

PART 3
RESPONSIBILITY
FOR FUNCTIONS

SECTION 4 - TERMS OF REFERENCE OF COUNCIL, STANDING COMMITTEES AND OTHER QUASI JUDICIAL BODIES AND AD HOC COMMITTEES

Council and Committees are as follows:

Council and Standing Committees	Number of Members
1. Council	75
2. Planning and Development Committee	11
3. Licensing Committee	11
4. Licensing Committee Sub Committees	3
5. Governance and Audit Committee	149 (consisting of at least one third lay members (3) elected members plus 1 lay member. No more than 1 member may be a member of the Executive (excluding the leader). Political balance requirements apply.
6. Appointments Committee	5 plus substitutes at least 1 but no more than half must be members of the Executive
7. Appeals/Employee Appeals/Chief Officer Appeals Committee	5 plus substitutes at least 1 but no more than half must be members of the Executive
8. Overview and Scrutiny Committee	14
9. Finance and Performance Scrutiny Committee	14
10. Children and Young People Scrutiny Committee	14 (plus statutory co-optees)

Council and Committees are as follows: (continued)

Council and Standing Committees	Number of Members
11. Health and Well-Being Scrutiny Committee	14
12. Public Services Delivery, Communities and Prosperity Scrutiny Committee	14
13. Standards Committee	6 (3 Independent members plus reserve Independent member/ 2 County Borough Councillors/1 Community Councillor member (plus reserves)
14. Democratic Services Committee	14
15. Constitution Committee	8
16. Pension Fund Committee	5

Other	Number of Members
1. VER Panel	5 plus substitutes
2. Joint Consultative Committee	4
3. Local Education Authority Governors (Appointments) Committee	5
4. Cwm Taf Public Services Board Joint Overview & Scrutiny Committee	10 5x elected members each from Rhondda Cynon Taf CBC and Merthyr Tydfil CBC

1. **Council**

Membership

- 1.1 The Council consists of 75 Councillors elected to Rhondda Cynon Taff County Borough Council.

Terms of Reference

- 1.2 To be the principal debating forum for major policy issues of significance to the Council and the people of Rhondda Cynon Taff.

- 1.3 To carry out the following functions:-

- (a) Adopting and changing the Constitution.
- (b) Approving or adopting the policy framework, the budget and any application to ~~the Senedd Cymru~~ Welsh Ministers in respect of any Housing Land Transfer.
- (c) Subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an Executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget.
- (d) Appointing the Leader.
- (e) Agreeing and/or amending the terms of reference for Council Committees, deciding on their composition and making appointments (Councillors and non-Councillors) to them unless delegated by the Council.
- (f) Appointing representatives to outside bodies unless the appointment is an Executive function or has been delegated by the Council.
- (g) performing the corporate joint committee functions set out in Article 10 to this Constitution, including the making of a corporate joint committee application and the giving of consent to corporate joint committee regulations being made;
- (h) allocating senior salaries to Members in accordance with the Independent Remuneration Panel For Wales Regulations;
- (hi) approving the Council's annual Pay Policy Statement
- (ij) Changing the name of the area or a Community.
- (jk) To confer the title of Honorary Alderman or to admit to be an

Honorary Freeman of the County Borough.

- (~~k~~) Making or confirming the appointment of the ~~Head of Paid Service~~Chief Executive and Chief Officers.
- (~~l~~m) Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or ~~p~~Personal Bills.
- (~~m~~n) All local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Executive.
 - (o) consulting local people, other persons carrying on a business in the Council's area, the officers of the Council and every trade union which is recognised by the Council about the extent to which the Council is meeting its performance requirements;
 - (p) preparing an annual report on the extent to which the Council has met its performance requirements;
 - (q) making arrangements for a panel performance assessment and responding to the panel's report;
 - (r) approving, reviewing and amending the Council's Petition Scheme;
 - (s) reviewing, approving and amending the Council's wellbeing objectives in accordance with section 9 of the Well-being of Future Generations (Wales) Act 2005 and the accompanying statutory guidance issued by the Welsh Government;
 - (t) considering Chief Executive reports prepared pursuant to section 54(2)(b) of the Local Government and Elections (Wales) Act 2021, within 3 months of them being made;
 - (u) considering annual reports received from the Standards Committee, within 3 months of them being made;
 - (v) keeping under review the extent to which:
 - (a) the Council is exercising its functions effectively;
 - (b) using its resources economically, efficiently and effectively; and
 - (c) its governance arrangements are effective for securing the matters set out in a) and b) above.
- (~~n~~w) The decision whether or not to accept a delegation of an

Executive or non-executive function from another local authority.

- (~~ex~~) The adoption of Member and Officer codes of conduct and protocols recommended by the Standards Committee.
- (~~py~~) Receiving and considering reports from the Executive or Committees as appropriate.
- (~~qz~~) The reviewing or scrutinising of a decision or proposed decision of the Executive, individual Executive Councillor or Area Committee, or a decision of a Committee discharging non-executive functions.
- (~~raa~~) Receiving and considering reports from statutory Officers (arising from their statutory roles) and other Officers (in relation to any Council functions not delegated to a Committee).
- ~~(s) Receiving an annual report from the Standards Committee.~~
- (~~tbb~~) Adopting arrangements for the appointment of Chief Officers.
- (~~ucc~~) All other matters which, by law, must be reserved to Council.

1.4 To appoint the Chair and Vice Chair of Council Committees.

1.5 To provide all Councillors with the opportunity to:

- (a) Raise issues through formal questions to the Leader of the Council or Executive Councillors.
- (b) Put motions to the Council and seek debates on issues of major or local significance.
- (c) Present petitions

and to refer issues raised, if appropriate, to the Executive or relevant Executive Councillor, a Committee (non-executive functions), Overview and Scrutiny Committee or Area Committee for consideration.

Powers Delegated to Chief Officers

1.6 All operational and management requirements arising from the Council's Terms of Reference.

2. Planning and Development Committee

Terms of Reference

2.1 To discharge the functions of Rhondda Cynon Taff County Borough Council in relation to all the aspects of the following Planning and Development matters:-

- (a) Power to determine applications for planning permission;
- (b) Power to determine applications to develop land without compliance with conditions previously attached;
- (c) Power to grant planning permission for development already carried out;
- (d) Power to decline to determine applications for planning permission;
- (e) Duties relating to the making of determinations of planning applications.
- (f) Power to determine applications for planning permission made by a local authority, alone or jointly with another person.
- (g) Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.
- (h) Power to enter into agreements regulating development or use of land.
- (i) Power to issue a certificate of existing or proposed lawful use or development.
- (j) Power to serve a completion notice.
- (k) Power to grant consent for the display of advertisements.
- (l) Power to authorise entry onto land.
- (m) Power to require the discontinuance of a use of land.
- (n) Power to serve a planning contravention notice, breach of condition notice or stop notice.
- (o) Power to issue an enforcement notice.
- (p) Power to apply for an injunction restraining a breach of planning control.
- (q) Power to determine applications for hazardous substances consent, and related powers.
- (r) 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.

- (s) Power to require proper maintenance of land.
- (t) Power to determine applications for listed building consent, and related powers.
- (u) Power to determine applications for conservation area consent.
- (v) Duties relating to applications for listed building consent and conservation area consent.
- (w) Power to serve a building preservation notice, and related powers.
- (x) Power to issue enforcement notice in relation to demolition of unlisted building in conservation area.
- (y) Powers to acquire a listed building in need of repair and to serve a repairs notice.
- (z) Power to apply for an injunction in relation to a listed building.
- (aa) Power to execute urgent works.
- (bb) Power related to mineral working.
- (cc) Power related to footpaths and bridleways.
- (dd) Power as to certification of appropriate alternative development.
- (ee) Power to serve purchase notices.
- (ff) Powers related to blight notices.
- (gg) Powers relating to the preservation of trees.
- (hh) Powers relating to the protection of important hedgerows.
- (ii) Power to make limestone pavement orders.
- (jj) Power to issue an Enforcement Warning Notice.
- (kk) Duties in relation to Developments of National Significance and Nationally Significant Infrastructure Projects.
- (ll) Power to issue Local Impact Reports for Developments of National Significance and Nationally Significant Infrastructure Projects.
- (mm) Power to issue Screening and Scoping Opinions.

- (nn) Powers to issue Temporary Stop Notices for Listed Buildings.
- (oo) Power to issue discharge conditions.
- (pp) Power to issue formal pre-application advice.

Where Members of the Planning and Development Committee are minded to take a decision against Officer Recommendation, Members should defer consideration of that matter to the next meeting of the Committee in order to receive a further report from the Director of Prosperity and Development, if necessary, in consultation with the Director of Legal Services, upon the strengths and weaknesses of any proposed or possible planning reasons for such a decision.

Powers Delegated to Officers

2.2 The following powers are delegated to the Director of Prosperity & Development:

2.2.1 The determination of planning (and other planning related) applications, the issuing of screening and scoping opinions under the EIA Regulations and all functions and procedures relating to Town and Country Planning (including Enforcement) as contained within the following Acts (as amended where applicable) and including all subordinate legislation:

- Planning and Compensation Act 2004
- The Town and Country Planning Act 1990
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- The Planning (Hazardous Substances) Act 1990
- The Caravan Sites and Control of Development Acts 1960 and 1968
- The Environment Act 1995
- The Planning and Compensation Act 1991
- Land Compensation Act 1991
- Habitats Directive 92/43/EEC
- Planning Act 2008
- Planning (Wales) Act 2015
- Historic Environment (Wales) Act 2016

Subject to the following exceptions:-

- (a) Applications where a Councillor submits a written request to the Director of Prosperity & Development for it to be reported to the Planning and Development Committee.
- (b) Applications that the Director of Prosperity & Development considers that the nature of the proposal warrants the involvement of the Planning and Development Committee.
- (c) Enforcement action that the Director of Prosperity & Development considers that that nature of the development or breach warrants the involvement of the Planning and Development Committee.
- (d) Applications submitted by serving Councillors or their immediate family or employees of the Regeneration and Planning Service or their immediate families.
- (e) Applications submitted by, or on behalf of, the Council or involving land owned by the Council, where the nature of the Council's interests is more than a minor nature.
- (f) Applications that are accompanied by an Environmental Impact Assessment.
- (g) Applications for consent to erect electricity lines which have a capacity of 132KV or above.
- (h) Applications where there are three or more objections by persons directly affected by the proposal and the Planning Department wish to recommend approval of the application contrary to those objections.
- (i) Applications where the Director of Prosperity & Development is recommending approval which would be contrary to the provisions of the Development Plan.
- (j) Full applications for residential development for more than 5 dwellings or outline applications on a site area of greater than 0.5 hectares.
- (k) Reserved matters applications for 10 or more dwellings.
- (l) Reserved matters application for mixed use/business or commercial development where the gross external floor area of buildings exceed 1000 sq. metres where it is within 200 metres of any dwelling or 5000 sq. metres in all other cases.
- (m) Applications for new-build commercial, industrial or retail development or applications to extend the same which exceeds

50% of its original size.

- (n) Applications to change premises into a public house or licensed club or applications to extend an existing public house or licensed club.
- (o) Applications for more than 3 caravans.
- (p) Full planning applications for telecommunication masts and apparatus.
- (q) Applications for Grade I or II* Listed Building Consent.

and, if authorised by the Director for Prosperity & Planning to a Planning Department Manager.

2.2.2 All functions relating to the Building Control/Regulation contained within the following Act (as amended where applicable) and including all subordinate legislation:

- The Building Act 1984

and any officer authorised by the Director of Prosperity & Planning.

3. **Licensing Committee**

Terms of Reference

- 3.1 To discharge the functions of Rhondda Cynon Taff County Borough Council in respect of licensing functions including the adoption of legislative provisions, the designation of areas and streets, the grant, refusal, issue, revocation, cancellation and suspension of licenses in respect of:-
- (a) Power to issue licences authorising the use of land as a caravan site ("site licences").
 - (b) Power to licence the use of moveable dwellings and camping sites.
 - (c) Power to licence hackney carriages and private hire vehicles.
 - (d) Power to licence drivers of hackney carriages and private hire vehicles.
 - (e) Power to licence operators of hackney carriages and private hire vehicles.
 - (f) Power to licence sex shops and sex cinemas.
 - (g) Power to licence performances of hypnotism.

- (h) Power to licence premises for acupuncture, tattooing, ear-piercing and electrolysis.
 - (i) Power to licence pleasure boats and pleasure vessels.
 - (j) Power to licence market and street trading.
 - (k) Power to licence night cafes and take-away food shops.
 - (l) Duty to keep list of persons entitled to sell non-medicinal poisons.
 - (m) Power to licence dealers in game and the killing and selling of game.
 - (n) Power to licence premises for the breeding of dogs.
 - (o) Power to licence pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business
 - (p) Power to register animal trainers and exhibitors.
 - (q) Power to licence zoos.
 - (r) Power to licence dangerous wild animals.
- 3.2 To exercise the Licensing functions under Part 2 of the Licensing Act 2003 except Section 6 and any amendment or re-enactment thereof.
- 3.3 Powers to exercise any of the Licensing functions under Part 2 of the Licensing Act 2003 are delegated to Sub Committees comprising of any three Members of the Licensing Committee.
- 3.4 To exercise the licensing functions under the Gambling Act 2005 except those reserved for Council (approval of licensing policy and not to permit casinos).
- 3.5 Powers to exercise any of the licensing functions under the Gambling Act 2005 are delegated to Sub Committees comprising of any three members of the Licensing Committee.
- 3.6 To consider contested applications for determination under the provisions of the Scrap Metal Dealers Act 2013
- 3.7 To consider appeals for determination against refusal to allow use as Transport Contract Personnel by the Integrated Transport Unit Head of Service.
- Powers Delegated to Chief Officers**
- 3.8 All operational and management requirements arising from the Committee's Terms of Reference including the issue of licences and

the registration of applications which are not the subject of any objections from third parties. In respect of Licensing Functions under Part 2 of the Licensing Act 2003 a table of delegation of functions to officers is set out in the Council's adopted Licensing Policy Statement. In respect of licensing functions under the Gambling Act 2005 the delegation of functions to officers is set out in the Council's Adopted Policy Statement as are the functions of authorised persons in accordance with Section 304 of the Gambling Act 2005 and prosecutions by a licensing authority in accordance with Section 346 of the Gambling Act 2005.

4. **Governance and Audit Committee**

Statement of Purpose & Terms of Reference

- 4.1 The Governance and Audit Committee is a key component of Rhondda Cynon Taf County Borough Council's corporate governance. It provides independent and high level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.

The purpose of the Governance and Audit Committee is to provide independent assurance to the Members of Rhondda Cynon Taf County Borough Council of the adequacy of the risk management framework and the internal control environment. It provides independent review of Rhondda Cynon Taf County Borough 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.

As a key element of new arrangements for corporate governance, designed to ensure openness, integrity and accountability, the Committee will assist the Authority in discharging its responsibility for ensuring financial probity, without taking any action which might prejudice it. The Committee will:-

- (A) At the first meeting of the Governance and Audit Committee following the Council's Annual General Meeting the Governance and Audit Committee shall appoint the Chair of the Governance and Audit Committee ~~(who cannot be a member who belongs to a group with Members in the Executive but can~~ who must be ~~be~~ a lay member) and appoint the Vice-Chair of the Governance and Audit Committee.

Governance, Risk and Control

- (B) To review the Annual Governance Statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account Internal Audit's opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control.
- (C) Review, scrutinise and issue reports and recommendations on the appropriateness of the Authority's risk management, internal control and corporate governance arrangements, and providing the opportunity for direct discussion with the auditor(s) on these.
- (D) To review the assessment of fraud risks and potential harm to the Council from fraud and corruption and to monitor the counter-fraud strategy, actions and resources.
- (E) To review the governance and assurance arrangements for significant partnerships or collaborations.
- (F) To receive reports in relation to proposed changes to the Authority's Contract Procedure Rules and Financial Procedure Rules and where deemed appropriate, recommend their approval to Council.

Internal Audit

- (G) To approve the Internal Audit Charter.
- (H) Review, approve and ensure the co-ordination of the risk based Annual Internal Audit Plan for the coming financial year.
- (I) To make appropriate enquiries of both management and the Head of Regional Internal Audit Service to determine if there are any inappropriate scope or resource limitations and to consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the Head of Regional Internal Audit Service. To approve and periodically review safeguards to limit such impairments.
- (J) To receive reports on the performance of the Internal Audit Service throughout the year particularly in relation to matters of financial probity and corporate governance.
- (K) To contribute to the Quality Assurance Improvement Programme and in particular, to the external quality assessment of Internal Audit that takes place at least once every five years.
- (L) To provide free and unfettered access to the Governance and Audit Committee Chair for the Head of Regional Internal Audit Service, including the opportunity for a private meeting with the Committee.

- (M) To receive and consider the Head of Regional Internal Audit Service's Annual Report and opinion on the level of assurance it can give over the Authority's governance arrangements and associated internal control environment.
- (N) Act as a point of arbitration, where senior officers of the Authority are unable to agree significant audit report recommendations.

External Audit

- (O) To receive and consider reports of the External Auditor in relation to matters of financial probity and corporate governance and providing the opportunity for direct discussion with the auditor(s) on these.
- (P) Consider national reports, for example, from the Wales Audit Office, of relevance to the work of the Authority.

Financial Reporting

- (Q) Review, scrutinise and issue reports and recommendations in relation to the Authority's financial affairs, and providing the opportunity for direct discussion with the auditor(s) on these.
- (R) Review and comment on the Authority's certified draft financial statements before their approval by Council.

Accountability Arrangements

- (S) Oversee the Authority's audit arrangements (both internal and external).
- (T) Promote and review any measures designed to raise the profile of probity within the Authority.
- (U) Agree, where Committee Members deem it appropriate, that a matter arising from a written report to a Committee which requires further clarification may be either dealt with by a request for a written commentary from the appropriate designated officer, or by that designated officer or their senior representative, attending to answer questions in person on that specific matter. Alternatively, the Governance and Audit Committee can refer the matter to the relevant Scrutiny Committee.
- (V) The Committee may require members and officers of the Authority to attend before it to answer questions. Such members and officers have a duty to comply but are not obliged to answer any questions that may be refused in court proceedings in England and Wales. The Committee may invite other persons to attend the meeting.

Council Performance Arrangements

- (W) (i) To consider the Council's draft Annual Performance Self - Assessment report and if deemed necessary may make recommendations for changes to the Council.
- (ii) To receive the Council's finalised Annual Self-Assessment report in respect of a financial year as soon as reasonably practicable after the end of that financial year.
- (iii) At least once during the period between two consecutive ordinary elections of councillors to the Council, consider the independent Panel Performance Assessment report into which the Council is meeting its performance requirements.
- (iv) To receive and review the Council's draft response to the report of the independent Panel Performance Assessment and if deemed necessary may make recommendations for changes to the statements made in the draft response to the Council.

Complaints Handling

- (X) (i) To review and assess the Council's ability to deal with complaints effectively.
- (ii) To make reports and recommendations in relation to the Council's ability to deal with complaints effectively

Powers Delegated to Chief Officers

- 4.2 All operational and management requirements arising from the Committee's Terms of Reference.

5. **Appointments Committee**

Terms of Reference

Appointments

- 5.1 To discharge the functions of the Council in respect of the appointment of Chief Officers and Deputy Chief Officers (as defined in the Local Authorities (Standing Orders) (Wales) Regulations 2006 (the '2006 Regulations') and the statutory Head of Democratic Services in accordance with the Officer Employment Procedure Rules and any other relevant Council policies and procedures.

Employment Conditions

- 5.2 (a) to consider and determine policy and issues arising from the terms and conditions of Chief Officers and Deputy Chief Officers (as defined in the 2006 Regulations), subject to the approval of full Council in respect of any determination or variation of the remuneration of Chief Officers (as defined in the 2006 Regulations); and
- (b) to consider requests for regrading of Chief Officers and Deputy Chief Officers (as defined in the 2006 Regulations) whether by way of appeal by an employee against a decision to refuse the regarding application or decide applications for regrading which are supported, subject to the approval of full Council in respect of any determination or variation of the remuneration of Chief Officers (as defined in the 2006 Regulations)

Powers Delegated to Chief Officers

- 5.3 All operational and management requirements arising from the Committees Terms of Reference.

6. Appeals/Employee Appeals/Chief Officer Appeals Committee

Terms of Reference

- 6.1 To discharge on behalf of the Council the following functions:
- To hear and determine grievance, disciplinary, capability, redundancy or other dismissal appeals within the Council's procedures in respect of all staff including Chief Officers.
 - To hear any other appeal against a decision made or on behalf of the Authority.

Powers Delegated to Chief Officers

- 6.2 All operational and management requirements arising from the Committees Terms of Reference.

7. Overview and Scrutiny Committee

Terms of Reference

- 7.1 For Terms of Reference see Part 4 – Rules of Procedure – Overview and Scrutiny Procedure Rules and Part 2 - Article 6.

8. Standards Committee

Terms of Reference

- 8.1 The Standards Committee will have the following roles and functions:

- (a) Promoting and maintaining high standards of conduct by Councillors, co-opted Members and Church and Parent Governor representatives.
- (b) Assisting the Councillors, co-opted Members and Church and Parent Governor representatives to observe the Members' Code of Conduct.
- (c) Advising the Council on the adoption or revision of the Members' Code of Conduct.
- (d) Monitoring the operation of the Members' Code of Conduct.
- (e) Advising, training or arranging to train Councillors, co-opted Members and Church and Parent Governor representatives on matters relating to the Members' Code of Conduct.
- (f) Granting dispensations to Councillors, co-opted Members and Church and Parent Governor representatives from requirements relating to interests set out in the Members' Code of Conduct.
- (g) Dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter referred to that Officer by the Public Services Ombudsman For Wales.
- (h) overview of complaints handling and Ombudsman investigations relating to Councillors, co-opted Members and Church and Parent Governor representatives;
- (i) Oversight of the protocols adopted by the Council.
- (j) Oversight of the register of personal interests maintained under Section 81 of the Local Government Act 2000.
- (k) Oversight of the gifts and hospitality register.
- (l) Monitor adherence to the Council's Management of Unreasonably Persistent Customers Policy by Group and Service Directors.
- (m) The Committee will exercise the functions set out in (a) - (g) above in relation to Community Councils and Members of Community Councils.

Powers Delegated to the Monitoring Officer

- 8.2 All operational and management requirements arising from the Committees Terms of Reference.

9. Democratic Services Committee

Terms of Reference

- 9.1 The Democratic Services Committee shall have the following requirements and functions:
- (a) Each Member of the Democratic Services Committee must be a Member of the Council: and
No more than one Member of the committee be a Member of the executive which executive member must not be the Leader.
 - (c) The Democratic Services Committee is a body to which Section 15 of the Local Government and Housing Act 1989 (duty to allocate seats to political groups) applies.
 - (d) The Chair of the Democratic Services Committee must not be a member of the 'Executive group'.
 - (e) The Democratic Services Committee may appoint one or more sub-committees, and may arrange for the discharge of any of its functions by such a sub-committee.
 - (f) Any sub-committee of the Democratic Services Committee may not discharge functions other than those conferred on it.
 - (g) The Democratic Services Committee is to appoint the person who is to chair any sub-committee of such a Committee.
 - (h) All Members of the Democratic Services Committee, or of a sub-committee of the committee, may vote on any question that falls to be decided by the Committee.
 - (i) The Democratic Services Committee may require members and officers of the Council to attend before it to answer questions such members and officers having a duty to comply with but are not obliged to answer any questions which they would be entitled to refuse to answer in court proceedings in England and Wales. The Democratic Services Committee may invite other persons to attend meetings of the committee.
 - (j) The Democratic Services Committee must meet at least once in every calendar year.
 - (k) The Democratic Services Committee must meet if the Council resolves it should meet.
 - (l) At least one third of the members of the Democratic Services Committee may requisition a meeting by giving notice in writing to the chair of the committee.

- (m) The Chair of the Democratic Services Committee must secure that meetings are held in accordance with the requirements stated in paragraph (j) – (l) above.
- (n)
 - (i) Designating one of the Council's Officers to be the Head of Democratic Services (who may not be the Head of Paid Service, Monitoring Officer or Chief Finance Officer (as defined in the Local Government and Housing Act 1989). The Head of Democratic Services shall exercise the functions as set out in Section 9 (1) of the Measure;
 - (ii) Review the adequacy of provision by the Council of staff, accommodation and other resources to discharge Democratic Services functions; and
 - (iii) make reports and recommendations to the Council in relation to such provision.
- (o) To determine how it exercises its functions listed under paragraphs (n)(i)(ii)(iii) above and not exercise any functions other than those set out in these Terms of Reference.
- (p) To consider any report or recommendation sent to its members prepared by the Head of Democratic Services under Section 9(1) (h) of the Measure at a meeting held not more than three months after copies of the report are first sent to members of the committee.
- (q) As soon as practicable after it has prepared a report or made a recommendation under paragraph (p) above arrange for a copy of it to be sent to each Member of the Council who is not a Member of the Committee.
- (r) The Council must consider any report or recommendation at a meeting held not more than three months after copies of the report or recommendation are first sent to the Members of the Council.
- (s) To have regard to formal guidance issued by The Welsh Ministers.
- (t) An Executive Member sitting on the Democratic Services Committee should have within his/her portfolio Member Development and Training and/or be the Members Champion.
- (u) To carry out duties as required under the Family Absence for Members of Local Authorities (Wales) Regulations 2013.
- (v)(i) The Democratic Services Committee may, at the request of the Council, review any matter relevant to
 - (a) The support and advice available to Members, and

- (b) The terms and conditions of office of Members
- (ii) The Democratic Services Committee must make reports and recommendation to the Council following a review
- (iii) It is for the Democratic Services Committee to determine how it exercises its functions under v(i) and v(ii) above.

10. Constitution Committee

The Chair of the Corporate Governance and Constitution Committee shall be the Llwydd / Presiding Officer as elected annually at the Annual General Meeting (and in his/her absence the Deputy Presiding Officer).

Terms of Reference

- 10.1 To review the Council's Constitution, and to recommend to Council and/or the Cabinet any changes in respect of:-
 - (a) drafting improvements to enhance clarity and remove minor anomalies;
 - (b) updating to reflect legislative changes and matters of record; and
 - (c) amendments to the Budget and Policy Framework, Financial and Contracts Procedure Rules (subject to the advice of the Section 151 Officer being sought).

11. VER Panel

Terms of Reference

- 11.1 To consider applications from employees for voluntary early retirement.

Powers Delegated to Chief Officers

- 11.2 All operational and management requirements arising from the Council's Terms of Reference.

12. Joint Consultative Committee (Trade Unions)

Terms of Reference

- 12.1 To discharge on behalf of the Council the following functions:
 - (a) To provide a forum for the exchange of views between elected Members and Trade Unions on matters affecting employees.
 - (b) To consider specific matters affecting employees that are referred to it by Council Members, the Unions and Officers.

Powers Delegated to Chief Officers

- 12.2 All operational and management requirements arising from the Council's Terms of Reference.

13 Local Education Authority Governors (Appointments) Committee

Terms of Reference

- 13.1 To exercise the functions of the Local Education Authority in respect of the appointment/removal of any permanent or temporary school governors.

Powers Delegated to Chief Officers

- 13.2 All operational and management requirements arising from the Council's Terms of Reference.

14 Pension Fund Committee

Terms of Reference

- 14.1 The Pension Fund Committee will have the following specific roles and functions with regards to the Rhondda Cynon Taff Pension Fund (the 'Fund'), taking account of advice from the Director of Finance and Digital Services (in their capacity as s151 Officer) and the Fund's professional advisers:-

- a) Determining the Fund's aims and objectives, strategies, statutory compliance statements, policies and procedures for the overall management of the Fund, including in relation to the following areas:
 - i) Governance – approving the Governance Policy and Compliance Statement for the Fund;
 - ii) Funding Strategy – approving the Fund's Funding Strategy Statement including ongoing monitoring and management of the liabilities, giving due consideration to the results and impact of the triennial actuarial valuation and interim reports;
 - iii) Investment strategy - approving the Fund's investment strategy, Statement of Investment Principles and Myners Compliance Statement including setting investment targets and ensuring these are aligned with the Fund's specific liability profile and risk appetite;
 - iv) Administration Strategy – approving the Fund's Administration Strategy determining how the Council will the administer the Fund including collecting payments

- due, calculating and paying benefits, gathering information from and providing information to scheme members and employers;
- v) Communications Strategy – approving the Fund's Communication Strategy, determining the methods of communications with the various stakeholders including scheme members and employers;
 - vi) Stewardship Code – approving the Fund's Stewardship Code to promote best practice in stewardship that is consistent with seeking long-term investment returns;
 - vii) Discretions – determining how the various administering authority discretions are operated for the Fund; and
 - viii) Internal Dispute Resolution Procedure – determining how the Scheme Member disputes are administered.
- b) Monitoring the implementation of these policies and strategies as outlined in a) above on an ongoing basis.
 - c) Considering the Fund's financial statements as part of the approval process and to receive the Fund's Annual Report. Receive internal and external audit reports on the same.
 - d) Receiving ongoing reports from the Director of Finance and Digital Services in relation to their delegated functions.
 - e) To provide independent assurance to members of the Fund of the adequacy of the risk management and associated control environment, responsible for the Fund's financial and non-financial performance.
 - f) To adhere to the principles set out in the Pensions Regulator Code of Practice and undertake its duties in compliance with the obligations imposed on it.
 - g) To receive regular training to enable Committee Members to make effective decisions and be fully aware of their statutory and fiduciary responsibilities and their stewardship role.
 - h) Consider any pension compliance matters raised by the Fund's Pension Board.

Powers Delegated to Chief Officers

14.2 The Director of Finance and Digital Services (in their capacity as s151 officer) shall have delegated responsibility for all day to day operational matters of the Rhondda Cynon Taff Pension Fund (the 'Fund'), including (but not restricted to):-

- a) Selection, appointment and dismissal of the Fund's advisers, including actuary, benefits consultants, investment consultants, global custodian, fund managers, lawyers, pension funds administrator, and independent professional advisers.
- b) Making decisions relating to employers joining and leaving the Fund. This includes which employers are entitled to join the Fund, any requirements relating to their entry, ongoing monitoring and the basis for leaving the Fund.
- c) Agreeing the terms and payment of bulk transfers into and out of the Fund.
- d) Agreeing Fund business plans and monitoring progress against them.
- e) Maintain the Fund's Knowledge and Skills Policy for all Pension Fund Committee Members and for all officers of the Fund, including determining the Fund's knowledge and skills framework, identifying training requirements, developing training plans and monitoring compliance with the policy.
- f) Formulate responses to consultations on LGPS matters and other matters where they may impact on the Fund or its stakeholders.
- g) Ensuring the Fund is managed and pension payments are made in compliance with the extant Local Government Pension Scheme Legislation, Her Majesty's Revenue & Customs requirements for UK registered pension schemes and all other relevant statutory provisions.
- h) Ensuring robust risk management arrangements are in place.
- i) Ensuring the Council operates with due regard and in the spirit of all relevant statutory and non-statutory best practice guidance in relation to its management of the Fund.
- j) Monitor investment performance.
- k) Work with the Fund Actuary to determine the level of employer contributions required from each employer within the Fund, and ensure such contributions are received.

