties operating within the regulatory committee's area of responsibility
  - Promote and support good governance by the Council
  - To promote and support open and transparent government
  - To support, and adhere to respectful, appropriate and effective relationships with employees of the Council
  - To adhere to the Members' Code of Conduct, Member/Officer Protocol, all other relevant Council codes and protocols and the highest standards of behaviour in public office

### 3. Values

- To be committed to the values of the Council identified in its Council Plan as
  - Trust
  - Respect
  - Innovation
  - Flexibility
  - Integrity
  - Commitment

## Member of a Regulatory Committee Role Description

### 1 Accountabilities

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

### 2 Role purpose and activity

- **Understanding the nature of the regulatory committee and quasi-judicial decision making**
  - To be aware of the quasi-judicial nature of regulatory committee decision making
  - To have sufficient technical, legal and procedural knowledge to contribute fairly and correctly to the function of the committee
  - To be thorough and objective in receiving and responding to professional advice in the conduct of meetings and individual cases/applications before the committee
- **Participating in meetings and making decisions**
  - To participate effectively in meetings of the regulatory committee, ensuring that both local considerations and policy recommendations are balanced to contribute to effective decision making
  - To make informed and balanced decisions, within the terms of reference of the committee, which accord with legal, constitutional and policy requirements
- **Internal governance, ethical standards and relationships**
  - To ensure the integrity of the committee's decision making and of his/ her own role by adhering to the Code of Conduct(s) and other constitutional and legal requirements
  - To promote and support good governance by the Council
  - To understand the respective roles of members, officers and external parties operating within the regulatory committee's area of responsibility
  - To promote and support open and transparent government
  - To support, and adhere to respectful, appropriate and effective relationships with employees of the Council
  - To adhere to the Members' Code of Conduct, Member/Officer Protocol, all other relevant Council codes and protocols and the highest standards of behaviour in public office

### 3 Values

- To be committed to the values of the Council identified in its Council Plan as
  - Trust
  - Respect
  - Innovation
  - Flexibility
  - Integrity
  - Commitment



## Scrutiny Chair Role Description

### 1. Accountabilities

- Full Council
- Scrutiny Committee
- The Public

### 2. Role, purpose & activity

#### ▪ Provide leadership and direction

- Provide confident and effective management of the member team
- Promote the role of Scrutiny within and outside the council, liaising effectively both internally within the council and externally with the Council's partners
- Demonstrate an objective and evidence based approach to scrutiny
- Evaluate the impact and added value of scrutiny activity and identify areas for improvement in order to secure continuous improvement
- Participate actively in the Scrutiny Chairs and Vice Chairs Co-ordinating Group
- To present and commend the views of their Committee in any required forum
- To contribute to the Scrutiny Annual Report which is presented to Council

#### ▪ Manage the work programme

- Develop a balanced work programme of the committee which includes pre and post decision scrutiny, policy development and review, investigative scrutiny, and performance monitoring
- Ensure the programme takes account of relevant factors such as: the work programmes of the executive and other committees, strategic priorities and risks, and relevant community issues
- Ensure that the work programme is delivered as programmed and effectively use call-over meetings to accomplish this
- Liaise with officers, other members and community representatives to resource and deliver the work programme
- To liaise with the relevant Lead Member(s) to ensure that their Scrutiny Committee is aware of future issues where scrutiny could add value to the decision to be made

#### ▪ Hold the Executive to account

- Evaluate the validity of executive decisions and challenge inappropriate decisions of the Executive Board and as relevant individual Lead Members
- To attend meetings of the Executive Board and present the relevant recommendations of their Scrutiny Committee for consideration

#### ▪ Effective meeting management

- Set agendas containing clear objectives and outcomes for the meeting
- Manage the progress of business at meetings, ensuring that meeting objectives are met, and the code of conduct, standing orders and other constitutional requirements are adhered to
- Ensure that the necessary preparation is done beforehand
- Ensure that all participants have an opportunity to make an appropriate contribution

## ▪ **Community leadership**

- Act as a focus for liaison between the council, community and external bodies in relation to the scrutiny function
- Build understanding and ownership of the scrutiny function within the community
- Identify relevant community based issues for scrutiny
- Involve fully external stakeholders for example, service users, the public, expert witnesses and partners in scrutiny activity

## ▪ **Involvement and development of committee members**

- Encourage high performance from all committee members in both committee and task and finish groups
- Assess individual and collective performance within the committee and facilitate appropriate development

## **3 Values**

- To be committed to the values of the Council identified in its Council Plan as
  - Trust
  - Respect
  - Innovation
  - Flexibility
  - Integrity
  - Commitment

## Scrutiny Vice - Chair Role Description

### **1 Accountabilities**

- Full Council
- Scrutiny Committee
- The Public

### **2. Role purpose & activity**

- To support the Chair in fulfilling their identified role, purpose and activity.
- In the absence of the Chair, to exercise the role, purpose and activity as outlined above for the Chair.
- To attend call over meetings and contribute towards debate and decisions made.
- Together with the Chair to meet with Lead Member(s) to ensure that their Scrutiny Committee is aware of future issues where scrutiny could add value to the decision to be made.

### **3 Values**

- To be committed to the values of the Council identified in its Council Plan as
  - Trust
  - Respect
  - Innovation
  - Flexibility
  - Integrity
  - Commitment

## Scrutiny Member Role Description

### 1 Accountabilities

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

### 2 Role purpose & activity

- To participate fully in the activities of the Scrutiny Committee, delivery of its work programme and any associated task and finish groups
- **Reviewing and developing policy**
  - Assist in the creation, development, improvement and refinement of council policy
  - Challenge policies on a sound basis of evidence for example against legislation or local political priority
  - Assess impact of existing policy
- **Holding the Executive to Account, Monitoring performance and service delivery**
  - To monitor the performance of internal and external providers against standards and targets including questioning of executive and senior officers over time
  - To contribute to the identification and mitigation of risk
  - To investigate and address the causes of poor performance
  - To evaluate the validity of executive decisions and challenging decisions through Call-In where appropriate
- **Promoting the work of scrutiny**
  - Promote the role of scrutiny within and outside the council, developing effective internal and external relationships
  - Demonstrate an objective and evidence based approach to scrutiny
  - Add value to the decision making and service provision of the authority through effective scrutiny
- **Community leadership**
  - Use scrutiny as a means to address community issues and engage the public
  - Encourage stakeholders to participate in the work of the authority
  - Develop locally viable and acceptable policy solutions
  - Build a dialogue around priorities, objectives and performance, among communities and stakeholders

- **Meeting participation**

- Make adequate and appropriate preparation for meetings through research and briefings
- Participate in a proactive, informed and effective manner taking account of the Code of Conduct, Standing Orders and other constitutional requirements

### **3 Values**

- To be committed to the values of the Council identified in its Council Plan as
  - Trust
  - Respect
  - Innovation
  - Flexibility
  - Integrity
  - Commitment

## Chair of Democratic Services Committee Role Description

### **1 Accountabilities**

- To Full Council

### **2 Role Purpose and Activity**

#### **Providing leadership and direction**

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

#### **Promoting the role of the Democratic Services Committee**

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

#### **Internal governance, ethical standards and relationships**

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

### 3 Values

- To be committed to the values of the Council identified in its Council Plan as
  - Trust
  - Respect
  - Innovation
  - Flexibility
  - Integrity
  - Commitment

## **Member of a Democratic Services Committee Role Description**

### **1 Accountabilities**

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

### **2 Role purpose and activity**

#### **Understanding the nature of the Democratic Services Committee:**

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

#### **Participating in meetings and making decisions**

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



**Internal governance, ethical standards and relationships**

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

**3 Values**

- To be committed to the values of the Council identified in its Council Plan as
  - Trust
  - Respect
  - Innovation
  - Flexibility
  - Integrity
  - Commitment

## Chair of Audit Committee Role Description

### 1 Accountabilities

- To Full Council

### 2 Role purpose and activity

#### ▪ Providing leadership and direction

- To demonstrate independence, integrity and impartiality in decision making which accord with legal, constitutional and policy requirements
- To provide confident and effective management of meetings to facilitate inclusivity, participation and clear decision making
- To lead the committee in its role in:
  - reviewing and scrutinising the authority's financial affairs
  - Making reports and recommendations in relation to the authority's financial affairs
  - Reviewing and assessing the risk management, internal control and corporate governance arrangements of the authority,
  - Making reports and recommendations to the authority on the adequacy and effectiveness of those arrangements,
  - Overseeing the authority's internal and external audit arrangements
  - Reviewing the financial statements prepared by the authority and approving them when powers are delegated.
  - Developing relationships with Auditors
  - Developing a forward work programme

#### Promoting the role of the audit committee

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

**Internal governance, ethical standards and relationships**

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

**3 Values**

- To be committed to the values of the Council identified in its Council Plan as
  - Trust
  - Respect
  - Innovation
  - Flexibility
  - Integrity
  - Commitment

## Member of an Audit Committee Role Description

### 1 Accountabilities

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

### 2 Role purpose and activity

- Understanding the nature of the audit committee:**
  - To be aware of the role of the committee in
    - reviewing and scrutinising the authority's financial affairs
    - Making reports and recommendations in relation to the authority's financial affairs
    - Reviewing and assessing the risk management, internal control and corporate governance arrangements of the authority,
    - Making reports and recommendations to the authority on the adequacy and effectiveness of those arrangements,
    - Overseeing the authority's internal and external audit arrangements
    - Reviewing the financial statements prepared by the authority.
  - To have sufficient technical, legal and procedural knowledge to contribute fairly and correctly to the function of the committee.
  - To be thorough and objective in receiving and responding to professional advice in the conduct of meetings and issues before the committee
- Participating in meetings and making decisions**
  - To participate effectively in meetings of the audit committee,
  - To make informed and balanced decisions, within the terms of reference of the committee, which accord with legal, constitutional and policy requirements
- Internal governance, ethical standards and relationships**
  - To ensure the integrity of the committee's decision making and of his/ her own role by adhering to the Code of Conduct(s) and other constitutional and legal requirements
  - To promote and support good governance by the Council
  - To understand the respective roles of members, officers and external parties operating within the audit committee's area of responsibility

### 3 Values

- To be committed to the values of the Council identified in its Council Plan as
  - Trust
  - Respect
  - Innovation
  - Flexibility
  - Integrity
  - Commitment

## Chair of Standards Committee Role Description

### 1 Accountabilities

- To Full Council

### 2 Role purpose and activity

- Providing leadership and direction**
  - To act within technical, legal and procedural requirements to oversee the functions of the committee fairly and correctly
  - To ensure thoroughness and objectivity in the committee, receiving and responding to professional advice on the Code of Conduct
  - To demonstrate independence, integrity and impartiality in decision making which accord with legal, constitutional and policy requirements
  - To provide confident and effective management of meetings to facilitate inclusivity, participation and clear decision making
  - To lead the committee in its role in:
    - promoting and maintaining high standards of conduct by Councillors and co-opted members
    - assisting the Councillors and co-opted members to observe the Members' Code of Conduct;
    - advising the Council on the adoption or revision of the Members' Code of Conduct;
    - monitoring the operation of the Members' Code of Conduct;
    - advising, training or arranging to train Councillors, co-opted members on matters relating to the Members' Code of Conduct;
    - granting dispensations to Councillors and co-opted members
    - dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter referred to that officer by the Public Services Ombudsman for Wales.
    - the exercise of these functions in relation to community councils and the members of those community councils.

### 3 Values

- To be committed to the values of the Council identified in its Council Plan as
  - Trust
  - Respect
  - Innovation
  - Flexibility
  - Integrity
  - Commitment

## Standards Committee Member Role Description

### 1 Accountabilities

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

### 2 Role purpose and activity

- Understanding the nature of the Standards Committee and effectively fulfilling its functions by:**
  - promoting and maintaining high standards of conduct by Councillors and co-opted members
  - assisting the Councillors and co-opted members to observe the Members' Code of Conduct;
  - advising the Council on the adoption or revision of the Members' Code of Conduct;
  - monitoring the operation of the Members' Code of Conduct;
  - advising, training or arranging to train Councillors, co-opted members on matters relating to the Members' Code of Conduct;
  - granting dispensations to Councillors and co-opted members
  - dealing with any reports from a case tribunal or interim case tribunal and any report from the Monitoring Officer on any matter referred to that officer by the Public Services Ombudsman for Wales.
- To have sufficient technical, legal and procedural knowledge to contribute fairly and correctly to the function of the committee.
- To be thorough and objective in receiving and responding to professional advice in the conduct of meetings and issues before the committee
- **Participating in meetings and making decisions**
  - To participate effectively in meetings of the Standards committee,
  - To make informed and balanced decisions, within the terms of reference of the committee, which accord with legal, constitutional and policy requirements
- Internal Governance, ethical standards and relationships**
  - To ensure the integrity of the committee's decision making and of his/ her own role by adhering to the Code of Conduct(s) and other constitutional and legal requirements
  - To promote and support good governance by the Council
  - To understand the respective roles of members, officers and external parties operating within the Standards Committee's area of responsibility

### 3 Values

- To be committed to the values of the Council identified in its Council Plan as
  - Trust
  - Respect
  - Innovation
  - Flexibility
  - Integrity
  - Commitment



## Member Champion Role Description

### 1 Accountabilities

- To the appropriate committee/group

### 2 Role purpose and activity

#### Within the Council

- To represent the council at meetings relating to the interest area outside both locally and nationally
- To promote the interest area being championed within the Council's corporate and service priorities
  - To promote the needs of any group represented in the interest to the decision makers within the council
  - To work with the decision makers in the Council to establish strategies, Policies, plans etc connected with the interest area
  - To maintain an awareness of all matters connected with the interest area
  - To contribute to good practice and the continuous improvement of services and functions related to the interest area

- To engage with Members in matters relating to the interest area by attending relevant committee meetings

- Raising awareness of and taking a lead role in the development of Members and Officers in relation to the interest area

#### In the Community (where appropriate)

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

### 3 Values

- To be committed to the values of the Council identified in its Council Plan as
  - Trust
  - Respect
  - Innovation
  - Flexibility
  - Integrity
  - Commitment

## **SECTION 25**

# **MEMBERS' REMUNERATION**

## **Section 25**

### **Guidance Notes for Elected Members**

### **Members' Remuneration, Co-opted Payments, Care Allowance Scheme, Family Absence & Reimbursement of Travel and Subsistence**

#### **Introduction**

It is essential for both the assistance and protection of elected Members that clear and comprehensive guidance on the remuneration scheme, the care allowance scheme, family absence and the reimbursement of travel and subsistence is available to them.

A statutory framework governs Members' entitlement to remuneration, care allowance and travelling and subsistence expenses both within and outside the UK. Although, within that framework, councils have discretion to determine their own rules, what is essential is that entitlements are clearly defined and are limited to reimbursing Members for reasonable levels of authorised and approved expenditure, properly incurred for council purposes.

Her Majesty's Revenue and Customs (HMRC) legislation stipulates that any "expenses" not justified by receipts will be regarded as pure profit and taxed accordingly.

The major points which the guidance addresses are:

1. The requirement for Members to claim regularly.
2. Entitlements to a care allowance, travelling & subsistence expenses are "limited to reimbursing Members for reasonable levels of authorised and approved expenditure, properly incurred for Council purposes".

The guidance covers:

Fixed Remuneration (Basic and Senior Salaries)

Co-opted Member Payments

Care Allowance

Family Absence

Business Travel Club details

Travelling Expenses

Subsistence

Foreign Travel

Other Matters

Appendix 1 - Current Remuneration

Appendix 2 - Current Rates

Appendix 3 - Protocol for Meetings of Outside Bodies

Appendix 4 - Family Absence for Members of Local Authorities (Wales)

## Members' Remuneration

### **1. FIXED PAYMENTS**

#### (a) **BASIC SALARY** (See Appendix 1)

All Members are entitled to the Basic Salary.

There is no need to claim. One-twelfth is paid automatically on the 15th of each month in respect of that month (Or on the previous Friday if the 15<sup>th</sup> falls at a weekend)

Any Member who wishes not to receive the payment or who wishes to exercise their right not to receive the whole amount **must** notify the Chief Officer Finance & ICT (The responsible officer) in writing.

It is to reimburse you for:

- your time on official business which includes the Executive Board, committees, sub-committees, panels, working parties, Council meetings and any other duties at which you represent the Council
- your time and costs (IT, postage, stationery, telephone expenses, local travel and incidental expenses) as a Ward Councillor (including representing the Council on such things as local school and Community Centre Management Committees).
- your time and costs (as above) dealing with any other Council business for which a Special Responsibility Allowance is not payable.

#### (b) **SENIOR SALARY** (See Appendix 1)

There is no need to claim. One-twelfth is paid automatically on the 15th of each month in respect of that month. (Or on the previous Friday if the 15<sup>th</sup> falls at a weekend)

Any Member who wishes to exercise their right not to receive the allowance or who wishes to receive less than the full amount **must** notify the Chief Officer Finance & ICT in writing.

It is to reimburse you for your time and incidental costs (but not travel) in exercising your special responsibility including meetings with officers.

All Senior Salaries incorporate the Basic Salary.

### **2. CO-OPTED MEMBER PAYMENTS** ( See Appendix 1)

Co-opted Members (Chair and Members) with voting rights are entitled to a daily fee (with a provision for half day payments). The payments are capped at a maximum of the equivalent of 10 full days a year for each committee to which an individual may be co-opted. Reasonable time for pre meeting preparation is eligible to be included in claims made by co-opted members the extent of which can be determined by the appropriate officer in advance of the meeting.

Travelling time to and from the place of the meeting can be included in the claims for payments made by co-opted members (up to the maximum of the daily rate).

The appropriate officer within the authority can determine in advance whether a meeting is programmed for a full day and the fee will be paid on the basis of this determination even if the meeting finishes before four hours has elapsed.

Meetings eligible for the payment of fee include other committees and working groups (including task and finish groups) or any other formal meeting to which co-opted members are requested to attend. (pre meetings with officers, training and attendance at conferences are already eligible for payment).

### **HOW TO CLAIM**

The payment of a Co-opted Member fee will be made on submission of the appropriate claim form duly completed. The details required on the claim form are as follows:

- Your name and address together with national insurance number and payroll reference.
- Date and nature of meeting /s
- Start and Finish time of the meeting /s.
- Total amount claimed.
- Your signature.
- Date.

### **WHEN TO CLAIM**

Claims must be submitted to the Payroll Section by no later than the 5th of the following month. It is important to claim monthly to aid accuracy, checking and legitimate scrutiny (of the public).

Claims received which are over 3 months old will be reported to the Chair of Executive Board and to the appropriate group leader and only paid at the discretion of the Chief Officer Finance & ICT in exceptional circumstances. Claims over 6 months old will not be paid under any circumstances.

### **REIMBURSEMENT OF COSTS OF CARE (See Appendix 1)**

You may submit a claim to reimburse you for the cost of expenses incurred in arranging care for children, or dependants if you satisfy the Authority that the child or dependant required supervision which caused you to incur expenses that were necessary in respect of the care of that child or dependant in the carrying out of your duties as a Councillor.

Reimbursement of the cost of care will not be made to more than one Councillor of the Authority in relation to the care of the same child or dependant.

More than one reimbursement will not be paid to any Councillor of the Authority who is unable to demonstrate to the reasonable satisfaction of the authority that the member has to make separate arrangements for the care of different children or dependants.

(c) **WHEN TO CLAIM**

Claims must be submitted to the Payroll Section by no later than the 5th of the following month.

It is important to claim monthly to aid accuracy, checking and legitimate scrutiny (of the public).

Claims received which are over 3 months old will be reported to the Chair of Executive Board and to the appropriate group leader and only paid at the discretion of the Chief Officer Finance & ICT in exceptional circumstances. Claims over 6 months old will not be paid under any circumstances.

**FAMILY ABSENCE**

In accordance with the Family Absence for Members of Local Authorities (Wales) Regulations 2013 an elected member is entitled to a period of family absence which falls into the following five categories:

Maternity absence  
Newborn absence  
Adopter's absence  
New adoption absence  
Parental absence .

In all cases of Family Absence a member must notify the Chief Officer Governance & Customer of their intention to take such leave. Full guidance on the entitlement to Family Absence is attached at Appendix 4

**SICKNESS ABSENCE FOR SENIOR SALARY HOLDERS**

This is in response to feedback from elected members and officers .

The approach will operate in a similar way to the current 'family absence' provisions.

- a. Long Term Sickness is defined as certified absences in excess of 4 weeks.
- b. A maximum length of sickness absence of 26 weeks or until the individual's term of office ends whichever is sooner.
- c. An Authority may decide whether to continue to pay a Senior Salary during the period of sickness
- d. An Authority may decide whether to make a substitution but the substitute will be eligible to be paid the Senior Salary appropriate to the post ( The 50% rule will not apply)
- e. If an Authority makes a substitution they must notify the Panel within 14 days of making the decision. The Schedule of Remuneration must reflect the substitution.
- f. This will only apply to Senior Salary Holders as those in receipt of a Basic Salary continue to receive their remuneration for at least sick months irrespective of attendance and the Authority has the discretion to extend this period.

This is consistent with the Family Absence Procedures

**3. TRAVELLING (See also section on Foreign Travel)**

This Authority will continue to utilise the services of a Business Travel club.

The Travel Club will arrange all travel and accommodation needs for elected members.

This will provide a consistent approach across the Authority and will ensure that the VAT on all accounts relating to accommodation may be reclaimed.

All travel / accommodation arrangements will be made by Office Services (Guildhall), and only in exceptional circumstances will members be required to submit individual claims for reimbursement.

(a) **WHAT YOU CAN CLAIM FOR**

- (i) Travelling to Council meetings including Executive Board, committees, sub-committees, panels and working parties.
- (ii) Travelling to approved duties
- (iii) Travelling to meetings, etc. (including meetings with Officers) which relate to those special responsibilities for which you receive a special responsibility remuneration.
- (iv) Travelling to conferences which have been approved in accordance with the Chief Officer Governance & Customer delegations 23 and 24 contained in Table 5 of Part 3 to the Council's Constitution (Responsibility for Functions) in consultation with the Leader and Deputy Leader. In instances where either the Leader or the Deputy Leader is a prospective conference attendee the Lead Member Lead Member for Finance, Performance and Governance will be consulted.

In respect of (ii) and (iii) above, decisions on travel, overnight stays and other expenses (see overleaf) should be made in accordance with the protocol in Appendix 3.

(b) **WHAT YOU CAN CLAIM (Travel)**

Travelling expenses are a reimbursement of costs actually incurred. If your travel has not cost you anything because, for example, you travelled in someone else's vehicle or were provided with free transport, then you cannot claim. You are certifying that you have incurred the expenses claimed.

You can claim:

- (i) Bus fare.
- (ii) Train fare - standard class and seat reservation costs if applicable. (First class may only be used/claimed if approved in advance by the Chief Officer Governance & Customer or if approved by an external body which you are representing and which will reimburse the Council in full).
- (iii) Car mileage. **(Note: Members are expected to travel with officers or other Members whenever possible).** Car mileage outside the County Borough area will only be paid where it is clear that public transport was not a viable alternative or where travel by car would obviate the need for an overnight stay. Members may choose to use other than public transport but train fare will be paid whatever the method of transport used. (See Appendix 2 for current rates).

On 22nd July 2014 HM Treasury issued a ministerial statement advising that legislation will be introduced to provide for a specific exemption from tax and National Insurance Contributions in relation to travelling expenses for Councillors, including travelling between home and the Council offices.

This new legislation was to be introduced from 6 April 2015 and included in the Finance Bill 2015 which was published on 24 March.

However, a number of clauses which had been intended for inclusion in the Finance Bill 2015 have been deferred as a result of discussions with the Opposition in the context of the end-of-Parliament wash up process. Unfortunately, these include the new tax exemption for travel expenses of members of local authorities. Apparently, the Government intends that measures deferred to a future bill will be legislated at the earliest opportunity in the new Parliament.

Until such time as this is resolved and hopefully totally exempt from tax, if you receive any contact from HMRC please advise the caller:

1. You are an elected member whose home address and contact details are in the public domain.
2. As a consequence of your position you may be contacted at any time by telephone, email or by a personal visit from a constituent and would if necessary invite the caller into your office on your home premises.
3. You can provide written evidence if required.
4. Taxi fare but only in cases of urgency or where no public transport is reasonably available.
5. Air fares but only if approved in advance by the Chief Officer Governance & Customer on the grounds of substantial time saving or urgency. (Note: this does not apply to foreign travel - see separate section).

(d) **WHEN TO CLAIM (Travel)**

Claims must be submitted to the Payroll Section by no later than the 5th of the following month.

It is important to claim monthly to aid accuracy, checking and legitimate scrutiny (of the public).

Claims received which are over 3 months old will be reported to the Chair of Executive Board and to the appropriate group leader and only paid at the discretion of the Chief Officer Finance & ICT in exceptional circumstances. Claims over 6 months old will not be paid under any circumstances



#### 4. **SUBSISTENCE**

##### (a) **WHAT YOU CAN CLAIM FOR**

**Day Subsistence** - Outside the County Borough area (see Appendix 2 for rate)

**Overnight Subsistence** - the maximum rate (see Appendix 2) allows for the reimbursement of accommodation costs, meals and other expenses in a 24 hour period.

Overnight stays should only be claimed where it would be unreasonable to travel and return on the same day or in fewer days than are claimed. The Chief Officer Finance & ICT may reject claims which he considers excessive. Appropriate Officers or Officers accompanying Members will normally book and arrange invoices for hotels and trains.

##### (b) **HOW MUCH YOU CAN CLAIM (Subsistence)**

**Day Subsistence** - if you paid for a meal **outside the County Borough area**, you may claim reimbursement of expenses incurred up to the appropriate maximum (see Appendix 2).

The cost of meals **within the County Borough** will not be reimbursed.

**Overnight Subsistence** - up to the maximum 24 hour rate (see Appendix 2) the claim may consist of

- (i) the actual cost of hotel accommodation
- (ii) A maximum of £30 may be claimed for staying overnight with friends or relatives. However, any amount claimed will be subject to tax and national insurance.
- (iii) The actual cost of meals (with receipts) normally up to the appropriate maximum meal rate.
- (v) £11.80 for incidental expenses (with receipts) if considered by the Chief Officer Finance & ICT as appropriate expenditure

**Note: the appropriate rate for meals provided by another party must be deducted.**

##### (c) **HOW TO CLAIM (Subsistence)**

Claims should be submitted to the Payroll Section by no later than the 5th of the following month.

It is important to claim monthly to aid accuracy, checking and legitimate scrutiny. Claims over 3 months old will be reported to the Chair of Executive Board and to the appropriate group leader and only paid at the discretion of the Chief Officer Finance & ICT in exceptional circumstances. Claims over 6 months old will not be paid under any circumstances

## 5. FOREIGN TRAVEL

### (a) APPROVAL

Foreign trips for Members are the exception. Some may be pre-planned and approved in advance (e.g. civic twinning visits or Brussels/Strasbourg on European issues relevant to Wrexham). Others may be more urgent such as trips concerning inward investment. Such trips will not usually involve more than one Member who will normally be accompanied by an appropriate officer.

Approval may be given:

- (i) In advance by the Executive Board
- (ii) In cases of urgency (defined as there being no scheduled Executive Board before the date by which arrangements must be made) by the Chief Executive together with the **Chief Officer Governance & Customer or Chief Officer Finance & ICT** in consultation with the Leader. In the event of the Leader being one of the individuals involved in the trip the officers concerned should consult the Deputy Leader. In instances where both the Leader and the Deputy Leader are prospective participants in the trip the Lead Member for Lead Member for Finance, Performance and Governance will be consulted.

In the event of the Chief Executive being involved the **Chief Officer Governance & Customer or Chief Officer Finance & ICT** should consult with the Leader. In the event of the Leader being involved the **Chief Officer Governance & Customer or Chief Officer Finance & ICT** should consult with the Chief Executive.

A report on the benefits of the visit will be made at the earliest opportunity.

### (b) WHAT CAN BE CLAIMED

Officers (accompanying officers or Members' Services) will arrange for and the Council will pay for:

- (i) All International travel including transfers and taxes
- (ii) All hotel accommodation
- (ii) All meals (if accompanying the Member)

Members may claim:

- (i) Travel to/from the port/airport unless travelling with an officer
- (ii) Meals at prevailing local rates (if unaccompanied) as determined by the **Chief Officer Finance & ICT** in consultation with the Leader. In the event of the Leader being involved the Chief Officer Finance & ICT should be consulted.
- (iii) Incidental expenses of twice the UK rate (with receipts) if considered by the Chief Officer Finance & ICT as appropriate expenditure

### (c) HOW TO CLAIM

Claim as normal on the monthly form

**6. OTHER MATTERS**

**(a) COUNCIL REPRESENTATIVES ON OTHER BODIES**

Reimbursement of expenses incurred may be paid to Members attending meetings of the body which has been authorised by Council as an Approved Duty.

Reimbursement of expenses incurred will not be paid for the Member to represent that body elsewhere e.g. if the Member is the Council representative on Wrexham X Association, the Council will not pay for the Member to represent Wrexham X Association on the national body of X Associations. The exceptions to this are where the body concerned undertakes to reimburse the Council – this currently includes the Local Government Association, Welsh Local Government Association and North Wales Fire Authority (Chair only).

**(b) ROYAL GARDEN PARTIES**

The Council asks the spouse/partner/companion of a Member to accompany him/her to Royal Garden Parties to represent the Council. In that case the accompanying person will be reimbursed for travel and subsistence as if he/she were a Member.

**(c) MOBILE AND GUILDHALL PHONES**

Some Members have access to a Council-owned mobile phone. All Members have access to external lines at the Guildhall. Members are reminded that these must be used only on official business which does not include ward work. Internal calls from Guildhall telephones are permitted.

**(d) PERSONAL COMPUTERS**

Members are reminded of the specific guidance on the use of computers provided by the Council including the use of e-mail and the inter net.

**7. HER MAJESTY'S REVENUE AND CUSTOMS**

Members are reminded that tax allowances may be claimed in respect of:

- (i) Travelling (other than that reimbursed by the Council or other bodies)
- (ii) Use of home as an office
- (ii) Postages and stationery for ward business

Further information is available from Sharon Jones, HR Service Centre Team Manager  
Tel: 297596.

**MEMBERS' PAYMENTS & ALLOWANCES 2020/21**

**BASIC SALARY**

**£14,218**

**SENIOR SALARIES**

**(Inclusive of Basic Salary)**

**Leader - £49,450**

**Deputy Leader - £34,950**

**Executive Board Members with extra responsibilities - £30,450**

**Committee Chairs - £22,918**

**Leader of largest opposition group - £22,918**

**Mayor - £22,918**

**Deputy Mayor - £17,918**

**CO-OPTED MEMBER PAYMENTS**

**Co-opted Chair - £256 daily fee ( £128 for a half day)**

**Co-opted Ordinary Member - £198 daily fee ( £99 for a half day)**

**CARE ALLOWANCE**

**Maximum of £403 per month**

**MEMBERS' TRAVEL & SUBSISTENCE**  
**RATES**

	<b>FROM 1 APRIL 2016</b>
	<b><u>£ Max</u></b>
<b>DAY-TIME SUBSISTENCE</b>	<b>28.00</b>
<b>OVERNIGHT SUBSISTENCE (24 HOURS)</b>	<b><u>£ Max</u></b>
<b>London</b>	<b>200.00</b>
<b>Elsewhere</b>	<b>95.00</b>
<b>Incidental Expenses included within overnight rate</b>	<b>11.80</b>
<b>Staying with relatives</b>	<b>25.00</b>
<b>FOREIGN VISITS Incidental expenses</b>	<b>23.60</b>
<b><u>CAR MILEAGE /CYCLES</u></b>	<b><u>Per Mile</u></b>
<b>Up to 10,000 miles</b>	<b>45.0p</b>
<b>Over 10.000 miles</b>	<b>25.0p</b>
<b>(5p per mile –passenger supplement)</b>	
<b>Private Motor Cycle</b>	<b>24.0p</b>
<b>Bicycles</b>	<b>20.0p</b>

**Please note : Any claim for subsistence ( only payable outside County Borough) will only be reimbursed for actual expenditure and on production of receipts**

**MEMBERS' TRAVEL & SUBSISTENCE**

**PROTOCOL FOR MEETINGS OF OUTSIDE BODIES**

- (a) The Council itself authorises Member representation on outside bodies. As every outside body activity relates to a Council function, there is always an appropriate officer with an interest in that body.
- (b) Members are encouraged to seek advice from the appropriate officer on the necessity of attendance at particular meetings on the basis of the agenda.
- (c) Discussions on attendance and decisions about travel and subsistence will be based on the agenda for each meeting. Officers and Members will take a common sense approach to travel based on the timing and location of meetings and the optimum cost. The following examples give an insight into the process of consideration without being exhaustive:
  - (i) If it is possible to leave home after 7.30am and return before 9pm by public transport then that (plus mileage to the departure point) will be paid together with day subsistence but not overnight.
  - (ii) If (i) is not possible but it is possible to leave and return within the times using a car, then mileage will be paid.
  - (iii) If, because of the timings, an overnight stay is necessary, the travel should be arranged on the basis of off-peak rates.

### **Family Absence for Members of Local Authorities (Wales)**

Part 2 of the Local Government (Wales) Measure 2011 makes available to members of local authorities an entitlement to a period of family absence.

In accordance with the Family Absence for Members of Local Authorities

(Wales) Regulations 2013 an elected member is entitled to a period of family absence which falls into the following five categories:

1. Maternity absence
2. Newborn absence
3. Adopter's absence
4. New adoption absence
5. Parental absence .

In all cases of Family Absence a member must notify the Chief Officer Governance & Customer of their intention to take such leave.

A member is entitled to retain a basic salary when taking family absence under the regulations irrespective of the attendance record immediately preceding the commencement of the family absence.

When a senior salary holder is eligible for family absence, he/she will be able to continue to receive the salary for the duration of the absence. It is a matter for the authority to decide whether or not to make a substitute appointment.

The member substituting for a senior salary holder taking family absence will be eligible to be paid a senior salary, if the authority so decides.

If the paid substitution results in the authority exceeding the maximum number of senior salaries which relates to it, as set out in the Panel's Annual Report, an addition to the maximum will be allowed for the duration of the substitution.

When an authority agrees a paid substitution for family absence, the Panel must be informed, within 14 days of the date of the decision, of the details including the particular post and the duration of the substitution.

The schedule of remuneration must be amended to reflect the implication of the family absence.

Full guidance on the entitlement to Family Absence is as follows:

## 1. Maternity absence

### Prescribed conditions

No later than the end of 15 weeks before the expected week of childbirth, or, if that is not reasonably practicable, as soon as is reasonably practicable, an elected member must have given written notice to the Chief Officer Governance & Customer of:

The pregnancy

The expected week of childbirth;

The date on which the maternity absence is due to start and

The duration of the period of maternity absence the member intends to take, if less than 26 weeks;

The Chief Officer Governance & Customer may request a certificate from a registered medical practitioner or a registered midwife stating the expected week of childbirth; Where the member wishes to vary the start of the maternity absence they must give the Chief Officer Governance & Customer written notice of the new start date at least one week before or, if that is not reasonably practicable, as soon as is reasonably practicable; and where the member wishes to vary the duration of the maternity absence, the member has given the Chief Officer Governance & Customer written notice of the new duration at least one week before the expected end of the period of absence or at least one week before the new intended end of the period of absence, whichever is the earlier, or if that is not reasonably practicable, as soon as is reasonably practicable.

### Period of maternity absence

The period of maternity absence is 26 weeks, unless the member gives written notice that the period of maternity absence will be shorter than 26 weeks.

### When maternity absence may be taken

Maternity absence may only be taken so as to begin during the period—

- (a) beginning at the start of the eleventh week before the expected week of childbirth; and
- (b) ending on the day after the day on which childbirth occurs.

### Member to choose start date of maternity absence

A member may choose the date on which their maternity absence is to start. Where, during the four week period before the start of the expected week of childbirth, a member is absent from a meeting of the authority for a reason wholly or partly attributable to pregnancy, the period of maternity absence starts on the day after the meeting from which the member is absent.



Where a member's maternity absence has not started in accordance with the date notified by a member when childbirth occurs, that member's maternity absence starts on the day after the day on which childbirth occurs.

Bringing a period of maternity absence to an end A member may bring a period of maternity absence to an end earlier than the end of the period which was notified by notifying the Chief Officer Governance & Customer in writing of their intention to do so at least 7 days before their return.

### Cancelling maternity absence

The circumstances in which a member may cancel a period of maternity absence are that—

- (a) the period of maternity absence has not yet started; and
- (b) the member has notified the head of democratic services in writing of their intention to cancel the absence.

## **2 Newborn absence**

### Prescribed conditions

The prescribed conditions are that the member—

- (a) is either—
  - (i) the child's father and has, or expects to have, responsibility for the upbringing of the child; or
  - (ii) married to, the civil partner or the partner of the child's mother, but is not the child's father and has, or expects to have the main responsibility (apart from any responsibility of the mother) for the upbringing of the child; and
- (b) gives the Chief Officer Governance & Customer written notice of the date the member intends the period of newborn absence to start.

A member is to be treated as having satisfied the condition if that member would have satisfied the condition but for the fact that the child's mother has died.

A member is to be treated as having satisfied the conditions but for the fact that the child was stillborn after 24 weeks of pregnancy or has died.

### Extent of entitlement to newborn absence

A member's entitlement to newborn absence is two consecutive weeks. Where more than one child is born as a result of the same pregnancy, a member is entitled to newborn absence only in respect of the first child born.

When newborn absence may be taken:

Newborn absence may only be taken during the period—

- (a) beginning with the date of childbirth; and
- (b) ending 56 days after that date.

### Cancelling newborn absence

The circumstances in which a member may cancel a period of newborn absence are that—

- (a) the period of newborn absence has not yet started; and
- (b) the member has notified the Chief Officer Governance & Customer in writing of their intention to cancel the absence.

#### Member to choose start date of newborn absence

Provided that the period of newborn absence will come to an end within the period (a) beginning with the date of childbirth; and ending 56 days after that date. a member may choose the date on which their newborn absence is to start.

### **3. Adopter's absence**

#### Prescribed conditions

The prescribed conditions are that the member—

- (a) is the child's adopter; and
- (b) gives the Chief Officer Governance & Customer written notice of the date the member intends the period of adopter's absence to start.

#### Extent of entitlement to adopter's absence

A member's entitlement to adopter's absence is two consecutive weeks.

#### When adopter's absence may be taken

Adopter's absence may only be taken during the period—

- (a) beginning with the date on which the child is placed with the member for adoption; and
- (b) ending 56 days after that date.

#### Member to choose start date of adopter's absence

Provided that the period of adopter's absence will come to an end within the period prescribed by regulation 16, a member may choose the date on which their adopter's absence is to start.

The circumstances in which a member may cancel a period of adopter's absence are that—

- (a) the period of adopter's absence has not yet started; and
- (b) the member has notified the Chief Officer Governance & Customer in writing of their intention to cancel the absence.

In this Part—

“adopter” in relation to a child, means a member who has been matched with a child for adoption, or in a case where two members have been matched jointly, whichever of them has elected to be the child’s adopter for the purposes of this Part;

“adoption agency” means a body which may be referred to as an adoption agency by virtue of section 2 of the Adoption and Children Act 2002(1); and

“child” means a person who is, or when placed with an adopter for adoption was, under the age of eighteen.

For the purposes of this Part a member is matched with a child for adoption when an adoption agency notifies that member of its decision that the member is a suitable adoptive parent for the child, whether individually or jointly with another person.

## **6. New adoption absence**

### Prescribed conditions

- (a) is married to, the civil partner or the partner of the child’s adopter;
- (b) has, or expects to have, the main responsibility (apart from the responsibility of the adopter) for the upbringing of the child; and
- (c) gives the Chief Officer Governance & Customer written notice of the date the member intends the period of adopter’s absence to start.

### Extent of entitlement to new adoption absence

A member’s entitlement to new adoption absence is two consecutive weeks. Where more than one child is placed with the member as part of the same arrangement, a member is entitled to new adoption absence only in respect of the first child placed with the member for adoption.

### When new adoption absence may be taken

New adoption absence may only be taken during the period—

- (a) beginning with the date on which the child is placed with the child’s adopter; and
- (b) ending 56 days after that date.

### Cancelling new adoption absence

The circumstances in which a member may cancel a period of new adoption absence are that—

- (a) the period of new adoption absence has not yet started; and
- (b) the member has notified the Chief Officer Governance & Customer in writing of their intention to cancel the absence.

### Member to choose start date of new adoption absence

Adopter’s absence may only be taken during the period—

- (a) beginning with the date on which the child is placed with the member for adoption; and
- (b) ending 56 days after that date.

Provided that the period of new adoption absence will come to an end within 56 days a member may choose the date on which their new adoption absence is to start.

### Interpretation of this Part

In this Part “adopter” in relation to a child, means a person who has been matched with the child for adoption, or in a case where two people have been matched jointly, whichever of them has elected to be the child’s adopter for the purpose of these Regulations;

“adoption agency” means a body which may be referred to as an adoption agency by virtue of section 2 of the Adoption and Children Act 2002;

“child” means a person who is, or when placed with an adopter for adoption was, under the age of eighteen;

For the purposes of this Part a person is matched with a child for adoption when an adoption agency decides that that person would be a suitable adoptive parent for the child, either individually or jointly with another person.

## **7. Parental absence**

### Prescribed conditions

The prescribed conditions are that the member—

- (a) could not satisfy the prescribed conditions under Parts 2 to 4 of these Regulations;
- (b) has, or expects to have, responsibility for the care of a child;
- (c) provides the Chief Officer Governance & Customer written notice of—
  - (i) their intention to take parental absence;
  - (ii) the date on which the member intends the parental absence to start;
  - (iii) the duration of the intended parental absence; and
  - (iv) whether the absence is intended to be taken as a single period or as a series of absences;

If requested to do so by the Chief Officer Governance & Customer, provides the Chief Officer Governance & Customer, with evidence in relation to the extent of the responsibility for the child; and where the parental absence is to be taken as a series of absences, gives the Chief Officer Governance & Customer, advance written notice of the intended start date and duration of each period of parental absence.

### Extent of entitlement to parental absence

A member’s entitlement to parental absence is ninety days.

Parental absence may be taken as a series of periods of absence or as a single period.

### When parental absence may be taken

Parental absence may only be taken during the period

- (a) beginning with the date that the member assumes responsibility for the care of a child under the age of 14; and
- (b) ending one year after that.

### Bringing a period of parental absence to an end

A member may bring any period of parental absence to an end earlier than that notified by notifying the Chief Officer Governance & Customer in writing of their intention to bring the period of parental absence to an end.

### Cancelling a period of parental absence

The circumstances in which a member may cancel a period of parental absence are that—

- (a) the period of parental absence has not yet started; and
- (b) the member has notified the head of democratic services in writing of their intention to cancel the period of parental absence.

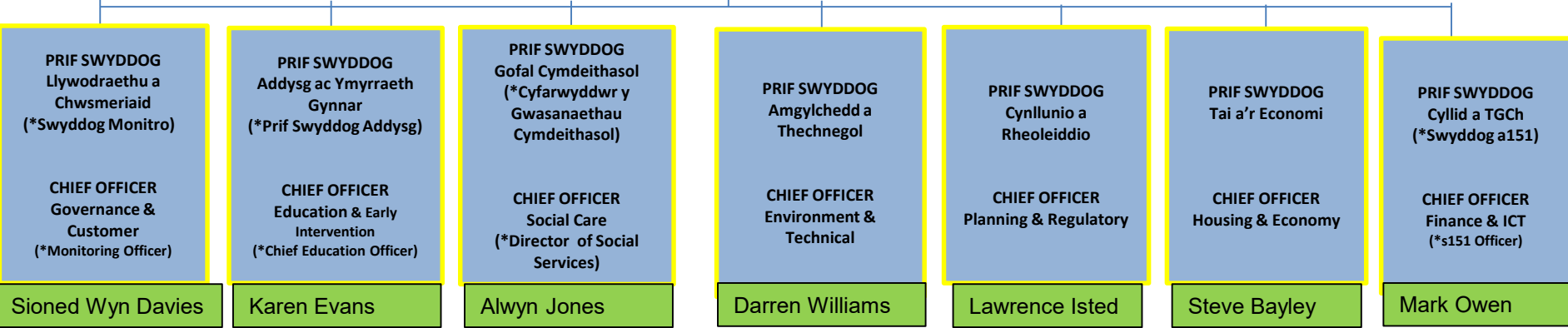
Member to choose start dates of parental absence provided the date falls within the period beginning with the date that the member assumes responsibility for the care of a child under the age of 14; and ends one year after that. a member may choose the date on which any period of parental absence is to start.

## **SECTION 26**

# **MANAGEMENT STRUCTURE AND PROPER OFFICERS' SCHEDULE**

**Strwythur Uwch Reolwyr**  
**Senior Management Structure**  
**1 Awst/August 2020**

**Prif Weithredwr**  
**Chief Executive**  
**Ian Bancroft**



- Rôl Statudol
- Statutory role

## Proper Officers' Schedule

1. The Council designated and appointed the Officers named in the first column of the following schedule to the function or post specified in the third column in accordance with the statutory provision stated.

<b><i>Officer</i></b>	<b><i>Act and Section</i></b>	<b><i>Function/Post</i></b>
Chief Executive	Local Government and Housing Act, 1989 s.4	Head of Paid Service
Chief Executive	Representation of the People Act 1983 s.35	Returning Officer for election of County Borough and Community Councillors
Chief Executive	Representation of the People Act, 1983 s.8(2A)	Electoral Registration Officer
Chief Officer Governance & Customer	Local Government and Housing Act, 1989 s.5	Monitoring Officer
Data Protection Officer/Lawyer	General Data Protection Regulations (EU) 2016	Data Protection Officer
Chief Officer Finance & ICT	Local Government Act, 1972 s.151	Responsibility for administration of Council's financial affairs
Chief Officer Finance & ICT	Local Government Finance Act 1988 s.114	Chief Finance Officer
Chief Officer Social Care	Local Authority Social Services Act, 1970 s.6	Director of Social Services
Chief Officer Education & Early Intervention	Education Act, 1996 s.532	Chief Education Officer

2. The Council also appointed the Officers named in the first column of the following schedule the "Proper Officers" of the Council in relation to the statutory provision stated and that the Officers named in the second column be appointed to act in their place in the event of their absence or their otherwise being unable to act in such capacity.



<b>Proper Officer</b>	<b>Officer to act in the event of the Proper Officer being absent or otherwise unable to act in this capacity</b>	<b>Statutory Provision</b>	<b>Proper Officer's functions</b>
<b>Local Government Act, 1972</b>			
Chief Executive	Chief Officer Governance & Customer	s.83	Witness and receipt of declaration of acceptance of office
Chief Executive	Chief Officer Governance & Customer	s.84	Receipt of resignation of office
Chief Officer Governance & Customer	Head of Service, Legal, Democratic and Registration Services	s.88	Convening of meeting of Council to fill casual vacancy in the office of Chairman
Chief Executive	Chief Officer Governance & Customer	s.89	Receipt of notice of casual vacancy from two Local Government electors
Chief Officer Governance & Customer	Head of Service, Legal, Democratic and Registration Services	s.100B	Access to Information
Chief Officer Finance & ICT	Head of Service, Accountancy	s.115	Receipt of money due from Officers
Chief Officer Housing & Economy	Head of Service, Assets	s.191	Functions with respect to ordnance survey

<b><i>Proper Officer</i></b>	<b><i>Officer to act in the event of the Proper Officer being absent or otherwise unable to act in this capacity</i></b>	<b><i>Statutory Provision</i></b>	<b><i>Proper Officer's functions</i></b>
Chief Officer Planning & Regulatory	Head of Service, Public Protection	s.204(3)	Receipt of application for Licence under Schedule 2 Licensing Act, 1964
<b><i>Local Government Act, 1972</i></b>			
Chief Executive	Chief Officer Governance & Customer	s.210(6) & (7)	Charity functions of holders of offices with existing Authorities transferred to holders of equivalent office with new authorities or if there is no such office, to proper officers
Chief Officer Governance & Customer	Head of Service, Legal, Democratic and Registration Services	s.225(1)	Deposit of documents
Chief Officer Governance & Customer	Head of Service, Legal, Democratic and Registration Services	s.225(2)	Deposit of documents on behalf of community without Community Council
Chief Officer Finance & ICT	Head of Service, Accountancy	s.228(3)	Accounts of "any proper officer" to be open to inspection by any member of the authority
Chief Officer Governance & Customer	Head of Service, Legal, Democratic and Registration Services	s.229(5)	Certification of photographic copies of documents
Chief Officer Governance & Customer	Head of Service, Legal, Democratic and Registration Services	s.234(1) & (2)	Authentication of documents

<b><i>Proper Officer</i></b>	<b><i>Officer to act in the event of the Proper Officer being absent or otherwise unable to act in this capacity</i></b>	<b><i>Statutory Provision</i></b>	<b><i>Proper Officer's functions</i></b>
Chief Officer Governance & Customer	Head of Service, Legal, Democratic and Registration Services	s.236	To send copies of byelaws for parish records
Chief Officer Governance & Customer	Head of Service, Legal, Democratic and Registration Services	s.238	Certification of byelaws
<b><i>Local Government Act, 1972</i></b>			
Chief Officer Governance & Customer	Head of Service, Legal, Democratic and Registration Services	Schedule 12 para. 4(2)(b)	Signature of summonses to Council meetings
Chief Officer Governance & Customer	Head of Service, Legal, Democratic and Registration Services	Schedule 12 para. 4(3)	Receipt of notices regarding address to which summons to meetings is to be sent
Chief Officer Governance & Customer	Head of Service, Legal, Democratic and Registration Services	Schedule 12 para 25(7)	Certification of resolutions
Chief Officer Governance & Customer	Head of Service, Legal, Democratic and Registration Services	Standing Orders	Proper Officer functions in Standing Orders
<b><i>Local Government and Housing Act, 1989</i></b>			
Chief Officer Governance & Customer	Head of Service, Legal, Democratic and Registration Services	s.2	Receipt of deposited list of politically restricted posts

<b><i>Proper Officer</i></b>	<b><i>Officer to act in the event of the Proper Officer being absent or otherwise unable to act in this capacity</i></b>	<b><i>Statutory Provision</i></b>	<b><i>Proper Officer's functions</i></b>
<b>Local Government (Committees &amp; Political Groups) Regulations 1990</b>			
Chief Officer Governance & Customer	Head of Service, Legal, Democratic and Registration Services	-	Giving and receiving notices etc.
<b>Local Authorities (Referendums) (Petitions and Directions) (Wales) Regulations 2001</b>			
Chief Executive	Chief Officer Governance & Customer	-	For the purposes of the Regulations
<b>Parish and Community Meetings (Polls) Rules 1987</b>			
Chief Executive	Chief Officer Governance & Customer	Rule 4	Returning Officer for Community Polls
<b>The Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) Regulations 2001 (as amended)</b>			
Chief Officer Governance & Customer	Head of Service, Legal, Democratic and Registration Services	-	Access to Information
<b>Police and Justice Act 2006</b>			
Chief Officer Governance & Customer	Head of Service, Legal, Democratic and Registration Services	Section 19	Determination of the Councillor Call for Action

<b>Registration Service Functions</b>		
<b><i>Proper Officer</i></b>	<b><i>Officer to act in the event of the Proper Officer being absent or otherwise unable to act in this capacity.</i></b>	<b><i>Proper Officer's functions and statutory provision.</i></b>
Chief Officer Governance & Customer	Electoral and Registration Services Manager	Registration Service Act 1953 Registration of Births, Deaths and Marriages Regulations Marriage Act 1949 The Wrexham Registration Scheme 1995

## Health Functions

<b>Proper Officer</b>		<b>Proper Officer's functions and statutory provision</b>
<p>Dr Graham Brown</p> <p>Mrs Heather Lewis</p> <p>Mr Sion Lingard</p> <p>Dr Gwen Lowe</p> <p>Dr Rhianwen Stiff</p> <p>Dr Meirion Evans</p> <p>Dr Christopher Johnson</p> <p>Dr Brendan Mason</p> <p>Dr Giri Shankar</p> <p>Dr Christopher Williams</p>	<p>Consultant in Communicable Disease Control</p> <p>Consultant in Health Protection</p> <p>Consultant in Health Protection</p> <p>Consultant in Communicable Disease Control</p> <p>Consultant in Communicable Disease Control</p> <p>Consultant Epidemiologist</p> <p>Consultant in Health Protection</p> <p>Consultant in Communicable Disease Control</p> <p>Professional Lead Consultant for Health Protection</p> <p>Consultant Epidemiologist</p>	<p>Medical matters under Public Health (Control of Disease) Act, 1984 all Sections and Associated Regulations; and</p> <p>National Assistance Act, 1948 Section 47; and</p> <p>National Assistance (Amendment) Act, 1951</p>
<b>Officer to act in the event of the Proper Officer being absent or otherwise unable to act in this capacity</b>		
<p>Mr Ian Jones</p> <p>Mr Robert Johnston</p> <p>Mrs Rebecca Pomeroy</p> <p>Mr Roger Mapleson</p>	<p>Head of Service, Public Protection, Wrexham County Borough Council</p> <p>Environment Health and Housing Standards Lead, Wrexham County Borough Council</p> <p>Food and Farming Lead Wrexham County Borough Council</p> <p>Trading Standards and Licensing Lead, Wrexham County Borough Council</p>	