



**RHONDDA CYNON TAF**

***CYNGOR BWRDEISTREF SIROL  
RHONDDA CYNON TAF  
COUNTY BOROUGH COUNCIL***

SEITHFED CYFARFOD CYNGOR BLYNYDDOL AR HUGAIN  
TWENTY-SEVENTH ANNUAL COUNCIL

**Dydd Mercher 25<sup>AIN</sup> Mai 2022 am 3.00pm  
Wednesday 25<sup>TH</sup> May, 2022 at 3.00 pm**



**CYNGOR BWRDEISTREF SIROL**  
**RHONDDA CYNON TAF**  
**COUNTY BOROUGH COUNCIL**

**COMMITTEE SUMMONS**

C Hanagan  
Service Director of Democratic Services & Communication  
Rhondda Cynon Taf County Borough Council  
The Pavilions  
Cambrian Park  
Clydach Vale CF40 2XX

Meeting Contact: Julia Nicholls - Democratic Services (01443 424098)

**YOU ARE SUMMONED** to the hybrid Twenty-Seventh Annual Meeting of  
**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL** to be held on  
**WEDNESDAY, 25TH MAY, 2022 at 3.00 PM.**

**AGENDA**

**Page  
No's**

<b>TIME</b>	<b>ITEM</b>	<b>PAGE(S)</b>
5 Minutes	<b>ITEM 1. DECLARATION OF INTEREST</b>  To receive disclosures of personal interests from Members in accordance with the Code of Conduct  1. Members are requested to identify the item number and subject that their interest relates to and signify the nature of the personal interest; and 2. Where Members withdraw from a meeting as a consequence of the disclosure of prejudicial interest they <b><u>must</u></b> notify the Chairman when they leave.	
5 Minutes	<b>ITEM 2. ELECTION OF THE PRESIDING MEMBER</b>  To elect a Presiding Member of the Council.	
10 Minutes	<b>ITEM 3. ELECTION OF THE DEPUTY PRESIDING MEMBER</b>  To receive the report of the Service Director Democratic Services & Communication.	7 - 10
20 Minutes	<b>ITEM 4. ELECTIONS &amp; APPOINTMENTS</b>  b) To elect the Deputy Presiding Officer(s) of the Council (subject to the outcome of the report at Agenda item 3)	

	<p>c) To receive an address from the Mayor of the Council 2021-2022.</p> <p>d) To elect a Mayor of Rhondda Cynon Taf County Borough Council for the Municipal Year 2022-2023. <i>(For the Mayor to announce their consort for the Municipal Year 2022-2023)</i></p> <p>e)To appoint a Deputy Mayor of Rhondda Cynon Taf County Borough Council for the Municipal Year 2022 – 2023. <i>(For the Deputy Mayor to announce their consort for the Municipal Year 2022 – 2023.)</i></p> <p>f)To appoint a Leader of the Council.</p> <p>g)To confirm the appointment of the Leader of the largest opposition party, as the Leader of the Opposition.</p>	
10 Minutes	<p><b>ITEM 5. EXECUTIVE FUNCTIONS</b></p> <p>To note the Leader's Scheme of Executive Delegations, including the appointment of Deputy Leader and the Cabinet, to be presented by the Leader at the meeting of the Council.</p>	
10 Minutes	<p><b>ITEM 6. REVIEW- OVERVIEW &amp; SCRUTINY ARRANGEMENTS 2022-2027</b></p> <p>To receive the report of the Service Director Democratic Services &amp; Communication.</p>	11 - 20
10 Minutes	<p><b>ITEM 7. THE POLITICAL BALANCE OF THE COUNCIL</b></p> <p>To consider the joint report of the Director of Legal Services and Service Director, Democratic Services &amp; Communication.</p>	21 - 26
10 Minutes	<p><b>ITEM 8. THE COUNCIL'S CONSTITUTION - PROPOSED AMENDMENTS</b></p> <p>To consider the joint report of the Director of Legal Services and Service Director, Democratic Services &amp; Communication.</p>	27 - 168
5 Minutes	<p><b>ITEM 9. APPOINTMENT OF COMMITTEES 2022-2023</b></p> <p>To consider the report of the Service Director, Democratic Services &amp; Communication providing recommendations for the appointment of Committees for the 2022-2023 Municipal Year.</p>	169 - 172
10 Minutes	<p><b>ITEM 10. APPOINTMENT OF CHAIRS &amp; VICE CHAIRS 2022-2023</b></p> <p>To consider the report of the Service Director, Democratic Services &amp; Communication.</p>	173 - 178
5 Minutes	<p><b>ITEM 11. QUASI JUDICIAL BODIES/AD-HOC COMMITTEES 2022-2023</b></p>	179 - 182

	To consider the report of the Service Director, Democratic Services Communication.	
10 Minutes	<b>ITEM 12. OUTSIDE BODIES</b>  To receive the report of the Service Director, Democratic Services & Communication.	183 - 198
10 Minutes	<b>ITEM 13. CALENDAR OF MEETINGS 2022-2023</b>  To consider the report of the Service Director, Democratic Services & Communication, relating to the proposed calendar of meetings for the 2022-2023 Municipal Year.	199 - 218
	<b>ITEM 14. URGENT BUSINESS</b>  To consider any items which the Chair, by reason of special circumstances, is of the opinion should be considered as a matter of urgency.	

**Service Director of Democratic Services & Communication**

**To: All Members of the Council**

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## RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2022 - 2023

### COUNCIL ANNUAL GENERAL MEETING

25<sup>th</sup> MAY 2022

#### APPOINTMENT OF DEPUTY PRESIDING MEMBERS

#### REPORT OF THE SERVICE DIRECTOR, DEMOCRATIC SERVICES & COMMUNICATION.

#### 1. PURPOSE OF REPORT

- 1.1 To provide the opportunity for Council to consider a proposal to appoint two Deputy Presiding Members as part of the Council's democratic Council structure to undertake the functions of the Presiding Member in their absence as of the Chair of the Council.

#### 2. RECOMMENDATIONS

It is recommended that Council:

- 2.1 Considers the proposal to appoint two Deputy Presiding Members into the Council structure, who would undertake the administrative functions of the Chair of the Council in the absence of the Presiding Member.
- 2.2 Subject to 2.1 above, appoints two Deputy Presiding Members for the 2022-2023 Municipal Year (at agenda item 4 'Elections & Appointments') and on an annual basis at the Annual General Meeting thereafter.
- 2.3 Subject to 2.2 above, agrees that the Director of Legal Services (as Monitoring Officer) amends the Council's Constitution to reflect the required amendments detailed in the above recommendations and makes any consequential changes.

#### 3. APPOINTING TWO DEPUTY PRESIDING MEMBERS

- 3.1 The ability to appoint a Presiding Member was introduced via amendments to the Local Government Act 1972 by the Local Government (Democracy) Wales Act 2013.

- 3.2 At the Council AGM in 2019 Members resolved to adopt the Presiding Member and Deputy Presiding Member structure by which:
- a. The recognised governance and administrative functions of the position of the Chair of the Council are undertaken by the Presiding Member (or in his/her absence the Deputy Presiding Member); and
  - b. The ceremonial and civic functions could become a stand-alone role to be undertaken by the Mayor (or in his/her absence the Deputy Mayor).
- 3.3 Where a Presiding Member is appointed, the Council must appoint a Deputy Presiding Member.
- 3.4 Members are asked to consider the appointment of **two** Deputy Presiding Members to ensure the availability of one or the other to preside over meetings of full council, in the absence of the Presiding Officer.
- 3.5 Should Council agree to the appointment of two Deputy Presiding Members, neither is entitled to be remunerated for the functions attributed to that post. A Deputy Presiding Member cannot be a member of the Executive and may do anything authorised or required to be done by the Presiding Member.
- 3.6 The availability of two Deputy Presiding Members will ensure a consistent approach to the Chairing of hybrid meeting arrangements, and the complexities which they present. This arrangement would mean that in most circumstances one of the three members would be available to chair a hybrid meeting in person, which is vital to the smooth running of a live broadcasted meeting. This additional role would also support the discharge of Council business, through their shared knowledge and understanding of the role of Presiding Officer ensuring that one or the other will always be available to undertake the administrative functions of the role, in discussion with the Head of Democratic Services, in the absence of the Presiding Member.
- 3.7 It is proposed that the appointment of a Presiding Member and the two Deputy Presiding Members is undertaken on an annual basis with such appointments being made at the Annual General Meeting.
- 3.8 Should Council wish to make changes to the existing arrangements it would require consequential changes to the Constitution and it is recommended the Director of Legal Services (as Monitoring Officer) be given delegated authority to make such changes.

#### **4. EQUALITY AND DIVERSITY IMPLICATIONS**

- 4.1 None.



## **5. CONSULTATION**

- 5.1 On the 2nd May 2019 the Council's Corporate Governance and Constitution Committee, in accordance with its terms of reference, met to consider the appointment of a Presiding Member (and Deputy Member) and determined to recommend to Council the appointment be made on an annual basis at the Annual General Meeting, commencing from the 2019 Council Annual General Meeting.

## **6. FINANCIAL IMPLICATIONS**

- 6.1 None.

## **7. LEGAL IMPLICATIONS**

- 7.1 The legal implications and relevant legislation is outlined in the main body of the report.

## **8. LINKS TO THE CORPORATE AND NATIONAL PRIORITIES AND THE WELL-BEING OF FUTURE GENERATIONS ACT.**

- 8.1 The work of all Councilors is fundamental to the work of the Council and subsequently the delivery of the Corporate Plan, hence ensuring Members are fully supported in undertaking their roles during Council meetings is important to the work of the Council overall.
- 8.2 Ensuring appropriate governance arrangements are in place is also essential to the smooth operating and sustainability of the Council when undertaking Council Business.
- 8.3 The proposal is also linked to the Future Generations well-being goals of a more equal Wales and a Wales of cohesive communities.

**LOCAL GOVERNMENT ACT 1972**  
**AS AMENDED BY**  
**THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**  
**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**  
**COUNCIL ANNUAL GENERAL MEETING**  
**25<sup>th</sup> MAY 2022**  
**REPORT OF THE SERVICE DIRECTOR, DEMOCRATIC SERVICES &**  
**COMMUNICATION.**

**Background Papers**

Local Government Act 1972 (as amended)  
Local Government (Democracy) Wales Act 2013

## RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

### COUNCIL ANNUAL GENERAL MEETING

25<sup>th</sup> MAY 2022

#### REVIEW – OVERVIEW & SCRUTINY ARRANGEMENTS 2022-2027

#### REPORT OF THE SERVICE DIRECTOR, DEMOCRATIC SERVICES & COMMUNICATION.

##### 1. **PURPOSE OF REPORT**

- 1.1 To provide Members with the recommended scrutiny arrangements for the next Council term (2022-2027) and subject to Members' agreement, seek approval to amend the Constitution to reflect the proposals contained within the report.

##### 2. **RECOMMENDATIONS**

It is recommended that Council:

- 2.1 Supports the recommendations of the 'Head of Democratic Services' in respect of the Council's proposed future scrutiny arrangements as detailed in this report;
- 2.2 Agrees that following prior consultation with the Scrutiny Chairs and Vice Chairs, the terms of reference of each of the Scrutiny Committees be reviewed, refined and agreed by the Overview and Scrutiny Committee at its first meeting following the AGM; and
- 2.3 Subject to 2.2 above, agrees that authority is provided to the Director of Legal Services (as Monitoring Officer) to update the Council Constitution accordingly to reflect the changes to each Committee's terms of reference, once agreed upon.

##### 3. **REASONS FOR RECOMMENDATIONS**

- 3.1 To respond to the areas of the improvement identified since operating the current scrutiny arrangements from 2019.
- 3.2 Ensure the Council's scrutiny arrangement are well-placed to respond to the new requirements of the Local Government & Elections (Wales) Act 2021. This includes responding to the revised responsibilities for the Governance & Audit Committee.
- 3.3 The proposals outlined in this report would increase the impact scrutiny has in supporting the Council's performance, reduce duplication of

reporting and provide a clear simplified reporting structure, more a-lined with the Council's functions and Senior Leadership Team.

#### **4. BACKGROUND**

- 4.1 In October 2018 the WAO published its [report](#) into the Council's scrutiny arrangements 'Fit for the Future'. The report followed a review conducted from December 2017 until January 2018. This report and a subsequent implementation plan was presented to Overview and Scrutiny. Following which, Members requested that a review of the Council's Scrutiny arrangements be undertaken.
- 4.2 The findings of the review were presented to a special meeting of the Overview and Scrutiny Committee on the [1<sup>st</sup> May 2019](#). These arrangements were subsequently adopted by Council.
- 4.3 Since 2019, and despite the impact of the pandemic, the Council's scrutiny functions have continued to develop, in terms of influence upon the key decisions of the Council, and in terms of its visibility, as a key component of the Council's governance arrangements, improving the effectiveness of decision making.
- 4.4 Due to the positive engagement of the Cabinet and Senior Leadership team, greater opportunity has been provided during recent years for scrutiny to be able to challenge and influence the key decisions, before determination by Cabinet. This approach means that the Council is well placed to respond to the direction set out within the Local Government & Elections (Wales) Act 2021 to provide greater opportunity for pre scrutiny of key decisions. However, a number of areas have been identified for further improvement, to further strengthen arrangements, as part of our commitment to continuous improvement.

#### **5. IMPROVEMENTS FOR CONSIDERATION**

- 5.1 Positive progress has been made over the last three years as a result of the revisions made to the Council's scrutiny arrangements in 2019. However, as scrutiny has become more outcome based over this period, a number of areas for improvement have been highlighted.
- 5.2 **Responsibilities and workload**

Under current scrutiny arrangements the Finance and Performance Scrutiny Committee, would consider quarterly performance information and would refer matters to one of the four thematic Scrutiny Committees when appropriate. The Finance and Performance Scrutiny Committee also undertook scrutiny on service matters relating to Employment, Regeneration and Tourism in addition to the regulatory requirement to review Treasury Management activities. During the course of the last three years this has sometimes caused an overlap in terms of the 'purpose' or 'objective' seeking to be achieved when determining

business. When exceptions were identified a meeting of Scrutiny Chairs & Vice Chairs would determine the information which was to be scrutinised, and which committee, considered in greater depth as part of the existing scrutiny structures. While this arrangement has been effective, the process and 'flow' of this matter, can sometimes be difficult for external regulators and the public to track the sequence of consideration and any arising recommendations or determinations.

- 5.3 As a result of a number of factors, from the strong focus placed by the Council upon improving standards and attainment, through to the unprecedented impact of the pandemic in this area, over the last three years the Children & Young People Scrutiny Committee has considered a sizeable work programme, meeting fortnightly to effectively discharge its responsibility to scrutinise the vital areas of education and children's services. This arrangement has sometimes presented a challenge in terms of balancing the focus equally between education matters and children's services. In additional operationally children's services sits within the Community Service and Social Care side of the Council.

#### 5.4 **Public participation**

One of the proposed improvements agreed in 2019, was an aim to increase public participation in our scrutiny processes. In response, the Overview & Scrutiny Committee agreed a Public Participation Strategy in early 2020. Progress against the objectives of this strategy was frustrated by the onset of the global pandemic and a move to remote working. During the initial period, scrutiny focused upon business-critical matters and the Council's response to the public health emergency.

- 5.5 The [Local Government and Elections \(Wales\) Act 2021](#) places further emphasis upon the need for public participation in the Council's scrutiny processes and positive benefits this can achieve. As part of any future scrutiny arrangements, it will be important to consider the ability for the public to easily understand the scrutiny structures and where responsibilities for matters important to them lie. The recommendations of the report seek to simplify structures, which will in turn support our strengthened public participation ambitions for scrutiny over the next five-years.

#### 5.6 **Pre-scrutiny**

In response to the Local Government & Elections (Wales) Act 2021, where there will now be a requirement for greater consideration of Cabinet decisions in Scrutiny, it is important to consider better aligning scrutiny arrangements, to the functions and management structures of the Council and the priorities of the Corporate Plan, to enable the efficient flow of business through Scrutiny prior to Cabinet consideration.

### 6. **PROPOSED AMENDMENTS TO SCRUTINY ARRANGEMENTS**

- 6.1 The Council's Scrutiny arrangements have significantly improved over the last three years, with the changes introduced in 2019 making a positive difference, including providing the opportunity for all Members to make a greater contribution to the key decisions of the Council. Notwithstanding this positive progress and the strengths of our current arrangements, there is now an opportunity to reconsider these arrangements and make a number of further improvements to support returning and newly elected members to discharge their Scrutiny role over the next five years.
- 6.2 It is proposed to revise the service and subject responsibilities of the Council's Scrutiny Committees, to respond to the requirements and direction of the Local Government & Elections (Wales) Act 2021 and to enhance the significant changes in approach and structure made in 2019 through the following arrangement of roles:
- Overview & Scrutiny Committee
  - Education & Inclusion Scrutiny Committee
  - Community Services Scrutiny Committee
  - Climate Change, Frontline Services & Prosperity Scrutiny Committee
- 6.3 This new arrangement would reduce the number of Scrutiny Committees from five to four. Under the proposed new arrangements, the frequency of meetings would increase from the current six-week cycle operated over the last municipal year. For example, the Overview & Scrutiny Committee will now meet quarterly to consider performance information, over and above its calendared monthly thematic meetings. This move will address the 'imbalance' which sometime occurred between respective committee responsibilities.
- 6.4 **Overview and Scrutiny Committee**
- This Committee will co-ordinate the work of the four Scrutiny Committees and will be responsible for approving the Work Programmes developed by the three thematic Scrutiny Committees to ensure a deliverable, coordinated and outcome focussed schedule of work programmes. **Any 'in-year' or quarterly additions to a subject scrutiny committees work programme will need to be approved until this arrangement.**
- 6.5 In addition to its current remit, it is proposed that this Committee will be responsible for scrutinising:
- Financial and operational performance during the year (quarterly 'exception' reporting) including Corporate Plan monitoring and reporting;

- The annual revenue budget consultation process;
- The implementation of Medium-Term Financial Plan and associated decisions considered by the Executive

- 6.6 Members will note that with regard to the scrutiny of financial and operational performance and `exception` reporting will be a responsibility of this Committee. To support and enhance this arrangement, it is proposed that the Chairs & Vice Chairs of the other three Scrutiny Committees should form part of the membership of the Overview & Scrutiny Committee. Such an arrangement would also see members in receipt of a Senior Salary, undertaking the additional responsibilities, and Committee business workload which would rest with the Overview & Scrutiny Committee.
- 6.7 In-line with the new remit of the Governance and Audit Committee, created within the new Local Government & Elections (Wales) Act 2021, it is proposed that responsibility for scrutiny of Treasury Management arrangements rest with this Committee moving forward and no longer a Scrutiny Committee. Members will also be aware that consideration of complaints now rests within the prescribed terms of reference of the Governance & Audit Committee.
- 6.8 As part of the revised remit, it is proposed that the Chair & Vice-Chair of the Audit & Governance Committee also be invited to attend meetings of the Overview & Scrutiny Committee, as ex-officio members, when it is considering performance information.
- 6.9 The Overview and Scrutiny Committee continue to deal with all Call-ins, and Co-opted Members will be invited to such meetings where Education items are heard.
- 6.10 It is further proposed that the Overview and Scrutiny Committee ceases to be the Council's designated Crime and Disorder Committee as this should now fall within the remit of the Community Services Scrutiny Committee.
- 6.11 For the avoidance of doubt, where there are matters that fall within the remit of more than one Scrutiny Committee, the Overview and Scrutiny Committee will determine which Committee has responsibility for its review.
- 6.12 **Climate Change, Prosperity & Frontline Services**

This Committee will be responsible for scrutinising Public Service Delivery across a range of Council and public sector services. This will include Frontline Services delivered by the Council including Waste and Highways. The Committee will consider matters relating to the Environment and Sustainable Development. More specifically this Committee will be responsible for scrutinising how the Council is responding to the climate emergency and reducing its Carbon footprint.

It will also consider areas which contribute to prosperity such as Economic Development, Regeneration, and Tourism.

#### **6.13 Education & Inclusion**

This Committee will be responsible for focussing upon Education and Schools. It will be responsible for scrutinising all Education provision from 3-19 and all other services, provided by the Council which young people engage with within our communities.

The Committee will also scrutinise the work of the Central South Consortium which has delivered aspects of school improvement services, commissioned by five local authorities (Bridgend, Cardiff, Merthyr Tydfil, Vale of Glamorgan and Rhondda Cynon Taf) to provide a school improvement service that challenges, monitors and supports schools to raise standards.

This Committee will scrutinise the Council's compliance with Welsh Language Standards and the delivery of the Welsh in Education Strategic Plan.

As required by law and guidance from Welsh Government the Education and Inclusion Committee Membership will also include voting representatives of religious faiths and parent governors.

#### **6.14 Community Services**

This Committee will be responsible for focussing on the services provided by the Council which support the Health and Well-being of our communities. This will include working with partners in the Health Service and also consideration of factors which support the services delivered to support older people. The Committee will consider adult social services as well as all other factors which contribute to the Health and Well-being of the County Borough, such as Leisure services and Public Health and Protection related Services.

As part of its remit, and alongside the Corporate Parenting Board, it will consider the Council's responsibilities as Corporate Parents including Looked After Children responsibilities.

In addition, as the Authority is leaning more towards a thematic approach in its new scrutiny arrangements, it is proposed that this Committee be the Council's designated Crime and Disorder Committee (under Sections 19 and 20 of the Police and Justice Act, 2006) as it is required to meet at least once a year in this capacity.

It is proposed that the first meeting of the Overview & Scrutiny Committee in the new municipal year, will set and agree the terms of reference for each committee.

### **7. OTHER KEY PRINCIPLES UNDERPINNING THE PROPOSED REVISED STRUCTURE**



- 7.1 The proposed Scrutiny structure encourages a priority focussed approach to items being reported to Scrutiny. The proposed remits and working arrangements will better balance the Scrutiny Committee Work Programmes and allow for greater pre-scrutiny on key decisions of the Cabinet and will further support the Council's Corporate Plan.

Ultimately, this should ensure that annual scrutiny work programmes support the Council's priorities and will demonstrate effective outcomes for our residents.

The Overview and Scrutiny Committee remits and structures will be reviewed periodically, in consultation with the Scrutiny Chairs and Vice Chairs, to ensure that they are up to date and reflect the current priorities of the Council.

These improvements will also further strengthen the opportunity of members to utilise the 'call-to-action' power of elected members.

## 7.2 **Timing of these changes**

These changes are being proposed now in response to the feedback received from Scrutiny Chairs over the last three years' operating our current arrangements. As the Council re-sets its democratic arrangement post-election, now is the most appropriate time to propose such changes and to ensure the appropriate structures are in place to respond to the new requirements, relating to scrutiny, contained within the Local Government & Elections (Wales) Act 2021.

## 7.3 **Prioritisation of performance information**

Performance information is a key component of effective scrutiny, and the consideration of such information by the Overview & Scrutiny, and a membership comprising respective scrutiny chairs, will ensure that such information is central to the scrutiny and challenge of service delivery. Under these proposals, the Overview & Scrutiny Committee would meet specifically to consider financial monitoring and performance information on a quarterly basis, separate from its service area responsibilities and other aspects of its terms of reference. This arrangement places performance information at the heart of the co-ordination role undertaken by the Overview & Scrutiny. This arrangement would be consistent with the model adopted by other local authorities in Wales.

## 7.4 **The level of scrutiny undertaken**

These proposed new arrangements will enhance the level of scrutiny undertaken. Over the course of the last municipal year, committees met on a six-weekly basis. Under these new arrangements committees would meet on a more frequent basis, with the Overview & Scrutiny Committee meeting separately to its thematic responsibilities, to consider performance information on a quarterly basis.

This arrangement will provide the opportunity, for a more specific set of members to form part of an individual committee, provide the opportunity to enhanced learning and training to support a member scrutiny role.

The capacity created within the calendar of meetings by reducing from 5 to 4 committees, will provide greater flexibility for a specific committee to meet as a working group to focus upon a specific subject. Over the last year, it has often presented a challenge to identify committee time for a matter to be considered outside of the agreed calendar of meetings.

## **8. EQUALITY AND DIVERSITY IMPLICATIONS**

- 8.1 There are no equality and diversity implications arising from this report and no equality impact assessment is deemed necessary.

## **9 CONSULTATION**

- 9.1 A meeting of Scrutiny Chairs and Vice-Chairs in February 2021 considered the direction set within the Local Government and Elections Bill Wales and areas for improvement within the current arrangements. Members identified the need to resolve the dual-purpose role of the Finance & Performance Scrutiny Committee and arrive at a more balanced level of business across all committees.
- 9.2 Group Leaders were appraised on the proposed recommendations of the Head of Democratic Services at a Group Leader's meeting on 16<sup>th</sup> May 2022.

## **10. FINANCIAL IMPLICATIONS**

- 10.1 None

## **11. LEGAL IMPLICATIONS**

- 11.1 If taken forward the Council Constitution would need to be amended to reflect the new way of working. The Council will also be well-placed to respond to the direction set within the Local Government & Elections (Wales) Act 2021.

## **12. LINKS TO THE CORPORATE AND NATIONAL PRIORITIES AND THE WELL-BEING OF FUTURE GENERATIONS ACT.**

- 12.1 The proposals outlined will work to ensure a sustainable and robust scrutiny structure is in place which will effectively challenge policy decisions taken forward.

The revised arrangement will enable a stronger focus by a respective committee upon the three Corporate Plan themes of Economy, People or Place.

## **13. CONCLUSION**

- 13.1 The proposed revisions respond to the practical experience of the current scrutiny arrangements operating in practice and ensure our scrutiny restructures are well placed to respond to the new requirements of the Local Government & Elections (Wales) Act 2021, including the increased focus upon pre-decision scrutiny.

**LOCAL GOVERNMENT ACT 1972**  
**AS AMENDED BY**  
**THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**  
**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**  
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**25<sup>th</sup> MAY 2022**  
**REPORT OF THE SERVICE DIRECTOR, DEMOCRATIC SERVICES &**  
**COMMUNICATION.**

**Background Papers**

[Overview & Scrutiny](#) – October 2018.



## **RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

### **COUNCIL ANNUAL GENERAL MEETING**

**25<sup>th</sup> MAY 2022**

#### **THE POLITICAL BALANCE OF THE COUNCIL**

#### **JOINT REPORT OF THE DIRECTOR OF LEGAL SERVICES AND SERVICE DIRECTOR OF DEMOCRATIC SERVICES & COMMUNICATION.**

##### **1. PURPOSE OF THE REPORT**

To advise Members of the outcome of the review of the Political Balance of the Authority following the local government elections held on the 5<sup>th</sup> May 2022.

##### **2. RECOMMENDATIONS**

- 2.1 That the scheme for the allocation of seats to the different political groups and bodies to which Section 15 of the Local Government and Housing Act 1989 applies, as detailed in the Appendix to this report, be adopted;
- 2.2 That the Service Director of Democratic Services & Communication be authorised to make appointments to politically balanced bodies upon receipt by him of notification of the wishes of the political groups subject to any subsequent requests for amendment of membership of Committees, being referred to Council; and
- 2.3 To seek Council's instruction as to whether the allocation of Notices of Motion for the remainder of the Municipal Year 2022 – 2023 is to be amended.

##### **3. BACKGROUND**

- 3.1 Section 15 of the Local Government and Housing Act 1989 makes provisions for securing the political balance on certain relevant Authorities, Committees and Bodies. In the case of the Council, it is a requirement that the representation of the different political groups to secure political balance is reviewed at, or as soon as practicable after, the annual meeting of the Council.
- 3.2 Subject to the adoption of the scheme, it will be the duty of the Council to make appointments to those seats in accordance with the wishes of the political groups and to facilitate this process, it has been previous practice for power to be delegated to myself to accept and make the appointments notified to me by the political groups. However, in the

case of subsequent requests for amendments to the membership of Committees, they should be the subject of a report to the Council.

3.3 Members are requested to note that:

- A Member of the Cabinet may not be a member of the Overview and Scrutiny Committee or any of the Scrutiny Committees
- At least one Member of the Cabinet can sit on the Governance & Audit and Democratic Services Committees, but the Council Leader is excluded from these positions.

4. **POLITICAL BALANCE**

4.1 Following the review of the political balance of the Council in response to the Local Government Elections held on the 5<sup>th</sup> May 2022, Members are informed that the appointment of the available seats is as set out in Tables A and B of the Appendix to this report.

4.2 Subject to members agreeing the revised scrutiny arrangements proposed by the Head of Democratic Services, the allocation of scrutiny committee Chairs would be as follows:

Labour: x3  
Plaid Cymru: x1

4.3 Members are again advised that the Democratic Services Committee Chair must be appointed from a political group which does not form part of the Council's Executive arrangements.

4.4 The Governance and Audit Committee must be Chaired by a Lay member of the committee. There is no restriction upon the Vice-Chair being an elected member of the Council.

5. **ALLOCATION OF NOTICES OF MOTION**

5.1 In light of the change to the political balance Members' instructions are now sought as to whether the allocation of Notices of Motion for the Municipal Year 2022 – 2023 is to be amended as follows:

Labour - 12  
Plaid Cymru -5  
RCT Independent Group - 2  
Conservatives – 1

**APPENDIX 1****POLITICAL BALANCE 2022 - 2023****TABLE A**

	<i><b>Total</b></i>	<i><b>Labour</b></i>	<i><b>Plaid Cymru</b></i>	<i><b>RCT Ind</b></i>	<i><b>Conservative</b></i>	<i><b>Unallocated</b></i>
<b>Members</b>	75	59	8	6	2	0
<b>Political Balance</b>	100%	78.67%	10.67%	8.00%	2.67%	
<b>Committee</b>	<i><b>Available Seats</b></i>	<i><b>Labour</b></i>	<i><b>Plaid Cymru</b></i>	<i><b>RCT Ind</b></i>	<i><b>Conservative</b></i>	
Planning & Development	11	9	1	1	0	
Licensing	11	8	1	1	1	
Constitution	8	6	1	1	0	
Appointments	5	4	1	0	0	
Pensions	5	4	1	0	0	
Appeals	5	4	0	1	0	
<b>Total Seats</b>	<b>45</b>	<b>35</b>	<b>5</b>	<b>4</b>	<b>1</b>	

**TABLE B****INDIVIDUAL COMMITTEES SUBJECT TO POLITICAL BALANCE**

<b>Committee</b>	<b>Available Seats</b>	<b>Labour</b>	<b>Plaid Cymru</b>	<b>RCT Ind</b>	<b>Conservative</b>
Overview & Scrutiny	14	11	2	1	0
Scrutiny Committee 1	14	11	2	1	0
Scrutiny Committee 2	14	11	2	1	0
Scrutiny Committee 3	14	11	2	1	0
Democratic Services	17	13	2	1	1
Governance & Audit Committee	6	5	1	0	0

**TABLE C**  
**TABLE TO CALCULATE POLITICAL BALANCE FOR INDIVIDUAL COMMITTEES**

<b>Total Seats</b>	<b>Labour</b>	<b>Plaid</b>	<b>RCT Ind</b>	<b>Conservative</b>
3	3	0	0	0
4	3	1	0	0
5	4	1	0	0
6	5	1	0	0
7	5	1	1	0
8	6	1	1	0
9	7	1	1	0
10	8	1	1	0
11	9	1	1	0
12	10	1	1	0
13	10	2	1	0
<b>14</b>	<b>11</b>	<b>2</b>	<b>1</b>	<b>0</b>
15	12	2	1	0
16	13	2	1	0
17	13	2	1	1
18	14	2	1	1
19	15	2	2	0
20	16	2	2	0



**LOCAL GOVERNMENT ACT 1972**

**as amended by**

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**LIST OF BACKGROUND PAPERS**

**COUNCIL ANNUAL GENERAL MEETING**

**25<sup>th</sup> MAY 2022**

**JOINT REPORT OF THE DIRECTOR OF LEGAL SERVICES AND  
SERVICE DIRECTOR, DEMOCRATIC SERVICES & COMMUNICATION.**

**REPORT**

Local Government & Housing Act 1989  
Local Government (Committees and Political Groups)  
Regulations 1990

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## **RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

### **COUNCIL ANNUAL GENERAL MEETING**

**25<sup>th</sup> MAY 2022**

#### **PROPOSED AMENDMENTS TO THE CONSTITUTION**

#### **JOINT REPORT OF THE DIRECTOR OF LEGAL SERVICES AND SERVICE DIRECTOR OF DEMOCRATIC SERVICES & COMMUNICATION.**

##### **1. PURPOSE OF THE REPORT**

To seek Members' approval to amend the Constitution to reflect further legislative changes (including consequential changes) required as a result of relevant provisions in the Local Government and Elections (Wales) Act 2021 (the 'LGEW Act'), the majority of which came into force on 5th May 2022.

##### **2. RECOMMENDATION**

It is recommended Council:

- 2.1 Approves the proposed amendments to the Constitution as set out in Appendices A, B, C and D to the report, to reflect legislative changes including consequential changes required as a result of relevant provisions in the Local Government and Elections (Wales) Act 2021 the majority of which came into force on 5th May 2022.

##### **3. BACKGROUND**

- 3.1 The LGEW Act introduced amendments to various pieces of legislation and new provisions in some areas to take effect at various times. The provisions that have already been introduced have been reported to Full Council and the Council's Constitution updated as appropriate. However, some provisions took effect from 5th May 2022 and today's meeting provides the earliest opportunity to seek Members' approval to make the necessary amendments to the Constitution.

##### **4. REASONS FOR RECOMMENDATIONS**

- 4.1 The Council's Constitution was adopted in May 2002 and sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that they are efficient, transparent and available to local people. The Constitution is a 'living document' in that it is constantly being updated and revised to reflect new Government legislation, guidance and improvements in procedures gained in light of experience.

- 4.2 The LGEW Act introduced amendments to various pieces of legislation and new provisions in some areas to take effect at various times, the most recent of which came into force on 5<sup>th</sup> May 2022. These amendments now need to be reflected in required changes to the Council's Constitution.

## 5. **PROPOSED AMENDMENTS TO THE CONSTITUTION**

- 5.1 A summary of the LGEW Acts provisions which took effect from 5th May 2022 are summarised below:

- Amend the term of office for Elected Members' from four to five years (Section 14)

- Restrictions on the Appointment of Officers as Members (Section 21)

- Petition Scheme – The duty for approving, reviewing and amending the Council's Petition scheme to be included in the Constitution under Functions of the Full Council (Section 42)

- Broadcasting of meetings – Further Welsh Government Guidance is awaited as to which meetings the Council should consider broadcasting from May 2022. The section under the Act requires that where meetings are broadcast speakers must be able to speak to and be heard by each other and to see and be seen by each other. (Sections 46 and 47).

- Code of Conduct for Employees – - qualifying employee who holds the post of Chief Executive of a county borough council in Wales is disqualified from becoming or remaining a member of a relevant authority (Schedule 5 of the Act).

- Head of Paid Service – delete reference to Head of Paid Service throughout the Constitution due to the provision that from 5th May 2022 the Head of Paid Service title is to be replaced with the title of Chief Executive (Section 54).

- Assistants to the Executive – The Act provides that Council's Cabinet arrangements may make provision for Councillors of the Authority to be appointed to assist the Cabinet in discharging functions which are the responsibility of Cabinet. (Section 57)

- Job Sharing by Executive Leaders and Executive Members – The provision requires Local Authorities to include in their Cabinet arrangements provision enabling two or more Councillors to share office on a Cabinet including the office of Leader. This to also include details of the maximum numbers of a Cabinet when Cabinet offices are shared together with the details about quorum and voting (Section 58)

- Leaders of Political Groups in relation to standards of conduct – duty to promote and maintain high standards of conduct and must co-operate with the Standards Committee in the exercise of the Standards Committee's functions (Section 62)
- Standards Committee – Terms of Reference and Role and Function (respectively) to include - duty to monitor compliance by Political Leaders and provide advice, training or arrange to train Leaders of political groups (Section 62) - duty to produce an Annual Report as soon as reasonably practicable at the end of the financial year (i.e. 31st March) to the Authority in respect of the year which must describe how the Committee's functions have been discharged during the financial year (Section 63)
- Joint Scrutiny Committees – power amended to include the words “or require” two or more Local Authorities to appoint a Joint Scrutiny Committee. This power sits with Welsh Ministers (Section 66 (2))
- Corporate Joint Committee – the Act provides provision for the establishment of Corporate Joint Committees. This requires a whole new section to be included within the Council's Constitution. (Sections 76 - 88)
- Governance and Audit Committee – Full Council approved that the membership of the Governance and Audit Committee provisionally consist of 6 Elected Members and 3 lay members (subject to agreement at the AGM) and that the Terms of Reference of the Committee be amended to reflect the membership and the below from 5th May 2022 (Sections 115 – 118): - One third of the Membership of a Governance and Audit Committee are lay members - The Chair of a Governance and Audit Committee must be a Lay Member - The Vice-Chair of a Governance and Audit Committee must not be a Member of the Cabinet or an assistant to the Cabinet.
- Functions of the Full Council – the following to be added - approving, reviewing and amending the Council's Petition scheme (Section 42) ; considering Chief Executive reports prepared pursuant to section 54(2)(b) of the Act, within 3 months of them being made (Section 54) ; considering annual reports received from the Standards Committee ; keeping under review the extent to which a) it is exercising its functions effectively, b) using its resources economically, efficiently and effectively and c) its Governance arrangements are effective for securing matters set out in a) and b) above (Section 63) ; -performing the Corporate Joint Committee functions set out in the Constitution including the making of a Corporate Joint Committee application and the giving of consent to Corporate Joint Committee regulations being made (Section 87); 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 (Section

90); preparing an Annual Report on the extent to which the Council has met its performance requirements (Section 91) ; making arrangements for a panel performance assessment and responding to the panel's report (Sections 92 and 93).

- 5.2 Annexed to the report are the following parts of the Constitution where amendments are necessary to reflect the required legislative changes the summary of which is set out in paragraph 5.1 above.

These are:

Appendix A (Part 1 – Summary Guide & Explanation);  
Appendix B (Part 2 – Articles of the Constitution);  
Appendix C (Part 3 – Responsibility for Functions - extract); and  
Appendix D (Part 4 - Rules of Procedure- extract)

- 5.3 The proposed changes to the existing text are shown with tracked changes.

## **6. CONSTITUTION GUIDE**

- 6.1 Section 45 of the LGEW Act requires that a Model Guide to the Constitution is prepared which explains in ordinary language the content of the Constitution. A Model Guide to the Constitution has been commissioned by the Monitoring Officers' All-Wales Group of the 22 Local Authorities in Wales.

- 6.2 It is anticipated a draft Constitution Guide will be presented to Members at the July Full Council meeting for their consideration.

## **7. LEGAL AND EQUALITY IMPLICATIONS**

- 7.1 The Council is required to comply with relevant legislation requirements which are outlined in the body of this report.

## **8. FINANCIAL IMPLICATIONS**

- 8.1 None as a direct result of this report.

## **9. CONCLUSION**

- 9.1 The LGEW Act introduced amendments to various pieces of legislation and new provisions in some areas to take effect at various times. The provisions that have already been introduced have been reported to Full Council and the Council's Constitution updated as appropriate. However, some provisions are to be take effect from 5th May 2022 and this report sets out those provisions and seeks authority to make the required changes to the Constitution.

**LOCAL GOVERNMENT ACT 1972**

**as amended by**

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**LIST OF BACKGROUND PAPERS**

**COUNCIL ANNUAL GENERAL MEETING**

**25<sup>th</sup> MAY 2022**

**JOINT REPORT OF THE DIRECTOR OF LEGAL SERVICES AND  
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**REPORT**

**PROPOSED AMENDMENTS TO THE CONSTITUTION**

**Background Papers**

**Council Constitution**

**Local Government and Elections (Wales) Act 2021**

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# ***PART 1***

# ***SUMMARY AND***

# ***EXPLANATION***

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## SUMMARY AND EXPLANATION

### The Council's Constitution

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

The Constitution is divided into 16 articles, which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in a series of separate rules and protocols at the end of the document.

### What's in the Constitution?

Article 1 of the Constitution commits the Council to:-

1. provide clear leadership to the community it serves, in active partnership with citizens, local businesses, voluntary and community organisations, and other agencies, in order to improve the quality of life of all those who live in, work in, or visit Rhondda Cynon Taff;
2. support the active involvement of local citizens in the process of democratic decision making;
3. help all Councillors to represent their constituents more effectively;
4. enable decisions to be taken efficiently and effectively;
5. ensure that those responsible for decision making are clearly identifiable to local people and that the reasons for decisions are clearly explained;
6. create a powerful and effective means of holding decision makers to public account;
7. ensure that no one will review or scrutinise a decision in which they were directly involved; and
8. improve the delivery of services to the community, which are procured or provided by the Council, or by its strategic partners.

Articles 2 –16 explain the rights of local citizens, and how the key parts of the Council operate.

These are:

- Members of the Council (Article 2).
- Citizens and the Council (Article 3).

- 
- The Council Meeting (Article 4).
  - Chairing the Council (Article 5).
  - Overview and Scrutiny of Decisions (Article 6).
  - The Executive (Article 7).
  - Regulatory Committees (Article 8).
  - The Standards Committee (Article 9).
  - ~~Corporate Joint Committees Area Regeneration Partnerships~~  
~~[NOW DEFUNCT SO CONTENT REMOVED]~~ (Article 10).
  - Joint Arrangements (Article 11).
  - Officers of the Council (Article 12).
  - Decision Making (Article 13).
  - Finance, Contracts and Legal Matters (Article 14).
  - Review and Revision of the Constitution (Article 15).
  - Suspension, Interpretation and Publication of the Constitution (Article 16).

## How the Council Operates

The Council is composed of 75 Councillors normally elected every five years. Each Councillor is democratically accountable to the residents of their electoral division, as well as to all those who live in Rhondda Cynon Taff. Anyone over the age of 16 who qualifies to vote can do so in the Council elections. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

All Councillors have to agree 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 them on the code of conduct.

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 on a yearly basis. The Leader then decides the size and membership of the Executive, i.e. the role of individual members of the Executive and arrangements for the exercise and delegation of executive functions.

The Council appoints Overview and Scrutiny Committees responsible for being the principal means of holding the Executive to account, in terms of decision making and the Council's performance, in delivering effective and efficient services, which meet the needs of local people.

Various Non-Executive Committees are appointed by the Council as an efficient and accessible way of making decisions on those matters which cannot be the responsibility of the Executive, (such as planning matters and

licensing).

Members of the Council may present petitions on behalf of their constituents, ask questions of Executive Councillors or submit motions for debate at a meeting. They may also contribute views during the course of a meeting on a matter being discussed.

## **How Decisions Are Made**

The Executive is the part of the Council which is responsible for most day-to-day decisions. The Executive is made up of the Leader appointed by the Council and a Cabinet of up to 9 Councillors appointed by the Leader. Together, they form the Executive and, except where authority for a particular matter has been delegated, they take collective responsibility for decision making. When decisions are to be discussed or made, these are published in the Executive's forward work programme, in so far as they can be identified in advance. If these decisions are to be discussed with Council Officers and decided at a meeting of the Executive, this will generally be open for the public to attend, except where genuinely confidential or exempt matters are being discussed. The Executive has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the agreed budget or policy framework, this must be referred to the Council as a whole to decide.

Decisions can also be made by individual Executive Councillors on matters within their "portfolio" of responsibilities, within prescribed limits such as when matters need to be resolved urgently to protect the interest of the Council, subject to formal advice from appropriate Council officers being taken into account first.

Delegated powers are also given to Officers to make certain decisions in relation to the delivery of the services they manage for the Council.

## **Overview and Scrutiny**

Overview and Scrutiny Committees support and challenge the work of the Executive and the Council as a whole. There are four standing thematic Scrutiny Committees which review all aspects of the Council's Service Areas in depth, namely Finance and Performance, Public Service Delivery Communities and Prosperity, Children and Young People and Health and Well-Being. There is an Overview and Scrutiny Committee which co-ordinates the work of the four standing Scrutiny Committees and is the designated committee dealing with Crime and Disorder issues. They allow citizens to have a greater say in Council matters, by holding public inquiries into matters of local concern. These activities lead to reports and recommendations which advise the Executive, and the Council as a whole, on its policies, resource allocation and service delivery. The Overview and Scrutiny Committee also monitors the decisions of the Executive. All Non-Executive Members have the ability to 'call-in' a decision which has been made but not yet implemented by

the Executive or a 'Key Decision' taken by a Chief Officer (under the Scheme of Delegation), to consider whether the decision is appropriate to meeting the needs and aspirations of local people. The Overview and Scrutiny Committee may recommend that the Executive reconsider the decision. The Scrutiny Committees may also be consulted by the Executive or the Council on forthcoming decisions and the development of policy before these are finalised. The Overview and Scrutiny Committee will review the forward work programmes of each of the four standing Scrutiny Committees which will ensure the work of these Committees are co-ordinated with one another, and with the Cabinet's forward work programme.

## **The Council's Staff**

The Council directly employs a range of professionally qualified senior staff, (called 'Officers'), to give advice, implement decisions, and manage the day-to-day delivery of its services. Some Officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A code of practice governs the relationships between Officers and elected Members of the Council, to ensure that they work together effectively. Council officers may have certain powers to act delegated to them by the Council, by its committees, or by the Executive, as set out in the Council's Scheme of Delegation.

## **Citizens' Rights**

Local citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens' Advice Bureau can advise on legal rights.

Where members of the public use specific Council services, for example as a parent of a pupil attending a local school they have additional rights. These are not covered in this Constitution, but information on them is available elsewhere.

Citizens have the right to:

- vote at local elections, if they are registered to do so;
- contact their local Councillor about any matters of concern to them;
- obtain a copy of the Council's Constitution;
- attend meetings of the Executive, and of the Council and its Committees, except where confidential or exempt matters are being discussed;
- petition to request a referendum on a mayoral form of Executive;
- contribute to reviews and investigations by the Overview and

#### Scrutiny Committees;

- find out, from the forward work programmes, what business is to be considered by the Executive, the Overview and Scrutiny Committees, or the Council as a whole;
- see reports and background papers considered by the Council and any of its Committees, and the record of any decisions made by the Council, by its Committees, and by the Executive, except where they contain confidential or exempt information;
- complain to the Council about the delivery of Council Services, (through use of the Council's complaints procedure);
- complain to the Ombudsman, if they think they have suffered injustice because the Council has not followed its procedures properly. (However, they are encouraged only to do this only after using the Council's own complaints process);
- complain to the Ombudsman if they have evidence which they think shows that a Councillor or a co-opted Member of the Council has not followed the Members' Code of Conduct; and
- during a specified period inspect the Council's accounts and make their views known to the Council's external auditor.

The Council must encourage local people to participate in the making of decisions by the Council. See the Council's public participation strategy for more information.

The Council welcomes interest and participation by local citizens in its work. For further information on your rights as a citizen, please contact the Council Business Unit, Rhondda Cynon Taff County Borough Council, County Borough Council Offices, The Pavilions, Cambrian Park, Clydach Vale (Tel. No. 01443 424110).

A Constitution Guide is also available on the Council's website and accessed via the following link [link to be inserted in published version]. This Guide explains in ordinary language the content of the Constitution and how local citizens can participate and exercise their rights in respect of Council business and meetings. A copy can also be made available for inspection at the main Council Offices in Clydach Vale (details set out above).

~~A written summary of the rights of local citizens to inspect the agenda and reports considered at meetings of the Council, its committees, and the Executive, and to attend such meetings, is available free of charge at the same contact point.~~

***PART 2***  
***ARTICLES OF***  
***THE***  
***CONSTITUTION***

# ARTICLES

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(n.b. page numbering to be updated as necessary in published version if approved)

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## ARTICLE 1 – THE CONSTITUTION

### 1.01 Powers of the Council

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

### 1.02 The Constitution

This Constitution, and all its appendices, is the Constitution of the Rhondda Cynon Taff County Borough Council.

### 1.03 Purpose of the Constitution

The purpose of the Constitution is to:

1. provide clear leadership to the community it serves, in active partnership with citizens, local businesses, voluntary and community organisations, and other agencies, in order to improve the quality of life of all those who live in, work in, or visit Rhondda Cynon Taff;
2. support the active involvement of local citizens in the process of democratic decision making;
3. help all Councillors to represent their constituents more effectively;
4. enable decisions to be taken efficiently and effectively;
5. ensure that those responsible for decision making are clearly identifiable to local people and that the reasons for decisions are clearly explained;
6. create a powerful and effective means of holding decision makers to public account;
7. ensure that no one will review or scrutinise a decision in which they were directly involved; and
8. improve the delivery of services to the community, which are procured or provided by the Council, or by its strategic partners.

### 1.04 Interpretation and Review of the Constitution

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

The Council will monitor and evaluate the operation of the Constitution as set out in Article 15.

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## ARTICLE 2 - MEMBERS OF THE COUNCIL

2.01 (a) **Composition.** The Council will comprise 75 Members, otherwise called Councillors. One or more Councillors will be elected by the voters of each electoral ward in accordance with a scheme drawn up by the Local Democracy and Boundary Commission for Wales and approved by the Welsh Ministers.

(b) **Eligibility.** Only registered voters of the County Borough Council or those living or working in the area will be eligible to hold the office of Councillor.

### 2.02 Election and terms of Councillors

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

### 2.03 Roles and Functions of All Councillors

(a) **Key Roles.** All Councillors will:

- (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- (ii) represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities;
- (iii) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
- (iv) balance different interests identified within the electoral ward and represent the electoral ward as a whole;
- (v) contribute to the continual improvement of Council services;
- (vi) participate in non-executive decision making;
- (vii) be available to represent the Council on other bodies; and
- (viii) maintain the highest standards of conduct and ethics.

(b) **Rights and Duties**

- (i) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- (ii) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other

than a Councillor or Officer entitled to know it.

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

#### 2.04 **Conduct**

Councillors will at all times observe the Members' Code of Conduct, the Local Protocol – 'Standards of conduct to be followed by Members', the Members Memorandum of Understanding and the Protocol on Member/Officer Relations set out in Part 5 of this Constitution.

#### 2.05 **Councillor's Remuneration**

Councillors will be entitled to salaries in accordance with the Schedule of Member Remuneration set out in Part 6 of the Constitution.

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## ARTICLE 3 – CITIZENS AND THE COUNCIL

### 3.01 Citizens' Rights

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

- (a) **Voting and Petitions.** Citizens over the age of 16 on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an elected mayor form of Constitution.
- (b) **Information.** Citizens have the right to:
  - (i) attend meetings of the Council, the Cabinet and its Committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
  - (ii) find out from the forward work programme what decisions will be taken by the Cabinet or Council and which issues the Overview and Scrutiny Committee will be considering, and when these matters will be discussed;
  - (iii) see reports and background papers, and any records of decisions made by the Council and the Cabinet; and
  - (iv) inspect the Council's accounts and make their views known to the external auditor.
- (c) **Participation.** Citizens have the right to contribute to investigations by Overview and Scrutiny Working Groups. The Council must encourage local people to participate in the making of decisions by the Council. See the Council's public participation strategy for more information.
- (d) **Complaints.** Citizens have the right to complain:
  - (i) to the Council itself under its complaints scheme;
  - (ii) to the Public Services Ombudsman for Wales ('Ombudsman') about any injustice they have suffered as a result of maladministration, but they are encouraged to use the Council's own complaints scheme first;
  - (iii) to the Ombudsman where they believe a Member or co-opted Member of the Council has breached the Member's Code of Conduct.
- (e) **Submitting Petitions.** A member of the public can seek to raise a matter with the Council by submitting a petition in accordance with the Council's Petition Scheme. This is a scheme prepared

and published pursuant to section 42 of the Local Government and Elections (Wales) Act 2021 (and reviewed from time to time) for the purpose of setting out: -

- how a petition may be submitted to the Council;
- the steps the Council will take in response to a petition received by it;
- the circumstances in which the Council may take no further action in response to a petition; and
- how and by when the Council will make available its response to a petition to the person who submitted the petition and to the public. It can be found in Part 5 of the Constitution and on the Council's website.

### 3.02 **Citizens' Responsibilities**

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

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## ARTICLE 4 – THE FULL COUNCIL

### 4.01 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.

### 4.02 Meanings

- (a) **Policy Framework.** The policy framework means the following plans, policies and strategies:-
- Corporate Plan;
  - Corporate Performance Report (the Council's Improvement Plan);
  - Cwm Taf Well-Being Plan (Cwm Taf Public Services Board);
  - Crime and Disorder Reduction Strategy;
  - Youth Justice Plan;
  - Local Transport Plan;
  - Plans and alterations which together comprise the Local Development Plan;
  - Rights of Way Improvement Plan;
  - Statement of Licensing Policy – Alcohol, Entertainment & Late Night Refreshment Statement of Principles – Gambling Act 2005; and
  - Pay Policy Statement.
- (b) **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.
- (c) **Housing Land Transfer.** Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to ~~the Senedd Cymru~~ Welsh Ministers for approval of a programme of disposal of ~~500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of~~ land used for residential purposes

where approval is required under sections 32 or 43 of the Housing Act 1985.

#### 4.0~~23~~ **Functions of the Full Council**

Only the Council will exercise 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 Committees, deciding on their composition and making appointments to them unless the appointments have been delegated by the Council;
- (f) appointing representatives to outside bodies unless the appointment 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;
- ~~(gh)~~ 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 conferring the title of freedom of the borough;
- ~~(jk)~~ making or confirming the appointment of the ~~Head of Paid Service~~ Chief Executive and Chief Officers;
- ~~(kl)~~ making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or ~~p~~Personal Bills;
- ~~(lm)~~ all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather

than the Executive; ~~and~~

- (~~nn~~) all other matters which, by law, must be reserved to Council. For example, appointing the Chair of the Democratic Services Committee, approving the appointment or dismissal of the Chief Executive, determining the level (and any change in the level) of remuneration to the paid to a Chief Officer;
- (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.
- (w) The decision whether or not to accept a delegation of an Executive or non-executive function from another local authority.



- (x) The adoption of Member and Officer codes of conduct and protocols recommended by the Standards Committee.
- (y) Receiving and considering reports from the Executive or Committees as appropriate.
- (z) 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.
- (aa) 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).
- (bb) Adopting arrangements for the appointment of Chief Officers.
- (cc) All other matters which, by law, must be reserved to Council.

#### **4.0~~34~~<sup>45</sup> Council Meetings**

There are three types of Council meeting:

- (a) the annual meeting;
- (b) ordinary meetings;
- (c) extraordinary meetings

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

#### **4.0~~45~~<sup>45</sup> Responsibility for Functions**

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

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## **ARTICLE 5 – CHAIRING THE COUNCIL AND MAYORAL CIVIC ROLE**

### **5.01 Title of the Person Chairing Council Meetings**

The Councillor elected annually by the Council to Chair its meetings will be called the 'Llwydd' / 'Presiding Officer' or 'Chair'.

### **5.02 Role and function of the Llwydd / Presiding Officer**

The Llwydd / Presiding Officer of the Council and in his/her absence the Dirprwy Llwydd / Deputy Presiding Officer will have the following roles and functions:

- (i) to uphold and promote the purpose of the Constitution, and to interpret the Constitution when necessary;
- (ii) 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;
- (iii) 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 Cabinet and Committee Chair to account;
- (iv) to promote public involvement in the Council's activities;
- (v) to be the conscience of the Council;
- (vi) to attend such civic and ceremonial functions as the Council and he/she determines appropriate;
- (vii) to carry out duties as required under The Family Absence for Members of Local Authorities (Wales) Regulations 2013; and
- (viii) to Chair the Council's Constitution Committee.

### **5.03 Mayoral Civic Role**

A Councillor shall be elected annually by the Council to be its Mayor.

### **5.04 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:

- (i) to be the civic leader of Rhondda Cynon Taff;
- (ii) to attend such civic and ceremonial functions as the Council and he/she determines appropriate;
- (iii) to promote the interests and reputation of the Council and Rhondda Cynon Taff as a whole and acts as an ambassador for both; and
- (iv) to undertake civic, community and ceremonial activities and fosters community identity and pride.

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## ARTICLE 6 – OVERVIEW AND SCRUTINY COMMITTEE

### 6.01 Terms of Reference

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

<b><i>Name of Committee</i></b>	<b><i>Scope</i></b>
Overview and Scrutiny Committee (and designated Crime and Disorder) Scrutiny Committee	<p>To co-ordinate the work of the four under-mentioned thematic Scrutiny Committees and ensure that the work of each of these committees is effective.</p> <p>The Committee will be responsible for reviewing the work programme developed by the four thematic Scrutiny Committees to ensure deliverable, coordinated and outcome focused programmes of work.</p> <p>To fulfil the overview and scrutiny role in relation to “all Council” cross cutting themes which cut across the terms of reference of the four thematic Scrutiny Committees and have responsibility for corporate governance issues.</p> <p>This Committee is also responsible for dealing with all 'Call-Ins' (under the Council's Overview and Scrutiny Procedure Rules). It is the Council's designated Crime and Disorder Committee (pursuant to Section 19 and 20 of the Police and Justice Act 2006).</p>
Finance and Performance Scrutiny Committee	The overview and scrutiny role in connection with scrutinising financial and operational performance; treasury management arrangements; the annual revenue budget consultation

	process; statutory performance reporting requirements and monitoring the implementation of medium-term financial planning and the economy
Children and Young People Scrutiny Committee	The overview and scrutiny role in connection with scrutinising public facing services which deliver services for children and young people within the County Borough.
Health and Well-Being Scrutiny Committee	The overview and scrutiny role in connection with scrutinising services which support the Health and Well-being of our communities. The Committee considers adult social services as well as all other factors which contribute to the Health and Well-Being of the County Borough, such as Leisure Services and Public Health and Protection Services.
Public Service Delivery, Communities and Prosperity	The overview and scrutiny role in connection with scrutinising public service delivery across a range of Council services. The Committee considers areas which contribute to prosperity and also community safety issues.

## 6.02 General Role

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

- (a) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- (b) make reports and/or recommendations to the full Council and/or the Executive and/or any Joint Committee in connection with the discharge of any functions;
- (c) consider any matter affecting the area or its inhabitants;
- (d) monitor the operation of Council services and appropriate external bodies, including Joint Committees.

**6.03 Policy Development and Review: The Overview and Scrutiny Committees may:-**

- (a) assist the Council or the Executive in the development of its 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) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- (d) question Members of the Executive and/or Committees and Chief Officers about their views on issues and proposals affecting the area; and
- (e) liaise with other external organisations operating in the area whether national, regional or local to ensure that the interests of local people are enhanced by collaborative working.

**6.04 Scrutiny: The Overview and Scrutiny Committees may:-**

- (a) review and scrutinise the decisions made by and performance of the Executive and/or Committees and Council Officers both 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 and/or Committees and Chief Officers about their decisions and performance whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions initiatives or projects;
- (d) make recommendations to the Executive 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 area and invite reports from them by requesting them to address the Committee and local people about their activities and performance; and
- (f) question and gather evidence from any person (with their consent).

**6.05 Councillor Calls For Action ('CCfA') - Pursuant to the Local Government (Wales) Measure 2011 and the Police and Justice Act 2006**

Where Member(s) feel the necessity for a Councillor Call for Action ('CCfA') under the auspices of the Local Government (Wales) Measure

2011 or under the requirements of the Police and Justice Act 2006, it will be at the determination of the Chair (or in his/her absence the Vice-Chair) of the Overview and Scrutiny Committee as to which Scrutiny Committee the matter is to be referred following validation by the Council's Head of Democratic Services.

**6.06 Finance**

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

**6.07 Annual Report**

The Overview and Scrutiny Committees must report annually to full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

**6.08 Proceedings of the Overview and Scrutiny Committees**

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

**6.09 Cwm Taf Public Services Board Joint Overview and Scrutiny Committee**

6.10 In accordance with the requirements of the Well-being of Future Generations (Wales) Act, 2015 and taking into consideration the requirements of Section 58 of the Local Government (Wales) Measure 2011 and associated statutory guidance a Joint Overview and Scrutiny Committee has been established comprising 10 elected Members (5 from Rhondda Cynon Taf and 5 from Merthyr Tydfil County Borough Councils). Under section 58 of the Measure, regulations may be made by Welsh Ministers to permit or require two or more local authorities to appoint a joint Overview and Scrutiny Committee.

6.11 The aim of the Cwm Taf Public Services Board Joint Overview and Scrutiny Committee ('Cwm Taf JOSC') is to scrutinise the overall effectiveness of the Cwm Taf Public Services Board (the 'Board'). For further information on the Board see Section 3A of Part 3 of the Constitution.

6.12 The core statutory functions of the Cwm Taf JOSC are:-

- To review or scrutinise the decisions made or actions taken by the Board;
- To review or scrutinise the Board's governance arrangements;
- To make reports or recommendations to the Board regarding its functions or governance arrangements;

- To consider matters relating to the Board as the Welsh Ministers may refer to it and report to the Welsh Ministers accordingly; and
  - To carry out other functions in relation to the Board that are imposed on it by the Well-Being of Future Generations (Wales) Act 2015.
- 6.13 In addition to these functions the Cwm Taf JOSC's lines of inquiry can include, but are not limited to, the following:
- The effectiveness of the Wellbeing Assessment;
  - The effectiveness of the Wellbeing Plan;
  - The effectiveness of performance measurement arrangements;
  - The level of commitment from individual partners to the work of the Board;
  - The effectiveness of the Board in communicating its work, objectives and outcomes to its stakeholders; and
  - The effectiveness of the Board in addressing the issue of pooled funding to tackle priorities.
- 6.14 Meetings of the Cwm Taf JOSC shall be conducted in accordance with its approved terms of reference.

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## **ARTICLE 7 – THE EXECUTIVE**

### **7.01 Role**

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

### **7.02 Form and Composition**

The Cabinet will consist of the Leader, together with at least 2, but not more than 9, Councillors appointed to the Cabinet by the Leader.

### **7.03 Leader**

The Leader will be a Councillor elected to the position of leader by the Council. The Leader will hold office until:

- (a) he/she resigns from the office; or
- (b) 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
- (c) he/she is no longer a Councillor; or
- (d) the next annual meeting of the Council save that the Council may remove the Leader from office at an earlier date, but only in the event of a change in the political control of the Council.

### **7.04 Other Cabinet Members**

Other Cabinet Members shall hold office until:

- (a) they resign from office; or
- (b) they are suspended from being Councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
- (c) they are no longer Councillors; or
- (d) they are removed from office by the Leader, who must give written notice of any removal to the Chief Executive. The removal will take effect two working days after receipt of the notice by the Chief Executive.

### **7.05 Proceedings of the Cabinet**

Proceedings of the Cabinet shall take place in accordance with the Executive Procedure Rules set out in Part 4 of this Constitution.



## 7.06 Responsibility for Functions

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

## 7.07 Assistants to the Executive

(a) Other Councillors may, from time to time, be designated by the Leader as Assistants to the Executive. Such Councillors will not be:

(i) a Member of the Executive; or

(ii) The Presiding Member and Deputy Presiding Member of the Council

(b) Assistants to the Executive will not participate in Executive Decision making, but may work closely with an Executive Member. He/she will not be a Member of the Overview and Scrutiny Committee relating to the specific responsibilities of the Executive Member he/she is assisting or any other areas to which they are assigned.

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

(d) Assistants to the Executive are entitled to attend, and speak at, any meeting of the Executive or a committee of the Executive.

## **7.09 Job sharing by the Leader and Executive Members**

- (a) Any election or appointment to the Executive (including the Leader) may include the election of two or more Councillors to share office.
- (b) Where two or more Members have been elected or appointed to share the same office on the Executive the maximum number of members of the Executive, including the Leader, will be:

  - (i) 12, where at least two of the members have been elected or appointed to share office; or
  - (ii) 13, where at least three of the members have been elected or appointed to share office.
- (c) The members of the Executive who share the same office will have one vote between them in respect of any matter on which they have a right to vote because they are a member of the Executive.
- (d) Where any meeting is attended by more than one of the members who share the same office and those members are attending in their capacity as a member of the Executive, they together count only as one person for the purpose of determining whether the meeting is quorate.

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## ARTICLE 8 – REGULATORY COMMITTEES

### 8.01 Regulatory and Other Committees

The Council will appoint the Committees to discharge the functions set out in Sections 2 and 4 of Part 3 of this Constitution.

### 8.02 The Governance and Audit Committee

- (a) The Council will appoint a Governance and Audit Committee to discharge the functions described in Section 4 of Part 3 of this Constitution.
- (b) The Committee shall comprise of ~~two-thirds~~ Councillor Members ~~(being at least two-thirds of the membership)~~ and ~~at least one one-third~~ members who ~~is~~are not ~~a~~a members of the Council (lay members). ~~and n~~No more than one member of the Committee may be a member of the Executive (which Executive Member must not be the Leader) or an Assistant to the Executive although the Committee may have no Executive members or Assistants to the Executive among its membership.
- (c) The Council shall appoint Members to the Governance and Audit Committee in accordance with the political balance rules.
- (~~e~~d) The Chair of the Governance and Audit Committee and Deputy Chair ~~is~~are appointed by it. The person appointed as Chair of the Governance and Audit Committee must be a lay member. The person appointed as Deputy Chair cannot be a member of the Executive or an Assistant to the Executive, and they cannot be a member who belongs to a group with Members in the Executive but can be a lay member.
- (e) —A meeting of the Governance and Audit Committee is to be chaired:
  - (i) By the Chair of the Governance and Audit Committee, or
  - (ii) If the Chair of the Governance and Audit Committee is absent, by the Deputy, or
  - ~~(+)~~(iii) If both the Chair of the Governance and Audit Committee and the Deputy Chair are absent, the Committee may appoint a member of the Committee who is not a member of the Council's Executive, or an Assistant to the Executive, to chair the meeting.

- (d)f) Members of the Governance and Audit Committee may vote on any matter before the Committee.

### 8.03 The Democratic Services Committee

- (a) The Council will appoint a Democratic Services Committee to discharge the functions described in Section 4 of Part 3 of this Constitution.
- (b) The Committee shall comprise of Councillor Members but no more than one member of the Executive (which Executive Member must not be the Leader).
- (c) The Council shall appoint Members to the Democratic Services Committee in accordance with the political balance rules.
- (e)(d) The Chair of the Democratic Services Committee must not be a Member who belongs to a group with Members in the Executive.
- (d)(e) Members of the Democratic Services Committee may vote on any matter before the Committee.

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## ARTICLE 9 – THE STANDARDS COMMITTEE

### 9.01 Composition

- (a) **Membership.** The Standards Committee is composed of 6 Members. Its membership includes:
  - (i) 3 '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 Act, appointed in accordance with the procedure set out in the Standards Committees (Wales) Regulations 2001;
  - (ii) 2 Councillors other than the Leader and not more than one Member of the Executive; and
  - (iii) 1 Community Council Member
- (b) **Term of Office**
  - (i) Independent Members are appointed for a period of 6 years and may be reappointed for a consecutive term not exceeding 4 years.
  - (ii) Members of local authorities who are members of the Standards Committee 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 1 further consecutive term.
- (c) **Quorum.** A meeting of the Standards Committee shall only be quorate when:
  - (i) at least three Members, including the Chairperson, are present, and
  - (ii) at least half the Members present (including the Chairperson) are Independent Members.
- (d) **Voting.** Independent Members and Community Council Member will be entitled to vote at meetings.
- (e) **Chairing the Committee.**
  - (i) Only an Independent Member of the Standards Committee may be the Chair.
  - (ii) The Chair and Vice Chair will be elected by the Members of the Standards Committee for whichever is the shortest period of (a) not less than 4 years or no more than 6 years,

or (b) until the term of office of the Independent Member comes to an end. The Chair and Vice Chair can be appointed for one period only.

## 9.02 **Role and Function**

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 Members' 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; and
- (m) the Committee will exercise the functions set out in (a) - (g) above in relation to Community Councils and Members of Community Councils.

### 9.03 Annual Report

- (a) As soon as possible after the end of each financial year, the Standards Committee must make an annual report to the Council.
- (b) The annual report must include: -
  - (i) a description of how the Standards Committee has discharged its functions;
  - (ii) a summary of any reports and recommendations that were referred to the Standards Committee under Chapter 3 of Part 3 of the Local Government Act 2000;
  - (iii) a summary of the actions that the Standards Committee has taken following consideration of the reports and recommendations referred to in (ii) above;
  - (iv) a summary of any notices that were given to the Standards Committee under Chapter 4 of Part 4 of the Local Government Act 2000; and
  - (v) the Standards Committee's assessment of the extent to which leaders of political groups on the Council have complied with their duties to promote and maintain high standards of conduct by members of their group and to cooperate with the Standards Committee in the exercise of the Standards Committee's functions; and
  - (vi) any recommendations which the Standards Committee considers it appropriate to make to the Council about any matter which falls within the Committee's functions.

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## **ARTICLE 10 – ~~CORPORATE JOINT COMMITTEES AREA REGENERATION PARTNERSHIPS AND COMMUNITY DEVELOPMENT PARTNERSHIPS~~**

**~~[CONTENT DELETED AS NOW DEFUNCT]~~**

### **10.01 Introduction**

Corporate joint committees may be established: -

- (i) at the instigation of the Welsh Ministers, to undertake the Council's transport, strategic planning, economic development and/or improving education functions; or
- (ii) at the instigation of the Council, to undertake any of the Council's functions.

### **10.02 Corporate Joint Committees**

The Council may, jointly with one or more other local authorities make a joint committee application to the Welsh Ministers, asking them to consider making regulations under section 72 of the Local Government and Elections (Wales) Act 2021 establishing a corporate joint committee to exercise a function of those authorities or the economic wellbeing function in relation to the principal areas of those authorities.

The Council shall not make such an application unless and until it has consulted: -

- (d) local people in the Council's area;
- (e) community councils in the Council's area;
- (f) the National Park authority for a National Park, any part of which is in the Council's area;
- (g) the Public Services Board;
- (h) every trade union which is recognised (within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992) by the Council; and
- (i) such other persons as the Council considers appropriate.

The Council may, jointly with all other local authorities for the principal areas in a corporate joint committee's area, make an application to the Welsh Ministers



asking them to consider making regulations under section 80 of the Local Government and Elections (Wales) Act 2021 to amend or revoke joint committee regulations which establish a corporate joint committee of which the Council is a member. The Council may not exercise the power to ask the Welsh Ministers to amend corporate joint committee regulations so as to omit or modify a function which relates to the Council's transport, strategic planning, economic development or improving education functions.

### **10.03 South East Wales Corporate Joint Committee**

The Leader shall be the 'council member' of the South East Wales Corporate Joint Committee. Where the Leader is suspended or unable to discharge their functions in respect of the South East Wales Corporate Joint Committee for any period, the Council must appoint a member of its Executive as a substitute member of the South East Wales CJC for that period.

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## ARTICLE 11 – JOINT ARRANGEMENTS

### 11.01 Arrangements to Promote Well Being

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

- (a) enter into arrangements or agreements with any person or body;
- (b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- (c) exercise on behalf of that person or body any functions of that person or body.

### 11.02 Joint Arrangements

- (a) 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.
- (b) The Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of Joint Committees with these other local authorities.
- (c) The Cabinet may appoint Members to a Joint Committee from outside the Cabinet.
- ~~(d)~~ When considering whether to establish a joint committee, the Council and the Executive shall have regard to any guidance issued by the Welsh Ministers about establishing joint committees and the circumstances in which it is appropriate to do so.
- ~~(de)~~ Details of any joint arrangements including any delegations to joint Committees will be found in the Council's scheme of delegations in Part 3 of this Constitution.

### 11.03 Access to Information

- (a) The Access to Information Rules in Part 4 of this Constitution apply.
- (b) If all the Members of a Joint Committee are Members of the Cabinet in each of the participating Authorities then its access to information regime is the same as that applied to the Cabinet.
- (c) 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 will apply.

#### **11.04 Delegation To and From Other Local Authorities**

- (a) The Council may delegate non-executive functions to another local authority or, in certain circumstances, the Executive of another local authority.
- (b) The Executive may delegate executive functions to another local authority or the Executive of another local authority in certain circumstances.
- (c) The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting.

#### **11.05 Contracting Out**

The Council may in the case of functions which are not executive functions, and the Cabinet may in the case of executive functions, contract out to another body or organisation functions which may be exercised by an Officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

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## ARTICLE 12 – OFFICERS

### 12.01 Management Structure

- (a) **General.** The full Council may engage such staff (referred to as Officers) as it considers necessary to carry out its functions.
- (b) **Chief Officers.** The full Council will engage persons for the following posts, who will be designated Chief Officers, which designation includes persons acting temporarily in such capacity:

Post	Functions and Areas of Responsibility
Chief Executive <del>(and Head of Paid Service)</del>	<ul style="list-style-type: none"><li>• Overall corporate management and operational responsibility including overall management responsibility for all Officers;</li><li>• The provision of professional and impartial advice to all parties in the decision making process to the Executive, to Overview and Scrutiny Committee, the full Council and other Committees;</li><li>• Together with the Monitoring Officer and Service Director – Communications and Head of Democratic Services, 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>• Council and Regulatory Business</li><li>• Democratic Services;</li><li>• Cabinet Office &amp; Secretariat;</li><li>• Strategy, Communications and Public Relations</li></ul>
Director, Finance and Digital Services	<ul style="list-style-type: none"><li>• Finance</li><li>• Performance &amp; Improvement</li><li>• ICT &amp; Digital Services</li><li>• Customer Care</li><li>• Information Management</li><li>• Internal Audit</li></ul>

Post	Functions and Areas of Responsibility
Group Director, Community and Children's Services, lead Director for Children and Young People's Services and Director of Social Services  Deputy Chief Executive	<ul style="list-style-type: none"> <li>• Support, to act as Chief Executive in his/her absence;</li> <li>• Social Services Community Care functions, Community Housing functions;</li> <li>• Youth Offending;</li> <li>• Adult Services;</li> <li>• Children's Services including safeguarding, children looked after and children in need;</li> <li>• Community Wellbeing &amp; Resilience;</li> <li>• Public Health &amp; Protection;</li> <li>• Leisure Services &amp; Parks;</li> <li>• Cultural Services;</li> <li>• Libraries; and</li> <li>• Community Learning</li> </ul>
Director of Frontline Services	<ul style="list-style-type: none"> <li>• Frontline Services including Highways, Transportation, Fleet Management, Streetcare, Waste, Strategic Projects and Countryside</li> </ul>
Director of Prosperity & Development	<ul style="list-style-type: none"> <li>• Prosperity &amp; Regeneration (including Strategic Housing &amp; Grants);</li> <li>• Development and Planning;</li> <li>• Tourism and Events; and</li> <li>• Marketing &amp; Design Services</li> </ul>
Director of Education and Inclusion Services	<ul style="list-style-type: none"> <li>• Education Services including Schools and Access and Inclusion</li> </ul>
Director of Legal Services	<ul style="list-style-type: none"> <li>• Legal Services, Electoral Services, Coroners Service, Freedom of Information and Ombudsman Complaints</li> </ul>
Director of Human Resources	<ul style="list-style-type: none"> <li>• Employee Relations, Organisation and Employee Development, Health and Safety,</li> <li>• Equalities;</li> <li>• Procurement and Transactional Services; and</li> <li>• Pensions</li> </ul>
Director of Corporate Estates	<ul style="list-style-type: none"> <li>• Estates (including corporate maintenance &amp; design and strategic &amp; operational property services</li> </ul>

- (c) ~~Head of Paid Service~~**Chief Executive**, **Monitoring Officer and Chief Finance Officer**. The Council ~~will~~has designatedd the following posts as shown:

Post	Designation
Chief Executive	<del>Chief Executive</del> <u>Head of Paid Service</u>
Director of Legal Services	Monitoring Officer
Director of Finance and Digital Services	Chief Finance Officer
<u>Service Director, Communications and Democratic Services</u>	<u>Head of Democratic Services</u>

Such posts will have the functions described in Article 12.02–12.05~~4~~ below.

- (d) **Structure**. The ~~Head of Paid Service~~**Chief Executive** will determine and publicise a description of the overall group structure of the Council showing the management structure and deployment of Officers. This is set out at Part 7 of this Constitution.

#### 12.02 Functions of the ~~Head of Paid Service~~**Chief Executive**

- (a) **Discharge of Functions by the Council**. ~~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 Officers required for the discharge of functions and the organisation of Officers. The Chief Executive must keep the following matters under review:~~
- (i) the manner in which the exercise by the Council of its different functions is co-ordinated;
  - (ii) the council's arrangements in relation to—
    - (A) financial planning,
    - (B) asset management, and
    - (C) risk management;
  - (iii) the number and grades of staff required by the Council for the exercise of its functions;

- (iv) the organisation of the Council's staff;
  - (v) the appointment of the Council's staff; and
  - (vi) the arrangements for the management of the Council's staff (including arrangements for training and development).
- (b) If the Chief Executive considers it appropriate to do so, they must make a report to the Full Council setting out their approach to these matters. As soon as possible after preparing a report, the Chief Executive must arrange for a report to be sent to each Member of the Council.
- (c) Acting as one of the Council's Representatives on the Public Services Board

The Chief Executive shall be one of the Council's two representatives at meetings of the Public Services Board.

- ~~(bd)~~ **Restrictions on Functions.** The ~~Head of Paid Service~~Chief Executive may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

#### 12.03 Functions of the Monitoring Officer

- (a) **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.
- (b) **Ensuring Lawfulness and Fairness of Decision Making.** After consulting with the ~~Head of Paid Service~~Chief Executive and Chief Finance Officer, the Monitoring Officer will report to the full Council or to the Executive in relation to an executive 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.
- (c) **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.
- (d) **Receiving Reports.** The Monitoring Officer will receive and act on reports made by the Public Services Ombudsman for Wales

and decisions of the case tribunals.

- (e) **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.
- (f) **Access to Information.** The Monitoring Officer is responsible for consideration of the exclusion of access by the Public to Reports.
- (g) **Advising Whether Decisions of The Executive Are Within The Budget and Policy Framework.** The Monitoring Officer will, in conjunction with the Chief Finance Officer, advise whether decisions of the Executive are in accordance with the budget and policy framework.
- (h) **Providing Advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors.
- (i) **Providing a Certificate of Opinion Under Section 2(3) of the Local Government and Housing Act 1989.**
- (j) **Restrictions on Posts.** The Monitoring Officer cannot be the Chief Finance Officer or the ~~Head of Paid Service~~Chief Executive.

#### 12.04 Functions of the Chief Finance Officer

- (a) **Ensuring Lawfulness and Financial Prudence of Decision Making.** After consulting with the ~~head of paid service~~Chief Executive and the Monitoring Officer, the Chief Finance Officer will report to the full Council or to the Executive 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.
- (b) **Administration of Financial Affairs.** The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.
- (c) **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.
- (d) **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.

- (e) **Give Financial Information.** The Chief Finance Officer will provide financial information to the media, members of the public and the community.
- (f) **Advising Whether Decisions of the Executive are Within the Budget and Policy Framework.** The Chief Finance Officer will, in conjunction with the Monitoring Officer, advise whether decisions of the Executive are in accordance with the Budget and Policy Framework.
- (g) Restrictions on posts. The Chief Finance Officer cannot be the Monitoring Officer or the Head of Democratic Services. The Chief Finance Officer must be a member of one (or more) of the following professional bodies: -
  - (i) the Institute of Chartered Accountants in England and Wales;
  - (ii) the Chartered Association of Certified Accountants;
  - (iii) the Chartered Institute of Public Finance and Accountancy;
  - (iv) the Chartered Institute of Management Accountants; or
  - ~~(i)~~(v) any other body of accountants established in the United Kingdom and for the time being approved by the Welsh Ministers for this purpose.

#### 12.05 Functions of the Head of Democratic Services

These are set out in section 9 of the Local Government (Wales) Measure 2011. The functions of the Head of Democratic Services are:

- (i) to provide support and advice to the authority in relation to its meetings, subject to (ix) below;
- (ii) to provide support and advice to committees of the authority (other than the committees mentioned in paragraph (v) below) and the members of those committees, subject to (ix) below);

- (iii) 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 (ix) below;
- (iv) to promote the role of the authority's Overview and Scrutiny arrangements;
- (v) to provide support and advice to:
  - the authority's Overview and Scrutiny Committees and the members of those committees; and
  - the authority's Democratic Services Committee and the members of that committee;
- (vi) to provide support and advice in relation to the functions of the authority's Overview and Scrutiny Committees to each of the following:
  - members of the authority;
  - members of the executive of the authority;
  - officers of the authority;
- (vii) to provide support and advice to each member of the authority in carrying out the role of member of the authority, subject to (ix) below;
- (vii) to make reports and recommendations in respect of any of the following:
  - the number and grades of staff required to discharge democratic services functions;
  - the appointment of staff to discharge democratic services functions;
  - the organisation and proper management of staff discharging democratic services functions;
- (viii) such other functions as may be prescribed by law.

(ix) Restrictions on Posts

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

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 Council's scrutiny arrangements and Democratic Services Committee.

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 a Council Scrutiny Committee or Democratic Services Committee).

**12.05 Duty to Provide Sufficient Resources to ~~T~~the Chief Executive, Monitoring Officer~~and~~, Chief Finance Officer and the Head of Democratic Services**

The Council will provide the Chief Executive, 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.

**12.06 Conduct**

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

**12.07 Employment**

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

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## **ARTICLE 13 – DECISION MAKING**

### **13.01 Responsibility for Decision Making**

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

### **13.02 Principles of Decision Making**

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

- (a) proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) due consultation and the taking of professional advice from Officers;
- (c) respect for human rights;
- (d) a presumption in favour of openness;
- (e) clarity of aims and desired outcomes;

### **13.03 Decisions Reserved to Full Council**

Decisions relating to the functions listed in Article 4.0~~32~~ will be made by the full Council and not delegated.

### **13.04 Decision Making by the Full Council**

Subject to Article 13.08, the Council meeting will follow the Council Procedures Rules set out in Part 4 of this Constitution when considering any matter.

### **13.05 Decision Making by the Cabinet**

Subject to Article 13.08, the Cabinet will follow the Executive Procedures Rules set out in Part 4 of this Constitution when considering any matter.

### **13.06 Decision Making by Overview and Scrutiny Committees**

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

### **13.07 Decision Making by Other Committees and Sub-Committees Established by the Council**

Subject to Article 13.08, other Council Committees and Sub-Committees will follow those parts of the Council Procedures Rules set out in Part 4 of this Constitution as apply to them.

### **13.08 Decision Making by Council Bodies Acting as Tribunals**

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

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## **ARTICLE 14 – FINANCE, CONTRACTS AND LEGAL MATTERS**

### **14.01 Financial Management**

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

### **14.02 Contracts**

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

### **14.03 Legal Proceedings**

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

### **14.04 Authentication of Documents**

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

### **14.05 Common Seal of the Council**

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

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## ARTICLE 15 – REVIEW AND REVISION OF THE CONSTITUTION

### 15.01 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.

### 15.02 Protocol for Monitoring and Review of Constitution by Monitoring Officer

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

1. observe meetings of different parts of the Member and Officer structure;
2. undertake an audit trail of a sample of decisions;
3. record and analyse issues raised with him/her by Members, Officers, the public and other relevant stakeholders; and
4. compare practices in this Authority with those in other comparable Authorities, or national examples of good practice.

### 15.03 Changes to the Constitution where there is a Cabinet Form of Executive

Changes to the constitution will only be approved by the full Council after consideration of a proposal by the Constitution Committee, the Monitoring Officer or a recommendation of the Cabinet.

### 15.04 Change from a Leader and Cabinet Form of Executive to Alternative Arrangements.

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

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## ARTICLE 16 – SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION

### 16.01 Suspension of the Constitution

- (a) **Limit to Suspension.** The Articles of this Constitution may not be suspended. The Rules specified below may be suspended by the full Council to the extent permitted within those Rules and the law.
- (b) **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 are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.
- (c) **Rules Capable of Suspension.** The following Rules may be suspended in accordance with Article 16.01:  
All the Council Procedure Rules may be suspended except Rule 15.4 and 16.2.

### 16.02 Interpretation

The ruling of the Chair of Council as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

### 16.03 Publication

- (a) The Monitoring Officer will give a printed copy of this Constitution to each Member of the Authority upon delivery to him/her of that individual's declaration of acceptance of office on the Member first being elected to the Council.
- (b) The Monitoring Officer will ensure that electronic copies are available for inspection at Council offices, libraries and other appropriate locations.
- (c) The Monitoring Officer will ensure that the Constitution is updated as necessary.



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## **SCHEDULE 1: DESCRIPTION OF EXECUTIVE**

The following parts of this Constitution constitute the Executive arrangements:

1. Article 6 - Overview and Scrutiny Committee;
2. Article 7 - The Executive;
3. Article 11 - Joint arrangements – where the Executive has delegated functions for discharge by a Joint Committee;
4. Article 13 - Decision making;
5. Part 3 – Responsibility for Functions; and
6. Part 4 - Rules of Procedure - Executive Procedure Rules
  - Overview and Scrutiny Procedure Rules
  - Access to Information Procedure Rules

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# ***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	<del>149 (consisting of at least one third lay members (3) elected members plus 1 lay member.</del> 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)

<b>Council and Standing Committees</b>	<b>Number of Members</b>
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

<b>Other</b>	<b>Number of Members</b>
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;
- (~~h~~i) approving the Council's annual Pay Policy Statement
- (~~i~~j) Changing the name of the area or a Community.
- (~~j~~k) To confer the title of Honorary Alderman or to admit to be an

Honorary Freeman of the County Borough.

- (~~kl~~) Making or confirming the appointment of the ~~Head of Paid Service~~ Chief Executive and Chief Officers.
- (~~lm~~) Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or ~~p~~ Personal Bills.
- (~~mn~~) 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.
- (~~nw~~) 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 regrading 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.



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# ***PART 4***

# ***RULES OF***

# ***PROCEDURE***

# ***Council Procedure Rules***

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NOTE:

- These are the rules and procedures for the conduct of full Council, indicating also where these rules apply to Committees and Sub-Committee meetings.
- All references to the 'Proper Officer' in these rules are to the Council's Service Director – Democratic Services & Communication.

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## COUNCIL PROCEDURE RULES

### 1. Annual Meeting of the Council

#### 1.1 Timing and Business

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

The annual meeting will:

- (i) elect the Presiding Officer/Llywydd of the Council
- (ii) elect the Deputy Presiding Officer/Dirprwy Lywydd of the Council
- (iii) elect a person to preside if the Presiding Officer/Llywydd or Deputy Presiding Officer/Dirprwy Lywydd of the Council is not present;
- (iv) elect the Mayor;
- (v) elect the Deputy Mayor of the Council;
- (vi) elect the Youth Mayor of the Council
- (vii) elect the Deputy Youth Mayor of the Council
- (viii) receive any announcements from the Presiding Officer/Llywydd, Mayor and/or ~~Head of the Paid Service~~ Chief Executive;
- (ix) elect the Leader of the Council;
- (x) be told by the Leader of the names of Councillors he/she has chosen to be Members of the Cabinet, as the Executive arm of the Council;
- (xi) receive from the Leader a written record of the delegations made by him/her for inclusion in the Council's formal scheme of delegation;
- (xii) appoint at least one Overview and Scrutiny Committee, a Standards Committee and such other 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 Part 3 of this Constitution);
- (xiii) agree such part of the scheme of delegation as the Constitution determines it is for the Council to agree (as set out in Part 3 of this Constitution);
- (xiv) approve a programme of ordinary meetings of the Council for the year; and
- (xv) consider any business set out in the notice convening the meeting.

#### 1.2 Selection of Councillors on Committees and Outside Bodies

At the annual meeting, the Council meeting will:

- (i) decide which Committees to establish for the municipal year;
- (ii) decide the size and terms of reference for those Committees;

- (iii) decide the allocation of seats to political groups in accordance with the political balance rules;
- (iv) appoint to those Committees and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Executive.

## 2. Ordinary Meetings

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. Ordinary meetings will:

- (i) elect a person to preside if the Presiding Officer/Llywydd and Deputy Presiding Officer/Dirprwy Lywydd are not present;
- (ii) approve the minutes of a previous meeting;
- (iii) receive any declarations of interest from Members;
- (iv) receive any announcements from the Presiding Officer/Llywydd, Mayor, Leader, Members of the Cabinet or the ~~Head of Paid Service~~ Chief Executive;
- (v) deal with any outstanding business from the previous Council meeting;
- (vi) receive reports from the Cabinet, Overview and Scrutiny Committee and the Council's Committees and receive questions and answers on any of those reports;
- (vii) consider any motions submitted by Members; and
- (viii) consider any other business specified in the summons to the meeting, including consideration of proposals from the Executive in relation to the Council's budget and policy framework and reports of the Overview and Scrutiny Committee for debate.

## 3. Extraordinary Meetings

### 3.1 Calling Extraordinary Meetings.

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

- (i) the Council by resolution;
- (ii) the Presiding Officer/Llywydd of the Council;
- (iii) the Monitoring Officer; and
- (iv) any five Members of the Council may forthwith call a meeting if they have signed a requisition presented to the Presiding Member/Llywydd of the Council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition. Where Members decide to call an extraordinary meeting of the Council, they shall notify the Proper Officer that they have done so, the business to be transacted and the date and time for which the meeting has been called. The Proper Officer shall thereupon ensure that the



summonses required by paragraph 4(2) of Schedule 12 to the Local Government Act 1972, are published and sent to all Members.

### 3.2 **Business**

The summons to each meeting shall set out the business to be considered thereat and no business other than that set out in the summons shall be considered at that meeting.

## 4. **Time and Place of Meetings**

4.1 The time and place of meetings will be determined by the Proper Officer and notified to Members in the summons.

4.2 Where the meeting is to be conducted in accordance with the Council's arrangements for multi-location meetings, the summons will also include details of how to access the meeting by remote means.

4.23 For all purposes of this Constitution the term "meeting" is not limited in meaning to a meeting of persons all of whom, or any of whom, are present in the same place. Any reference to "place" is to be interpreted as where a meeting is held, or to be held, includes reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers

## 5. **Notice of and Summons to Meetings**

5.1 The Proper Officer will give notice to the public of the time and place of any meeting, in accordance with the Access to Information Rules. At least three clear days before a meeting, the Proper Officer will send a summons signed by him or her by email to every Member of the Council. The summons will give the date, time and place of each meeting including reference to whether the meeting is to take place virtually or arrangements for a hybrid (physical and virtual) meeting are in place and specify the business to be transacted, and will be accompanied by such reports as are available at that time. The summons will also indicate whether the meeting is to be webcast. Any Member not wishing to receive the summons by email may request (in writing to the Proper Officer) such other reasonable method of delivery as they may wish, with such requests being reviewed periodically by the Proper Officer.

### 5.2 **Cancelling or Postponing a Meeting**

The Proper Officer may cancel or postpone a meeting, after consultation with the Chair of the meeting, if it appears that in the interests of the proper despatch of the Council's business the meeting

should be cancelled or postponed.

## **6. Person Presiding at the Meeting**

The person presiding at the meeting may exercise any power or duty of the Presiding Officer/Llywydd. Where these rules apply to Committee and Sub-Committee meetings, references to the Presiding Officer/Llywydd also include the Chair of Committees and Sub-Committees.

## **7. Quorum**

Save for meetings of the Planning and Development Control Committee the quorum of a meeting will be one quarter of the whole number of Members.

A Member attending a meeting remotely will be counted for the purpose of establishing a quorum so long as that Member can, when they are speaking, be heard (and seen where possible) and they can hear (and see where possible) the other Members attending the meeting and the Proper Officer, or other officer appointed to act on his/her behalf.

During any meeting if the if the Presiding Officer/Chair counts the number of members present (both virtual attendance and actual attendee) and declares there is not a quorum present, then the meeting will adjourn immediately. If this is caused by technical difficulties experienced by a Members trying to access the meeting, or due to the hosting of a virtual meeting, then a period of 15 minutes shall be allowed to assess if the issue can be resolved. If the meeting remains inquorate, remaining business will be considered at a time and date fixed by the Presiding Officer / Chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

If a Member is on Family Absence and it would be difficult to replace that Member on a temporary basis, the Presiding Officer/Llywydd can request that Member to attend a meeting if it might otherwise be inquorate.

No business is to be transacted at a meeting of the Planning and Development Committee unless at least half of the total number of members of the Committee, rounded to the nearest whole number, are present.

## **8. Duration & Business of Council Meetings**

- 8.1 The Presiding Officer/Llywydd shall have the discretion to call an adjournment at an appropriate time in order to facilitate a 10-minute comfort break. The Presiding Officer/Llywydd may repeat such a break

as necessary.

8.2 The agenda and timings for items of business for any Council Meeting shall be agreed in accordance with these Rules by the Presiding Officer/Llywydd (Or deputy Presiding Officer/ Dirprwy Lywydd in his / her absence) in consultation with the Proper Officer at least 7 Working Days prior to the date of the Council meeting. Any time limits on agenda items may only be extended at the discretion of the Presiding Officer.

8.3 Unless the majority of Members present vote for the meeting to continue, any meeting that has lasted for 3 hours will adjourn immediately after the disposal of the item of business being considered at the time. Remaining business will be considered at a time and date fixed by the Presiding Member. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

## **9. Questions by Members**

### **9.1 On Reports of the Executive 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 or a Committee, when that item is being received or is under consideration by the Council.

### **9.2 Questions on Notice at Full Council**

Subject to Rule 9.4, a Member of the Council may ask:

- the Presiding Officer/Llywydd of the Council;
- the Mayor of the Council;
- a Member of the Executive;
- the Chair of any Committee or Sub-Committee

A question on any matter in relation to which the Council has powers or duties or which affects the County Borough of Rhondda Cynon Taff.

A maximum of 20 minutes shall be allowed for Questions on Notice at Full Council. A member will not be permitted to ask and have answered their supplementary question if the 20 minute time duration has expired. Any questions that are not dealt with in this time limit shall fall. The order of questions to be asked at each meeting shall be determined by a ballot conducted by the Proper Officer. Any questions on notice not answered will need to be resubmitted to the Proper Officer for the next full Council meeting in accordance with these rules. This rule does not prevent a Member asking an urgent question to which the Presiding Officer has agreed can be put in accordance with Rule 9.4(b). Any such urgent questions shall be put prior to the

commencement of the 20 minutes allocated for questions received on notice

### **9.3 Questions on Notice at Committees and Sub-Committees**

Subject to Rule 9.4, a Member of a Committee or Sub-Committee may ask the Chair a question on any matter in relation to which the Council has powers or duties or which affect the County Borough of Rhondda Cynon Taff and which falls within the terms of reference of that Committee or Sub-Committee.

### **9.4 Notice of Questions**

A Member may only ask a question under Rule 9.2 or 9.3 if either:

- (a) the question has been received by the Proper Officer not later than 5:00pm at least eight clear working days (not including the date of the meeting) before the date of the meeting; or
- (b) the question relates to an urgent matter, they have the consent of the Presiding Officer/Llywydd to whom the question is to be put and the content of the question is given to the Proper Officer by midday on the day of the meeting;
- (c) Each Member is permitted to ask one question per Council/Committee meeting (and a further supplementary question at the relevant Council meeting in accordance with Rule 9.6); and
- (d) The question must be submitted to the Proper Officer by the Member wishing to ask that question or by the Group Leader on behalf of that Member at the relevant Council/Committee meeting.
- (e) If a Member is not in attendance at a meeting where they have a question submitted by them included on the relevant Council meeting agenda the question will not be put and no written response will be required to be made by the Member to whom the question was to be addressed.

### **9.5 Response**

An answer may take the form of:

- (a) a direct oral response at the meeting;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer provided subsequently to the questioner, within 10 working days and a copy of that answer circulated to all Members.

### **9.6 Supplementary Question**

A Member asking a question under Rule 9.2 or 9.3 may ask one supplementary question, without notice, of the Member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply given to it.

## **10. Motions on Notice**

### **10.1 Notice**

- (a) No motion moved by notice pursuant to this Rule 10.1 will be debated at the Annual Meeting of the Council.
- (b) Except for motions which can be moved under Rule 10.5 (urgent motions) or without notice under Rule 11, notice of every motion shall only be properly given if it is:
  - within Rule 10.3
  - in writing, by fax or e-mail or via the Member's Portal (with the names of the Proposer and Secunder clearly stated); and
  - received by the Proper Officer not later than 5.00 p.m. at least eight clear working days (not including the date of the meeting) before the date of the meeting or, in any case where the Presiding Officer/Llywydd certifies that the subject matter is urgent and at the meeting gives reasons for its urgency, delivered to the Proper Officer before the start of the meeting.
- (c) Every notice of motion properly delivered will be dated and registered by the Proper Officer in the order in which they were received and open to Councillors' inspection after the deadline for receipt under Rule 10.1(b).
- (d) No notice of motion can be withdrawn or deferred once it has been delivered except:
  - (i) if prior to the commencement of the meeting, notice of withdrawal in writing signed by the Proposer, and Secunder has been delivered to the Proper Officer; or
  - (ii) in accordance with Rule 12.8.
  - (iii) Any notice of motion withdrawn or deferred once it has been delivered and published on the agenda will count against the Proposer's Group allocation, or if unallocated his/hers allocation, of notices of motion agreed in accordance with Rule 10.2(a).

## **Protocol**

- (e) When Motions are submitted under this Rule 10 and more than two members are listed the first two signatures listed shall be deemed to be those of the Proposer and Secunder. A Group Leader may submit a Notice of Motion on behalf of the proposer and seconder of the Motion. Seconders to notices of motion under this Rule 10 shall be deemed to have given their consent to their names being used. The act by a Member of seconding a notice of motion shall not count against the Secunder's Group, or if unallocated his or her's, allocation of motions agreed in accordance with Rule 10.2(a).

## **10.2 Number and sequence of motions of which notice has been given**

- (a) The motions of which notice has been given which may be moved at a meeting shall be limited to 2 at each Ordinary meeting of the Council up to a maximum total of 20 motions in each municipal year, the allocation of which, for the following municipal year shall be determined at the Annual Meeting.
- (b) Motions for which notice has been given under Rule 10.1 and which will be considered at the meeting by virtue of the operation of Rule 10.2(a) will be listed on the agenda in the order in which the notices were received.
- (c) Motions received after the first two will be returned by the Proper Officer to the proposers.

## **10.3 Scope**

- 10.3.1 Subject to Rule 10.3.2 motions for which notice may be given under Rule 10.1 must be about matters for which the Council has a responsibility. Other matters which the Council could influence, that are the responsibilities of other Governments but which substantially affect the well-being of the administrative area of the Council, will also be allowed in the wider public interest subject to them not being defamatory, frivolous or offensive.
- 10.3.2 Any notice of motion which requires a change in the proposed or existing budgetary framework may only call for a report on the matter to be prepared for consideration by the Executive and or Council as appropriate.
- 10.3.3 Any notice of motion which requires a change in the proposed or existing policy framework of the Council may only call for a report on the matter to be prepared for consideration by the Executive, Council or Overview and Scrutiny Committee/relevant thematic

Scrutiny Committee as appropriate.

10.3.4 If any notice of motion submitted appears to the Proper Officer to be out of order, illegal, irregular or improper, the Proper Officer shall immediately submit such notice to the Presiding Officer/Llywydd and it shall not be accepted. In the event of non-acceptance, the Proper Officer shall so inform the member giving notice.

**10.4 Amendments to Motions of which Notice have been given under Rule 10.1**

10.4.1 An amendment to a motion of which notice has been given under Rule 10.1 may not be moved unless notice of the amendment has been given to the Proper Officer in writing signed by the proposer of the amendment and seconded by 9.00 a.m. on the last working day before the meeting.

**10.5 Urgent Motions**

10.5.1 An urgent motion may be presented, with the permission of the Presiding Officer/Llywydd, provided it has been notified to the Proper Officer by 5.00 p.m. on the day prior to the Council meeting.

10.5.2 The Presiding Officer/Llywydd has the authority to agree to take an urgent motion which is not on the agenda, and the discretion is entirely that of the Presiding Officer/Llywydd who alone needs to be satisfied as to the need for urgency.

10.5.3 The general authority referred to in 10.5.2 above is qualified in that an urgent motion should not be taken unless:

- (a) the motion has arisen between the deadline for the submission of motions and the date of the meeting;
- (b) the motion requires an urgent decision in the public interest which cannot be dealt with by other means; and
- (c) the Presiding Officer/Llywydd confirms his/her agreement to the motion being discussed.

10.5.4 In all cases, the reason for the urgency shall be clearly stated, and the Presiding Officer/Llywydd will explain to the Council the reason why he/she has accepted a motion not listed on the agenda as urgent.

10.5.5 The Presiding Officer/Llywydd will ask the Council to decide whether the motion should be:

- Discussed at the meeting; or
- Deferred until the next meeting to consider with the benefit of written Officer advice; or
- Referred for consideration and decision to the Executive or a



Committee.

- 10.5.6 Urgent motions will not count against the allocation of motions agreed at the Annual Meeting for the following municipal year.

#### 10.6 **Moving Motion of which Notice is given**

A motion of which notice is given under Rule 10.1 or notice of motion to amend under Rule 10.4 or Rule 10.5 must be formally moved and seconded at the relevant meeting by the Proposer and Seconded of the motion. If the motion is not moved or is not seconded then it will be treated as withdrawn and may not be re-submitted for a period of six months.

#### 11. **Motions Without Notice**

The following motions may be moved by any Member without notice:

- (a) to appoint a Chair of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business on the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a Committee or Member arising from an item on the summons for the meeting;
- (f) to receive reports or adopt recommendations of Committees or Officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) to ask that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) to ask that the meeting continue beyond 3 hours in duration;
- (n) to suspend a particular Council procedure rule;
- (o) to exclude the public and press in accordance with the Access to Information Rules;
- (p) to not hear further a Member named under Rule 19.3 or to exclude them from the meeting under Rule 19.4; and
- (q) to give the consent of the Council where its consent is required by this Constitution.

#### 12. **Rules of Debate**

##### 12.1 **No Speeches Until Motion Seconded**

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



## **12.2 Right to Require Motion In Writing**

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

## **12.3 Seconded's Speech**

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

## **12.4 Content and Length of Speeches**

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed five minutes without the consent of the Presiding Officer/Llywydd acknowledging that flexibility shall be given where a speech is being delivered through the medium of Welsh to allow for simultaneous translation.

## **12.5 When a Member May Speak Again**

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

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

## **12.6 Amendments to Motions**

- (a) An amendment to a motion must be relevant to the motion and will be:
  - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
  - (ii) to leave out words;
  - (iii) to leave out words and insert or add others; or
  - (iv) to insert or add words.as long as the effect of (ii) to (iv) is not to negate the sense or purpose of the motion.
- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the

amendment under discussion has been decided.

- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) 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.
- (e) After an amendment has been carried, the Presiding Officer/Llywydd will read out the amended motion before accepting any further amendments, or if there are none, put the substantive motion to the vote.

#### **12.7 Alteration of Motion**

- (a) A Member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) A Member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

#### **12.8 Withdrawal of Motion**

A Member may withdraw a motion which he or she has moved with the consent of both the meeting and the seconder. The question as to whether the consent of the meeting will be granted will be voted upon without discussion. No Member may speak on the motion after the mover has asked permission to withdraw it, unless permission is refused.

#### **12.9 Right of Reply**

- (a) 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.
- (b) 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.
- (c) The mover of the amendment has no right of reply to the debate on his or her amendment.

#### **12.10 Motions Which May Be Moved During Debate**

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

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) to ask that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) to ask that the meeting continue beyond 3 hours in duration;
- (h) to exclude the public and press in accordance with the Access to Information Rules; and
- (i) to not hear further a Member named under Rule 19.3 or to exclude them from the meeting under Rule 19.4.

#### **12.11 Closure Motions**

- (a) A Member may move, without comment, the following motions at the end of a speech of another Member:
  - (i) to proceed to the next business;
  - (ii) to ask that the question be now put;
  - (iii) to adjourn a debate; or
  - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded, and the Presiding Officer/Llywydd thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (c) If a motion that the question be now put is seconded, and the Presiding Officer/Llywydd thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed, he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded, and the Presiding Officer/Llywydd thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

#### **12.12 Point of Order**

A Member may raise a point of order at any time. The Presiding Officer/Llywydd 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/she considers it has been broken. The ruling of the Presiding Officer/Llywydd on the matter will be final.

### **12.13 Personal Explanation**

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

12.14 Members may speak in English or Welsh and for the avoidance of doubt may exercise any right they have under these Council Procedure Rules through either medium.

## **13. State of the County Borough Debate**

### **13.1 Calling of Debate**

The Council Leader will call a state of the County Borough debate annually on a date and in a form to be agreed with the Presiding Officer/Llywydd.

### **13.2 Form of Debate**

The Leader will decide the form of the debate, with the aim of enabling the widest possible public involvement, direct participation and publicity. This may include prior engagement with residents, Scrutiny and other relevant stakeholders.

### **13.3 Chairing of Debate**

The debate will be Chaired by the Presiding Officer/Llywydd.

### **13.4 Results of Debate**

The results of the debate will be:

- (i) disseminated as widely as possible within the community and to agencies and organisations in the area which work in active partnership with the Council; and
- (ii) considered by the Leader and the Cabinet in proposing the budget and policy framework to the Council for the coming year.

## **14. Previous Decisions and Motions**

### **14.1 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 a third of the Members.

#### **14.2 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 third of the Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

#### **14.3 Officer Recommendation**

This standing order does not apply to motions resulting from a recommendation of an Officer of the Council.

### **15. Voting**

#### **15.1 Majority**

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

#### **15.2 Chair's Casting Vote**

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

#### **15.3 Show of Hands or *Electronic Voting***

The Presiding Officer/Llywydd will take the vote by show of hands, or electronic voting or, if there is no dissent, by the affirmation of the meeting.

#### **15.4 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 amendment or abstained from voting.

#### **15.5 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.

## **16. Minutes**

### **16.1 Signing the Minutes**

The Presiding Officer/Llywydd will sign the minutes of the proceedings at the next suitable meeting. The Presiding Officer/Llywydd will move that the minutes of the previous meeting be signed as a correct record. The only aspect of the minutes that can be discussed at the subsequent meeting is their accuracy. Where Members are present virtually, the Proper Officer will ensure that these details are captured accordingly.

### **16.2 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.

### **16.3 Form of Minutes**

Minutes will contain all motions and amendments in the exact form and order the Presiding Officer/Llywydd put them.

## **17. Record of Attendance**

All Members physically 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. Where Members are present virtually, the Proper Officer will ensure that these details are captured accordingly.

## **18. Exclusion of Public**

Members of the public and press may be excluded only either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 20 (Disturbance by Public).

## **19. Members' Conduct at Meetings**

### **19.1 Standing to Speak**

The Presiding Officer/Llywydd may agree in the interests of the proper conduct of the meeting that a Councillor or Councillors generally may remain seated when whilst addressing the meeting.

## **19.2 Presiding Officer/Llywydd Standing**

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

## **19.3 Member Disregarding Ruling of Presiding Officer/Llywydd**

The Presiding Officer/Llywydd shall check a member for irrelevance, tedious repetition, failure to address the chair, unbecoming language, or reflections of a personal character on another member. If the member disregards the Presiding Officer/Llywydd, the Presiding Officer/Llywydd may order him/her to end his/her speech and, if he/she considers it necessary, following a resolution of the Council or on his/her own initiative, order his/her removal from the meeting.

## **19.4 Member to Leave the Meeting**

If the Member continues to behave improperly after such a motion is carried, the Presiding Officer/Llywydd 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.

## **19.5 General Disturbance**

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

## **20. Disturbance by Public**

### **20.1 Removal of Member of the Public**

If a member of the public interrupts proceedings, the Presiding Officer/Llywydd will warn the person concerned. If they continue to interrupt, the Presiding Officer/Llywydd will order their removal from the meeting room or their removal from the online platform by which they are accessing the meeting from another location.

### **20.2 Clearance of Part of Meeting Room**

If there is a general disturbance in any part of the meeting room open

to the public, the Presiding Officer/Llywydd may call for that part of the room to be cleared. If there is a general disturbance on the online meeting platform, the Presiding Officer/Llywydd may call for the online meeting platform to be muted, temporarily suspended or closed.

## **21. Suspension and Amendment of Council Procedure Rules**

### **21.1 Suspension**

All of these Council Rules of Procedure except Rule 15.4 and 16.2 may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Council are present. Suspension can only be for the duration of the meeting.

### **21.2 Amendment**

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

## **22. Appointment of Substitute Members for Certain Committees**

### **22.1 Allocation**

As well as allocating seats on Committees and Sub-Committees, the Council will allocate seats in the same manner for substitute Members for the Standards Committee, Appointments Committee, Appeals/Employee Appeals/Chief Officer Appeals Committee and VER Panel only.

### **22.2 Number**

For the four Committees mentioned in Rule 22.1 above the Council will appoint the same number of substitutes in respect of each political group as that group holds ordinary seats on the four Committees.

### **22.3 Powers and Duties**

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.

### **22.4 Substitution**

Substitute Members may attend meetings in that capacity only:

- (i) to take the place of the ordinary Member for whom they are the designated substitute;
- (ii) where the ordinary Member will be absent for the whole of the



- meeting; and
- (iii) after notifying the Proper Officer via e-mail or telephone by 8.30 a.m. on the day of the meeting of the intended substitution.

## **23. Photographs and Recording of Meetings**

Proceedings at meetings will be tweeted live via the Council's official twitter account and live streamed via webcasting through the Council's website. Elected Members and members of the public are also permitted to use social media during Council meetings provided it does not disrupt proceedings. (Members must keep their mobile phones (and other similar communication equipment) switched off, or set to silent, during the course of the meeting). Save for these exemptions proceedings may not otherwise be photographed, videoed, sound recorded or transmitted in any way outside the meeting without prior permission of the Presiding Officer/Llywydd. Failure to comply with this rule may invoke rule 19.4 (members to leave meeting) and 20.1 (removal of members of the public).

As part of the webcasting, participants images and sound will be captured for the duration of attendance within the meeting. If a participant has any concerns, about such recording they should contact the proper officer in advance of the meeting. If any concerns are received, a decision will be made by the Proper Officer on how best to continue the meeting, which could result in the meeting being rescheduled or postponed. Participants will not be penalised for raising concerns relating to the Video Recording.

## **24. Application to Committees and Sub-Committees**

All the Council Rules of Procedure apply to meetings of full Council with the exception of Rule 22. None of the rules apply to meetings of the Executive. Only Rules 4–12, 14–23, 25 and 26 apply to meetings of Committees and Sub-Committees. Rule 22 applies to the Standards Committee, Appointments Committee, Appeals/Employee Appeals/Chief Officer Appeals Committee and VER Panel.

## **25. Family Absence for Members**

25.1 A Member on maternity absence or parental absence may, subject to paragraph 25(2) and (6) below:

- Attend particular meetings
- Attend particular descriptions of meetings
- Perform particular duties; or
- Perform duties of a particular description

- 25.2 The Member must obtain the permission of the Presiding Officer/Llywydd before attending any meeting or performing any duty.
- 25.3 The Presiding Officer/Llywydd must inform the Leaders of each political group of the Local Authority before granting permission under paragraph 25.2 above.
- 25.4 A Member may complain in writing to the Head of Democratic Services regarding a refusal under paragraph 25.2 above.
- 25.5 The Head of Democratic Services must refer a complaint under paragraph 25.4 above to the Presiding Officer/Llywydd.
- 25.6 A Panel constituted in accordance with The Family Absence for Members of Local Authorities (Wales) Regulation 2013 must determine a complaint made under paragraph 25.4 above.
- 25.7 The Panel may:
- Confirm the decision of the Presiding Officer/Llywydd of the Council; or
  - Substitute its own decision as to the Member attending any meeting or performing any duty.

## **26. Multi Location Meetings**

- 26.1 Multi Location Meetings (Remote attendance) at meetings of the Council will only be permitted where the conditions of section 47(2)(b) of the Local Government & Elections Wales Act 2021 are met which means any Member attending a meeting remotely (the “remote attendee”) must when they are speaking, be able to be seen and heard by the Members who are attending the meeting at the place where the meeting is held (“Members in actual attendance”) and the remote attendee must, in turn, be able to see and hear those in actual attendance. In addition, a remote attendee must be able to be seen and heard by, and in turn see and hear any members of the public entitled to attend the meeting and who exercise a right to speak at the meeting. If there is more than one remote location, all the Members attending remotely must be able to hear, but not necessarily see, the other remote attendees.
- 26.2 The failure of any technological provision whether that leads to a partial or complete loss of contact between the remote attendees and those Members in actual attendance during the meeting shall not invalidate any part of the deliberations or any vote taken. The Presiding Officer / Chair may postpone the meeting if they deem that appropriate or may adjourn the meeting if they deem that appropriate whilst any technological issues are resolved.

- 26.3 If there is urgent or time-limited business that must be conducted at a meeting, it should be made clear to Members that the meeting would continue and a vote would be taken without their attendance in the event of a communications/technological failure.
- 26.4 It will be incumbent on participants attending meetings remotely to ensure the suitability of their location for the meeting and to ensure any confidential items considered at the meeting, as defined in Schedule 12A of the Local Government Act 1972 are not disclosed to the public.
- | 26.5 Where the Presiding Officer / ~~Chair~~Llwydd determines the conditions stipulated in 26.4 above are not being adhered to by a Member they have the discretion to direct that the Member move to a location which would meet the conditions to satisfy 26.4 above.

# Access To Information Procedure Rules

(n.b. page numbering to be updated as necessary in published version if approved)

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NOTE: • Reference to the Proper Officer is to the Service Director – Democratic Services & Communications (with the exception of Rule 11 where the reference is to the Monitoring Officer).

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## ACCESS TO INFORMATION PROCEDURE RULES

### 1. **Scope**

These rules apply to all meetings of the Council, the Cabinet, Overview and Scrutiny Committee, the Standards Committee, and Regulatory Committees.

### 2. **Additional Rights to Information**

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

### 3. **Rights to Attend Meetings**

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

### 4. **Notices of Meeting**

(a) 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 County Borough Council Offices, The Pavilions, Cambrian Park, Clydach Vale.

(b) Where the meeting or part of the meeting is open to the public and is held wholly through remote means, the notice must include details of the time of the meeting, and how to access it.

(c) Where the meeting or part of the meeting is open to the public and is held partly through remote means, the notice must include details of the time and place of the meeting and how to access it.

(d) Where the meeting is not open to the public and is held partly through remote means or not held through remote means, the notice must include details of the time and place of the meeting and the fact that it is not open to the public.

(e) Where the meeting is not open to the public and is held through remote means only, the notice must include details of the time of the meeting, the fact that it is being held through remote means only and the fact that it is not open to the public.

### 5. **Access to Agenda and Reports Before the Meeting**

The Council will make copies of the agenda and reports open to the public available for inspection at the designated office 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.

### 6. **Supply of Copies**

The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) if the Proper Officer thinks fit, copies of any other documents supplied to Councillors in connection with an item

to any person on payment of a charge for postage and any other printing and handling costs.

## **7. Access to Minutes etc after the Meeting**

The Council will make available copies of the following for a period of six years after the date of a meeting:

- (a) the minutes of the meeting or record of decisions taken by the Executive, 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;
- (b) 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;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

## **8. Background Papers**

### **8.1 List of Background Papers**

The Proper Officer will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in 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 10.

### **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.

## **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 Council Offices, The Pavilions, Clydach Vale and published on the Council's website.

## **10. Exclusion of Access by the Public to Meetings**

### **10.1 Public and Private Meetings of the Cabinet**

The Cabinet may only make decisions in relation to its functions and conduct formal business in a properly constituted meeting that complies with Article 13 and these procedure rules. This does not prevent the Cabinet from holding informal deliberations in private, with or without Officers present, but these meetings shall not take decisions.

## 10.2 **Confidential Information – Requirement to Exclude Public**

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted, or the nature of the proceedings, that confidential information would be disclosed.

## 10.3 **Exempt Information – Discretion to Exclude Public**

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted, or the nature of the proceedings, that exempt information would be disclosed.

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public, unless a private hearing is necessary for one of the reasons specified in Article 6.

## 10.4 **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.

## 10.5 **Meaning of Exempt Information**

Exempt information means information falling within the following 7 categories (subject to any condition):

<b>Category of Exempt Information (and relevant paragraph number in associated regulations)</b>	<b>Condition</b>
12. Information relating to a particular 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)

<p>14. Information relating to the financial or business affairs of any particular person (including the authority holding that information).</p>	<p>Information falling within paragraph 14 is not exempt information by virtue of that paragraph if it is required to be registered under:</p> <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> <p>Public interest test applies (see below)</p>
<p>15. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority <u>or a Welsh Minister</u> or a Minister of the Crown and employees of, or office holders under, the authority.</p>	<p>Public interest test applies (see below)</p>
<p>16. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</p>	
<p>17. Information which reveals that the authority proposes:</p> <ol style="list-style-type: none"> <li>(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</li> <li>(b) to make an order or direction under any enactment.</li> </ol>	<p>Public interest test applies (see below)</p>



18. 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><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>18(a) Information which is subject to any obligations of confidentiality.</p> <p>18(b) Information which relates in anyway to matters concerning national security.</p> <p>18(c) 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)
	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.

### Public Interest Test

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.

## **11. Exclusion of Access by the Public to Reports**

If the Proper Officer 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 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.

## **12. The Forward Work Programme**

### **12.1 Period of Forward Work Programme**

The Forward Work Programme will be prepared by the Proper Officer to cover a period of three months. It will be updated at the end of this period.

### **12.2 Contents of Forward Work Programme**

The Forward Work Programme will contain matters which the Cabinet, Overview and Scrutiny Committee, full Council and Officers (Key Decisions under the Scheme of Delegation) are likely to consider. It will contain information on:

- (a) 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;
- (b) the timetable for considering any plans which are the responsibility of the Cabinet;
- (c) any individual matters on which the Cabinet intends to consult in advance of taking a decision, and the timetable for consultation and decision;
- (d) the work programme of the Overview and Scrutiny Committee.

The Cabinet Forward Work Programme will need to ensure it is robust, open and transparent of forthcoming decisions to ensure Overview and Scrutiny are provided with sufficient information to allow them to conduct their role effectively. The work programme will be published at least 14 days before the start of the period covered. The Proper Officer will publish the Forward Work Programme on the Council's website.

## **13. Consultation on Proposals to be Considered by the Cabinet**

At least four weeks should be permitted in the Forward Work Programme timetable for consultation with the Overview and Scrutiny Committee and Electoral Ward Members where a matter is to be considered by the Cabinet and is not urgent (as defined below) or confidential or exempt (as defined in para 10).

A matter may be considered urgent where the events to which it is addressed were unforeseen at the time that the last forward work programme was produced and a decision is required within four weeks.

A decision can only be treated as urgent if the decision taker (if an individual) or the Chair of the body making the decision obtains the agreement of the Chair of the Overview and Scrutiny Committee that the taking of the decision cannot be reasonably deferred. If there is no Chair of the Overview and Scrutiny Committee, or if the Chair of the Overview and Scrutiny Committee is unable to act, then the agreement of the Chair of the Council or, in his/her absence, the Vice Chair will suffice. Any decisions taken under this urgency procedure will be recorded as having been taken in the absence of consultation in the decision record.

## **14. Record of Decisions of the Executive**

### **14.1 The Decision Record**

- (a) A written record will be made of every Executive decision made by the Cabinet and its Committees (if any) and by individual Cabinet 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 Members present (and any apologies received)
  - (ii) 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; and
  - (vi) the consultation undertaken prior to the decision and, if such consultation has not taken place, the reason why.

### **14.2 Preparing the Decision Record**

- (a) The Proper Officer or his or her representative shall attend any meeting of the Cabinet, a Committee of the Cabinet or a Joint Committee or joint Sub-Committee where all its Members are Members of the Executive and shall, within 2 clear working days of the decision being taken produce a decision record which must be published on the Council's website.
- (b) Where an individual Cabinet Member has made any Executive decision,
  - (i) that Member shall as soon as reasonably practicable instruct the Chief Executive to produce a decision record; and

- (ii) the decision shall not be implemented until that decision record has been produced, subject to (c) below.
- (c) Where the date by which an Executive decision made by an individual Cabinet Member must be implemented makes compliance with (b) ii above impracticable, the decision may be implemented if the decision maker has the agreement of
  - (i) the Chair of the Overview and Scrutiny Committee, or
  - (ii) if there is no such person or that person is unable to act, the Presiding Officer/Llywydd, or
  - (iii) if there is no Chair of the Overview and Scrutiny Committee or the Presiding Officer/Llywydd, the Deputy Presiding Officer/ Dirprwy Lywydd
 that the making of the decision is urgent and cannot reasonably be deferred.

## **15. Decisions by An Individual Member of the Cabinet**

### **15.1 Reports Must Be Taken Into Account**

Where an individual Member of the Cabinet intends to make any decision, then he/she will not make the decision until taking into account the contents of an Officer report.

### **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 Overview and Scrutiny Committee as soon as reasonably practicable, and make it publicly available at the same time.

### **15.3 Record of Individual Decision**

The decision recording rules in para. 14 will apply.

## **16. Record of Key Decisions taken by Officers under the General Scheme of Delegation to Officers**

16.1 A record of the Key Decision must be made by the Officer taking the decision in accordance with Section 5 of Part 3 of the Constitution.

16.2 Key Decisions taken by Officers under the General Scheme of Delegation shall be published on the Council's website within 2 clear working days following the decision being taken.

## **Overview and Scrutiny Committee Access to Documents**

### **17.1 Rights of Access**

Subject to Rule 17.2 below, the Overview and Scrutiny Committee 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 Cabinet or its

Committees; or

- (b) any decision taken by an individual Member of the Executive.
- (c) any Key Decision taken by an Officer under the General Scheme of Delegation

#### 17.2 **Limit on Rights**

The Overview and Scrutiny Committee 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 Committee.

### 18. **Additional Rights of Access for Members and Officers**

#### 18.1 **Rights of Access**

All Members will be entitled to inspect any document which is in the possession or under the control of the Cabinet 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.

#### 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.

#### 18.3 **Nature of Rights**

These rights of a Member are additional to any other right he/she may have.

#### 18.4 **Information available to Officers**

The Monitoring Officer, Chief Finance Officer and the Chief Executive 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 Data Protection legislation.

# ***Executive Procedure Rules***

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**(n.b. page numbering to be updated as necessary in published version if approved)**

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## EXECUTIVE PROCEDURE RULES

### 1.1 Who May Make Executive Decisions?

The arrangements for the discharge of executive functions may be set out in the executive arrangements adopted by the Council. If they are not set out there, then the Leader may decide how they are to be exercised. In either case, the arrangements or the Leader may provide for executive functions to be discharged by:

- (i) the Cabinet as a whole;
- (ii) a Committee of the Cabinet;
- (iii) an individual Member of the Cabinet;
- (iv) an Officer;
- (v) an Area Committee;
- (vi) joint arrangements; or
- (vii) another local authority.

1.2 The Leader appoints and dismisses the Members of the Executive subject only to their being a minimum of two, and a maximum of nine, Members of the Executive (not counting the Leader) at any time. This number may be increased pursuant to Article 7.09 of Part 2 of this Constitution in the event of a job share to 13.

### 1.23 Delegation by the Leader

At the annual meeting of the Council, the Leader will present to the Council an electronic record of delegations made by him/her for inclusion in the Council's scheme of delegation at Part 3 to this Constitution. The document presented by the Leader will contain the following information about executive functions in relation to the coming year:

- (i) the names of the people appointed to the Cabinet by the Leader;
- (ii) the extent of any authority delegated to Cabinet Members individually, including details of the limitation on their authority;
- (iii) the terms of reference and constitution of such Cabinet Committees as the Leader appoints and the names of Cabinet Members appointed to them;
- (iv) the nature and extent of any delegation of executive functions to Area Committees, any other authority or any joint arrangements, and the names of those Cabinet Members appointed to any Joint Committee for the coming year; and
- (vi) the nature and extent of any delegation to Officers, with details of any limitation on that delegation, and the title of the Officer to whom the delegation is made.

### 1.34 Sub-Delegation of Executive Functions

- (a) Where the Cabinet, a Committee of the Cabinet or an individual

Member of the Cabinet is responsible for an executive function, they may delegate further to an Area Committee, joint arrangements or an Officer.

- (b) Unless the Council directs otherwise, if the Leader delegates functions to the Cabinet, then the Cabinet may delegate further to a Committee of the Cabinet or to an Officer.
- (c) Unless the Leader directs otherwise, a Committee of the Cabinet to whom functions have been delegated by the Leader may delegate further to an Officer.
- (d) Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated such functions.

#### **1.54 The Council's Scheme of Delegation and Executive Functions**

- (a) Subject to (b) below the Council's scheme of delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in Article 7 and set out in Part 3 of this Constitution.
- (b) If the Leader is able to decide whether to delegate executive functions, he/she may amend the scheme of delegation relating to executive functions at any time during the year. To do so, the Leader must give written notice to the Proper Officer and to the person, body or Committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, Committee or the Cabinet as a whole. The Proper Officer will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.
- (c) Where the Leader seeks to withdraw delegation from a Committee, notice will be deemed to be served on that Committee when he/she has served it on its Chair.

#### **1.56 Conflicts of Interest**

- (a) Where the Leader has a conflict of interest, this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- (b) If every Member of the Cabinet has a conflict of interest, this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- (c) If the exercise of an executive function has been delegated to a Committee of the Cabinet, an individual Member or an Officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.



### **1.67 Cabinet Meetings – When and Where?**

The Cabinet will meet at least 12 times in each municipal year, at times to be agreed by the Leader. The Cabinet shall meet at the Council's main offices, through multi locations (hybrid) or at another location to be agreed by the Leader.

### **1.78 Quorum**

The quorum for a meeting of the Cabinet shall be 4 and the quorum for a Committee of the Cabinet shall be 3.

### **1.89 How Are Decisions To Be Taken By The Cabinet?**

- (a) Executive decisions which have been delegated to the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.
- (b) Where Executive decisions are delegated to a Committee of the Cabinet, the rules applying to Executive decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.

## **2. How Are Cabinet Meetings Conducted?**

### **2.1 Who Presides?**

If the Leader is present, he/she will preside. In his/her absence, then the Deputy Leader shall preside. In the absence of both the Leader and Deputy Leader, the Cabinet will appoint a person from among those present to preside at that meeting.

### **2.2 Who May Attend?**

These details are set out in the Access to Information Rules in Part 4 of this Constitution. For the avoidance of doubt, where meetings are not open to the public, Members of the Council who are not Cabinet Members may remain in the meeting as observers only.

### **2.3 What Business?**

At each meeting of the Cabinet, the following business will be conducted:

- (i) consideration of the minutes of the previous meeting;
- (ii) declarations of interest, if any;
- (iii) matters referred to the Cabinet (whether by the Overview and Scrutiny Committee, Finance and Performance Scrutiny Committee or by the Council) for reconsideration by the Cabinet, in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- (iv) consideration of reports from Cabinet Committees;
- (v) consideration of reports from the Overview and Scrutiny Committee;

- (vi) reports from Officers of the Authority;
- (vii) matters set out in the agenda for the meeting.

## 2.4 Consultation

All reports to the Cabinet on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and with the Overview and Scrutiny Committee, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

## 2.5 Who Can Put Items On The Cabinet Agenda?

- (a) The Leader will decide the schedule for the meetings of the Cabinet. He/she may put on the agenda of any Cabinet meeting any matter which he/she wishes, whether or not authority has been delegated to the Cabinet, a Committee of it or any Member or Officer in respect of that matter. The Proper Officer will comply with the Leader's requests in this respect.
- (b) The Proper Officer will make sure that an item is placed on the agenda of the next available meeting of the Cabinet, where the Overview and Scrutiny Committee or the full Council have resolved that an item be considered by the Cabinet.
- (c) Any Member of the Council may ask the Leader to put an item on the agenda of a Cabinet meeting for consideration and, if the Leader agrees, the item will be considered at the next available meeting of the Cabinet. The notice of the meeting will give the name of the Councillor who asked for the item to be considered. This individual will be invited to attend the meeting and address the Cabinet with the consent of the Leader.
- (d) The Monitoring Officer and/or the Chief Financial Officer may include an item for consideration on the agenda of a Cabinet meeting and may require the Proper Officer to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Head of Paid ServiceChief Executive, Chief Financial Officer and Monitoring Officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of a Cabinet meeting. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

N.B. Reference to the Proper Officer is to the Service Director: Democratic Services & Communications (and in his/her absence the Chief Executive).

## 2.6 The Council's arrangements for multi-location meetings apply to meetings of the Executive.

# Overview and Scrutiny Procedure Rules

(n.b. page numbering to be updated as necessary in published version if approved)

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All references to the 'Proper Officer' in these rules are to the Council's Service Director – Democratic Services & Communication.

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## OVERVIEW AND SCRUTINY PROCEDURE RULES

### 1. What Will Be The Arrangements For Overview and Scrutiny?

- (a) The Council will have an Overview and Scrutiny Committee and four thematic Scrutiny Committees as set out in Article 6 and will appoint them as it considers appropriate from time to time. The Committees may appoint working groups when considered appropriate.
- (b) The terms of reference of the Overview and Scrutiny Committee will be:-
  - (i) To agree an annual overview and scrutiny work programme, including the review of the thematic Scrutiny Committees' work programmes to ensure that there is efficient use of the Committees' time, and that the potential for duplication of effort is minimised.
  - (ii) Where matters fall within the remit of more than one Scrutiny Committee, to determine which of them will assume responsibility for any particular issue, and to resolve any issues of dispute.
  - (iii) To receive requests from the full Council and/or Cabinet for reports from Overview and Scrutiny Committee and to allocate them if appropriate to one or more Scrutiny Committees.
  - (iv) To put in place and maintain a system to ensure that referrals from Overview and Scrutiny to the Executive, either by way of report or for re-consideration are managed effectively.
  - (v) At the request of the Executive, to make decisions about the priority of referrals made in the event of reports to the Executive, or if the volume of such reports creates difficulty for the management of Executive business or jeopardises the efficient running of Council business.
  - (vi) To have the powers of an Overview and Scrutiny Committee in relation to Executive decisions made but not implemented as set out in Section 21(3) of the Local Government Act 2000
  - (vii) To prepare an Annual Report to Council on the work of the Overview and Scrutiny Committees during the preceding municipal year.
  - (viii) Pursuant to, and in accordance with, Sections 19 and 20 of the Police and Justice Act 2006 (and regulations and guidance made thereunder) to:-
    - (i) Review or scrutinise decisions made or action taken in connection with the discharge of

Crime and Disorder functions.

- (ii) Make reports or recommendations to Council in connection with the discharge of those functions in which case it must supply a copy to each responsible authority or co-operating person or body
  - (ii) To co-opt such persons as the Committee considers appropriate when discharging such functions in (i) and (ii) above.
- (c) The terms of reference of the Overview and Scrutiny and thematic Scrutiny Committees will be:-
- (i) The performance of all Overview and Scrutiny functions on behalf of the Council.
  - (ii) Each Scrutiny Committee will be Chaired by a Chair (one for each of the four thematic Scrutiny Committees) appointed from the membership of the Council in accordance with the requirements of the Local Government (Wales) Measure 2011.
- The membership of each Scrutiny Committee is calculated individually according to the political balance of the Council.
    - The Scrutiny Committees shall, undertake the following:- investigate or review a particular matter in depth and without delay, reporting their conclusions and making any recommendations to the Council or Cabinet as appropriate; conduct research, community (and other) consultation for the purposes of analysing issues and developing where appropriate; possible options, through liaison with appropriate bodies/partnerships;
    - consider and report on mechanisms to encourage and enhance community participation in the development of service delivery options;
    - question Cabinet Members and Officers about their views and actions on issues and proposals affecting the County Borough;
    - liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working; and
    - question and gather evidence from any person (with his/her consent) whilst conducting investigative and reporting processes.

## **2. Who May Sit On the Overview and Scrutiny Committees?**

All Councillors except Members of the Cabinet may be Members of the Overview and Scrutiny Committee and thematic Scrutiny Committees. However, no Member may be involved in scrutinising a decision in which he/she has been directly involved.

The Chairs and Vice Chairs of the Public Service Delivery, Communities and Prosperity, Children and Young People and Health and Well-Being Scrutiny Committees will be appointed to the membership of the Finance and Performance Scrutiny Committee. The Chair and Vice Chair of the Council's Governance and Audit Committee are permitted to attend meetings of the Finance and Performance Scrutiny Committee in a non-voting capacity.

The political balance of the Council allows for certain political groups to be represented on, and nominate their Members to sit on, the Council's Scrutiny Committees. However the political balance also means it's not possible for some non-executive Members who belong to certain political groups as well as those who are unallocated to have the ability to participate in the scrutiny process. Such Members affected can therefore choose to attend meetings of a Scrutiny Committee of their choice, for which they may have a particular interest or expertise, on an ex-officio/co-opted basis subject to notifying the Proper Officer each Municipal Year following the Annual General Meeting of which Scrutiny Committee they wish to attend.

For the avoidance of doubt such Members are not voting members of the relevant Scrutiny Committee they choose although they are able to nominate themselves and participate in any scrutiny working group(s) they may have an interest in joining. It is, of course, open to any Member to attend a Scrutiny Committee in their capacity as an elected Member but in order to speak at a relevant Scrutiny Committee meeting they are required to seek permission from the Chair before doing so. By being appointed on an ex-officio/co-opted basis to a Scrutiny Committee in accordance with the above then this requirement is removed.

## **3. Co-optees**

The Overview and Scrutiny Committees or thematic Scrutiny Committees shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees.

## **4. Education Representatives**

The Children and Young People 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.

5. **Meetings of the Overview and Scrutiny Committee, and thematic Scrutiny Committees**

There shall be at least six ordinary meetings of the Overview and Scrutiny Committee and at least eight ordinary meetings of each of the thematic Scrutiny Committees in each year, subject to business needs. In addition, extraordinary meetings may be called from time to time as and when appropriate. A meeting may be called by the Chair or by the Proper Officer if he/she considers it necessary or appropriate.

6. **Quorum**

The Quorum for the Overview and Scrutiny Committees and thematic Scrutiny Committees shall be as set out in the Council Procedure Rules in Part 4 of this Constitution.

7. **Who Chairs**

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

8. **Role of the Chair of the Overview and Scrutiny Committee**

The role of Chair of the Overview and Scrutiny Committee will be essential in implementing the new method of working. The Chair, together with the four Chairmen of the thematic Scrutiny Committees will liaise with the Cabinet and supervise the Work Programme and identify cross cutting themes arising from the four thematic Scrutiny Committees.

In summary, therefore, the Chair will:

- (i) be accountable for delivering the new way of working for Scrutiny;
- (ii) will meet regularly with the four Chairmen of the thematic Scrutiny Committees to monitor Work Programmes;
- (iii) will liaise with the Cabinet on issues affecting the Scrutiny Work Programme; and
- (iv) following their validation by the Head of Democratic Services determine which Scrutiny Committee should deal with Councillor Call for Actions (CCfAs) made pursuant to the Local Government (Wales) Measure 2011 or under the requirements of the Police and Justice Act 2006.

9. **Work Programme**

The Overview and Scrutiny Committee and thematic Scrutiny



Committees will be responsible for setting their own Work Programme and in doing so they shall take into account wishes of Members on that Committee who are not Members of the largest political group on the Council.

**10. Agenda Items**

- (a) Any Member of the Overview and Scrutiny Committee or thematic Scrutiny Committees shall be entitled to give notice to the Proper Officer that he/she wishes an item relevant to the functions of the Committee to be included on the agenda for, and be discussed at, a meeting of the Committee.

N.B. the above paragraph is a requirement of the Local Government Act 2000.

- (b) On receipt of such a request, the Proper Officer will ensure that it is included on the next available agenda.
- (c) The Overview and Scrutiny Committee and thematic Scrutiny Committees shall also respond, as soon as their Work Programme permits, to requests from the Council and if it considers it appropriate the Cabinet, to review particular areas of Council activities. Where they do so, the Overview and Scrutiny Committee or thematic Scrutiny Committees shall report its findings and any recommendations back to the Council and/or Cabinet.

**11. Policy Review and Development**

- (a) The role of the Finance and Performance Scrutiny Committee 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.
- (b) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, the Overview and Scrutiny Committees or thematic Scrutiny Committees may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference.
- (c) The Committees may hold inquiries 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.

**12. Reports from Overview and Scrutiny Committee**

Once it has formed recommendations or proposals for development, the Overview and Scrutiny Committee or thematic Scrutiny



Committees will prepare a formal report and submit it to the Proper Officer for consideration by the Cabinet (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed Budget and Policy Framework).

**13. Making Sure that Overview and Scrutiny Reports are Considered by the Cabinet**

- (a) Where appropriate the agenda for Cabinet meetings shall include an item entitled “Issues Arising From An Overview and Scrutiny Committee or thematic Scrutiny Committee”. The reports of Overview and Scrutiny Committee or thematic Scrutiny Committee referred to the Cabinet shall be included at this point in the agenda.
- (b) Overview and Scrutiny Committee and thematic Scrutiny Committees will in any event have access to the Cabinet’s forward work programme for decisions and intentions for consultation. Even when an item is not the subject of detailed proposals from the Overview and Scrutiny Committee or a thematic Scrutiny Committee following a consideration of possible policy/service developments, the Committee will at least be able to respond in the course of the Cabinet’s consultation process.

**14. Rights of Overview and Scrutiny Committee Members to Documents**

- (a) In addition to their rights as Councillors, Members of the Overview and Scrutiny Committees and thematic Scrutiny Committees have the additional right to documents and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- (b) Nothing in this paragraph prevents more detailed liaison between the Cabinet and the Overview and Scrutiny Committee and thematic Scrutiny Committees as appropriate, depending on the particular matter under consideration.

**15. Members and Officers Giving Account**

- (a) The Overview and Scrutiny Committee or any thematic Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any other Member of the Cabinet, the ~~Head of Paid Service~~Chief Executive and/or any Senior Officer to attend before it to explain in relation to matters within their remit;
  - (i) any particular decision or series of decisions; and/or
  - (ii) the extent to which the action is taken to implement

Council policy; and/or

(iii) their performance

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

- (b) Where any Member or Officer is required to attend the Overview and Scrutiny Committee or any thematic Scrutiny Committee under this provision, the Chair of the Committee will inform the Proper Officer. The Proper Officer shall inform the Member or Officer in writing giving at least 5 working days notice of the meeting in which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, then the Member or Officer concerned will be given sufficient notice to allow for preparation of that documentation.
- (c) Where in exceptional circumstances, the Member or Officer is unable to attend on the required date, then the Committee shall in consultation with the Member or Officer arrange an alternative date for attendance to take place.

## **16. Attendance by Others**

The Overview and Scrutiny Committee and thematic Scrutiny Committees may invite people other than those people referred to in the above paragraphs to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and Members and Officers in other parts of the public sector and shall invite such people to attend. Attendance of such individuals is entirely optional.

## **17. Call-In**

### **17.1 Rules**

- (a) Where a decision is made by the Cabinet, an individual Member of the Cabinet, a Committee of the Cabinet, an Area Committee, under joint arrangements or a Key Decision is made by an Officer (under the General Scheme of Delegation), it must be published on the Council's website by the responsible proper officer within 2 clear working days of it being made. A copy will also be available at the main offices of the Council. All Members of the Council 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 3 clear working days after the publication of the decision, unless any 3 Non-Executive Members object to it and call it in for review under these procedure rules.

- (c) During that period the Proper Officer shall call-in a decision for scrutiny by the Overview and Scrutiny Committee if so requested in the specified format by any 3 Non-Executive Members and, shall then notify the decision taker of the call-in. Following the expiry of the 3 clear working day period in which a decision can be called-in the Proper Officer shall convene a meeting of the Overview and Scrutiny Committee on such a date as he/she may determine. Where possible the Proper Officer will consult with the Chair or Vice-Chair of the Overview and Scrutiny Committee as to a suitable date and in any case the meeting will be held within 5 clear working days of the expiration of the relevant call-in period (only in exceptional circumstances will the Chair (in his/her absence the Vice-Chair) of the Overview and Scrutiny Committee consider extending this time limit).
- (d) As soon as the Chair of the Overview and Scrutiny Committee acts as a signatory to a call-in he/she shall cease to be the Chair for all purposes for the duration of the call-in process. If this situation arises then for the purposes of these Overview and Scrutiny Procedure rules references to 'Chair' of the Overview and Scrutiny Committee should be read as a reference to the 'Vice-Chair' of the Overview and Scrutiny Committee. In the situation where both the Chair and Vice Chair of Overview and Scrutiny Committee act as signatories to a call in then the Chair of the meeting in respect of matters relating to the call-in shall be selected from the rest of the Overview and Scrutiny Committee membership by majority vote.
- (e) If, having considered the decision, the Overview and Scrutiny Committee refers it back to the decision making body or person for reconsideration or the matter to full Council, it must set out in writing the nature of its concerns. If referred to the decision maker they shall then reconsider within a further 5 clear working days, amending the decision or not, before adopting a final decision. This decision shall take effect and be implementable on the date and time immediately following the closure of the relevant meeting
- (f) If following an objection to the decision, the Overview and 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 and time immediately following the closure of the Overview and Scrutiny Committee meeting.

- (g) If the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, the Council will refer any decisions to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Cabinet as a whole, or a Committee of it, a meeting will be convened to reconsider within 5 clear working days of the Council's request. Where the decision was made by an individual, the individual will reconsider within 5 clear working days of the Council's request.
- (h) If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is earlier.
- (i) In order to ensure the call-in is not abused, nor causes unreasonable delay, certain limitations are to be placed on its use. These are:
  - (i) the Overview and Scrutiny Committee may only call-in a total of 3 decisions per 2 month period;
  - (ii) any 3 Non-Executive Members (from either (i) at least 2 political groups or (ii) in the case of an unallocated Member(s) – that unallocated Member(s) and a Member(s) from a political group) are needed for a decision to be called in;
  - (iii) once a Member has acted as a signatory to a call-in under paragraph 17 (call-in) above, he/she may not do so again until the period of 2 months has expired; and
  - (iv) No Education Co-opted Members may request a decision be called in.
- (j) The Proper Officer (in consultation with the Monitoring Officer) may veto any request for call-in if it falls outside the remit of this scheme.
- (k) Save in exceptional circumstances all Members requesting a matter be called in must attend the meeting at which the matter is being considered.
- (l) A request for call in, made in accordance with these Overview and Scrutiny Procedure Rules, can be submitted either by hand to a Democratic Services officer using the designated call-in form (a copy of which is available on request from Democratic Services) or via electronic mail (email), or via

completion of the relevant form through the Member's Portal. Any request submitted electronically must be sent by one of the three signatories to the call-in and in respect of emailed submissions emailed to the following email address – [scrutiny@rctcbc.gov.uk](mailto:scrutiny@rctcbc.gov.uk). For the purposes of checking compliance with these rules the electronic submissions will have been deemed to be received at the time it is received into the Scrutiny mailbox/ received via the Member's Portal. In order to be a valid call in request any request submitted via email must include all of the same information and details as is required to be completed in the designated hardcopy call-in form. Attaching a copy of the call in form to the email or Member's Portal is acceptable. The three signatories to the call in request should keep an audit trail of their agreement to collectively submit the call in request. This will only be requested by the Proper Officer in the event of there being any dispute that a member (or members) did not consent to being a signatory to the call in request.

17.1A Reference to a 'clear working day' in these Overview and Scrutiny procedure rules is defined as the following:-

A complete period of 24 hours (excluding weekends and Bank Holidays), beginning and ending at midnight on the day in question.

Therefore, by way of example, for the purposes of these call-in rules it shall exclude the day on which the relevant Cabinet decision notice is published and the day on which the call-in meeting is held.

17.1B Procedure at call-in meetings held under Rule 17.1

- (1) Declarations of interest (including whipping declarations).
- (2) Welcome by Chair outlining reason for call-in meeting as per details recorded on the call-in request.
- (3) Chair to invite the three Members who have acted as signatories to the call-in to present their submission(s) to the Overview and Scrutiny Committee as to why they consider the relevant decision should be referred back to the decision maker for reconsideration, having regard to the reasons set out in the call-in request.
- (4) Chair to invite relevant Director(s) to respond.
- (5) Chair to give any Cabinet Member(s) present the opportunity to address the Committee.
- (6) Chair to invite any other Members of the Committee to speak (and with the Chair's permission any non-Committee Members present, who are eligible to attend, and wish to speak).
- (7) If necessary, the Chair to invite any relevant Director/Cabinet Member present to respond to a Member's question.

- (8) Chair to invite one of the three signatories to the call-in to make a final address to the Committee membership.
- (9) Chair to put the matter to the vote.
- (10) Legal Officer present to summarise the effect of the Committee's decision in accordance with Overview and Scrutiny Procedure Rules 17.1(e) and 17.1(f) and thereafter communicate the Committee's decision to the Secretary to the Cabinet.

## 17.2 Call-In and Urgency

- (a) The call-in procedure set out above shall not apply where the decision being taken by the Cabinet, an individual Cabinet Member or a Key Decision made by an Officer (under the General Scheme of Delegation) 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. The Presiding Officer/Llywydd must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Presiding Officer/Llywydd the Deputy Presiding Officer's/Dirprwy Lywydd consent shall be required. In the absence of both, the ~~Head of Paid Service~~ Chief Executive or his/her nominee's consent should be required. Decisions taken as a matter of urgency must be reported to Council on a three-monthly cycle, together with the reasons for the decision(s) being urgent.
- (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.

## 18. The Party Whip

When considering any matter in respect of which a Member of the Overview and Scrutiny Committee or thematic Scrutiny Committees is subject to a party whip, the Member must declare the existence of the whip, and the nature of it before the commencement of the Committees deliberations on the matter. The declaration, and the detail of the whipping arrangements shall be recorded in the minutes of the meeting.

## 19. Procedure at Overview and Scrutiny and thematic Scrutiny Committee Meetings

- (a) The Overview and Scrutiny Committees and thematic Scrutiny



Committees shall consider the following business:

- (i) minutes of the last meeting;
  - (ii) declarations of interest (including whipping declarations);
  - (iii) where appropriate, responses of the Cabinet to reports of the Overview and Scrutiny Committee;
  - (iv) the business otherwise set out on the agenda for the meeting.
- (b) The rules of procedure at Overview and Scrutiny Committee and thematic Scrutiny Committees will be the same as 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 the Committee or in any other capacity which allows them to contribute to the work of the meeting.
- (c) Where the Overview and Scrutiny Committee or thematic Scrutiny Committees conducts investigations, those Committees may also ask people to attend to give evidence at those meetings which are to be conducted in accordance with the following principles:
- (i) that the investigation be conducted fairly and all Members of those Committees be given the opportunity to ask questions of attendees and to contribute and speak;
  - (ii) that those assisting Committees by giving evidence be treated with respect and courtesy;
  - (iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- (d) Following the investigation or review, the Overview and Scrutiny Committee/thematic Scrutiny Committee should prepare a report, for submission to the Cabinet and or Council as appropriate and shall make its report and findings public.

# Officer Employment Procedure Rules

(n.b. page numbering to be updated as necessary in published version if approved)

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## OFFICER EMPLOYMENT PROCEDURE RULES

### Interpretation

#### For the purposes of these Rules:

“Chief Officer”	has the same meaning as in the Local Authorities (Standing Orders)(Wales) Regulations 2006, namely, the <del>Head of Paid Service</del> <u>Chief Executive</u> ; the Monitoring Officer; a statutory chief officer mentioned in paragraph (a), (c) or (d) of section 2(6) of the Local Government and Housing Act 1989 (which includes the Chief Finance Officer); or a non-statutory chief officer within the meaning of section 2(7) of the same 1989 Act
“Deputy Chief Officer”	has the same meaning as in Section 2(8) of the Local Government and Housing Act 1989, being a person who, as respects all or most of the duties of his/her post, is required to report directly or is directly accountable to one or more of the statutory or non-statutory chief officers (except for secretarial, clerical and support staff)

### Restrictions on the Appointment of Members as Officers

A Member of the Council is disqualified from being appointed to any Officer position at the Council while they remain a Member.

#### 1. Recruitment and Appointment

##### (a) Declarations

- (i) The Council will draw up a statement requiring any candidate for appointment as an employee to state in writing whether they are the:

- |  |                                  |
|--|----------------------------------|
| <input type="checkbox"/> Parent        | <input type="checkbox"/> Brother |
| <input type="checkbox"/> Grandparent   | <input type="checkbox"/> Sister  |
| <input type="checkbox"/> Partner       | <input type="checkbox"/> Uncle   |
| <input type="checkbox"/> Child         | <input type="checkbox"/> Aunt    |
| <input type="checkbox"/> Stepchild     | <input type="checkbox"/> Nephew  |
| <input type="checkbox"/> Adopted Child | <input type="checkbox"/> Niece   |
| <input type="checkbox"/> Grandchild    |                                  |

of an existing Councillor or employee of the County Borough Council; or of the partner of such persons.

- (ii) No candidate so related to a Councillor or employee will be appointed without the authority of the relevant Chief

Officer or an Officer nominated by him/her.

- (b) Seeking support for appointment
  - (i) The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. This rule will be included in any recruitment information.
  - (ii) No Councillor will seek support for any person for any appointment with the Council.

## 2. **Appointments**

Where the Council proposes to appoint a Chief Officer (as defined above), and it is proposed that, the remuneration of the Chief Officer post be £100,000 or more per annum, the Director of Human Resources must:

- (a) draw up a statement 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 publically advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
  - (c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request
- unless the proposed appointment is for a period of 12 months or less
- (d) Where a post has been advertised as provided in paragraph 2(b), the Council must –
    - (i) interview all qualified applicants for the post, or
    - (ii) select a short list of such qualified applicants and interview those included on the short list.
  - (e) Where no qualified person has applied, or if the Council decides to re-advertise the appointment, the Council may make further arrangements for advertisement in accordance with paragraph 2(b).

## 3. **Appointment of Chief Officers**

Full Council must approve the appointment of the ~~Head of Paid Service~~ Chief Executive and other Chief Officers following the recommendation by a Committee or Sub-Committee of the Council. That Committee or Sub-Committee must include at least one Member of the Executive but no more than half must be Members of the Executive.

## 4. **Appointment of Deputy Chief Officers and Head of Democratic Services**

A Committee or Sub-Committee of the Council will appoint persons to these posts. That Committee or Sub-Committee must include at least

one Member of the Executive but no more than half must be Members of the Executive.

5. **Appointments to Head of Service - Level 1-2 and Heads of Service (Soulbury)**

Appointment to these posts is the responsibility of the ~~Head of Paid Service~~Chief Executive and other Chief Officers in conjunction with the Director of Human Resources.

6. **Other Appointments**

Appointment to these posts is the responsibility of senior managers, or their nominated representative(s).

**N.B. Honorarium payments/acting up appointments can be agreed by senior managers who are employed on chief officer terms and conditions of employment, or their nominated representative(s). However, such arrangements should not exceed a period of 6 months. Any extension to these arrangements must be made in conjunction with the Director of Human Resources.**

7. **Remuneration of Chief Officers**

Any decision to determine or vary the remuneration of Chief Officers (or those to be appointed as Chief Officers) must be made by full Council.

**Disciplinary Matters**

8. ~~Head of Paid Service~~ **(Chief Executive), Monitoring Officer, Chief Finance Officer & Head of Democratic Services**

**General**

8.1 The principles of natural justice and of good management practice must govern the conduct of any proceedings against the ~~Head of Paid Service~~Chief Executive, Chief Finance Officer, Monitoring Officer or Head of Democratic Services (a 'relevant officer') on the grounds of either alleged misconduct (i.e. 'discipline') or alleged inability to carry out the role of a relevant officer (i.e. 'capability'). The Council should have full regard to the principles and standards set out in the ACAS Code of Practice on Disciplinary Procedures.

8.2 No disciplinary action (other than action to which the sub-paragraph 8.2.1 below applies) in respect of a relevant officer 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).

8.2.1 The action to which this paragraph applies is suspension of the relevant 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.

### **Disciplinary Procedure**

The disciplinary procedure is as follows:-

8.3 An Investigation Committee of 3 Members, the Leader of the Council and the Cabinet Member with responsibility for Human Resources, together with such other nominated Members as are needed to satisfy the political balance requirements of the Local Government and Housing Act 1989 shall be empowered to suspend from duty the aforementioned officers in accordance with sub-paragraph 8.2.1 above pending investigation of an allegation of misconduct.

8.4 The Investigation Committee must, within 1 month of its appointment, consider the allegation of misconduct and decide whether it should be further investigated.

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.

8.5 (a) Where it appears to the Investigation Committee that an allegation of misconduct by the relevant officer should be further investigated, it must appoint the “designated independent person”.

(b) The designated independent person who is appointed –

- (i) 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
- (ii) where there is no such agreement, must be such person as is nominated for the purpose by the Welsh Ministers.

(c) The designated independent person –

- (i) may direct –
  - that the Council terminate any suspension of the relevant officer;
  - that any such suspension is to continue after the expiry of the 2 month period referred to in paragraph 8.2.1
  - that the terms on which any such suspension has

taken place are to be varied in accordance with the direction; or

- that no steps (whether by the Council or any committee, sub-committee or officer acting on behalf of the Council) by way of disciplinary action or further disciplinary action against the relevant officer, other than steps taken in the presence, or with the agreement, of the designated independent person, are to be taken before a report is made under sub-paragraph (iv);
- (ii) 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;
  - (iii) may require any member or member of staff of the Council to answer questions concerning the conduct of the relevant officer;
  - (iv) must make a report to the Council –
    - stating an opinion as to whether (and, if so, the extent to which) the evidence obtained supports any allegation of misconduct against the relevant officer; and
    - recommending any disciplinary action which appears appropriate for the Council to take against the relevant officer, and
  - (v) must no later than the time at which the report is made under sub-paragraph (iv), send a copy of the report to the relevant officer.
- (d) Subject to paragraph (e), the relevant officer and Investigating Committee, after consulting the designated independent person, attempt to agree a timetable within which the designated independent person is to undertake the investigation.
  - (e) Where there is no agreement under paragraph (d), the designated independent person must set a timetable as that person considers appropriate within which the investigation is to be undertaken.
  - (f) The Council must consider the report prepared under paragraph (c)(iv) within 1 month of receipt of that report.
  - (g) The Council must pay reasonable remuneration to a designated independent person appointed by the investigation committee and any costs incurred by, or in connection with the discharge of functions under this regulation.

8.6 For the purposes of this Rule 8, any officer who was a relevant officer at the time of the alleged misconduct or when the reason for the proposed dismissal occurred (but is no longer so), shall be regarded as

a relevant officer.

9. **Other Chief Officers, Deputy Chief Officers and Heads of Service Level 1-2, Heads of Service (Soulbury)**

**Introduction**

The following procedures relating to discipline and capability apply to Chief Officers (with the exception of a relevant officer), Deputy Chief Officers and Heads of Service Level 1-2 and Head of Service (Soulbury). In cases of gross misconduct, it may not be necessary to operate all stages of the disciplinary procedure.

**Disciplinary Procedure**

1. The ~~Head of Paid Service~~ Chief Executive should undertake a preliminary investigation of any disciplinary complaint against an officer. If appropriate, because of prior personal involvement by the ~~Head of Paid Service~~ Chief Executive or for other special reasons the Council may instead arrange for the preliminary investigation to be undertaken by another suitable Chief Officer.
2. Prior to the appointment of an Investigating Committee, the Leader of the Council and an appropriate Cabinet Member together with such other nominated members as are needed to satisfy the political balance requirements of the Local Government and Housing Act 1989, shall be empowered to suspend from duty the officer concerned.

(Full details of the procedure are contained within the Disciplinary Policy for Chief Officers).

10. **Other Positions**

Power to suspend and discipline employees below the level of those outlined in Rule 8 and 9 above is the responsibility of senior managers who are employed on chief officer terms and conditions of employment.

In addition, officers at Grade 15 are authorised to give warnings up to a final written level but cannot dismiss from service.

(Full details of the procedure are contained within the Disciplinary Policy for Council Employees).

**Grievance Matters**

11. ~~Head of Paid Service~~ **(Chief Executive), Monitoring Officer, Chief Finance Officer and Head of Democratic Services**

Full details are contained within the Grievance procedure for ~~the Head of Paid Service~~ (Chief Executive), Monitoring Officer, Chief Finance Officer and Head of Democratic Services.

12. **Other Chief Officers, Deputy Chief Officers and Heads of Service Level 1-2, Heads of Service (Soulbury)**

Full details are contained within the Grievance Procedure for Chief

Officers.

13. **Other Positions**

Power to determine upon grievances below chief officer level is the responsibility of senior managers who are employed on chief officer terms and conditions of employment.

**Management & Control of Sickness Absence**

14. ~~Head of Paid Service~~ **(Chief Executive), Monitoring Officer, Chief Finance Officer and Head of Democratic Services**

The procedure for capability in terms of medical fitness will be in accordance with the Council's Sickness Absence Procedures. In the case of permanent ill-health an independent person need not be appointed.

15. **Other Chief Officers, Deputy Chief Officers and Heads of Service Level 1-2, Heads of Service (Soulbury)**

The procedure for capability in terms of medical fitness will be in accordance with the Council's Sickness Absence Procedures.

16. **Other Positions**

Power to determine upon sickness absence matters below chief officer level is the responsibility of senior managers who are employed on chief officer terms and conditions of employment.

In addition, officers at Grade 15 are authorised to give warnings up to a final written level but cannot dismiss from service.

**N.B. Any request received in relation to extending an employees sickness pay entitlement will be determined upon by the Chief Executive/Group Director, in conjunction with the Director of Human Resources.**

**Managing Change**

17. Senior managers who are employed on chief officer terms and conditions of employment are authorised to consult with trade unions on managing change issues e.g. restructures, regradings, employee transfers, in conjunction with the Director of Human Resources.

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**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**COUNCIL ANNUAL GENERAL MEETING**

**25<sup>th</sup> MAY 2022**

**APPOINTMENT OF COMMITTEES FOR THE MUNICIPAL YEAR  
2022- 23**

**REPORT OF THE SERVICE DIRECTOR, DEMOCRATIC SERVICES  
& COMMUNICATION**

**1. PURPOSE OF THE REPORT**

To consider the appointment of the Council's Committees for the 2022-23 Municipal Year.

**2. RECOMMENDATIONS**

2.1 To appoint the under-mentioned Committees for the 2022-23 Municipal Year:-

- a) Planning and Development Committee (x11 Members)
- b) Licensing Committee (x11 Members)
- c) Appointments Committee (x5 Members)
- d) Appeals/Employee Appeals/Chief Officer Appeals Committee (x5 Members)
- e) Overview and Scrutiny Committee (x14 Members)
- f) Scrutiny Committee 1 (x14 Members)
- g) Scrutiny Committee 2 (x14 Members)
- h) Scrutiny Committee 3 (x14 Members)
- i) Governance & Audit Committee (x6 Members)
- j) Democratic Services Committee (x17 Members)
- k) Standards Committee (x2 Members)
- l) Constitution Committee (x8 Members)
- m) Pension Fund Committee (x5 Members)
- n) Cwm Taf Public Services Board Joint Overview and Scrutiny Committee (x5 Members)
- o) Cardiff Capital Region City Deal Joint Scrutiny Committee (x2 Members)

**3. APPOINTMENT OF COMMITTEES**

3.1 The Council is requested to consider the appointment of the following Committees for the 2022-23 Municipal Year:

- Planning and Development Committee (x11 Members)
- Licensing Committee (x11 Members)

- Appointments Committee (x5 Members)
- Appeals/Employee Appeals/Chief Officer Appeals Committee (x5 Members)
- Overview and Scrutiny Committee (x14 Members)
- Scrutiny Committee 1 (x14 Members)
- Scrutiny Committee 2 (x14 Members)
- Scrutiny Committee 3 (x14 Members)
- Governance & Audit Committee (x6 Members)
- Democratic Services Committee (x17 Members)
- Standards Committee (x2 Members)
- Constitution Committee (x8 Members)
- Pension Fund Committee (x5 Members)
- Cwm Taf Public Services Board Joint Overview and Scrutiny Committee (x5 Members)
- Cardiff Capital Region City Deal Joint Scrutiny Committee (x2 Members)

**LOCAL GOVERNMENT ACT 1972**  
**AS AMENDED BY**  
**THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT**  
**1985**  
**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**  
**COUNCIL ANNUAL GENERAL MEETING**  
**25<sup>th</sup> MAY 2022**

**REPORT OF THE SERVICE DIRECTOR, DEMOCRATIC SERVICES  
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## RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

### COUNCIL ANNUAL GENERAL MEETING

25<sup>th</sup> MAY 2022

#### APPOINTMENT OF CHAIRS AND VICE-CHAIRS FOR THE 2022-2023 MUNICIPAL YEAR & ASSOCIATED MATTERS

#### REPORT OF THE SERVICE DIRECTOR, DEMOCRATIC SERVICES & COMMUNICATION.

##### 1. PURPOSE OF THE REPORT

- 1.1 To appoint the Chairs and Vice-Chairs for the Council's Committees for the 2022-2023 Municipal Year.
- 1.2 To confirm which Committee Chair Roles which will qualify for a senior salary in line with the determinations of the IRP.

##### 2. RECOMMENDATIONS

It is recommended that Council:

- 2.1 Subject to the appointment of such Committees at Agenda Item 9 and to the adoption of the revised scrutiny committee structure set out at Agenda item 6, Members are advised to make appointments to the roles of Chair and Vice-Chair set out in item 10 of the agenda, in-line with the requirements and detail set out in this report; and
- 2.2 Notes the recommendations in respect of which Chairs roles should be in receipt of a Senior Salary in line with the recommendations of the IRP annual report (Up to a maximum of 19 overall).

##### 3. BACKGROUND

- 3.1 The determinations contained with the IRP Report can be accessed via the following links: -

[English](#)

[Cymraeg](#)

- 3.2 The IRP for Wales sets the range and level of payments for the financial year 2022 to 2023, which is published within its annual report, including the number of senior salaries such as chairs of committees and the leader of the opposition.
- 3.3 Members are asked to note that there is no change to the maximum proportion of Members who are eligible to receive a Senior Salary. Therefore, the maximum proportion of the Council's membership which can be paid a Senior Salary remains capped at 19.

#### **4. APPOINTMENT OF CHAIRS AND VICE-CHAIRS**

- 4.1 Subject to the appointment of the Committees at Agenda Item 9 the Council is requested to appoint Chairs and Vice-Chairs to the under-mentioned Committees:

- Planning and Development Committee
- Licensing Committee
- Appointments Committee
- Appeals/Employee Appeals/Chief Officer Appeals Committee
- Pension Fund Committee

#### **APPOINTMENT OF DEMOCRATIC SERVICES COMMITTEE CHAIR**

- 4.2 In accordance with the requirements of the Local Government (Wales) Measure 2011 (the 'Measure'), the Council must appoint the Chair of the Democratic Services Committee and that Chair must not be a Member who belongs to a group with Members in the Executive. Council may also appoint the Vice-Chair.

#### **APPOINTMENT OF GOVERNANCE & AUDIT COMMITTEE CHAIR**

- 4.3 In accordance with the requirements of the Local Government & Elections (Wales) Act 2021, the Governance & Audit Committee Chair, who is appointed by the Committee, must be a lay person and the deputy chair must not be a member of the local authority's executive or an assistant to its executive.
- 4.4 At the Council meeting held on the [20<sup>th</sup> October 2021](#), it was agreed to extend the term of office of the current Lay Member appointed to the Governance & Audit Committee, Mr. Christopher Jones, until the ordinary Local Government Elections following May 2022 (currently scheduled for May 2027)

#### **APPOINTMENT OF SCRUTINY COMMITTEE CHAIRS**

- 4.5 The appointment of the persons to Chair the Scrutiny Committees must comply with the requirements set out in the Measure.

- 4.6 In light of the Political Balance report presented at Agenda Item 7 viz: two or more Political groups with multiple Scrutiny Committees, the application of the procedures set out in Section 70 of the Measure results in the allocation set out below:

Labour Group - 3  
Plaid Cymru Group - 1  
RCT Independent Group - 0  
Conservative Group - 0

- 4.7 The Council must determine, which of the following Scrutiny Committees is to be chaired by the Plaid Cymru Group (and subject to the agreement of the proposed scrutiny arrangements as set out at agenda item 9):

- Overview and Scrutiny
- Education & Inclusion
- Community Services
- Climate Change, Frontline Services & Prosperity

- 4.8 It is proposed that the arrangements for the 2022-2023 are as follows:

- Scrutiny Committee (to be determined) being chaired by a member of the Plaid Cymru Group.
- Nominations from the appropriate Group Officers in respect of these scrutiny Chair posts will be sought at the meeting.
- The Council will need to appoint the Vice-Chairs of the four Scrutiny Committees.

#### **APPOINTMENT OF CONSTITUTION COMMITTEE**

- 4.9 The Local Government Act 2000 requires the Council to keep its Constitution under review and up to date and the Constitution Committee has been appointed for this purpose. The Committee is a body to which the political balance requirement of the Local Government and Housing Act 1989 applies.
- 4.10 To note the appointment of the Presiding Member as the Chair of the Constitution Committee and, subject to agreement of agenda item 3, confirm which Deputy Presiding Member should be nominated as the Vice-Chair of the Constitution Committee.

#### **CWM TAF PUBLIC SERVICES BOARD JOINT OVERVIEW AND SCRUTINY COMMITTEE**

- 4.11 To note that the Chair & Vice-Chair of the Cwm Taf Public Services Board Joint Overview and Scrutiny Committee ('JOSC') will be appointed by the JOSC. The Chair and Vice Chair must be a member

of either Rhondda Cynon Taf County Borough or Merthyr Tydfil County Borough Council. Members are asked to confirm the Council's Nomination for one of these roles.

## **5. POSTS THAT ATTRACT SENIOR SALARIES**

- 5.1 In line with the recommendations of the Independent Remuneration Panel for Wales (IRP) the Council has determined which roles, with additional responsibilities such as Cabinet Members and Chairs, will receive a Senior Salary up to a maximum of 19.
- 5.2 The Head of Democratic Services has been advised that the Leader of the Council will appoint eight Cabinet Members through his scheme of delegation.
- 5.3 There is flexibility therefore within cap of 19 to be able to allocate a Senior Salary to role which has not been possible, despite the extensive workload, responsibilities and time requirement of each Chair. Previously under the cap of 19, it has not been possible to recognise the significant Committee workloads, both in terms of business and the time requirements and responsibilities of the Chair of Appeals and the Chair of the Pensions Committee.
- 5.4 Through the added senior salary flexibility provided by the reduction in the number of Cabinet Members, it is recommended that the following 19 posts, which meet the qualifying criteria and would attract Senior Salaries, are to be paid by this Council for the 2022/23 Municipal Year as follows:

<b>POSITION</b>	<b>AMOUNT (£)</b>
<b>Leader</b>	£63,000
<b>Deputy Leader</b>	£44,100
<b>Executive (Cabinet Member) (x6)</b>	£37,800
<b>Planning &amp; Development Committee Chair</b>	£25,593
<b>Licensing Committee Chair</b>	£25,593
<b>Overview and Scrutiny Committee Chair</b>	£25,593
<b>Scrutiny Committee Chairs (x3)</b>	£25,593
<b>Appeals Committee Chair</b>	£25,593
<b>Democratic Services Committee Chair</b>	£25,593



<b>Pension Fund Committee Chair</b>	£25,593
<b>Presiding Member</b>	£25,593
<b>Leader of Opposition (largest group)*</b> *must be paid subject to relevant criteria being met	£25,593

### **Civic Salaries**

- 5.5 In 2021-22 the Council determined not to remunerate the position of Deputy Mayor following a reconfiguration of the roles agreed at the Council's Twenty Fourth AGM and the decision to appoint a Presiding Member.
- 5.6 The posts of Mayor and deputy Mayor are not included in the Senior Salary cap of 19.
- 5.7 Members must not be paid a Senior Salary and a Civic Salary.

### **6. Reimbursement of Travel and Subsistence Expenses**

- 6.1 The IRP has decided there will be no change in 2022-23 to mileage rates that can be claimed for travel. These remain linked to current HMRC rates. Likewise, the IRP has determined that a maximum rate which can be claimed for subsistence expenses continue to be in line with Welsh Government rates and all claims must be supported by receipts.
- 6.2 Claims for travel, such as bus and taxi fares will only be reimbursed on production of a receipt showing the actual expense and are subject to any requirement or further limitation that the Council may determine. Members and co-opted members should always be mindful of choosing the most cost-effective method of travel.
- 6.3 Members of this Council have previously determined that undertaking constituency duties should not be included as an approved duty for the purposes of claiming travel allowances.
- 6.4 It is proposed that, subject to any change to the mileage rates that can be claimed for travel or the rates for subsistence expenses (which will be reported to the subsequent Annual General Meeting of the Council (AGM), the current arrangements, as set out above, continue until the next Annual General Meeting (AGM) of the Council following the Local Government Elections to be held in 2027.

**LOCAL GOVERNMENT ACT 1972**

**AS AMENDED BY**

**THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**COUNCIL ANNUAL GENERAL MEETING**

**25<sup>th</sup> MAY 2022**

**REPORT OF THE SERVICE DIRECTOR, DEMOCRATIC SERVICES &  
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**Background Papers**

**APPOINTMENT OF CHAIRS AND VICE-CHAIRS FOR 2022-2023  
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## **RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

### **COUNCIL ANNUAL GENERAL MEETING**

**25<sup>th</sup> MAY 2022**

#### **QUASI JUDICIAL BODIES/AD HOC COMMITTEES**

#### **REPORT OF THE SERVICE DIRECTOR, DEMOCRATIC SERVICES & COMMUNICATION.**

##### **1. PURPOSE OF THE REPORT**

To consider the appointment of Members to sit on the Quasi Judicial Bodies/Ad Hoc Committees.

##### **2. RECOMMENDATION**

To appoint Members to the Quasi Judicial Bodies/Ad Hoc Committees for the 2022-2023 Municipal Year as set out in agenda item 11.

##### **3. BACKGROUND**

- 3.1 At its Annual General Meeting each year, the Council is requested to consider appointments to the following Quasi Judicial Bodies/Ad Hoc Committees:

##### **Bodies Subject to Political Balance**

- Local Education Authority Governors (Appointments) Committee (5 Members). **(4 Labour, 1 Plaid Cymru)**
- Voluntary Early Retirement/Redundancy Panel (5 Members) **(4 Labour, 1 Plaid Cymru)**

##### **Non-Politically Balanced**

- Joint Consultative Committee (JCC) (4 Members)
- 3.2 The formal appointment of the Chairmen and Vice-Chairmen of the Quasi Judicial Bodies/Ad Hoc Committees referred to above will be dealt with at the first meeting of each Body/Committee.
- 3.3 For the purposes of the requirements of the Local Government & Elections Act (Wales) 2021, the JCC will act as the consultative forum for key decisions with the recognised Trade Unions of the Council.

**LOCAL GOVERNMENT ACT 1972**  
**AS AMENDED BY**  
**THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**  
**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**  
**25<sup>th</sup> MAY 2022**

**REPORT OF THE SERVICE DIRECTOR, DEMOCRATIC  
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**Quasi Judicial Bodies/Ad Hoc Committees**

**Freestanding Matter**

## **RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

### **COUNCIL ANNUAL GENERAL MEETING**

**25<sup>th</sup> May 2022**

#### **OUTSIDE BODIES AND OTHER COMMITTEE APPOINTMENTS.**

#### **REPORT OF THE SERVICE DIRECTOR, DEMOCRATIC SERVICES & COMMUNICATION**

##### **1. PURPOSE OF THE REPORT**

To consider the appointment of Members to sit on Outside Bodies and Non-Executive Joint Committees.

##### **2. RECOMMENDATION**

###### **OUTSIDE BODIES**

- 2.1 To appoint representatives to the Outside Bodies set out in agenda item 12;
- 2.2 To appoint representatives to the Non-Executive Joint Committees as set out below, that meet the key principles of selection.

##### **3. BACKGROUND**

- 3.1 At its Annual General Meeting each year, the Council is requested to consider appointments to the following Outside Bodies as set out below:-

- Age Concern Cymru (1 representative)
- Consortium Local Authority Wales (C.L.A.W.) (1 representative)
- Cynon Valley Indoor Bowls Committee (1 representative)
- Edward Thomas Charity (4 representatives)
- Joint Council for Wales (2 representatives)
- The Alliance (3 representatives)
- Tower Site Liaison Committee (3 representatives)
- Valuation Tribunal Wales – Appointments Panel (1 representative)
- Wales Co-op Centre Board (1 representative)
- Welsh Local Government Association (5 representatives)
- Welsh Local Government Association Executive Board (1 representative and 1 substitute)

3.2 And to the following Outside Bodies where there is a vacant position:

- Board of Governors Coleg y Cymoedd (1 representative)
- Judges Hall Trust (1 representative)
- RCT Community Chest (1 representative)
- Reserve Forces & Cadets Association (1 representative)
- Trivallis (1 representative)

3.3 The Council is also requested to appoint the Councils representatives to the following non-executive Joint Committees:

- South Wales Fire & Rescue Authority(4 representatives)
- Brecon Beacons National Park Authority (NPA)( 1 representative)
- South Wales Police Crime Panel (2 representatives)
- Cwm Taf Community Health Council (3 representatives)

3.4 As with all appointments to Outside Bodies, Members are expected to act in the interests of the outside body and exercise independent judgement in making decisions, in accordance with their duty of care to the body.

3.5 With regards to the appointments to the National Park Authority, [protocol](#) has been developed by the Welsh Government with the Welsh Local Government Association (WLGA), the Independent Remuneration Panel for Wales (IRPW) and the three National Park Authorities, to ensure that the most appropriate appointments are made to these roles.

3.6 Under Schedule 2 of the National Parks Authorities (Wales) Order 1995, two thirds of the members of the NPAs are appointed by Local Authorities to represent local interests and in line with the political balance of the Local Authority.

3.7 In selecting Councillors to serve as members of the NPA, the appointing Authorities are asked to '**satisfy the legal requirements associated with selection and balance the overall weight to be given to the individual principles**'.

3.8 The protocol encourages membership to the NPA as far as possible based on the following key principles:

- **Merit** –*Selection should be made based on the basis of members' abilities, broad experiences, qualities and commitment in relation to the strategic work of NPAs and with full regard to the NPA member role description (available from the relevant NPA);*
- **Equality and Diversity** –*Selection should be fully in line with the principles of equal opportunities and there should be no barriers to*

*increasing the diversity of membership. It is noted there is a history of an imbalance of men compared to women on the NPAs;*

- **Transparency** – *the Local Authorities should be prepared to share with key stakeholders' information on the selection process followed;*
- **Close connections to Park communities** – *in accordance with the legislation the aim should be to give priority in selection to those Councillors who have wards wholly or partly within the relevant National Park boundary. Selection of Councillors with electoral wards some distance away from the Park should be avoided where possible;*
- **Providing stability** - *Consideration should be given as to whether Members are likely to be able to fulfil the position for the electoral term to ensure consistency*

3.9 In essence, Members should be committed to the work and ethos of the National Park Authority and demonstrate relevant qualities and interests in order to fully engage with the work of the National Park Authority and for the full duration of their political term.

3.10 Where possible Members should be able to demonstrate that they are fully committed to undertake relevant personal development and training in order to effectively engage in scrutiny and contribute to the NPA meetings.

3.11 A comprehensive guide for prospective members to the Brecon Beacons National Park Authority is attached at Appendix 1, and sets out information in respect of their role, commitment and remuneration.

3.12 The Local Authority is asked to consider similar merits and principles when appointing Members to the following non-executive Joint Committees:

- South Wales Fire & Rescue Authority (x4)
- South Wales Police Crime Panel (x2)
- Cwm Taf Community Health Council (x3)

3.13 It is suggested that Members are appointed on the basis of their commitment and interest in the committee and undertake the appointment for the duration of their electoral term.

**LOCAL GOVERNMENT ACT 1972**

**AS AMENDED BY**

**THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**25<sup>TH</sup> MAY 2022**

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**REPORT OF THE SERVICE DIRECTOR OF DEMOCRATIC SERVICES &  
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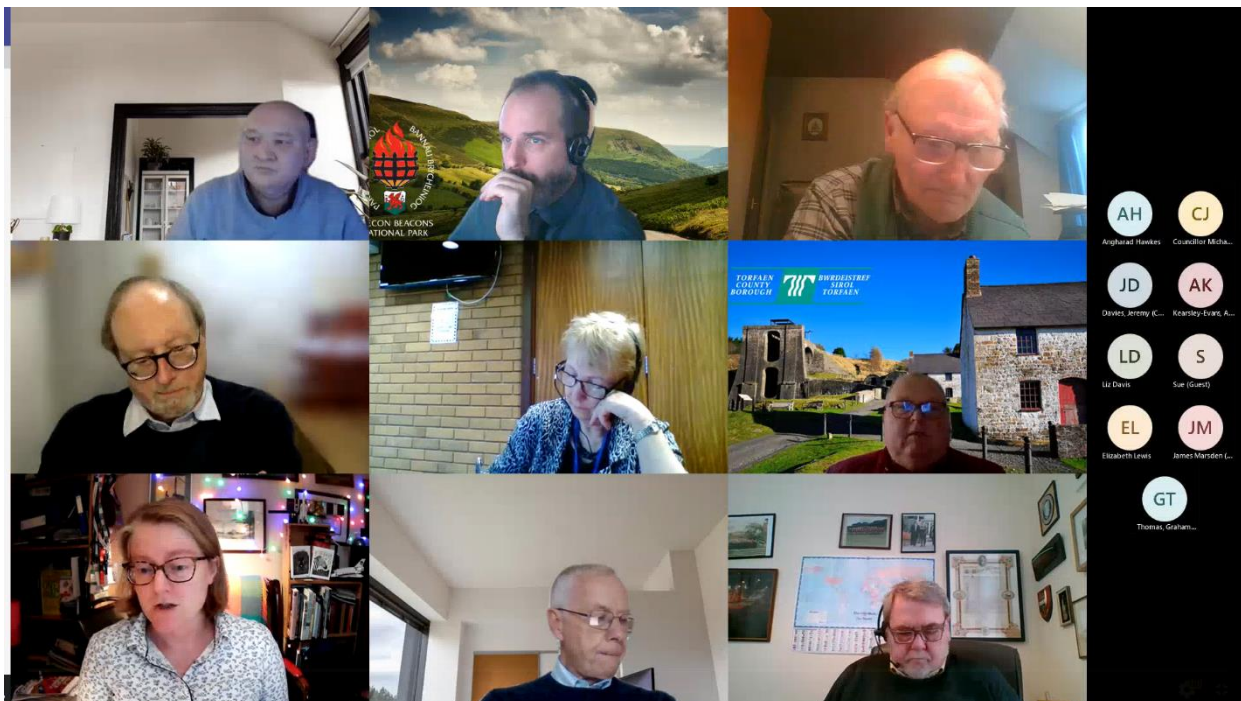
Freestanding Matter



# Brecon Beacons National Park Authority



## Information for Prospective Members 2022



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## Chair's Foreword

Welcome to the Brecon Beacons National Park Authority and thank you for considering becoming one of our Members – the people who play a key strategic and decision making role in looking after the National Park.

As Chair of the Brecon Beacons National Authority it is my pleasure to introduce this information, which is designed to help anyone either thinking of becoming a councillor in one of the authorities which have land within the National Park's boundaries, or is already a councillor and interested in being appointed to the National Park Authority. If appointed I can promise you that you will be joining a committed, forward thinking team of Members working closely with an innovative, enthusiastic staff team to implement our shared objectives.

As a Member your role will be varied, providing the opportunity to work both in more formal committee meetings but also to take an active part in areas of particular interest to you and developing new ideas. You will also get the chance to refresh existing skills and to learn new ones.

Whether you are appointed by one of our local authorities, or recruited directly by the Welsh Government (as a third of our members are), you will have a role description and a range of support to help you in your new role, as well as a comprehensive induction and continuing development programme. Our small Democratic Services team will help you get started, and experienced Members are happy to act as mentors for you. You will join existing Members in demonstrating a high level of commitment, a passion for the environment and the communities of the National Park, and a genuine desire to make good decisions to support Park purposes. You will be taking decisions on behalf of the whole Park and all its communities, not just for your own ward, and you will aspire to the highest levels of conduct and public service. You will have a chance to make a real difference to people living in and visiting the Park, as well as ensuring that the landscape is sustainably managed for the future.

If you think you could make a difference in the National Park we would be very pleased to welcome you. If you would like to talk informally to someone about the role please contact any of the following:

Cllr Gareth Ratcliffe (Chair): [cllr.gareth.ratcliffe@powys.gov.uk](mailto:cllr.gareth.ratcliffe@powys.gov.uk) (Tel: 07974 377017)

Stephanie Davies (Democratic Services Manager): [stephanie.davies@beacons-npa.gov.uk](mailto:stephanie.davies@beacons-npa.gov.uk)  
(Tel: 01874 620400 / 07976 812832)

We are in the process of producing a short film about the role of member. Your own Democratic Services team will be able to send you a link to this.  
Many thanks



Cllr Gareth Ratcliffe (Chair, Brecon Beacons National Park Authority)

## What is a National Park Authority?

A National Park Authority is a special purpose local authority whose statutory purposes and duty are set out in the 1995 Environment Act

### Our Statutory Purposes

- to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park
- to promote opportunities for public enjoyment and understanding of the special qualities of the National Park

### Our Statutory Duty

- to foster the economic and social well-being of communities living within the National Park

The Statutory Purposes and our Statutory Duty form the basis of all the work we do. They are at the heart of our long term vision for the future and is the starting point for all the strategic documents which we produce. Increasingly the Authority is developing policies and objectives which deliver against the goals of the [Wellbeing of Future Generations \(Wales\) Act 2015](#).

There are 15 National Parks in the UK:

#### Wales:

Brecon Beacons  
Snowdonia  
Pembrokeshire Coast

Northumberland  
Exmoor  
Dartmoor  
Broads Authority  
New Forest  
South Downs

#### England:

Lake District  
Peak  
Yorkshire Dales  
North York Moors

#### Scotland:

Loch Lomond and the Trossachs  
Cairngorms

For more information about the Parks please visit the [National Parks UK website](#)

## The Brecon Beacons National Park Authority

**NOTE:** The **Brecon Beacons National Park** is made up of 500 square miles of landscape and communities. You can read more on our [website](#).

The **Brecon Beacons National Park Authority** is made up of [18 Members](#), with two thirds appointed by seven local authorities which operate within the Park, as follows:

- |                   |           |
|-------------------|-----------|
| • Powys           | 6 Members |
| • Carmarthenshire | 1 Members |
| • Monmouthshire   | 1 Members |
| • Merthyr Tydfil  | 1 Member  |
| • Blaenau Gwent   | 1 Member  |

- Torfaen I Member
- Rhondda Cynon Taff I Member

....and six Members with a national, international and global remit recruited by the Welsh Government through advertisement via the Public Appointments process and interview.

## What can the Authority do?

National Park Authorities have the following powers:

- To do anything which they believe will help to achieve National Park purposes (under Section 65 of the 1995 Act);
- To levy constituent local authorities for a proportion of their funding. We also receive project funding from the Welsh Government and other agencies which is bid for on an annual basis);
- All the 'countryside powers' available to local government, eg. to make management agreements with anyone to achieve National Park purposes
- To act as the local planning authority
- To act as the relevant authority for access to open countryside under the Countryside and Rights of Way Act

## What does a Member do?

The Authority has under 100 full time staff and many volunteers. Collectively they engage in conservation work, path maintenance, education, destination marketing and planning services. They are delivering objectives laid out in the National Park Management Plan which covers 20 years and is for all landowners in the Park. National Park Authority Members are the decision makers who give the staff strategic direction. All Members sit on the main National Park Authority which meets every two months and decides direction and strategy for the Authority as a whole. Some Members also sit on our Planning Committee which takes place every six weeks to decide the 5% of planning applications which are not delegated to officers – these are often the



larger or controversial applications. Sometimes Members decide to visit the sites of one or more planning applications. Members can also apply to sit on the Audit and Risk Committee, Finance and Performance Committee or the Sustainable Development Fund Committee. Full details can be found in our [Scheme of Delegation](#). Members can also become “Champions” for particular areas of work about which they feel passionate.

### **Former Member working with Volunteers**

While Members are appointed to the National Park Authority from the seven local authorities and the Welsh Government they all have the same [role description](#), [code of conduct](#) and [supporting protocols](#). They represent the interests of the National Park and its communities rather than those of their appointing bodies – there are no ‘local Members’ although sometimes local knowledge can be valuable in decision making.

A Member contributes to the work of the Authority in various ways:

- Strategic decision making through the [committee structure](#), including those which make recommendations to the full Authority
- Monitoring performance and allocation of resources
- Representing the Authority on [outside bodies](#) or becoming a [Member Champion](#)
- Supporting good governance and high standards of behaviour

(Control and Click on the highlighted words to find out more from our website):

The Authority delegates responsibility for day to day decision-making to its staff. There are clear guidelines on which decisions officers can make and which need to be decided by Members. This system ensures effective decision making at all levels of the organisation. The committee structure is shown at **Annex 2**.



Former Members  
learning how the  
Education team uses  
GPS with school

## What commitment will I need to make?

The table below shows how many meetings you should expect to come to each year. The total will depend on how many committees you sit on - for example if you are a member of the Planning Committee or Audit and Risk Committee you will need to commit more days each year – the table shows the maximum time for a Member who is not a Chair or Deputy Chair:

NPA (Inc AGM /EGMs)	Planning	Audit and Risk	Finance and Performance	Standards	SDF	Chairs	Task & Finish Groups / forums /	Induction (additional days in 1 <sup>st</sup> year)	Ongoing development
8	8	4	4	2	4	4	4	6	6

At present all Authority and committee meetings are being held remotely via Public-I or Teams. We try to avoid major clashes with meetings in the seven constituent authorities but this is not always possible and sometimes Members may need to decide where they are most needed.



The committee calendar for 2022 can be viewed on our website [Committee Calendar](#). **Key dates for members are National Park Authority meetings and Member Development Events. You may also be a member of any of the committees listed above.**

## Remuneration: Will I get paid?

Under the Local Government (Wales) Measure 2011 the Independent Remuneration Panel for Wales has a remit for prescribing levels of remuneration for all Members of National Park Authorities, based on an expected commitment of 44 days per annum, with any more than that deemed public service. The full list of allowances is given in the Authority's [Schedule of Member Remuneration](#), but in summary the allowances from 1 April 2022 are:

- All Members receive an annual Basic Salary of £4738 payable monthly in arrears
- The Chair of the Authority receives £13531 (inclusive of Basic Salary)
- The Deputy Chair of the Authority and two committee Chairs receive £8478 (inclusive of Basic Salary)
- There is a separate allowance scale for independent Members of Standards Committees
- Mileage is paid at the local authority rate of 45p per mile
- Subsistence can be claimed at £28 in any 24 hour period when travelling on official business
- Overnight stays are payable at local authority rates
- Staying with friends and family - £30 per night
- Overnight stay: London £200 per night/elsewhere £95 per night.

The Authority also pays a care allowance for dependents on receipt of paid invoices. All expenses are paid in arrears on receipt of a validated expense claim form each month.

## Induction and Development: What support will I get?

The Authority holds the Welsh Local Government Association Advanced Award for Member Support and Development and has a comprehensive [induction and continuing development framework](#) which aims to provide Members with the skills and knowledge they require to be effective. The development is made up of five stages:

1. Core induction for all Members
2. Skills for committees
3. Land management, conservation and biodiversity
4. Raising awareness and understanding, and providing opportunities for access and recreation
5. Planning for and supporting sustainable communities

Within each stage are a number of modules which are sometimes grouped together to make the most effective use of Members' time.



**Members visiting Penpont near Brecon on a Climate Change Day in 2019**

## What's it really like being a Member?

**Here's what our Members say.....**

*"My experience as a member is to be able to support Future Beacons and the climate change emergency for my Authority of Torfaen and protect the outstanding natural beauty of the Brecon Beacons National Park"*

*"The satisfaction that's gained from being part of this organisation is far greater than the sum of the effort and time spent pursuing its purposes."*

*"It's a great privilege to be working closely with a committed team delivering projects that will make a positive difference in one of the most beautiful landscapes in the world."*



“It has been a pleasure and a privilege to be a member over many years. Responsibility for ensuring the environmental development of the National Park, improving the experience of living and working and visiting the Park, has been most rewarding, and I would encourage those committed to such principles to become involved as a member of the Authority .”

## Annexes

- 1 Map of the National Park
- 2 Committee structure from 1 July 2022

## Links

The Brecon Beacons National Park Authority’s website: [www.beacons-npa.gov.uk](http://www.beacons-npa.gov.uk)

The Brecon Beacons Destination website: [www.breconbeacons.org](http://www.breconbeacons.org)

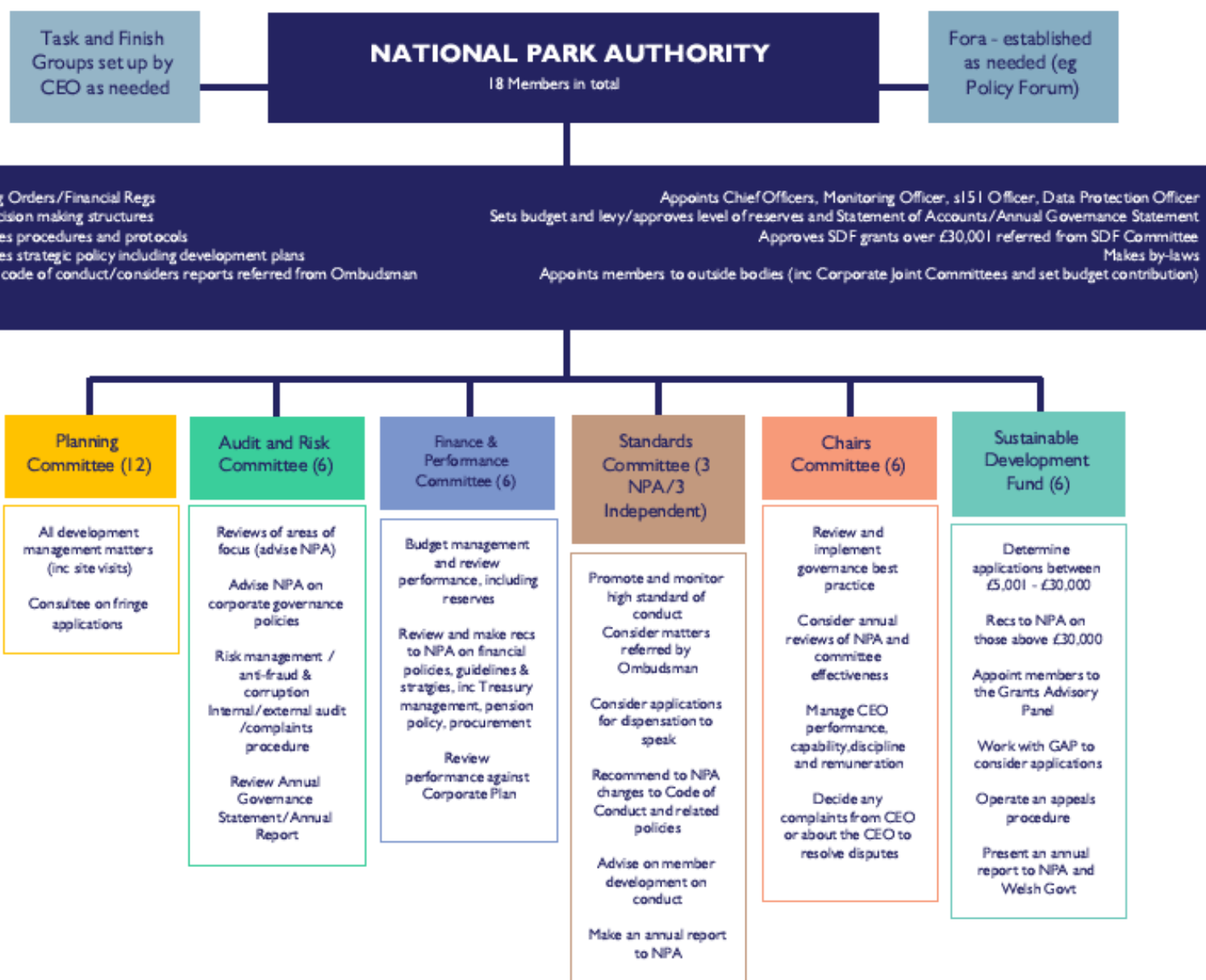
WLGA Guide for Prospective Councillors – to be published in April

<https://www.beacouncillor.wales/>

[Protocol for appointing members to National Park Authorities](#)







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**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**COUNCIL ANNUAL GENERAL MEETING**

**25<sup>th</sup> MAY 2022**

**CALENDAR OF MEETINGS - MUNICIPAL YEAR 2022-23**

**REPORT OF THE SERVICE DIRECTOR OF DEMOCRATIC SERVICES & COMMUNICATION.**

**1. PURPOSE OF THE REPORT**

To seek approval of the Calendar of Meetings for the 2022-23 Municipal Year.

**2. RECOMMENDATIONS**

- 2.1 To note the contents of the report
- 2.2 That with the exception of the Planning and Development Committee, meetings will not be convened during School holidays, subject to urgent business needs;
- 2.3 To agree the proposed Calendar of Meetings for the Municipal Year 2022- 23, as attached at Appendix 1 to the report;
- 2.4 Note that this draft calendar is subject to change, based upon the demands of business over the coming municipal year. Any changes or additions will be undertaken in consultation with the appropriate committee chairs; and
- 2.5 To note that a survey of all Members' preferences regarding the future timing of meetings will be undertaken during the next three months in line with Section 6 of the Local Government Measure 2011 as amended within the Local Government & Elections (Wales) Act 2021.

**3. BACKGROUND**

- 3.1 In accordance with Part 4 of the Constitution, Council Procedure Rule 1 (1.1 (xiv)), the Council must present a programme of ordinary meetings of the Council for the year at the Annual Council Meeting.

#### **4. PROPOSED CALENDAR OF MEETINGS**

- 4.1 Attached at Appendix 1 is the proposed Calendar of Meetings for the 2022-23 Municipal Year which includes, the proposed dates for the Cabinet, Council, Licensing Committee, Governance & Audit Committee, Standards Committee and the Planning & Development Committee.

#### **5. FORMAL DIARY MEETINGS**

##### **Council**

- 5.1 Within the proposed Calendar, Council meetings are, in the main, scheduled on a monthly cycle. In accordance with the Council Constitution, "Open Government" sessions will be scheduled at each meeting.
- 5.2 In accordance with the Council Constitution the Leader has agreed for the 'Leaders Debate' to be scheduled for the February Council meeting.
- 5.3 The Council meeting scheduled for the March cycle in respect of the Budget strategy may be subject to change depending on the timeline of the Welsh Government Local Government Settlement. Any changes to the date of the Budget Council or any other Council meeting, will be advised upon nearer the date once Officers have received information regarding the timetable for the local government settlement.

##### **Regulatory Committees**

- 5.4 The Licensing Committee will meet approximately every six weeks. The Licensing Committee will also meet on a quarterly basis as indicated in the Calendar, to deal specifically with issues arising from the Licensing Act 2003. Licensing Sub-Committees, convened under the Licensing Act 2003, will be convened as and when required.
- 5.5 Dates have been allocated to the Planning and Development Committee throughout the calendar year to allow for, where possible, two meetings per month to take place.

##### **Scrutiny Committees**

- 5.6 Subject to Council's agreement of the proposed Scrutiny arrangements, set out at agenda item 6, the schedule of meetings for the Overview & Scrutiny Committee and the three thematic scrutiny Committees will be delegated to the Service Director, Democratic Services & Communications. In addition, reference will also be made to the Council's Joint Scrutiny Committees – Cwm Taf PSB Joint Overview & Scrutiny (Cwm Taf PSB JOSOC), Cardiff Capital Region City Deal Joint Overview & Scrutiny Committee (CCRCD JOSOC).

### **Governance & Audit Committee**

- 5.7 Meetings of the Governance & Audit Committee are scheduled in the calendar mostly on a 6-week cycle.

### **Democratic Services Committee**

- 5.8 It is proposed that the Democratic Services Committee will meet on an ad-hoc basis as, in accordance with the Local Government (Wales) Measure 2011 requirements (Section 15(2)) - it has to meet at least once a year.
- 5.9 However to assist Members' diaries, three meetings have been scheduled in the Calendar. The Chair of the Committee can determine nearer the dates whether the scheduled meetings are required. The Chair will still be able to call additional meetings of the Committee as necessary.

### **Standards Committee**

- 5.10 The Standards Committee will meet as and when necessary in order to deliver its work programme. Provisional dates have been included within the draft Calendar.

### **Cabinet**

- 5.11 In accordance with the Council's Constitution Cabinet meetings are convened at the discretion of the Leader of the Council, and the indicative dates proposed may be subject to change, in response to the diary commitments of Cabinet Members and the demands of business.

### **Cabinet Sub-Committees**

- 5.12 Cabinet Committees will be convened as and when there is sufficient business.

### **Other Committees**

- 5.13 Meetings of the Appointments Committee, the Appeals/Employee Appeals/Chief Officer Appeals Committee, Pension Fund Committee will meet as and when required.
- 5.14 A meeting of the Constitution Committee has been scheduled for March 2023 to allow for any potential consideration of items prior to the AGM, however due to the changes required within the constitution resulting from the Local Government & Elections (Wales) Act 2021, additional meetings of this Committee may need to be convened throughout the year.

## **6. SPECIAL MEETINGS**



- 6.1 Special/Extraordinary meetings of Council or Committees may be called, should this be deemed necessary by the Presiding Officer or the relevant Chair.

## **7. HYBRID MEETINGS**

- 7.1 The Local Government & Elections (Wales) Act 2021, provides the opportunity for Members to attend a meeting in a remote location, while others attend physically in the Council Chamber.
- 7.2 This Council has recently refurbished its Council Chamber to facilitate the requirement to undertake Hybrid meetings. The new facilities allow for members to attend in person or virtually using the Zoom meetings platform. The meetings are live streamed or webcast and placed on the Council's website for viewing following the meeting.

## **8. TRAINING.**

- 8.1 Following the recent Local Government Elections, Members have been provided with a comprehensive training and induction programme which will be taken forward following the AGM. The Induction programme utilises good practices witnessed following the Senedd elections in respect of Member Inductions to advance some of the training we provide. The training sessions will provide Members with the relevant information to ensure they are equipped to undertake their roles as members of the Council and their specific Committee roles. The training sessions are open to all members to attend regardless of what Committees they have been appointed to.
- 8.2 Details of the training sessions have been provided to all Members and will be undertaken on a Hybrid basis. Where appropriate, training sessions will be recorded and will be available for Members to view through the Members portal.

In addition to the Members Induction Programme, Members will also be offered the opportunity to attend a series of "Cyber Savvy Councillor" courses on the first Tuesday of each month at 6PM. These sessions will be run virtually although individual one to one sessions can also be accommodated should members require.

Members also have access to online training opportunities through the [RCT Source](#)

- 8.3 Work is still ongoing to take forward e-learning modules for Members to complete through the Members Portal which is currently being developed.

## **9. SURVEY OF MEETINGS**

- 9.1 In accordance with Section 6 of the Local Government Measure 2011, and as part of the statutory responsibilities of the Head of Democratic Services, the Council is required to survey the views of its Members in



relation to the calendar of meetings and the provision of support and resources to non-executive members.

- 9.2 The feedback obtained from the Member Survey will assess Members' preferences regarding the future timing of meetings.

## **10. EQUALITY AND DIVERSITY IMPLICATIONS**

The production of a calendar of meetings is aimed at assisting and supporting the role of all Members, to provide them with sufficient notice of meeting dates and times. The aspect of hybrid and virtual meetings also promotes the democracy agenda, allowing the undertaking of Council business by Members to be more accessible and manageable.

## **11. FINANCIAL IMPLICATIONS**

There are no financial implications aligned to this report.

## **12. LEGAL IMPLICATIONS AND LEGISLATION CONSIDERED**

- Council's Constitution
- The Local Government & Elections (Wales) Act 2021

## **13. LINKS TO CORPORATE AND NATIONAL PRIORITIES AND THE WELL-BEING OF FUTURE GENERATIONS ACT**

The Calendar of meetings provides the framework and timeline for decisions of the Council to be taken forward and therefore seeks to ensure all of the Council priorities are taken forward. It also embraces the Future Generations Acts as all future decisions taken by Council seek to improve the social, economic, environmental and cultural well-being of the County Borough.

## **14. CONCLUSION**

- 14.1 The Calendar of meetings for the 2022-23 Municipal Year is attached as Appendix 1 to the report. Members are asked to note the dates and times of the meetings to assist in their diary management.
- 14.2 Electronic / outlook diary markers will also be circulated to Members in advance of all training and Committee meetings to assist with diary commitments.

**LOCAL GOVERNMENT ACT 1972**

**as amended by**

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**LIST OF BACKGROUND PAPERS**

**COUNCIL ANNUAL GENERAL MEETING**

**25 MAY 2022**

**REPORT OF THE SERVICE DIRECTOR DEMOCRATIC SERVICES &  
COMMUNICATION.**

**REPORT**

**Calendar of Meetings for Municipal Year 2022- 23**

Freestanding matter

## APPENDIX 1

# **CALENDAR OF MEETINGS** **2022 – 2023**

# May 2022

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
						1
2 Early May Bank Holiday	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25 Council AGM 3pm	26	27	28	29
30	31					

# June 2022 (Member Induction)

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
		1	2 Spring Bank Holiday	3 Platinum Jubilee Bank Holiday	4	5
6 VER Panel 10am	7	8	9	10	11	12
13	14	15	16 Climate Change Cabinet Steering Group 10am	17	18	19
20	21	22 Appointments Committee 11am	23 Cabinet 1pm (training AM)	24	25	26
27	28	29	30			

# July 2022

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
				1	2	3
4	5	6 Council 5pm	7 Planning & Development Committee 3pm	8	9	10
11	12 Pension Fund Committee 2pm Licensing Act 2003 4.30pm Licensing Committee 5pm	13	14	15	16	17
18 Governance & Audit Committee 5pm	19	20	21 Cabinet 10am Planning & Development Committee 3pm	22	23	24
25	26	27	28	29	30	31

# August 2022

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18 Planning & Development Committee 3pm(If business needs require)	19	20	21
22	23	24	25	26	27	28
29 Summer Bank Holiday	30	31				

# September 2022

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
			1	2	3	4
5 Governance & Audit Committee 5pm	6 Democratic Services Committee 5pm	7	8 Planning & Development Committee 3pm	9	10	11
12	13 Licensing Committee 5pm	14	15	16	17	18
19	20	21	22 Cabinet 10am Planning & Development Committee 3pm	23 Standards Committee 10am	24	25
26	27	28 Council 5pm	29	30		



# October 2022

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
					1	2
3	4	5	6 Planning & Development Committee 3pm	7	8	9
10 Pension Fund Committee 2pm	11	12	13 Cabinet 10AM	14	15	16
17 Governance & Audit Committee 5pm	18	19 Council	20 Planning & Development Committee 3pm	21	22	23
24	25	26	27	28	29	30
31						

# November 2022

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
	1	2	3 Planning & Development Committee 3pm	4	5	6
7	8 Licensing Act 2003 4.30pm Licensing Committee 5pm	9	10	11	12	13
14 Democratic Services Committee 5pm	15	16	17 Planning & Development Committee 3pm	18 Standards Committee 10am	19	20
21	22	23 Council 5pm	24 Cabinet 10am	25	26	27
28	29	30				

# December 2022

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
			1 Planning & Development Committee 3pm	2	3	4
5	6	7	8	9	10	11
12 Governance & Audit Committee 5pm	13 Pension Fund Committee 2pm  Licensing Committee 5pm	14	15 Cabinet 10am  Planning & Development Committee 3pm	16	17	18
19	20	21	22	23	24	25 <b>Christmas Day</b>
26 <b>Boxing Day</b>	27 <b>Statutory Holiday for Christmas Day</b>	28 Office Shut Down	29 Office Shut Down	30 Office Shut Down	31	

# January 2023

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
						1
2	3	4	5	6	7	8
9	10	11	12 Planning & Development Committee 3pm	13	14	15
16	17	18 Council 5pm	19	20	21	22
23	24 Licensing Act 2003 4.30pm Licensing Committee 5pm	25	26 Planning & Development Committee 3pm	27	28	29
30	31					

# February 2023

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
		1	2	3	4	5
6 Governance & Audit Committee 5pm	7	8 <b>Council 5pm (Leader's Debate)</b>	9 Planning & Development Committee 3pm	10	11	12
13 Democratic Services Committee 5pm	14	15	16 Cabinet 10am	17	18	19
20	21	22	23 Planning & Development Committee 3pm	24	25	26
27	28 Licensing Committee 5pm					

# March 2023

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
		1	2	3	4	5
6	7	8 Council 5pm (Budget Strategy)	9 Planning & Development Committee 3pm	10 Standards Committee 10am	11	12
13 Corporate Governance & Constitution Committee 2pm	14	15	16 Cabinet 10am	17	18	19
20 Governance & Audit Committee 5pm	21	22	23 Planning & Development Committee 3pm	24	25	26
27 Pension Fund Committee 2pm	28	29	30	31		

# April 2023

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
					1	2
3	4	5	6 Planning & Development Committee 3pm	7 Good Friday	8	9
10 Easter Monday	11	12	13	14	15	16
17	18 Licensing Act 2003 4.30pm Licensing Committee 5pm	19	20 Planning & Development Committee 3pm	21	22	23
24	25	26	27	28	29	30

May 2023						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
1 Early May Bank Holiday	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18 Cabinet 10am	19	20	21
22	23	24 Council AGM 4pm	25	26	27	28
29 Spring Bank Holiday	30	31				