

# Public Document Pack



Cyngor Sir  
**CEREDIGION**  
County Council

Neuadd Cyngor Ceredigion, Penmorfa,  
Aberaeron, Ceredigion SA46 0PA  
[www.ceredigion.gov.uk](http://www.ceredigion.gov.uk)

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14 October 2022

Dear Sir / Madam

I write to inform you that a MEETING of COUNCIL will be held at the on Thursday, 20 October 2022 at 10.30 am for the transaction of the following business:

- 1. Code of Conduct for Councillor Ann Bowen Morgan**
- 2. Councillor Ann Bowen Morgan to make a Declaration of Acceptance of Office and an Undertaking to comply with the Code of Conduct**
- 3. Apologies**
- 4. Disclosure of personal / prejudicial interests**
- 5. Personal matters**
- 6. To confirm the Minutes of the Meetings of the Council held on 3 March 2022 and 8 July 2022 and Special Meeting of the Council held on 8 July 2022 (Pages 5 - 32)**
- 7. To appoint Members to the following roles:**

Nominations for consideration by the  
Hywel Dda University Health Board

Councillor Rhodri Evans  
Councillor Keith Henson

Appointment of additional Member to  
the Corporate Joint Committee  
Standards Committee

Councillor Caryl Roberts

Appointment of 2 Members to the  
Transforming Towns Placemaking  
Grant Local Panel

Councillor Clive Davies  
Councillor Matthew Vaux

8. **To consider the report on Local Authority Representatives on School Governing Bodies and the Management Board of Ceredigion PRU (Pages 33 - 34)**
9. **To consider the report on authorising a procedure for determining an application to register land as a Village Green (Pages 35 - 46)**
10. **To consider a report on the Recruitment of Lay/Independent person to the Governance & Audit Committee (Pages 47 - 56)**
11. **To consider a report on the Recruitment of Lay/Independent Member to the Ethics and Standards Committee (Pages 57 - 66)**
12. **To consider a report on the Guide to the Constitution and changes to the Council's Constitution (Pages 67 - 320)**
13. **To consider the Annual Report of the Democratic Services Committee (Pages 321 - 334)**
14. **To consider the Annual Report of the Ethics and Standards Committee (Pages 335 - 394)**
15. **To consider a report on the appointment of Interim Corporate Lead Officer for Porth Cynnal and Statutory Director of Social Services (Pages 395 - 408)**
16. The report (Appendix B) relating to this item is not for publication as it contains exempt information as defined in paragraph 12 and 14 of Part 4 of Schedule 12A to the Local Government Act 1972 as amended by the Local Government (Access to information) (Variation) (Wales) Order 2007. If, following the application of the Public Interest Test, the Council resolves to consider this item in private, the public and press will be excluded from the meeting during such consideration, in accordance with Section 100B(2) of the Act.

**Appendix B relating to the above report (EXEMPT) (Pages 409 - 410)**

A Translation Service will be provided at this meeting and those present are welcome to speak in Welsh or English at the meeting.

Yours faithfully



**Miss Lowri Edwards**  
**Corporate Lead Officer: Democratic Services**  
**To: Chairman and Members of Council**

# Public Document Pack Agenda Item 6

## Minutes of the Meeting of CEREDIGION COUNTY COUNCIL held remotely via video-conference on Thursday, 3rd March, 2022

**PRESENT:** Councillor Paul Hinge (Chairman), Councillors Gareth Davies, John Adams-Lewis, Ellen ap Gwynn, Bryan Davies, Ceredig Davies, Clive Davies, Euros Davies, Gethin Davies, Ifan Davies (Vice-Chair), Marc Davies, Meirion Davies, Odwyn Davies, Peter Davies, Rhodri Davies, Dafydd Edwards, Endaf Edwards, Elaine Evans, Elizabeth Evans, Keith Evans, Rhodri Evans, Hag Harris, Catherine Hughes, Gwyn James, Alun Lloyd Jones, Matthew Woolfall Jones, Maldwyn Lewis, Gareth Lloyd, Lyndon Lloyd MBE, Dai Mason, Catrin Miles, Dan Potter, Ray Quant MBE, John Roberts, Lynford Thomas, Wyn Thomas, Alun Williams and Ivor Williams

(10.00am - 1.05pm)  
resumed 1.35pm - 3.20pm)

### Procedure

The Chairman of the Council, Councillor Paul Hinge welcomed all to the meeting and confirmed that the meeting was being webcasted.

#### 1 Apologies

Councillors Rowland Rees-Evans and Mark Strong apologised for their inability to attend the meeting.

#### 2 Disclosure of personal / prejudicial interests

Councillor Catherine Hughes declared a personal and prejudicial interest in relation to minute 13 below, and withdrew from the virtual meeting during discussions.

Councillors Bryan Davies, Euros Davies, Endaf Edwards, Rhodri Evans, Catherine Hughes and Alun Lloyd Jones declared a personal and prejudicial interest in relation to minute 16 below, and withdrew from the virtual meeting during discussions.

Councillors Bryan Davies, Euros Davies, Endaf Edwards, Catherine Hughes, Gwyn James and Alun Lloyd Jones declared a personal and prejudicial interest in relation to minute 17 and 18 below, and withdrew from the virtual meeting during discussions.

The Chief Executive, Eifion Evans declared a personal and prejudicial interest in relation to minute 16 below, in accordance with the Code of Conduct for Local Government Employees and withdrew from the virtual meeting during discussions.

The Chief Executive, on behalf of all Senior Officers present, declared a personal and prejudicial interest in relation to minute 17 and 18 below, in accordance with the Code of Conduct for Local Government Employees. Those members of staff withdrew from the virtual meeting during discussions. Catherine Hutton, HR Officer, the minute taker and translator remained in the meeting during discussions.

### 3 Personal matters

- a) Councillor Ellen ap Gwynn congratulated 'Ynyshir Hall' on being awarded two Michelin stars;
- b) Councillor Ellen ap Gwynn congratulated 'SY23' on being awarded its first Michelin star;
- c) Councillor Ellen ap Gwynn congratulated 'Y Talbot' on being included in the Michelin Guide;
- d) Cllr Ellen ap Gwynn congratulated Robat and Enid Griffiths, the founders and owners of 'Y Lolfa' press, who have been selected to lead the St David's Day Parade in Aberystwyth this year;
- e) Cllr Ellen ap Gwynn congratulated the Women's Institute who are celebrating their centenary this year;
- f) Councillor Ellen ap Gwynn noted that the Minister for Education has announced funding of £5.7m for the creation of a Welsh Language Immersion Centre and a block of new Classrooms at Ysgol Gymraeg, Aberystwyth;
- g) Councillor Gareth Lloyd, Panel Member and Trustee on the Dyfed Pension Board noted that the investments with Russia is less than 1%, however it has been agreed to disinvest as soon as possible;
- h) Councillor Ellen a Gwynn thanked everyone for their support noting that she would be retiring at the end of this term, thanking fellow Councillors and Officers for their support over her 10 years as Leader of the Council., She paid tribute to those Councillors that would be standing down, including Councillor Alun Lloyd Jones, Councillor John Adams Lewis, Councillor Odwyn Davies, Councillor Lyndon Lloyd MBE, Councillor Lynford Thomas, Councillor Peter Davies MBE, Councillor Ivor Williams and Councillor Matthew Woolfall Jones. The comments were acknowledge by the respective Members;
- i) Councillor Ceredig Davies paid tribute to Councillor Ellen ap Gwynn and wished her well on her retirement;
- j) Councillor Ray Quant MBE, reflected on Councillor Ellen ap Gwynn's leadership and paid tribute to all the Members standing down and thanked them all for their contributions;
- k) Councillor Dafydd Edwards paid tribute to Councillor Ellen ap Gwynn, and expresses his best wishes to all Members standing down;
- l) Eifion Evans, Chief Executive echoed everything said by Members, noting that the retirement of experienced Councillors would have a significant impact in terms of loss of expertise and knowledge. He noted that their contributions have been significant in terms of achieving the £110m Mid Wales Growth Deal, Levelling Up funds, funding for 21<sup>st</sup> Century Schools etc. He wished them all well in their retirement;
- m) Councillor Bryan Davies, who will be stepping into the role of the Leader of Plaid Cymru Group thanked Councillor Ellen ap Gwynn and expressed his best wishes to all the Members that would be standing down;
- n) Councillor Bryan Davies noted that following the Notice of Motion at the Council Meeting on 9 December 2021, Members have met with the Ambulance Service and received reassurances that there will not be a reduction to the Ambulance Service that covers Ceredigion;
- o) Councillor Bryan Davies noted that Llanarth will be taking part in an experimental road surfacing project made from recycled nappies which

is funded by Welsh Government and expected to have twice the life of normal tarmac;

- p) Councillor Maldwyn Lewis noted that a drama is in production about the life of Carwyn James who has close connection with the Rhyd Lewis area;
- q) Councillor Maldwyn Lewis congratulated Gareth Thomas who has won 5 caps with the Wales Rugby team;
- r) Councillor Maldwyn Lewis congratulated Steffan Thomas who has been selected to play for the Scarlets Rugby Team;
- s) Councillor Maldwyn Lewis congratulated the team who have published a book called 'Ffrwyth y Coed' which gives a comprehensive history of Coed-y-Bryn School;
- t) Councillor Gareth Lloyd congratulated Pontsian Young Farmers on winning the Young Farmers Public Speaking competition for Ceredigion, and gave his best wishes to all those that would be representing the County at National level;
- u) Councillor Gareth Davies expressed his best wishes to all the Members that would be standing down, and thanked Councillors Bryan Davies and Matthew Woolfall Jones for bringing the notice of motion regarding the Ambulance Service on his behalf;
- v) Councillor Gareth Davies extended condolences to the family of Tegwen Jones, who was the Clerk to Llanbadarn Fawr Community Council;
- w) Councillor Odwyn Davies congratulated Rev. Goronwy Evans on being awarded an MBE;
- x) Councillor Dafydd Edwards noted that today is a National Book Day and various events have been organised in the County's Libraries to include the launch of a book 'Lledrith y Llyfrgell' which celebrates 25 years of National Book Day;
- y) Councillor Paul Hinge congratulated Josh Hathaway who has been selected to the Wales Under 20 rugby squad;
- z) Councillor Paul Hinge congratulated Joshua Tarling, Gruff Lewis and Finlay Tarling who are achieving great success in cycling;
- aa) Councillor Lyndon Lloyd MBE congratulated Doris James who is celebrating her 100<sup>th</sup> birthday;
- bb) Councillor Dai Mason thanked all those that will be standing down at the next election, wishing them well on their retirement.

### **Ukraine**

- cc) Councillor Ellen ap Gwynn referred to the dire situation in Ukraine, noting that the First Minister has stated that Wales is a nation of sanctuary. She stated that Ceredigion is a County of sanctuary and asked Members for their support in welcoming refugees from Ukraine in the future, and to give authority to Officers to make suitable arrangements at the appropriate time. Members agreed unanimously through a show of hands. She also noted that she has asked the Chief Executive to review whether the Council has any contracts or work linked to Russian companies.

- 4 **A verbal update by the Leader of the Council in relation to COVID-19**  
Councillor Ellen ap Gwynn gave a verbal update in relation to COVID-19 in Ceredigion.

She noted that that there has been an additional 8 cases of cases reported today in Ceredigion, contributing to a total of 11,597 cases since the start of the pandemic. The current rate is currently 177.5 per hundred thousand with a positivity rate of 22.2%. However, only PCR tests are currently being reported daily and the Track and Trace Team has stated that considerably more cases are being reported via the LTF tests, therefore this does not give the full picture. The Public Health Wales database suggests that cases in the Rheidol, Ystwyth and Caron area is currently very high, and although cases at the University shot up initially after the examinations the figures are now stabilising.

Three Care Homes in Ceredigion are in restrictions due to COVID-19 cases amongst staff, one of which has cases amongst their residents. There are 2 patients currently at Bronglais Hospital with COVID-19. She expressed her best wishes to Councillor Mark Strong who is currently at Bronglais Hospital following a stroke and noted that he continues to improve.

All Council services are now open, and we are preparing to re-open all offices following the Local Elections in May. Work is ongoing in the Council Chamber to ensure that we meet the new regulations which will allow us to work remotely or face to face.

- 5 **To confirm the Minutes of the Meetings of the Council held on 27 January 2022**

It was **RESOLVED** to confirm as a true record the Minutes of the Council meeting held on 27<sup>th</sup> January 2022.

- 6 **To consider the Joint Report of the Leader, Cabinet Member with responsibility for Financial Services and the Corporate Lead Officer: Finance and Procurement upon the Budget for 2022/23, including the Three-Year Capital Programme and Prudential Indicators for Capital and Treasury Management**

Councillor Ellen ap Gwynn, Council Leader presented the report noting that the information had been considered by the Cabinet and all Overview and Scrutiny Committees.

Councillor Ellen ap Gwynn noted that the Council received correspondence from Welsh Government on 17<sup>th</sup> February 2022 regarding additional funding for 2021/22 which can be carried forward to the next year. She noted that Cabinet asked Officers to draft a revised model, based upon a 2.5% increase to the Council Tax which was considered during its meeting on 22 February 2022, together with the feedback received from all Overview and Scrutiny Committees, and agreed to recommend to Council that the draft 2022/23 Base Budget total is £154.843m and that the level of increased Council Tax proposed for 2022/23 is 2.5%, representing a Band D amount of £1,447.90.

Members noted that residents would be glad to hear that the Council Tax increase would be based at 2.5% and attention was also brought to the Council Tax Relief support that's available. It was noted that a 2.5% increase in Council Tax would enable services to be maintained.

Following a vote, it was **RESOLVED** to:

- a) Note that, in the opinion of the Corporate Lead Officer – Finance and Procurement (Statutory Section 151 Officer), the 2022/23 budget estimates have been prepared in a robust manner.
- b) Note that, in the opinion of the Corporate Lead Officer – Finance and Procurement (Statutory Section 151 Officer), the proposed planned levels of reserves, provisions and balances is adequate in respect of the forthcoming financial year.
- c) Approve the Updated Net Revenue Estimates for the Council for 2021/22 in the sum of £154.736m;
- d) Approve the Net Revenue Estimates for the Council for 2022/23 in the sum of £165.843m;
- e) Approve the detailed service budgets for 2022/23 and the updated 2021/22, as set out in Appendix 1 of the report;
- f) Levy a Basic Council Tax of £1,447.90 for 2022/23 for Band D properties;
- g) Approve the Capital Strategy, as set out in Appendix 2 of the report;
- h) Approve the Three-Year Capital Programme, as set out in Appendix 3 of the report;
- i) Approve the Prudential Indicators, as set out in the Appendix 4 of the report;
- j) Delegate authority to the CLO – Finance and Procurement to effect movement within the total of the authorised limit of external borrowing, and the operational boundary.

## **7 Report of the Corporate Lead Officer: Finance and Procurement upon Council Tax Setting for 2022/22**

Councillor Gareth Lloyd, Cabinet Member for Finance and Procurement Services and Public Protection presented the report to the Council relating to the Council Tax Setting for 2022/23.

Following a vote, it was **RESOLVED** to note the following:

- (i) at its meeting on 07 December 2021 the following amounts were approved by the Council's Cabinet for the year 2022/23 in accordance with regulations made under Section 33(5) of the Local Government Finance Act 1992:
  - (a) 32,063.08 being the amount calculated by the Council, in accordance with the Local Authorities (Calculation of Council Tax Base) (Wales) Regulations 1995, as amended by the Local Authorities (Calculation of Council Tax Base) and Council Tax (Prescribed Classes of Dwellings) (Wales) (Amendment) Regulations 2004, as its Council Tax Base for the area.

(b) PART OF THE COUNCIL'S AREA

<b>The Town and Community Council Areas of:</b>	<b>Council Tax Base</b>	<b>The Town and Community Council Areas of:</b>	<b>Council Tax Base</b>
ABERYSTWYTH	3,863.14	TREGARON	532.46
ABERAERON	754.35	YSBYTY YSTWYTH	208.17
ABERTEIFI / CARDIGAN	1,812.89	YSTRAD FFLUR	310.32
LLANBEDR P.S. / LAMPETER	982.00	YSTRAD MEURIG	162.75
CEI NEWYDD / NEW QUAY	739.05	CILIAU AERON	422.33
BORTH	726.54	HENFYNYW	506.29
CEULANAMAESMAWR	421.58	LLANARTH	758.86
BLAENRHEIDOL	201.71	LLANDYSILOGOGO	544.33
GENEU'R GLYN	346.38	LLANFAIR CLYDOGAU	299.59
LLANBADARN FAWR	873.24	LLANFIHANGEL YSTRAD	650.89
LLANGYNFELIN	264.64	LLANGYBI	277.48
LLANFARIAN	743.46	LLANLLWCHAEARN	490.82
LLANGWYRYFON	245.86	LLANSANTFFRAED	557.89
LLANILAR	464.70	LLANWENOG	572.70
LLANRHYSTUD	442.72	LLANWNNEN	208.13
MELINDWR	517.32	DYFFRYN ARTH	566.86
PONTARFYNACH	237.45	ABERPORTH	1,117.27
TIRYMYNACH	788.19	BEULAH	866.17
TRAWSGOED	442.94	LLANDYFRIOG	824.10
TREFEURIG	771.68	LLANDYSUL	1,237.01
FAENOR	808.43	LLANGOEDMOR	579.54
YSGUBOR-Y-COED	160.45	LLANGRANNOG	423.15
LLANDDEWI BREFI	294.94	PENBRYN	720.15
LLANGEITHO	364.85	TROEDYRAUR	653.00
LLEDROD	303.97	Y FERWIG	628.82
NANTCWNLLE	371.52		

**COUNCIL TAX BASE 32,063.08**

being the amounts calculated by the Council, in accordance with Regulation 6 of the 1995 Regulations (as amended by the 2004 Regulations), as the amounts of its Council Tax Base for the year for dwellings in those parts of its area to which one or more special items relate;

(ii) approve the amounts calculated by the Council for the year 2022/23 in accordance with Sections 32 to 36 of the Local Government Finance Act 1992 as set out below:-

(a) £251,857,115 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(2)(a) to (e) of the Act. This includes £221,000 in respect of National Non-Domestic Rates Relief.

(b) £84,757,000 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(3)(a) to (c) of the Act.

(c) £167,100,115 being the amount by which the aggregate at (a) above exceeds the aggregate at (b) above, calculated by the

Council, in accordance with Section 32(4) of the Act, as its budget requirement for the year.

- (d) £119,418,759 being the aggregate of the sums which the Council estimates will be payable for the year into its Council Fund in respect of redistributed non-domestic rates and its revenue support grant.
- (e) £1,487.11 being the amount at (c) above, less the amount at (d) above divided by the Council Tax Base, calculated by the Council, in accordance with Section 33(1) of the Act, as the basic amount of its Council Tax for the year.
- (f) £1,257,222 being the aggregate amount of all special items referred to in Section 34(1) of the Act.
- (g) £1,447.90 being the amount at (e) above less the result given by dividing the amount at (f) above by the Council Tax Base calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year.

(h) PART OF THE COUNCIL'S AREA

<b>The Town and Community Council Areas of:</b>	<b>Basic Council Tax</b>	<b>The Town and Community Council Areas of:</b>	<b>Basic Council Tax</b>
ABERYSTWYTH	1,577.46	TREGARON	1,492.97
ABERAERON	1,501.94	YSBYTY YSTWYTH	1,462.31
ABERTEIFI / CARDIGAN	1,494.23	YSTRAD FFLUR	1,471.14
LLANBEDR P.S. / LAMPETER	1,487.61	YSTRAD MEURIG	1,460.90
CEI NEWYDD / NEW QUAY	1,469.65	CILIAU AERON	1,459.74
BORTH	1,474.97	HENFYNYW	1,461.73
CEULANAMAESMAWR	1,483.48	LLANARTH	1,459.52
BLAENRHEIDOL	1,470.21	LLANDYSILOGOGO	1,466.76
GENEU'R GLYN	1,473.88	LLANFAIR CLYDOGAU	1,459.58
LLANBADARN FAWR	1,492.02	LLANFIHANGEL YSTRAD	1,463.19
LLANGYNFELIN	1,463.49	LLANGYBI	1,462.32
LLANFARIAN	1,467.67	LLANLLWCHAEARN	1,469.90
LLANGWYRYFON	1,460.59	LLANSANTFFRAED	1,478.37
LLANILAR	1,463.82	LLANWENOG	1,463.62
LLANRHYSTUD	1,467.33	LLANWNNEN	1,464.55
MELINDWR	1,461.43	DYFFRYN ARTH	1,473.48
PONTARFYNACH	1,462.64	ABERPORTH	1,484.68
TIRYMYNACH	1,472.64	BEULAH	1,473.88
TRAWSGOED	1,458.06	LLANDYFRIOG	1,466.10
TREFEURIG	1,464.75	LLANDYSUL	1,484.99
FAENOR	1,489.25	LLANGOEDMOR	1,499.67
YSGUBOR-Y-COED	1,469.71	LLANGRANNOG	1,471.53
LLANDDEWI BREFI	1,476.72	PENBRYN	1,463.17
LLANGEITHO	1,462.97	TROEDYRAUR	1,463.21
LLEDROD	1,454.84	Y FERWIG	1,487.02
NANTCWNLLE	1,453.28		

being the amounts given by adding to the amount at (ii)(g) above the amounts of the special item or items relating to dwellings in those

parts of the Council's area mentioned above divided in each case by the amount at (i)(b) above, calculated by the Council, in accordance with Section 34(3) of the Act, as the basic amounts of its council tax for the year for dwellings in those parts of its area to which one or more special items relate.

(i) PART OF THE COUNCIL'S AREA

THE TOWN AND COMMUNITY COUNCIL AREAS OF:	Band A £	Band B £	Band C £	Band D £	Band E £	Band F £	Band G £	Band H £	Band I £
Aberystwyth	1051.64	1226.91	1402.18	1577.46	1928.01	2278.55	2629.10	3154.92	3680.74
Aberaeron	1001.30	1168.17	1335.06	1501.94	1835.71	2169.47	2503.24	3003.88	3504.52
Aberteifi / Cardigan	996.16	1162.17	1328.20	1494.23	1826.29	2158.33	2490.39	2988.46	3486.53
Llanbedr P.S. / Lampeter	991.74	1157.03	1322.32	1487.61	1818.19	2148.77	2479.35	2975.22	3471.09
Cei Newydd / New Quay	979.77	1143.06	1306.35	1469.65	1796.24	2122.83	2449.42	2939.30	3429.18
Borth	983.32	1147.19	1311.08	1474.97	1802.75	2130.51	2458.29	2949.94	3441.59
Ceulanamaesmawr	988.99	1153.81	1318.65	1483.48	1813.15	2142.80	2472.47	2966.96	3461.45
Blaenrheidol	980.14	1143.49	1306.85	1470.21	1796.93	2123.64	2450.35	2940.42	3430.49
Geneu'r Glyn	982.59	1146.35	1310.11	1473.88	1801.41	2128.94	2456.47	2947.76	3439.05
Llanbadarn Fawr	994.68	1160.46	1326.24	1492.02	1823.58	2155.14	2486.70	2984.04	3481.38
Llangynfelin	975.66	1138.27	1300.88	1463.49	1788.71	2113.93	2439.15	2926.98	3414.81
Llanfarian	978.45	1141.52	1304.59	1467.67	1793.82	2119.97	2446.12	2935.34	3424.56
Llangwryfon	973.73	1136.01	1298.30	1460.59	1785.17	2109.74	2434.32	2921.18	3408.04
Llanilar	975.88	1138.52	1301.17	1463.82	1789.12	2114.41	2439.70	2927.64	3415.58
Llanrhystud	978.22	1141.25	1304.29	1467.33	1793.41	2119.48	2445.55	2934.66	3423.77
Melindwr	974.29	1136.66	1299.05	1461.43	1786.20	2110.95	2435.72	2922.86	3410.00
Pontarfynach	975.10	1137.60	1300.12	1462.64	1787.68	2112.70	2437.74	2925.28	3412.82
Tirymynach	981.76	1145.38	1309.01	1472.64	1799.90	2127.15	2454.40	2945.28	3436.16
Trawsgoed	972.04	1134.04	1296.05	1458.06	1782.08	2106.09	2430.10	2916.12	3402.14
Trefeurig	976.50	1139.25	1302.00	1464.75	1790.25	2115.75	2441.25	2929.50	3417.75
Faenor	992.84	1158.30	1323.78	1489.25	1820.20	2151.14	2482.09	2978.50	3474.91
Ysgubor-y-Coed	979.81	1143.10	1306.41	1469.71	1796.32	2122.91	2449.52	2939.42	3429.32
Llanddewi Brefi	984.48	1148.56	1312.64	1476.72	1804.88	2133.04	2461.20	2953.44	3445.68
Llangeitho	975.32	1137.86	1300.42	1462.97	1788.08	2113.18	2438.29	2925.94	3413.59
Lledrod	969.90	1131.54	1293.19	1454.84	1778.14	2101.43	2424.74	2909.68	3394.62
Nantcwnlle	968.86	1130.32	1291.80	1453.28	1776.24	2099.18	2422.14	2906.56	3390.98
Tregaron	995.32	1161.19	1327.08	1492.97	1824.75	2156.51	2488.29	2985.94	3483.59
Ysbyty Ystwyth	974.88	1137.35	1299.83	1462.31	1787.27	2112.22	2437.19	2924.62	3412.05
Ystrad Fflur	980.76	1144.22	1307.68	1471.14	1798.06	2124.98	2451.90	2942.28	3432.66
Ystrad Meurig	973.94	1136.25	1298.58	1460.90	1785.55	2110.19	2434.84	2921.80	3408.76
Ciliau Aeron	973.16	1135.35	1297.54	1459.74	1784.13	2108.51	2432.90	2919.48	3406.06
Henfynyw	974.49	1136.90	1299.31	1461.73	1786.56	2111.39	2436.22	2923.46	3410.70
Llanarth	973.02	1135.18	1297.35	1459.52	1783.86	2108.19	2432.54	2919.04	3405.54
Llandysiliogogo	977.84	1140.81	1303.78	1466.76	1792.71	2118.65	2444.60	2933.52	3422.44

Llanfair Clydogau	973.06	1135.22	1297.40	1459.58	1783.94	2108.28	2432.64	2919.16	3405.68
Llanfihangel Ystrad	975.46	1138.03	1300.61	1463.19	1788.35	2113.50	2438.65	2926.38	3414.11
Llangybi	974.88	1137.36	1299.84	1462.32	1787.28	2112.24	2437.20	2924.64	3412.08
Llanllwchaearn	979.94	1143.25	1306.58	1469.90	1796.55	2123.19	2449.84	2939.80	3429.76
Llansantffraed	985.58	1149.84	1314.10	1478.37	1806.90	2135.42	2463.95	2956.74	3449.53
Llanwenog	975.75	1138.37	1300.99	1463.62	1788.87	2114.12	2439.37	2927.24	3415.11
Llanwnnen	976.37	1139.09	1301.82	1464.55	1790.01	2115.46	2440.92	2929.10	3417.28
Dyffryn Arth	982.32	1146.04	1309.76	1473.48	1800.92	2128.36	2455.80	2946.96	3438.12
Aberporth	989.79	1154.75	1319.71	1484.68	1814.61	2144.54	2474.47	2969.36	3464.25
Beulah	982.59	1146.35	1310.11	1473.88	1801.41	2128.94	2456.47	2947.76	3439.05
Llandyfriog	977.40	1140.30	1303.20	1466.10	1791.90	2117.70	2443.50	2932.20	3420.90
Llandysul	990.00	1154.99	1319.99	1484.99	1814.99	2144.98	2474.99	2969.98	3464.97
Llangoedmor	999.78	1166.41	1333.04	1499.67	1832.93	2166.19	2499.45	2999.34	3499.23
Llangrannog	981.02	1144.52	1308.02	1471.53	1798.54	2125.54	2452.55	2943.06	3433.57
Penbryn	975.45	1138.02	1300.59	1463.17	1788.32	2113.47	2438.62	2926.34	3414.06
Troedyrour	975.48	1138.05	1300.63	1463.21	1788.37	2113.52	2438.69	2926.42	3414.15
Y Ferwig	991.35	1156.57	1321.79	1487.02	1817.47	2147.92	2478.37	2974.04	3469.71

being the amounts given by multiplying the amounts at (ii)(h) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

- (iii) note the amounts in precepts issued to the Council by the Police and Crime Commissioner for Dyfed-Powys for 2022/23 in accordance with Section 47 of the Police Reform and Social Responsibility Act, for each category of dwelling as shown below:-

**Dyfed-Powys Police Council Tax  
VALUATION BANDS**

A	B	C	D	E	F	G	H	I
£	£	£	£	£	£	£	£	£
<b>193.44</b>	<b>225.68</b>	<b>257.92</b>	<b>290.16</b>	<b>354.64</b>	<b>419.12</b>	<b>483.60</b>	<b>580.32</b>	<b>677.04</b>

- (iv) set the Council Tax in accordance with Section 30 of the Local Government Finance Act 1992. Having calculated the aggregate in each case of the amounts at (ii) (i) and (iii) above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, hereby sets the following amounts as the amounts of Council Tax for the year 2022/23 for each of the categories of dwellings.

<b>THE TOWN AND COMMUNITY COUNCIL AREAS OF:</b>	<b>Band A £</b>	<b>Band B £</b>	<b>Band C £</b>	<b>Band D £</b>	<b>Band E £</b>	<b>Band F £</b>	<b>Band G £</b>	<b>Band H £</b>	<b>Band I £</b>
Aberystwyth	1245.08	1452.59	1660.10	1867.62	2282.65	2697.67	3112.70	3735.24	4357.78
Aberaeron	1194.74	1393.85	1592.98	1792.10	2190.35	2588.59	2986.84	3584.20	4181.56
Aberteifi / Cardigan	1189.60	1387.85	1586.12	1784.39	2180.93	2577.45	2973.99	3568.78	4163.57
Llanbedr P.S. / Lampeter	1185.18	1382.71	1580.24	1777.77	2172.83	2567.89	2962.95	3555.54	4148.13
Cei Newydd / New Quay	1173.21	1368.74	1564.27	1759.81	2150.88	2541.95	2933.02	3519.62	4106.22
Borth	1176.76	1372.87	1569.00	1765.13	2157.39	2549.63	2941.89	3530.26	4118.63
Ceulanamaesmawr	1182.43	1379.49	1576.57	1773.64	2167.79	2561.92	2956.07	3547.28	4138.49
Blaenrheidol	1173.58	1369.17	1564.77	1760.37	2151.57	2542.76	2933.95	3520.74	4107.53
Geneu'r Glyn	1176.03	1372.03	1568.03	1764.04	2156.05	2548.06	2940.07	3528.08	4116.09
Llanbadarn Fawr	1188.12	1386.14	1584.16	1782.18	2178.22	2574.26	2970.30	3564.36	4158.42
Llangynfelin	1169.10	1363.95	1558.80	1753.65	2143.35	2533.05	2922.75	3507.30	4091.85
Llanfarian	1171.89	1367.20	1562.51	1757.83	2148.46	2539.09	2929.72	3515.66	4101.60
Llangwryfon	1167.17	1361.69	1556.22	1750.75	2139.81	2528.86	2917.92	3501.50	4085.08
Llanilar	1169.32	1364.20	1559.09	1753.98	2143.76	2533.53	2923.30	3507.96	4092.62
Llanrhystud	1171.66	1366.93	1562.21	1757.49	2148.05	2538.60	2929.15	3514.98	4100.81
Melindwr	1167.73	1362.34	1556.97	1751.59	2140.84	2530.07	2919.32	3503.18	4087.04
Pontarfynach	1168.54	1363.28	1558.04	1752.80	2142.32	2531.82	2921.34	3505.60	4089.86
Tirymynach	1175.20	1371.06	1566.93	1762.80	2154.54	2546.27	2938.00	3525.60	4113.20
Trawsgoed	1165.48	1359.72	1553.97	1748.22	2136.72	2525.21	2913.70	3496.44	4079.18
Trefeurig	1169.94	1364.93	1559.92	1754.91	2144.89	2534.87	2924.85	3509.82	4094.79
Faenor	1186.28	1383.98	1581.70	1779.41	2174.84	2570.26	2965.69	3558.82	4151.95
Ysgubor-y-Coed	1173.25	1368.78	1564.33	1759.87	2150.96	2542.03	2933.12	3519.74	4106.36
Llanddewi Brefi	1177.92	1374.24	1570.56	1766.88	2159.52	2552.16	2944.80	3533.76	4122.72
Llangeitho	1168.76	1363.54	1558.34	1753.13	2142.72	2532.30	2921.89	3506.26	4090.63
Lledrod	1163.34	1357.22	1551.11	1745.00	2132.78	2520.55	2908.34	3490.00	4071.66
Nantcwnlle	1162.30	1356.00	1549.72	1743.44	2130.88	2518.30	2905.74	3486.88	4068.02
Tregaron	1188.76	1386.87	1585.00	1783.13	2179.39	2575.63	2971.89	3566.26	4160.63
Ysbyty Ystwyth	1168.32	1363.03	1557.75	1752.47	2141.91	2531.34	2920.79	3504.94	4089.09
Ystrad Fflur	1174.20	1369.90	1565.60	1761.30	2152.70	2544.10	2935.50	3522.60	4109.70
Ystrad Meurig	1167.38	1361.93	1556.50	1751.06	2140.19	2529.31	2918.44	3502.12	4085.80
Ciliau Aeron	1166.60	1361.03	1555.46	1749.90	2138.77	2527.63	2916.50	3499.80	4083.10
Henfynyw	1167.93	1362.58	1557.23	1751.89	2141.20	2530.51	2919.82	3503.78	4087.74
Llanarth	1166.46	1360.86	1555.27	1749.68	2138.50	2527.31	2916.14	3499.36	4082.58
Llandysiliogogo	1171.28	1366.49	1561.70	1756.92	2147.35	2537.77	2928.20	3513.84	4099.48
Llanfair Clydogau	1166.50	1360.90	1555.32	1749.74	2138.58	2527.40	2916.24	3499.48	4082.72
Llanfihangel Ystrad	1168.90	1363.71	1558.53	1753.35	2142.99	2532.62	2922.25	3506.70	4091.15
Llangybi	1168.32	1363.04	1557.76	1752.48	2141.92	2531.36	2920.80	3504.96	4089.12
Llanllwchaearn	1173.38	1368.93	1564.50	1760.06	2151.19	2542.31	2933.44	3520.12	4106.80
Llansantffraed	1179.02	1375.52	1572.02	1768.53	2161.54	2554.54	2947.55	3537.06	4126.57
Llanwenog	1169.19	1364.05	1558.91	1753.78	2143.51	2533.24	2922.97	3507.56	4092.15
Llanwnnen	1169.81	1364.77	1559.74	1754.71	2144.65	2534.58	2924.52	3509.42	4094.32
Dyffryn Arth	1175.76	1371.72	1567.68	1763.64	2155.56	2547.48	2939.40	3527.28	4115.16

Aberporth	1183.23	1380.43	1577.63	1774.84	2169.25	2563.66	2958.07	3549.68	4141.29
Beulah	1176.03	1372.03	1568.03	1764.04	2156.05	2548.06	2940.07	3528.08	4116.09
Llandyfriog	1170.84	1365.98	1561.12	1756.26	2146.54	2536.82	2927.10	3512.52	4097.94
Llandysul	1183.44	1380.67	1577.91	1775.15	2169.63	2564.10	2958.59	3550.30	4142.01
Llangoedmor	1193.22	1392.09	1590.96	1789.83	2187.57	2585.31	2983.05	3579.66	4176.27
Llangrannog	1174.46	1370.20	1565.94	1761.69	2153.18	2544.66	2936.15	3523.38	4110.61
Penbryn	1168.89	1363.70	1558.51	1753.33	2142.96	2532.59	2922.22	3506.66	4091.10
Troedraur	1168.92	1363.73	1558.55	1753.37	2143.01	2532.64	2922.29	3506.74	4091.19
Y Ferwig	1184.79	1382.25	1579.71	1777.18	2172.11	2567.04	2961.97	3554.36	4146.75

## 8 Report of the Corporate Lead Officer: Finance and Procurement upon the Council's Treasury Management Policy Statement, Treasury Management Strategy and Minimum Revenue Provision (MRP) Policy for 2022/23

Councillor Gareth Lloyd, Cabinet Member for Finance and Procurement Services and Public Protection presented the report to Council noting that the Cabinet decided during its meeting on 22 February 2022 to approve the Treasury Management Strategy, the Investment Schedule and the Minimum Revenue Provision Policy, and to delegate authority to the Section 151 Officer in consultation with the Cabinet Member for Finance, Procurement and Public Protection to amend the Treasury Management Strategy and Investment Schedule during the course of the year, recommending that Council approve the Treasury Management Strategy for Borrowing and Investments and the Minimum Revenue Provision Policy for 2022/23.

- (i) Following a vote, it was **RESOLVED** to note the report and approve the decisions made by Cabinet to approve the Treasury Management Strategy outlined in the report for Borrowing and Investments;
- (ii) (ii) to approve the Investment Schedule as set out in Appendix B;
- (iii) (iii) to approve the Minimum Revenue Provision Policy as set out in Appendix C;
- (iii) (iv) to delegate authority to the Section 151 officer in consultation with the Cabinet Member for Finance, Procurement and Public Protection, to amend the Treasury Management Strategy, and Investment Schedule, during the course of the year.

Following a vote it was **RESOLVED** to approve:

- (a) the Treasury Management Strategy for Borrowing and Investments for 2022/23; and
- (b) the Minimum Revenue Provision Policy for 2022/23.

## 9 Report of the Corporate Lead Officer: Policy, Performance and Public Protection upon a Review of the Statutory Statement of Gambling Policy

Councillor Gareth Lloyd, Cabinet Member for Finance and Procurement Services and Public Protection presented the report to Council noting that the Council as the Licensing Authority is required to adopt a Gambling

Policy, under the Gambling Act 2005 and to keep its Policy Statement under general review to be determined at least every 3 years, to include a period of statutory consultation.

Councillor Gareth Lloyd noted that minor changes are recommended, taking into consideration changes to the Codes of Practice, the Fundamental Principles within the Guidance and advice provided directly by representatives of the Commission to Licensing staff. Consultation with relevant parties concluded on 28 November 2021, and consideration given to all responses received.

In addition, the Council reviewed its resolution not to issue casino licences within the County of Ceredigion as provided for in Section 166 of the Gambling Act 2005, and a recommendation by Cabinet to retain the 'no-casino' resolution.

Councillor Alun Lloyd Jones, Chair of the Licencing Committee noted that the Committee had considered the report and recommended that the recommendations continue.

Members also noted that the current Government policy on gambling destroys lives, and asked if there have been any appeals against the Council's policy on Casinos. It was confirmed that the UK Government is currently reviewing their gambling policy, and that Ceredigion have not received any applications or appeals for Casinos however 2 persons noted their objection as part of the consultation process.

***Following a vote, it was RESOLVED to:***

- a) approve the revised Statement of Gambling Policy as the Statement of Gambling Policy for Ceredigion for the period 2022-2025;

follow the recommendation made by Cabinet to retain the "no casino" Resolution and the decision recorded and added to the final policy.

**10 Report of the Corporate Lead Officer: Porth Gofal upon the West Wales Population Assessment 2022**

Councillor Catherine Hughes, Cabinet Member for Porth Gofal presented the report to Council noting that in accordance with Part 2 of the Social Services and Wellbeing (Wales) Act, regional partners are required to produce Population Assessments providing an assessment of need for care and support and support needs of carers in their area. The summary report was presented to Cabinet on 22 February 2022, and the full Population Needs assessment report will be presented to Cabinet and Council when finalised.

Members queried the situation with regards to Bodlondeb, and it was confirmed that the property is currently on the open market. Members also referred to research opportunities in conjunction with Bangor University. Councillor Ellen ap Gwynn confirmed that the research is conducted by the Regional Partnership Board, and that any additional enterprise funding will be provided via this route. She noted her disappointment regarding a lack of dementia nursing within the County, stating that discussions are currently

being held with the Hywel Dda University Health Board and private partners as Local Authorities are not legally permitted to provide nursing care and it is hoped that there will be developments in the near future.

The content of the report was noted by Council.

**11 Report of the Corporate Lead Officer: Porth Gofal upon the West Wales Market Stability Report 2022: Executive Summary**

Councillor Alun Williams, Cabinet Member for Porth Cynnal presented the report to Council noting that Welsh Government requires local authorities, acting together with health boards, to produce Market Stability Reports (MSRs) on a regional partnership board basis. The Market Stability Report is set out under 2 specific heading, which consider a Sufficiency assessment, and a Stability Assessment. It was noted that the publication deadline for the report is 30 June 2022.

This summary report was presented to Cabinet on the 22<sup>nd</sup> February 2022. The final report will be presented to Cabinet and Council once completed and finalised.

Members thanked Officers for the excellent services provided during extremely challenging times, noting their concern that the data demonstrated that the figures will increase, resulting in greater pressure upon these services.

The content of the report was noted by Council.

**12 Report of the Corporate Lead Officer: Economy and Regeneration upon Membership of the Local Access Forum**

Councillor Rhodri Evans, Cabinet Member for Economy and Regeneration presented the report to Council noting that the Council is required to establish a Local Access Forum in accordance with the Countryside and Rights of Way Act 2000 and the Countryside Access (Local Access Forums) (Wales) Regulations 2001. The Forum membership is for a 3 year period, and new members will be appointed for the period 2022 to 2025.

The appointment process was widely publicised, receiving 19 applications, of which 2 subsequently withdrew as set out in Appendix 1. One Council Member will be nominated to sit as Member of the Forum, which will occur at the beginning of the new administration.

Following a vote, it was **RESOLVED** to approve the appointments to the Local Access Forum as listed in Appendix 1 for the period 2022-2025

**13 Report of the Corporate Lead Officer: Economy and Regeneration upon the Community Housing Proposal**

Councillor Rhodri Evans, Cabinet Member for Economy and Regeneration presented the report to Council noting that the Independent Group presented a paper to the Corporate Resources Overview and Scrutiny on 29 November 2021 setting out a vision towards creating a pathway to Home Ownership for the Younger Generation of Ceredigion. The proposals were supported by the

Committee where it was requested that Officers work up the viability of the scheme. A further report was subsequently considered by the Corporate Resources Overview and Scrutiny Committee on 7 February 2022 and by Cabinet at its meeting dated 22 February 2022.

Councillor Ivor Williams presented verbal feedback from the Corporate Resources Overview and Scrutiny Committee stating that a robust discussion had taken place and that all Committee Members were supportive of the proposal. He thanked the Independent Group for bringing this report for consideration.

Councillor Elizabeth Evans stated that she was supportive of the proposal, but noted that communities with a high number of second homes also need to be supported.

Councillor Ifan Davies, on behalf of the Independent Group thanked Officers for the work done at short notice, and thanked the Chairman of the Corporate Resources Overview and Scrutiny Committee for scheduling a special meeting to consider the recommendations. He noted that there are several challenges facing rural areas, and the affordability of homes for young people is one of the most important ones. He noted that the recommendations being considered were a first phase but further work would be required in the new administration to consider and develop the various options available.

Following a vote, it was **RESOLVED** that:

- a) The Council decision 24/03/2016 Minute 12) Report of the Deputy Chief Executive upon the Council Tax Premiums for long-term empty homes and second homes, point 4 be amended as follows:  
*“4.a) The level of Council Tax Second Homes Premium charged to be set at 25% (with effect from 1 April 2017); and,  
b) that all monies raised from the 25% Council Tax Second Homes Premium (net of the Council Tax refunds), be ring-fenced and used to support the Community Housing Scheme.”*
- b) That all monies raised from the 25% Council Tax Second Homes Premium between the period 01/04/2017 to 31/03/2022 (net of Council Tax refunds), to be ring-fenced and used to support the Community Housing Scheme.
- c) That all monies raised from the 25% Council Tax Second Homes Premium from 01/04/2022 (net of the Council Tax refunds), to be ring-fenced and used to support the Community Housing Scheme.
- d) That from 01/04/2022, all monies raised from the 25% Council Tax Empty Homes Premium (net of the Council Tax refunds), be ring-fenced and used to support the Community Housing Scheme
- e) That Council decision 16/03/2017 minute 8.b) Council Tax Premiums on Second Homes, be revoked

- f) That details of a shared equity element of the scheme are prepared and agreed within 12 months of the Council decision and that work continues on the other options.
- g) The possibility of establishing a Community Benefit Scheme be deferred for one year.

**14 Report of the Corporate Lead Officer: Legal and Governance upon changes to the Council's Constitution**

Councillor Ray Quant, Cabinet Member for Legal and Governance, People and Organisation and Democratic Services presented the report noting that the proposed changes have been considered and approved by the Cross Party Working Group, to include:

- Adding the Head of Democratic Services to the list of Statutory Officers
- Updating the Cabinet Portfolios in Part 3.4 Table 4 and Part 3 (Appendix 2)
- Including Whistleblowing to the delegations of the CLO Legal & Governance
- Delegations to CLO Policy, Performance and Public Protection, including Civil Contingencies and Business Continuity, and Trading Standards and Licensing Manager
- Delegations to CLO, Porth Cynnal, including a reference to Social Services and Well-Being (Wales) Act 2014 and reference to role of both CLOs regarding the West Wales Regional Partnership Board and West Wales Care Partnership
- Delegations to CLO, Finance and Procurement including status as Chief Finance Officer Growing Mid Wales Board and Mid Wales Corporate Joint Committee and clarification of status as Ceredigion Chief Finance Officer
- Adding Mid Wales Education Partnership to Section 4 Part 7 (appendix 12)
- Amendments to the Ethics and Standards Committee and Governance and Audit Committee reflecting the Local Government and Elections (Wales) Act 2021
- Adding the Welsh in Education function in Part 3.2 Table 2, Part 3
- Adding a New Members Protocol of Good Practice in Planning, the Development Management Committee Operational Procedures, and updated Terms of Reference, Scheme of Delegations, and confirming change of name to Development Management Committee
- An amendment reflecting the agreed reduction of Membership of various committees
- Minor amendments including stylistic / formatting changes.

Following a vote, it was **RESOLVED** to:

- a) Change of name of the Development Control Committee to Development Management Committee
- b) Note the contents of the report (in particular paras. A-M);
- c) Approve the changes to the Constitution (at Appendices 1-12 of the report);
- d) Authorise the CLO Legal and Governance / Monitoring Officer to update the Council's Constitution to reflect the above changes.

**15 Report of the Corporate Lead Officer: Legal and Governance upon the Draft Annual Governance Statement 2021-22**

Councillor Ray Quant, Cabinet Member for Legal and Governance, People and Organisation and Democratic Services presented the report to Council stating that the Accounts and Audit (Wales) Regulation 2014 requires local authorities to conduct a review of the effectiveness of their governance framework including their systems of internal control at least on an annual basis.

He noted the 7 underpinning principles of the Annual Governance Statement, and gave an overview of the final review scoring completed during the workshop which resulted in actions being identified for 2022/23.

It was noted that the Annual Governance Statement is reported to Audit Wales each year, and that a Member/Officer workshop was held to review existing governance arrangements against the framework which reviewed the scoring, identifying actions for 2022-23. The draft document were approved by Governance and Audit Committee on 19 January 2022.

Following a vote, it was **RESOLVED** to:

- a) Note the contents of the 2021-2022 Governance Framework Document (Appendix 1);
- b) Approve the Draft Annual Governance Statement 2021-2022 (Appendix 2);
- c) Approve the Local Code of Corporate Governance 2022-2023 for publication (Appendix 3).

Councillor Elizabeth Evans, Chair of Governance and Audit Committee noted that the Committee had considered every item in detail, along with the scores and thanked Officers, Members of the Governance and Audit Committee, and the Lay Member, Professor Ian Roffe for their contributions.

**16 Report of the Corporate Lead Officer: People and Organisation upon the Approval of Teacher Pay Policies**

Councillor Catrin Miles, Cabinet Member for Schools and Culture presented the report noting a 1.75% uplift applied to all statutory scale points and allowances, payable from 1 September 2021, the inclusion of a set of mandatory and discretionary principles of pay portability and clarification of the position of head teachers responsible for more than one school, and confirming that as a result of the extra bank holiday to celebrate the Queen's Platinum Jubilee in 2022, teachers must be available to work for 194 days.

It was noted that following consultation with Local Trade Union Officers, a comprehensive list of relevant equality legislation has also been included

Following a vote, it was **RESOLVED** to approve:

- a) The Model School Pay Policy 2021/22 to commend to Governing Bodies for adoption within schools in Ceredigion
- b) The Model Unattached Teacher Pay Policy for centrally employed teachers.

- 17 **Report of the Corporate Lead Officer: People and Organisation upon the Council's proposed Pay Policy for 2022-23 and Addendum Item 18**
- Councillor Ray Quant, Cabinet Member for Legal and Governance, People and Organisation and Democratic Services presented the report noting that since publishing the Council agenda on Thursday 24 February, the 2021/22 Pay Awards for Chief Executive, Chief Officers, Soulbury and NJC staff have been agreed, and a report has been published as an Addendum in order for the Council to consider the most up to date version of the Pay Policy for 2022-23.

It was noted that:

- The NJC Spinal Column Point 1 was increased by 2.75% and all other spinal column points by 1.75% and back-dates to 1 April 2021.
- The national pay award for Chief Executives and Chief Officers has been agreed at 1.5% and backdated to 1 April 2021.
- The national pay award for Soulbury Committee has been agreed at 1.75% and backdated to 1 September 2021.
- Any severance package for a Chief Officer must be approved by Full Council.
- Employees who leave the Council under an efficiency scheme (voluntary redundancy, early retirement or severance) will not be permitted to return to employment with the Council for a period of 2 years, apart from exceptional circumstances and only where approved by the relevant Corporate Director and Corporate Lead Officer - People & Organisation.
- Chief Officers who leave the Council under an efficiency scheme (voluntary redundancy, early retirement or severance) will not normally be permitted to return to employment with the Council, or as an agency worker or on a consultancy basis, apart from exceptional circumstances and only where approved by Chief Executive and Cabinet Member for Legal & Governance, People & Organisation and Democratic Services.

It was also noted that negotiations for 2022-23 have not started yet.

Following a vote, it was **RESOLVED** to approve the Pay Policy for 2022/23.

**Confirmed at the Meeting of the Council held on 13 May 2022**

**CHAIRMAN:** \_\_\_\_\_

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## **Minutes of the Meeting of CEREDIGION COUNTY COUNCIL held at Neuadd Cyngor Ceredigion, Penmorfa, Aberaeron and remotely via video-conference on Friday, 8th July, 2022**

**PRESENT:** Councillor Ifan Davies (Chair), Councillors Bryan Davies, Catrin M S Davies, Clive Davies, Euros Davies, Gareth Davies, Gethin Davies, Marc Davies, Meirion Davies, Rhodri Davies, Steve Davies, Amanda Edwards, Endaf Edwards, Eryl Evans, Gwyn Wigley Evans, Keith Evans, Rhodri Evans, Wyn Evans, Keith Henson, Paul Hinge; Geraint Wyn Hughes, Hugh Hughes, Chris James, Gwyn James, Ceris Jones, Maldwyn Lewis, Gareth Lloyd, Sian Maehrlein, Caryl Roberts, John Roberts, Wyn Thomas, Matthew Vaux, Alun Williams and Carl Worrall.

(10.45am - 12.40pm)

### **Procedure**

The Chairman of the Council, Councillor Ifan Davies welcomed all to the meeting and confirmed that the meeting was being webcasted.

#### **1 Apologies**

Councillors Endaf Edwards Elaine Evans, and Mark Strong apologised for their inability to attend the meeting.

#### **2 Disclosure of personal / prejudicial interests**

The Chairman declared a personal interest on behalf of all Councillors in item 6 below. All Councillors agreed.

Councillors Gareth Davies and Rhodri Evans declared a personal and prejudicial interest in relation to item 8 below and withdrew from the meeting during discussions.

Councillors Bryan Davies and John Roberts declared a personal interest in relation to item 8 below.

#### **3 Personal matters**

- a) The Chairman, Councillor Ifan Davies extended his condolences to Councillor Sian Maehrlein on the recent bereavement of her daughter;
- b) The Chairman, Councillor Ifan Davies extended his condolences to Rowland Rees Evans, the High Sheriff and former Councillor following the recent bereavement of his father;
- c) The Chairman, Councillor Ifan Davies extended his condolences to the family and friends of Councillor Hag Harris;

The Council observed a minutes' silence.

- d) Councillors Bryan Davies, Gareth Lloyd, Elizabeth Evans and Alun Williams reiterated the above condolences and paid tribute to Councillor Hag Harris;
- e) Councillor Catrin M S Davies congratulated Dr Daniel Huws on publishing a Repository of Welsh Manuscripts and Scribes;
- f) Councillor Catrin M S Davies congratulated Stevie Williams on being selected to represent Wales in the Commonwealth Games;

- g) Councillor Catrin M S Davies congratulated Joshua Tarling on being selected to represent Wales in the Commonwealth Games;
- h) Councillor Catrin M S Davies congratulated Alwen Butten on being selected to represent Wales in the Commonwealth Games;
- i) Councillor Euros Davies congratulated Twm Ebbsworth on winning the Crown at the Eisteddfod yr Urdd in Denbigh;
- j) Councillor Euros Davies congratulated Catrin Jones on winning the Arts and Crafts prize at the Eisteddfod yr Urdd in Denbigh;
- k) Councillor Rhodri Davies congratulated Phyllis Kinney on celebrating her 100<sup>th</sup> birthday;
- l) Councillor Caryl Roberts congratulated Emma Healy and the team at Meithrinfa Gogerddan on winning the best nursery in Wales award;
- m) Councillor Gareth Davies congratulated Aberystwyth University on reaching first place and Wales and second prize in the UK in a recent student satisfaction survey;
- n) Councillor Eryl Evans congratulated Iwan Jones on winning a silver medal in the Welsh Championships in the 20-24 age category;
- o) Councillor Ifan Davies congratulated the Ceredigion team on all of the preparatory work for the National Eisteddfod in Tregaron.

**4 Minutes of the Meetings of the Council held on: 13 May 2022, 20 May 2022 and 27 May 2022**

It was **RESOLVED** to confirm as a true record the Minutes of the Council meeting held on 13 May 2022, 20 May 2022 and 27 May 2022.

There were no matters arising.

**5 Appointment of Members to the following roles:**

It was **RESOLVED** to appoint the following Members:

Language Committee (vacant seat)	Councillor Bryan Davies
'Age Friendly' Member Champion	Councillor Alun Williams
Schools Admissions and Finance Forum	Councillor Bryan Davies Councillor Wyn Thomas Councillor Endaf Edwards
Gypsy and Traveller Steering Group	Councillor Matthew Vaux Councillor Clive Davies Councillor Gareth Davies
Mid Wales Fire Authority (vacant seat)	Councillor Gareth Lloyd
Mid Wales Regional Skills Partnership (and will also attend the Growing Mid Wales Joint Committee)	Councillor Wyn Thomas
Teifi Nutrient Management Board	Councillor Clive Davies

Corporate Joint Committee Overview and Scrutiny Sub Committee	Councillor Rhodri Davies Councillor Maldwyn Lewis Councillor Carl Worrall Councillor Gwyn Wigley Evans Councillor John Roberts
Corporate Joint Committee Governance & Audit Sub Committee	Councillor Elizabeth Evans Councillor Gareth Lloyd
Corporate Joint Committee Standards Sub Committee	Councillor Gwyn Wigley Evans
Corporate Joint Committee Sub Committee for Regional Transport Planning (TraCC) (additional Member)	Councillor Alun Williams
Mid Wales Joint Scrutiny Committee for Health and Care	Councillor Paul Hinge Councillor Caryl Roberts Councillor Gwyn James
Ceredigion Fostering Panel	Councillor Alun Williams
Cylch Caron Stakeholder Board	Councillor Ifan Davies
Welsh Books Council	Councillor Endaf Edwards

**6 Report on the Recommendations of the Democratic Services Committee in relation to the matters deferred by Council in relation to the Members' Schedule of Remuneration 2022/23**

Councillor Bryan Davies, Leader of the Council presented the report, noting that The Members' Schedule of Remuneration for 2022/23 was approved by Council on 20<sup>th</sup> May 2022 with the exception of paragraph 8, bullet point 6 and 7 of the covering report and paragraph 15.1 of the Schedule, which were deferred for further consideration by the Democratic Services Committee.

Councillor Gareth Lloyd, Vice Chairman of the Democratic Services Committee noted that the matters deferred by Council were considered at its meeting on 20<sup>th</sup> May 2022, which recommended that Councillors who are not members of respective committee or are not specifically invited to attend, **are encouraged** to attend meetings remotely, and that Members **should liaise with the** Corporate Lead Officer, Democratic Services **in order to ensure that there is provision in the budget and that there is a need to attend in person.** No changes were recommended to paragraph 15.1 of the Schedule however it was recommended that Schedule 2, Approved duties is amended in line with paragraph 8, bullet point 7 of the covering report. Members noted the importance of the impact upon the climate and the costs associated with travelling

Following a vote, it was **RESOLVED** to approve the following amendments to the Members' Schedule of Remuneration 2022/23:

- a) Paragraph 8; bullet point 6 and 7 of the covering report:  
In line with the Local Government and Elections Act 2021, the Council will be holding hybrid meetings which means that not all Councillors will need to be present in the Council Chamber in order to attend meetings. Those that are not members of the respective Committee or are specifically invited to attend, **are encouraged** to attend meetings remotely.  
In person attendance at conferences, seminars, external meetings and training events **should liaise with** the Corporate Lead Officer, Democratic Services **in order to ensure that there is provision in the budget and that there is a need to attend in person.**
- b) Schedule 2, Approved duties, first paragraph to be amended as follows, in line with paragraph 8, bullet point 7 of the covering report:  
**Councillors should liaise with the Corporate Lead Officer: Democratic Services if they** intend to claim travelling and expenses costs for in person attendance at conferences, seminars, out of county meetings and training events, **to ensure that there is provision in the budget and that there is a need to attend in person.**

- 7 Report on the Draft Protocols for Broadcasting and remote meetings**  
Councillor Bryan Davies, Leader of the Council presented the report to Council noting that in accordance with the Local Government and Elections (Wales) Act 2021, it is a statutory requirement for Councils to publish arrangements relating to hybrid meetings and the broadcasting of meetings. It was noted that the draft protocol is subject to any amendments required following the publication of the final Welsh Government guidance, and installation of phase 2 of the hybrid system. The draft protocol was considered by the Democratic Services Committee at its meeting on 17 June 2022 and recommended for approval by Council.

Members asked that a Workshop is held to discuss aspects such as the impact of technical failure on a Members' right to vote. It was noted that where there is a technical impact which affects the whole meeting, the discussion is suspended in order to re-establish connections, however where an individual Councillor or Officer loses connection due to broadband capacity, or temporarily leaves the meeting to take a telephone call, the protocol reflects circumstances where a Member attending in person leaves the Council Chamber and the meeting will not be suspended pending reconnection.

Following a vote, the Council resolved to:

- a) approve the protocols as set out in Appendix A of the report; and to  
b) to include the protocols with the Council's Constitution.

- 8 Report on the Application to Register Land as a Village Green at Erw Goch field adjoining Hafan y Waun, Waunfawr, Aberystwyth**

Councillors Gareth Davies and Rhodri Evans left the meeting for the duration of the discussion on the following item.

Councillor Bryan Davies, Leader of the Council presented the report to Council noting that an application was received in February 2021 to register land at Erw Goch Field, Waunfawr on the Register of Town or Village Greens under Section 15 of the Commons Act 2006. The land is within the ownership of Ceredigion County Council, and also forms part of a planning application for residential development and associated works.

He noted that the Council has sought independent legal advice, and that a separation of roles within relevant services has been established in order to avoid potential conflict of interest. The Registration Authority has sent a notice to every person (other than the applicant) believed to be an owner, lessee, tenant or occupier of any part of the land affected and notice was published in the Cambrian News and placed at various entry points onto the land. It was noted that a further 184 additional submissions were received, and that the Council as landowner had submitted an objection to the application for registration of the Land as Town or Village Green via external solicitors.

There are no formal procedures in place for determining applications, however in order to consider the merits of the application and the application of law, it is proposed that a Barrister is appointed to consider the application on behalf of the Council as Registration Authority and that findings are reported back to the Council for final decision on the matter.

Members questioned the proposal to appoint a Barrister, asking whether face to face meetings and mediation had been considered with an aim to find middle ground and whether it would be appropriate to request that a neighbouring authority acts as Registration Authority. Officers noted that the decision on the application would be made by Council, and that if it was their decision not to appoint a Barrister, they would then be dependent upon the deliberations and conclusions derived Officers on this matter. Appointing an independent Barrister would provide an assurance to Members that the information is legally correct, and that the Council would be less open to challenge. It was noted that the Land in question is included in the Local Development Plan and that an application presented to the Development Management Committee had been deferred to consider the application for Town or Village Green, therefore there may be a risk of being open to a challenge of mal administration if the Council entered into discussions with the applicant at this stage. It was also noted that the Council could look into procedures for working with a neighbouring authority in order to provide an additional safeguard.

Following a vote, the Council **RESOLVED** to:

- a) authorise the appointment of a Barrister to act as an independent assessor;
- b) that the Barrister advises on the merits of the application for registration of the Land as Town or Village Green;

- c) subject to the advice provided in (b), that the Barrister hold a Public Inquiry or such other hearing as advised by the Barrister, the findings of which and recommendation will be reported back to the Council for decision on the application to register the Town or Village Green.

**9 Appointment of co-opted Members to the Learning Communities Overview and Scrutiny Committee**

Councillor Bryan Davies, Leader of the Council presented the report to Council noting that in accordance with the Council's Constitution, two representatives of Parent-Governors currently serving on School Governing Bodies are appointed to serve on the Learning Communities Overview and Scrutiny Committee as co-opted members with voting rights. One from the primary sector and one from the secondary sector. The term of the appointment will last for 5 years from the date of appointment or until the representative ceases to be a parent-governor or resigns from the Committee. A recruitment exercise took place in May of this year.

Following a vote it was **RESOLVED** to approve the appointment of the following co-opted members of the Learning Communities Overview and Scrutiny Committee from 7th July 2022, for a term of 5 years from that date:

- Cathryn A. Charnell-White (primary sector)
- Jonny Huw Greatrex (secondary sector).

**10 Report on Amendments to the Ethics and Standards Hearing Procedures**

Councillor Matthew Vaux, Cabinet Member for Housing, Legal and Governance, People and Organisation and Public Protection presented the report to Council noting that the Independent Review of the Ethical Standards Framework in Wales report recommends that training by undertaken by Standards Committee on holding hearings to ensure openness and fairness.

The report was considered by the Ethics and Standards Committee on 17<sup>th</sup> January 2022 and again on 25 May 2022 to take into account recommendations arising from a workshop held on 7<sup>th</sup> April 2022. The Committee recommended that the report be presented to Council for approval.

Officers noted that Ceredigion County Council has not been subject to an Ombudsman enquiry or necessitated a hearing during the past 10 years, however it is important that an appropriate hearing procedure is in place, noting that training will be provided in September of this year.

Following a vote, the Council unanimously **RESOLVED** to approve the revised 'Dealing with Complaints' hearing procedures.

**11 The Annual Governance and Audit Committee Report 2021-22**

Councillor Matthew Vaux, Cabinet Member for Housing, Legal and Governance, People and Organisation and Public Protection presented the

report to Council noting that the Local Government (Wales) Measure 2011, as amended by the Local Government and Elections (Wales) Act 2021, requires Councils to establish a Governance and Audit Committee and to publish an Annual Report providing an assessment on the effectiveness of the Governance and Audit Committee and to provide assurance that issues have been addressed and progressed.

A draft Annual Report of the Governance and Audit Committee 2021-2022 was presented to the Governance and Audit Committee during a meeting held on 6<sup>th</sup> June 2022 and recommended for approval by Council subject to incorporating the attendance record of Committee Members during the year.

Councillor Elizabeth Evans, Chair of Audit Committee during 2021-2022 noted that the report demonstrates the considerable amount of work carried out by this committee and thanked the Officers supporting the committee.

The Council noted for the contents of the Annual Report of the Governance and Audit Committee 2021-22 which will now be published on the Council's website.

**12 The Governance Framework Document and Draft Annual Governance Statement 2021-22**

Councillor Matthew Vaux, Cabinet Member for Housing, Legal and Governance, People and Organisation and Public Protection presented the report to Council noting that the report was presented to Council on 3 March 2022, and that recommendations by Council were considered by the Governance and Audit Committee on 6<sup>th</sup> June 2022. The recommendations have now been incorporated, and subject to Council approval, will be presented to Audit Wales prior to a final approval by Council.

Councillor Elizabeth Evans noted that the amendments to the scoring had been considered in consultation with Officers and included in the responses.

The Council noted the content of the updated 2021-2022 Governance Framework Document and following a vote the Council unanimously **RESOLVED** to approve the Draft Annual Governance Statement 2021-2022.

**13 Report on a Guide to the Constitution and changes to the Council's Constitution**

Councillor Matthew Vaux, Cabinet Member for Housing, Legal and Governance, People and Organisation and Public Protection presented the report to Council, noting that the Guide to the Constitution and the proposed amendments had been considered by the Constitution Working Group at its meetings dated 15 March and 20 June 2022.

The Council unanimously **RESOLVED** to

- a) approve the Constitution Guide as amended at Appendix 1;
- b) approve the changes to the Constitution at Appendices 2-9; and
- c) Authorise the Monitoring Officer to update the Council's Constitution to reflect the above changes.

**Confirmed at the Meeting of the Council held on 15 September 2022**

**CHAIRMAN:** \_\_\_\_\_

# Public Document Pack

## Minutes of the Special Meeting of CEREDIGION COUNTY COUNCIL held at Neuadd y Cyngor, Penmorfa, Aberaeron and remotely via video-conference on Friday, 8th July, 2022

**PRESENT:** Councillor Ifan Davies (Chair), Councillors Bryan Davies, Catrin M S Davies, Clive Davies, Euros Davies, Gareth Davies, Gethin Davies, Marc Davies, Eryl Evans, Keith Evans, Rhodri Evans, Wyn Evans, Keith Henson, Hugh R M Hughes, Chris James, Ceris Jones, Gareth Lloyd, Caryl Roberts, Wyn Thomas, Matthew Vaux, Alun Williams and Carl Worrall

(2.00pm - 3.05pm)

### **Procedure**

The Chairman of the Council, Councillor Ifan Davies welcomed all to the meeting and confirmed that the meeting was being webcasted.

#### **1 Apologies**

Councillors Meirion Davies, Rhodri Davies, Amanda Edwards, Endaf Edwards, Elaine Evans, Elizabeth Evans, Paul Hinge, Geraint Hughes, Gwyn James, Sian Maehrlein, John Roberts and Mark Strong for their inability to attend the meeting.

#### **2 Disclosure of personal / prejudicial interests**

There were no disclosures of interest.

#### **3 Personal Matters**

None.

#### **4 EXEMPT ITEM**

The report relating to item 5 on the agenda, Enclosure B is not for publication as it contains exempt information as defined in paragraph 12 and 13 of Part 4 of Schedule 12A to the Local Government Act 1972 as amended by the Local Government (Access to information) (Variation) (Wales) Order 2007. If, following the application of the Public Interest Test, the Council resolves to consider this item in private, the public and press will be excluded from the meeting during such consideration, in accordance with Section 100B(2) of the Act.

Members were requested, when dealing with the item, to consider whether to exclude the public and press from the Meeting.

It was **RESOLVED** to exclude the public and press during consideration of item 5 below on the basis that the application contained personal information which should not, on balance, be disclosed to the public and press. The Chairman confirmed that the webcasting would be suspended during item 5 below.

#### **5 To interview the candidate(s) as shortlisted for the post of Corporate Lead Officer: Finance and Procurement; and to appoint one person to the post (Enclosures A; and Enclosure B - EXEMPT)**

The Council received a presentation and response to set questions from the applicants who had been shortlisted for appointment to the vacant post of

Corporate Lead Officer: Finance and Procurement (which also acts as the Council's Chief Finance Officer and designated Section 151 Officer under Local Government Act 1972). Feedback was also provided by the Chair of the Shortlisting Committee and the Chief Executive.

Following a vote it was **RESOLVED** to offer the post to Mr D Hall.

Consideration was given to the salary that would be offered. It was proposed and seconded that the post be offered on the first incremental point on the Corporate Lead Officer A2 pay scale.

Following a vote, it was **RESOLVED** that the post be offered on a salary of £80,052, the first incremental point on the Corporate Lead Officer A2 pay scale.

Mr D Hall, on being offered the post, accepted the position on a salary of £80,052 which is on the first incremental point of the Corporate Lead Officer A2 pay scale, effective from the 1<sup>st</sup> September 2022.

The public and press were then invited to enter the meeting.

The Chairman confirmed that Mr D Hall had been offered and accepted the position starting on the first incremental point of at the Corporate Lead Officer A2 pay scale, to commence on 1<sup>st</sup> September 2022.

**Confirmed at the Meeting of the Council held on 15 September 2022**

**CHAIRMAN:** \_\_\_\_\_

## CEREDIGION COUNTY COUNCIL

**Report to:** Council

**Date of meeting:** 20.10.2022

**Title:** LA Representative on School Governing Bodies and the Management Board of Ceredigion PRU

**Purpose of the report:** As stated in the *Government of Maintained Schools (Wales) Regulations 2005*, Local Authority (LA) governors are appointed by the local authority.

**For:** Decision

**Cabinet Portfolio and Cabinet Member:** Cllr Wyn Thomas

Ysgol Bro Pedr: to appoint Cllr Ann Bowen Morgan as LA Representative on the School Governing Body.

Ceredigion PRU (Pupil Referral Unit): to appoint Cllr Wyn Thomas as LA Representative on the Management Board.

**Has an Integrated Impact Assessment been completed? If, not, please state why** N/A

**Wellbeing of Future Generations:** *Summary:*  
Long term:  
Integration:  
Collaboration:  
Involvement:  
Prevention:

**Recommendation(s):** Members are requested to:

- a) confirm the appointment of Cllr Ann Bowen Morgan as LA representative to Ysgol Bro Pedr Governing Body;
- b) Confirm the appointment of Cllr Wyn Thomas as LA representative to the Management Board of Ceredigion PRU.

**Reasons for decision:** To appoint a representative of the LA on the Governing Bodies of the relevant Schools and on the Management Board of Ceredigion PRU.

**Overview and Scrutiny:** N/A

**Policy Framework:**

<b>Corporate Priorities:</b>	N/A
<b>Financial implications:</b>	N/A
<b>Statutory Powers:</b>	N/A
<b>Background Papers:</b>	N/A
<b>Appendices:</b>	N/A
<b>Corporate Lead Officer:</b>	Meinir Ebbsworth Corporate Lead Officer – Schools
<b>Reporting Officer:</b>	Nia James
<b>Date:</b>	10.10.2022

## CEREDIGION COUNTY COUNCIL

<b>Report to:</b>	Council
<b>Date of meeting:</b>	20 October 2022
<b>Title:</b>	Application to Register Land as a Village Green at Erw Goch field adjoining Hafan y Waun, Waunfawr, Aberystwyth (Section 15, Commons Act 2006)
<b>Purpose of the report:</b>	To authorise a procedure for determining an application to register land as a Village Green.
<b>For:</b>	Decision
<b>Cabinet Portfolio and Cabinet Member:</b>	Councillor Clive Davies, Member for Economy and Regeneration

### **1. Background**

#### **Application**

On the 24<sup>th</sup> February 2021 an application was submitted to the County Council as Registration Authority by Ms Sian Richards, 3 Cefn Esgair, Llanbadarn Fawr, Aberystwyth to register land at Erw Goch Field, Land, adjoining Hafan y Waun, Waunfawr, Aberystwyth, Ceredigion, SY23 3AY (“the Land”) on the Register of Town or Village Greens (“TVG”) (under Section 15 of the Commons Act 2006).

The application along with all the supporting evidence submitted to the Council as Registration Authority is available to view on the Council’s website. The following link takes you to the Common Land and Village Green webpage; *scroll to the bottom of the page and click on “Town or Village Greens”, scroll down further to “Erw Goch field”, where there is a zip file containing all relevant documentation. Please note that the documents received as part of the application and consultations are numerous and may take a few minutes to download.*

\*\*Link: <http://www.ceredigion.gov.uk/resident/coast-countryside/common-land-and-town-village-greens/>

#### **Council as Landowner**

One of the Council’s objections to the application acting in its capacity as landowner is that the land is not capable of meeting the tests in section 15(2) of the Commons Act 2006 because it was acquired and held by the local authority for education purposes which is incompatible with registration as town or village green.

A copy of the objection on behalf of Ceredigion County Council as landowner made to the Council as Registration Authority during the consultation period is located on the Council’s website at (please see directions under “Application” above for accessing the documents):

\*\*Link: <http://www.ceredigion.gov.uk/resident/coast-countryside/common-land-and-town-village-greens/>

## Council Meeting 8<sup>th</sup> July 2022

A report was presented to Council at its meeting on 8<sup>th</sup> July 2022 and details of the background to the application can be found within that report, the link to which is:

<https://council.ceredigion.gov.uk/ieListDocuments.aspx?CId=149&MId=274&Ver=4&LLL=0>

<https://council.ceredigion.gov.uk/documents/g274/Printed%20minutes%2008th-Jul-2022%2010.30%20Council.pdf?T=1&LLL=0>

8) Report on the Application to Register Land as a Village Green at Erw Goch field adjoining Hafan y Waun, Waunfawr, Aberystwyth

Council RESOLVED to:

- “a) authorise the appointment of a Barrister to act as an independent assessor;
- b) that the Barrister advises on the merits of the application for registration of the Land as Town or Village Green;
- c) subject to the advice provided in (b), that the Barrister hold a Public Inquiry or such other hearing as advised by the Barrister, the findings of which and recommendation will be reported back to the Council for decision on the application to register the Town or Village Green.”

### **2. Current Position**

This report is prepared and presented to the Council by the Council’s Registration Authority, acting pursuant to the Commons Registration Act 1965 and Commons Act 2006.

In order to avoid potential conflicts of interest, there is a separation of roles within relevant services.

### **Independent Assessor**

Following the Council’s resolution on 8<sup>th</sup> July 2022, a solicitor of the Council’s Legal service acting for the Council as Registration Authority provided instructions to a Barrister to act as an independent assessor.

This is in compliance with resolution (a).

These instructions were accompanied by documentation comprising of the submissions made to the Council as Registration Authority during the consultation period. The Independent Assessor instructed is Katherine Barnes, Barrister, of 39 Essex Chambers.

The submissions to the Registration Authority can be found at:

<http://www.ceredigion.gov.uk/resident/coast-countryside/common-land-and-town-village-greens/>

The Independent Assessor for the Council as Registration Authority has provided an initial report which is attached as **Appendix 1**. This is in compliance with Resolution (b).

The Independent Assessor, at paragraph 7 of the attached initial report, states that the note contains her advice further to the Council's resolution (b) made at the meeting on 8<sup>th</sup> July 2022 as referenced above.

The initial report at paragraphs 8 and 9 states as follows:-

8. *"I have reviewed the Application and the representations made for and against the Application. In light of this:*
  - (a) *I confirm that I have not identified any reason why the Application has not been validly made and why it should not – therefore – be determined on its merits.*
  - (b) *With the exception of the point addressed at (c) immediately below, my recommendation to the Registration Authority as to how it should determine the Application will depend how I consider various disputes of fact should be resolved. This means that it is appropriate for the evidence to be tested through cross-examination at a public inquiry. Indeed, as per the Guidance above, the robust testing of the evidence is particularly important in this case given that Ceredigion County Council is both decision-maker (in its capacity as Registration Authority) and landowner. As such, I do not consider it would be helpful, or fair, for me to comment further at this early stage on the apparent strength of the evidence in support of and/or against the Application.*
  - (c) *One of the Landowner's objections to registration is based on the "statutory incompatibility" doctrine developed by the courts in a series of relatively recent cases. This is essentially a question of law (as confirmed by the Supreme Court in Lancashire County Council v Secretary of State for the Environment, Food and Rural Affairs [2019] UKSC 58) and so will not benefit from cross-examination. Rather, as a point of law it is best addressed through legal submissions. Further, if the Landowner's objection in this regard succeeds, the law requires that the Registration Authority reject the Application. Accordingly, it seems to me that the Landowner's proposal of dealing with the question of statutory incompatibility as a preliminary issue is sensible. Furthermore, I see no reason why the issue cannot adequately and fairly be dealt with in writing. This will benefit all parties, as well as the Registration Authority, since if my advice is that the statutory incompatibility defence succeeds (and the Registration Authority goes on to accept my advice in this regard), the time and expense of a public inquiry can be avoided.*
9. *Accordingly, I recommend that the Registration Authority authorises the following way forward in respect of determining the Application:*
  - (a) *The independent barrister assessor to consider as a preliminary issue, and by way of written representations (unless the barrister subsequently considers that a hearing or inquiry would be more appropriate), whether the doctrine of statutory incompatibility prevents registration of the Land as a TVG;*
  - (b) *The independent barrister assessor to write a report setting out her recommendation as to whether the Landowner's statutory incompatibility*

*defence succeeds. The report is to be shared with the parties, and made publicly available;*

- (c) *If the independent barrister assessor's report referred to at (b) advises that the statutory incompatibility defence succeeds, such that recommendation made to the Registration Authority is that it should not so register the Land as a TVG, the Application shall at that stage be considered by the Registration Authority for decision;*
- (d) *If the independent barrister assessor's report referred to at (b) advises that the statutory incompatibility defence fails, she shall go on the hold a public inquiry to examine the remaining issues. Following the public inquiry, the independent barrister assessor shall provide the Registration Authority with a report which sets out her analysis of the evidence and recommendation as to whether the Land should be registered as a TVG. The Application shall then be considered by the Registration Authority for decision."*

### **3. Decision Making**

The role of the Barrister acting for the Registration Authority is that of an independent assessor and it is an advisory role rather than that of a decision-maker.

The Independent Assessor's role is to:

- consider the Application and the evidence for and against it
- and make a recommendation to the Registration Authority as to how it should determine the Application.

Determination of an application for registration as a Town or Village Green under section 15 of the Commons Act 2006 has not been delegated pursuant to Ceredigion County Council's Constitution.

Accordingly, the Council acting as a whole, is the decision-making body for the Council on behalf of the Registration Authority.

It is ultimately for the Council in its capacity as Registration Authority to determine the Application (including the statutory incompatibility defence referred to above),

as it sees fit, having taken into account:

- the recommendation of the Independent Assessor acting for the Registration Authority and
- the reasons for it.

### **4. Conclusion**

The course of action proposed by the Independent assessor (Barrister) as outlined above, will benefit all parties as well as the Registration Authority since:

*if her "advice is that the statutory incompatibility defence succeeds (and the Registration Authority goes on to accept the advice in this regard), the time and expense of a public inquiry can be avoided."* (para 8(c)).

Conversely, if the statutory incompatibility defence does not succeed, the Barrister advises that she shall go on to hold a public inquiry to examine the remaining issues and her advice further to that process would be reported back to the Council as

Registration Authority for decision (para 8(d)). This is in compliance with Resolution (c).

**Has an Integrated Impact Assessment been completed? If, not, please state why** N/A – this is not a policy or service change

**Wellbeing of Future Generations:**

**Summary:**  
**Long term:**  
**Integration:**  
**Collaboration:**  
**Involvement:**  
**Prevention:**

**Recommendation(s):**

Council resolves that:

- (a) The independent barrister assessor is authorised to consider as a preliminary issue, and by way of written representations (unless the barrister subsequently considers that a hearing or inquiry would be more appropriate), whether the doctrine of statutory incompatibility prevents registration of the Land as a Town or Village Green;
- (b) The independent barrister assessor is authorised to write a report setting out her recommendation as to whether the Landowner's statutory incompatibility defence succeeds. The report is to be shared with the parties, and made publicly available;
- (c) If the independent barrister assessor's report referred to at (b) advises that the statutory incompatibility defence succeeds, such that recommendation made to the Registration Authority is that it should not register the Land as a Town or Village Green, that the Application shall at that stage be considered by the Registration Authority for decision;
- (d) If the independent barrister assessor's report referred to at (b) advises that the statutory incompatibility defence fails, she shall go on to hold a public inquiry to examine the remaining issues.
- (e) Following the public inquiry, the independent barrister assessor shall provide the Registration Authority with a report which sets out her analysis of the evidence and recommendation as to whether the Land should be registered as a Town or Village Green. The Application shall then be considered by the Registration Authority for decision.

**Reasons for decision:**

- To enable consideration of the Village Green Application,

- To ensure that appropriate processes are be in place.
- To ensure clarity and transparency

<b>Overview and Scrutiny:</b>	N/A
<b>Policy Framework:</b>	Ceredigion Rights of Way Improvement Plan (2019-2029)
<b>Corporate Priorities:</b>	Boosting the Economy Promoting Environmental and Community Resilience
<b>Finance and Procurement implications:</b>	Potential saving of public funds if Public Inquiry not required
<b>Legal Implications:</b>	Failure to comply with the Commons Act 2006 The Countryside Access (Local Access Forums) (Wales) Regulations 2001 Potential for judicial review
<b>Staffing implications:</b>	N/A
<b>Property / asset implications:</b>	N/A
<b>Risk(s):</b>	Failure to ensure that the Application is determined in accordance with legal advice and appropriate processes
<b>Corporate Lead Officer:</b>	CLO Highways & Environmental Services on behalf of Economy & Regeneration Service
<b>Reporting Officer:</b>	Eifion Jones
<b>Date:</b>	20/10/2022

**IN THE MATTER OF AN APPLICATION TO REGISTER LAND KNOWN AS ERW  
GOCH FIELD ADJOINING HAFAN Y WAUN, WAUNFAWR, ABERYSTWYTH  
SY23 3AY AS A TOWN OR VILLAGE GREEN UNDER SECTION 15(2) COMMONS  
ACT 2006**

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**INITIAL REPORT OF INDEPENDENT BARRISTER  
ASSESSOR TO COMMONS REGISTRATION AUTHORITY**

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**INTRODUCTION**

1. On 24 February 2021 Ceredigion County Council, in its capacity as commons registration authority under the Commons Registration Act 1965 and the Commons Act 2006 (“the Registration Authority”), received an application (“the Application”) to register land known as Erw Goch Field adjoining Hafan Y Waun, Waunfawr, Aberystwyth SY23 3AY (“the Land”) as a Town or Village Green (“TVG”) under section 15(2) of the Commons Act 2006.
2. The Registration Authority considered that the Application did not comply in full with the relevant statutory requirements with the result that further details were requested from the applicant. On 20 May 2021, following the submission of those further details, the Application was accepted. It follows that the formal date of the Application is 20 May 2021.
3. I understand that the Registration Authority subsequently advertised the Application and gathered representations in accordance with the procedure set out in The Commons (Registration of Town or Village Greens) (Interim Arrangements) (Wales) Regulations 2007. Representations for and against the Application have been received, including representations objecting to the Application from Ceredigion County Council as landowner (“the Landowner”).
4. Following the above, on 8 July 2022 the Registration Authority (as Full Council) considered the Application alongside an officer’s report (“the OR”). The OR advised the Registration Authority that there are no formal procedures in place for determining applications for the registration of TVGs but referred to paragraph 42 of a guidance document from the Welsh Government entitled “Guidance notes for the completion of

an application for the registration of land as a Town or Village Green” (“the Guidance”). The relevant extract provides:

*“42. The registration authority may decide to inquire into the application. This may take the form of a hearing before an officer of the authority or of a neighbouring authority, or the case may be heard before a committee of the authority. Alternatively, an independent inspector may be asked to conduct a public inquiry. A hearing or inquiry is particularly likely if the registration authority or another local authority owns the land so that the evidence may be tested impartially. The Court of Appeal has ruled that in determining applications where there is a dispute the registration authority should consider convening such a hearing or inquiry.”*

5. On 8 July 2022 the Registration Authority, in accordance with the recommendation in the OR, went on to resolve as follows:

*“a) authorise the appointment of a Barrister to act as an independent assessor;  
b) that the Barrister advises on the merits of the application for registration of the Land as Town or Village Green;  
c) subject to the advice provided in (b), that the Barrister hold a Public Inquiry or such other hearing as advised by the Barrister, the findings of which and recommendation will be reported back to the Council for decision on the application to register the Town or Village Green.”*

6. The Registration Authority’s legal department has accordingly instructed me, a barrister, to act as an independent assessor.

## **RECOMMENDED NEXT STEPS**

7. As I understand the resolution above, (c) requires me hold a public inquiry (or such other hearing as I advise) into the Application but this is subject to the advice on the merits I am first required to give under (b). This note therefore contains my advice under (b) so that, in light of this, the Registration Authority can consider whether it wishes to proceed to (c), or some alternative course of action such as that recommended below.
8. I have reviewed the Application and the representations made for and against the Application. In light of this:
  - (a) I confirm that I have not identified any reason why the Application has not been validly made and why it should not – therefore – be determined on its merits.

- (b) With the exception of the point addressed at (c) immediately below, my recommendation to the Registration Authority as to how it should determine the Application will depend how I consider various disputes of fact should be resolved. This means that it is appropriate for the evidence to be tested through cross-examination at a public inquiry. Indeed, as per the Guidance above, the robust testing of the evidence is particularly important in this case given that Ceredigion County Council is both decision-maker (in its capacity as Registration Authority) and landowner. As such, I do not consider it would be helpful, or fair, for me to comment further at this early stage on the apparent strength of the evidence in support of and/or against the Application.
- (c) One of the Landowner’s objections to registration is based on the “statutory incompatibility” doctrine developed by the courts in a series of relatively recent cases. This is essentially a question of law (as confirmed by the Supreme Court in *Lancashire County Council v Secretary of State for the Environment, Food and Rural Affairs* [2019] UKSC 58) and so will not benefit from cross-examination. Rather, as a point of law it is best addressed through legal submissions. Further, if the Landowner’s objection in this regard succeeds, the law requires that the Registration Authority reject the Application. Accordingly, it seems to me that the Landowner’s proposal of dealing with the question of statutory incompatibility as a preliminary issue is sensible. Furthermore, I see no reason why the issue cannot adequately and fairly be dealt with in writing.<sup>1</sup> This will benefit all parties, as well as the Registration Authority, since if my advice is that the statutory incompatibility defence succeeds (and the Registration Authority goes on to accept my advice in this regard), the time and expense of a public inquiry can be avoided.

9. Accordingly, I recommend that the Registration Authority authorises the following way forward in respect of determining the Application:

- (a) The independent barrister assessor to consider as a preliminary issue, and by way of written representations (unless the barrister subsequently considers that a hearing

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<sup>1</sup> I add for completeness that in so far as any question of fact arises, based on the representations and materials I have seen so far, I consider it could be adequately and fairly addressed in written submissions.

or inquiry would be more appropriate), whether the doctrine of statutory incompatibility prevents registration of the Land as a TVG;

- (b) The independent barrister assessor to write a report setting out her recommendation as to whether the Landowner's statutory incompatibility defence succeeds. The report is to be shared with the parties, and made publicly available;
- (c) If the independent barrister assessor's report referred to at (b) advises that the statutory incompatibility defence succeeds, such that recommendation made to the Registration Authority is that it should not register the Land as a TVG, the Application shall at that stage be considered by the Registration Authority for decision;
- (d) If the independent barrister assessor's report referred to at (b) advises that the statutory incompatibility defence fails, she shall go on the hold a public inquiry to examine the remaining issues. Following the public inquiry, the independent barrister assessor shall provide the Registration Authority with a report which sets out her analysis of the evidence and recommendation as to whether the Land should be registered as a TVG. The Application shall then be considered by the Registration Authority for decision.

10. I would add that I am mindful that the statutory incompatibility doctrine is a highly specialist and technical area of law. As such, assuming the Registration Authority approves the course of action I advise in this document, I intend to give both parties a further opportunity make any additional written submissions on the issue, with the applicant given sufficient time to seek professional legal assistance in this regard should she wish.

11. Finally, and for the avoidance of doubt, I note that as an independent assessor it is my role to consider the Application, and the evidence for and against it, and make a recommendation to the Registration Authority as to how it should determine the Application. It follows that I am not the decision-maker but an advisor – it is ultimately for the Registration Authority to determine the Application as it sees fit, having taken account my recommendation and the reasons for it.

**KATHERINE BARNES**

**2 September 2022**

**39 Essex Chambers**

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## Cyngor Sir CEREDIGION County Council

**REPORT TO:** Council

**DATE OF MEETING:** 20<sup>th</sup> October 2022

**LOCATION:** Remotely via Video Conference

**TITLE:** **Recruitment of lay member/independent person to the Governance & Audit Committee**

**PURPOSE OF REPORT:** To provide members with an update on the changes of the Local Government and Elections (Wales) Act 2021 and its impact on the Audit Committee, including change of name to 'Governance and Audit Committee', and recruitment process of lay members.

**FOR:** Decision and Information

**Cabinet Portfolio and Cabinet Member:** Councillor Matthew Vaux, Cabinet Representative for Partnerships, Housing, Legal and Governance and Public Protection

### **BACKGROUND:**

On 18/3/21 Council approved the process for recruitment of independent lay members to the Governance & Audit Committee.

On 9/12/21 Council approved the appointment of three new lay members/independent persons to the Governance & Audit Committee:

Minutes:

7 "RESOLVED to approve the appointments of the following individuals as independent / lay persons of the Governance and Audit Committee:

- Liam Hull;
- Caroline Whitby;
- Alan Davies

with effect from 5 May 2022 for one administrative term (up to a maximum of two consecutive administrative terms)."

Legislation and the Councils Constitution requires that the Committee is constituted as follows:

- Councillors (x6) (two thirds)
- lay member/independent persons (x3) (one third).

### **CURRENT POSITION:**

One of the lay members/independent persons of the Governance & Audit Committee (Liam Hull) (Vice-Chair) has indicated an intention to resign from the Committee.

It is therefore necessary to appoint one replacement lay member/independent person as soon as possible. The resigning lay member/independent person will remain in the role pending a replacement being appointed.

It is also necessary to appoint a replacement Vice-Chair to the Governance & Audit Committee. The Governance & Audit Committee will have an opportunity to do so on at its next meeting on 17/11/22.

## Recruitment of independent lay Committee member

### Recruitment documentation

It is proposed that the Council approves the enclosed draft Committee Role Description and Person Specification (see **Appendix 1**).

### Shortlisting Selection Panel

Council is required to approve membership of a Shortlisting Selection Panel for recruiting the independent lay Committee member. There are no statutory regulations applicable to the recruitment for the Governance and Audit Committee Shortlisting Selection Panel, so the following are proposed:

It is recommended that membership of the Shortlisting Selection Panel is as follows (x5):

1. Chair of the Council, or Vice Chair
2. Chair of the Governance & Audit Committee
3. Vice Chair or other independent member of the Governance & Audit Committee
4. Councillor member of the Governance & Audit Committee
5. An independent lay member of the community (to be nominated by the Monitoring Officer –not yet nominated) (Chair).

### **RECOMMENDATIONS:**

1. To approve commencement of the recruitment process for x1 (replacement) independent/lay member to the Governance & Audit Committee,
2. To approve the proposals for the Shortlisting Selection Panel,
3. To approve the Role Description and Person Specification (**Appendix A**),
4. To note the need to appoint a replacement Vice-Chair to the Governance & Audit Committee.

**Has an Integrated Impact Assessment been completed? No  
If, not, please state why**

**Summary:** *This report does not represent a change in policy or strategy.*

### **WELLBEING OF FUTURE GENERATIONS:**

#### **Long term:**

Supporting activity in the community in encouraging participation in recruitment of lay members for balancing short term need with long term planning for the future, including in compliance with current legislation and encouraging a Prosperous Wales by supporting the local economy in the role and work carried out by the Governance and Audit Committee, including making right financial decisions (globally responsible Wales).

**Integration:**

**Collaboration:** Governance and Audit Committee and Council working together, and with wider community in recruitment of independent lay member(s) and ongoing collaboration in new appointment(s) to deliver effective work of Governance and Audit Committee and support Council.

**Involvement:** Involving those with an interest (opportunity for those with interest to apply for role with Governance and Audit Committee), seeking their views in work of Governance and Audit Act, encouraging incorporating stakeholder engagement and consultative approach.

**Prevention:** Acting to prevent problem of non-compliance with legislation.

**Contact Name:** Elin Prysor

**Designation:** Corporate Lead Officer: Legal & Governance (& Monitoring Officer)

**Date of Report:** 4/10/22

**Acronyms:** N/A

**Appendices:** **Appendix 1:** Draft Role description and person specification

**Background papers**

**Statutory powers:**

Local Government and Elections (Wales) Act 2021:

<https://business.senedd.wales/documents/s109068/Local%20Government%20and%20Elections%20Wales%20Bill%20As%20Passed.pdf>;

Statutory Guidance from the Local Government (Wales) Measure 2011:

<https://gov.wales/sites/default/files/publications/2019-06/statutory-guidance-from-the-local-government-measure-2011.pdf>;

Report to Democratic Services Committee of 27th January 2020 by CLO Legal & Governance/Monitoring Officer:

[http://www.ceredigion.gov.uk/cpdl/Democratic\\_Services\\_Meetings\\_Public/Size%20of%20audit%20committee.pdf](http://www.ceredigion.gov.uk/cpdl/Democratic_Services_Meetings_Public/Size%20of%20audit%20committee.pdf);

Report of 2 October 2019 to Audit Committee – CLO Legal & Governance/Monitoring Officer:

[http://www.ceredigion.gov.uk/cpdl/Democratic\\_Services\\_Meetings\\_Public/H%20size%20of%20audit%20committee.pdf](http://www.ceredigion.gov.uk/cpdl/Democratic_Services_Meetings_Public/H%20size%20of%20audit%20committee.pdf);

Audit Committee 2 October 2019 Minutes:

[http://www.ceredigion.gov.uk/cpdl/Democratic\\_Services\\_Meetings\\_Public/G%20Cofnodion%20combined%20171219.pdf](http://www.ceredigion.gov.uk/cpdl/Democratic_Services_Meetings_Public/G%20Cofnodion%20combined%20171219.pdf);

Audit Committee 12 November 2020 Meeting Minutes:  
<http://www.ceredigion.gov.uk/media/8073/audit-121120-final-s.pdf>; and

Report to Audit Committee on changes to Audit Committee per Local Government and Elections (Wales) Act 2021:

[http://www.ceredigion.gov.uk/cpdl/Democratic\\_Services\\_Meetings\\_Public/B%20LG%20and%20Elections%20combined%20\(s\).pdf](http://www.ceredigion.gov.uk/cpdl/Democratic_Services_Meetings_Public/B%20LG%20and%20Elections%20combined%20(s).pdf).

Council report 18/3/21

[http://www.ceredigion.gov.uk/cpdl/Democratic\\_Services\\_Meetings\\_Public/I%20-%20Changes%20to%20Audit%20Committee%20per%20Local%20Government%20and%20Elections%20\(Wales\)%20Act%202021.pdf](http://www.ceredigion.gov.uk/cpdl/Democratic_Services_Meetings_Public/I%20-%20Changes%20to%20Audit%20Committee%20per%20Local%20Government%20and%20Elections%20(Wales)%20Act%202021.pdf)

Council report 9/12/21

<https://council.ceredigion.gov.uk/documents/g163/Printed%20minutes%2009th-Dec-2021%2010.00%20Council.pdf?T=1&LLL=0>



## **Lay Members – Ceredigion County Council Governance & Audit Committee**

### **Term of Office/Key information:**

Ceredigion County Council is looking to recruit 1 independent lay member of its Governance and Audit Committee.

It should be noted that, per the Local Government and Elections (Wales) Act 2021, the Committee is to appoint its own Chair (who must be a lay person) and Vice Chair (who must not be a member of the Local Authority Executive, or assistant to a member of the Local Authority Executive).

The advantages of having an independent member on the Committee are considered to be:

- a) to bring additional knowledge and expertise;
- b) to reinforce political neutrality and independence; and
- c) to maintain continuity of committee membership.

The appointment will be for the remainder of the current administrative term of the Council (up to May 2027), with potential for extension (up to a maximum of two consecutive administrative terms). The estimated time commitment required to undertake the role can vary, and flexibility is essential. On average, this would likely involve attendance at 5-7 daytime meetings of between one - three hours per year, plus associated preparatory reading, training and development.

For further information about the work of the Governance and Audit Committee see link below:

<https://council.ceredigion.gov.uk/mgCommitteeDetails.aspx?ID=147&LLL=0>

### **Fees (2020-2021):**

Committee Member/Vice Chair standard rates of £105 per half day and £198 per full day 2020/2021, future rates to be confirmed and Chair fees to be confirmed. Travelling costs incurred will be reimbursed at 45p per mile.

Working and attending meetings either from the Council's Penmorfa offices in Aberaeron, or remotely/from home, as required.

### **ABOUT THE ROLE**

The composition and proceedings of the Committee will be in accordance with Local Government (Wales Measure 2011), as amended by the Local Government & Elections Act 2021 and any subsequent legislation.

The role includes attending and participating in meetings of the Council's Governance & Audit Committee and assisting the Council to discharge its powers and functions as set out in the remit and Terms of Reference, of the Committee.

The Governance & Audit Committee advises the Council and Cabinet, and their respective Committees and Officers, on matters regarding good governance, financial oversight, risk management, complaints procedures and internal control in the delivery of the Council's services and functions. The Committee is responsible for ensuring the Council's systems of governance and internal control are effective and that the Council's internal audit services operates in accordance with agreed procedures.

The functions of the Committee are set out in the Terms of Reference, and include:

- Reviews, scrutinises and issues reports and recommendations in relation to the Council's financial affairs;
- Reviews, scrutinises and issues reports and recommendations on the appropriateness of the Council's risk management, internal control and corporate governance arrangements; and
- Oversees the authority's audit arrangements and reviews its financial statements.

In addition, the Council can confer other functions on the Governance & Audit Committee, which it deems suitable for it. The Governance & Audit Committee can decide how it wants to carry out its functions but it must have regard to statutory guidance issued by the Welsh Government. It also has regard to the CIPFA Audit Committees Practical Guidance for Local Authorities and Police (2018 Edition).

It should be noted that lay members have voting rights on recommendations, but not policy.

The role will also include liaison with: Monitoring Officer, Head of Finance, Head of Internal Audit, Chairman and members of the Governance and Audit Committee, other Officers and Councillors of the Council as required.

## **PERSON SPECIFICATION**

It is essential that Applicants:

- Are available to attend and undertake appropriate preparation for each meeting of the Governance & Audit Committee;
- Have a good understanding of the environment within which Ceredigion County Council operates (including knowing the principles and practices of risk management, corporate and financial governance and controls, continuous improvement and external scrutiny);
- Can assess issues relating to arrangements for risk management, governance and control, and identify and evaluate solutions;
- Can assist in providing independent assurance to the Council in relation to its internal control environment;
- Have analytical skills including the ability to weigh/sort complex evidence and documentation and reach rational, independent and unbiased conclusions, incorporating appropriate advice;
- Have strategic awareness and an ability to make clear and reasoned decisions;
- Work to high standard of behaviour, demonstrating honesty and integrity in conduct and discretion;
- Have experience in decision making;
- Have an ability to be objective, independent and impartial;
- Are able to work effectively with Elected Members and Council Officers in a formal Committee environment;
- Can consider and comment on reports from Council officers, the external auditor and other inspection agencies, identify any significant issues arising and ensuring appropriate actions are taken for improvement;
- Have the ability and confidence to challenge and hold to account Council Officers and representatives of Internal and External Audit;
- Have a high level of inter-personal skills, including an ability to work as part of a team, participating in meetings and chair meetings if necessary;
- Have good communication skills (both written and oral), excellent leadership and interpersonal skills, able to both empower and challenge supportively;
- Have a knowledge of and commitment to Equality and Diversity;
- Have an understanding of the importance of Welsh Language and Culture;
- Is 18 years old or over;
- Can demonstrate their political independence;
- Are digitally aware, with good IT skills and the ability to access reports, information and communication electronically (or be willing to undertake any necessary training); and attend any digitally remote meetings; and

- Willing to attend meetings at the Council's offices or remotely as required

It is desirable that Applicants:

- Have Governance and Audit Committee experience, or experience gained working in or with a large, or public sector, organisation, or serving on a Committee or Board;
- Have a degree/further education/professional qualification in a relevant field of study, such as accountancy, finance, risk management, business management, internal audit or law;
- Have financial, risk management, performance management and audit experience, such as practical experience in the financial and/or general management of business or public sector organisations;
- Have experience of partnership working, collaboration and improvement and performance in context of local government;
- Knowledge /skills/ experience in audit or risk management, or other technical speciality pertinent to the Council's activities, including a good understanding of the roles, and the difference between Internal and External Audit;
- Has experience in the local government environment and a knowledge of the challenges facing Ceredigion County Council and wider public services, including understanding of its communities, major functions, its vision and priorities;
- Have an ability to understand complex issues and the importance of accountability and probity in public life;
- Have an understanding of the need for independence of audit from daily management responsibilities;
- Have an understanding of the complexity of issues surrounding audit, finance and risk management in local government;
- Have an awareness of the risks of fraud and the controls to limit fraud;
- Have an understanding of Committee procedures;
- Has chaired a Committee meeting;
- The ability to converse through the medium of Welsh;
- Live and/or work in Ceredigion; and
- Has a demonstrable interest in local issues.

Applicants must not:

- Have been a member, co-opted member or employee of the Council within the last five years;
- Have been convicted of any offence;
- Be an undischarged bankrupt;
- Have significant business dealings with the Council;
- Have a formal connection with any political group;
- Be the holder of significant office in an organisation being grant aided/supported by the Council;

- Have any personal, legal or contractual relationship with Ceredigion County Council (including employees or members or former staff), or any other relationship/activity, which might represent a conflict of interest, such as a close friend or relation;
- Be an employee or Member of the Council or another Local Authority; or
- Be disqualified from holding office as a member of the Local Authority.

Any person who is recommended for appointment will be required to confirm that he/she is not disqualified.

Applicants are advised that all lay members are subject to the provisions of the Council's Code of Conduct for Members. Before being able to take office, the successful applicants will be required to sign an undertaking that they will comply with the Council's Code of Conduct for Members (available on the Council's website).

Applicants must also be aware that canvassing will disqualify their application.

Applicants are further advised that they will be required to disclose any conflicts or potential conflicts of interest with the Council, such as business or personal connections with the Council, and declarations regarding hospitality/gifts, to the Council's Monitoring Officer, as per the obligations on Members of the Council and in line with the Council's Code of Conduct for Members. If Applicants are unsure whether a conflict or potential conflict exists, or a declaration should be made, they must disclose this to the Monitoring Officer. Any questions regarding declarations/conflicts or interest or hospitality can be made to the Monitoring Officer.

**Note: We reserve the right to amend the application closing date.**

### **The Council's Corporate Strategy**

The Council's *Corporate Strategy 2017-2022* details how the Council plans to continue to deliver high quality, safe, efficient and effective services to the residents of Ceredigion for the administration period of 2017-2022.

The Council knows what the priority areas for improvement are by continuing self-evaluation processes, stakeholder engagement and a diverse range of consultation events both formal and informal. The Council also has regard to national policies and priorities, as well as the Local Well-being Assessment, which has influenced the Corporate Strategy and development of the Corporate Priorities.

The Corporate Priorities include the Well-being and Improvement Objectives, for the administration period to 2022, which are designed to improve and enhance the social, economic, environmental and cultural well-being for the citizens of Ceredigion.

### **The Council**

Ceredigion County Council employs over 3,500 members of staff serving just under 73,000 residents in a County recognised as one of the "safest places to live and work", with an enviable mix of friendly bilingual communities, vibrant culture, beautiful coastlines and rolling countryside.

The Council delivers a range of services including education, social care, highways maintenance to name just a few.

The career opportunities with us are varied and rewarding. See our [Life@Ceredigion](#) webpage for further information.

[Penmorfa, Aberaeron](#) is our most central office and it is where our Chief Executive and Councillors are based (currently most staff are working on a hybrid basis).

[Aberaeron](#) is a picture perfect harbour town and is one of Ceredigion's best-loved holiday destinations with fashionable places to stay and eat.

## Cyngor Sir CEREDIGION County Council

<b>Report to:</b>	<b>Council</b>
<b>Date of meeting:</b>	<b>20<sup>th</sup> October 2022</b>
<b>Title:</b>	<b>Recruitment of Independent Member to the Ethics and Standards Committee</b>
<b>Purpose of the report:</b>	<b>To ensure appropriate appointments are made to the Ethics and Standards Committee</b>
<b>For:</b>	<b>Decision</b>
<b>Cabinet Portfolio and Cabinet Member:</b>	<b>Councillor Matthew Vaux Cabinet Member for Housing, Legal and Governance, People and Organisation and Public Protection</b>

### **BACKGROUND:**

The Ethics and Standards Committee comprises of nine members:

- 5 X independent members and,
- 4 councillors (2 x County councillors, and 2 x Town/Community councillors).

The current Chair, Mrs Caroline White was appointed initially on 30/7/2013 and reappointed on 30/7/2019. The term of office will expire on 29/7/2023. Mrs Caroline White is not now eligible for reappointment.

Consequently it is now necessary to recruit a new independent member to the Ethics and Standards Committee to maintain the Committee's composition, as set out in the Constitution, and as required by legislation.

The procedure and criteria for appointment of independent members are set out in the Standards Committees (Wales) Regulations 2001 (SI 2001/2283). This includes:

- Where a vacancy arises for a post as an independent member of a standards committee the relevant authority concerned shall publish an advertisement in not less than two newspapers (which are not published by that relevant authority) circulating in its area.
- Publish the criteria for appointment.
- A Selection Panel must be established of not more than five panel members, including a lay panel member, and a community council member. This panel will consider every application, apply the criteria, and make recommendations to Council. Appointments shall be made having regard to the recommendations of the panel.

### **PROPOSAL**

1. That the role description, person specification and criteria for the appointment of independent members shall be as set out in **Appendix 1**.

2. That membership of the Selection Panel shall be as follows (x5):

- Chair of the Council (in absence Vice Chair);
- Chair and Vice Chair of the Ethics and Standards Committee ( or other independent members nominated by the Monitoring Officer as necessary);
- Town and Community Council representative nominated by One Voice Wales;
- Independent/Lay Panel member (Chair of the selection panel) (nominated by the Monitoring Officer);

The Independent/Lay Panel member must not be or have been a member, co-opted member or officer of the County Council, any other council or National Park Authority, or Town/Community Council. It is proposed that the same lay member who chaired the previous Selection Panel in 2011, 2013, 2017 and 2021 be nominated (subject to availability).

**CURRENT SITUATION:**

Consideration was given to the Report upon the Succession planning-lay member at the Ethics and Standards Committee on 25<sup>th</sup> May 2022. Following discussion, it was AGREED to recommend to Council to approve:

(i) the role description, person specification and criteria (as set out in Appendix)

(ii) Membership of the Selection Panel as follows:

- Chair of the Council(in absence Vice Chair);
- Independent/Lay Panel member (nominated by the Monitoring Officer)
- Chair and Vice Chair of the Ethics and Standards Committee (or other independent members nominated by the Monitoring Officer as necessary)
- Town and Community Council representative nominated by One Voice Wales; and

(iii) change the title of job description to role description in the Appendix

<b>Wellbeing of Future Generations:</b>	<p><b>Has an Integrated Impact Assessment been completed? If, not, please state why</b></p> <p><b>Summary:</b></p> <p><b>Long term:</b> N/A</p> <p><b>Collaboration:</b> N/A</p> <p><b>Involvement:</b> N/A</p> <p><b>Prevention:</b> N/A</p> <p><b>Integration:</b> N/A</p>	<p>Not applicable – this is not a change of policy or service.</p>
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**Recommendation(s):**      **That Council resolves to approve:**

- 1) the role description, person specification and criteria (as set out in **Appendix 1**)
- 2) Membership of the Selection Panel as follows:
  - Chair of the Council(in absence Vice Chair);
  - Independent/Lay Panel member (nominated by the Monitoring Officer)
  - Chair and Vice Chair of the Ethics and Standards Committee (or other independent members

nominated by the Monitoring Officer as necessary)

- Town and Community Council representative nominated by One Voice Wales.

**Reasons for decision:** The recommendations are necessary to ensure that the appropriate appointments are in place, in accordance with the Constitution.

**Overview and Scrutiny:** N/A

**Policy Framework:** Council's Constitution

**Corporate Priorities:** Supports the Council in delivering its Corporate Priorities:

- [Boosting the Economy](#)
- [Investing in People's Futures](#)
- [Enabling Individual and Family Resilience](#)

**Finance and Procurement implications:** None

**Legal Implications:** Without this decision the Committee will not comply with legislative requirements

**Staffing implications:** None

**Property / asset implications:** None

**Risk(s):** None

**Statutory Powers:** Standards Committees (Wales) Regulations 2001 (SI 2001/2283)

**Background Papers:** None

**Appendices:** Appendix A – Role description, person specification and criteria.

**Corporate Officer:** **Lead** Elin Prysor  
Corporate Lead Officer: Legal and Governance

**Reporting Officer:** Lisa Evans  
Scrutiny and Standards Officer

**Date:** 6/7/22

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## Member of a Standards Committee Role Description

### 1. Accountabilities

- To Full Council
- To the Chair of the Standards Committee

### 2. Role purpose and activity

#### Participating in meetings and making decisions

- To participate effectively in meetings of the Standards committee
- To make informed and balanced decisions, within the terms of reference of the committee, which accord with legal, constitutional and policy requirements, internal governance, ethical standards and relationships
- To ensure the integrity of the committee's decision making and of her/his own role by adhering to the Code of Conduct and other constitutional and legal requirements
- To promote and support good governance by the Council

#### To contribute to the role of the Standards Committee in effectively fulfilling its functions and to support the Committee Chair by:

- Promoting and maintaining high standards of conduct by Councillors, lay members and co-opted members
- Assisting Councillors, lay members and co-opted members in their observance of the Members' Code of Conduct
- Advising the Council on the adoption or revision of the Members' Code of Conduct.
- Monitoring the operation of the Members' Code of Conduct
- Advising, training or arranging to train Councillors, lay members and co-opted members on matters relating to the Members' Code of Conduct
- Granting dispensations to Councillors and co-opted members
- Dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter referred to that officer by the Public Services Ombudsman for Wales
- Contributing to the development and application of any local resolution protocol
- The exercise of these functions (above) in relation to community councils and the members of those community councils
- Working with Political Group Leaders to promote and maintain high standards of conduct by the Group members
- Monitoring compliance by Leaders of Political Groups with their duty to take reasonable steps to promote and maintain high standards of conduct by members of the Group and advising, training or arranging to train the Leaders of Political Groups about these duties. **(From May 2022)**

- Making an annual report to the Authority (**first report due in respect of the 2022/23 financial year, as soon as possible after year end**) describing how the committee's functions have been discharged during the financial year. The report may include any matter within the functions of the committee. The report must include:
  - How the committee has discharged its legal duties, particularly, how the committee has monitored the compliance of Group Leaders with their duties to take reasonable steps to promote and maintain high standards of conduct by members of the Group and the work of the Committee in advising, training or arranging to train the Leaders of Political Groups about these duties
  - The degree of compliance of Group Leaders with their duty to take reasonable steps to promote and maintain high standards of conduct by members of the Group

### **3. Values**

**To be committed to the values of the Council and the following values in public office:**

- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness
- Appreciation of cultural difference
- Sustainability

## INDEPENDENT MEMBER OF ETHICS AND STANDARDS COMMITTEE

### PERSON SPECIFICATION

	Essential	Desirable
<b>Qualifications:</b> No specific qualifications or background is required.		
<b>Knowledge and Skills:</b> <ul style="list-style-type: none"> <li>• Good educational background</li> <li>• A good communicator, both written and oral with questioning skills</li> <li>• The ability to converse through the medium of Welsh and English</li> <li>• Demonstrate commitment and enthusiasm</li> <li>• Assertive</li> <li>• Inquisitive, open minded and non-judgemental</li> <li>• Understanding of the Ethics &amp; Standards Committee's main functions</li> <li>• General understanding of the principles of high ethical standards in public life and the Members' Code of Conduct</li> <li>• Knowledge and understanding of local government.</li> </ul>	√ √  √ √ √ √ √	√      √
<b>Experience:</b> <ul style="list-style-type: none"> <li>• A demonstrable interest in local issues</li> <li>• Experience in Committee working and public accountability</li> <li>• Experience of a role in the public sector</li> <li>• Live and/or work in Ceredigion</li> <li>• Experience of a role relating to public accountability</li> </ul>	√ √ √	√ √   √
<b>Competencies:</b> <ul style="list-style-type: none"> <li>• A person in whose impartiality and integrity the public can have confidence</li> <li>• Demonstrate high ethical standards</li> <li>• Understand and comply with confidentiality requirements</li> <li>• Able to make a significant contribution to the work of the Committee.</li> </ul>	√  √ √ √	
<b>Other requirements:</b> <ul style="list-style-type: none"> <li>• To formally agree to observe the Local Code of Conduct for Members including completing a Declaration of Financial and Other Interests</li> <li>• Able to attend approximately programmed meetings, and ad hoc if required, and devote preparation time for each meeting</li> <li>• Must not be disqualified (as set out in the Eligibility requirements). Must not currently have and must not enter into any contractual relations with the Council under which he/she will gain personally</li> <li>• Will have disclosed to the Council any matter in his/her background which, if it became public, might make the Council reconsider the appointment</li> <li>• Will not be an active member of any political party or have a public profile in relation to political activities</li> </ul>	√  √ √ √ √	

<ul style="list-style-type: none"> <li>• Will not have been an officer or a member of either a County council [i.e. a county, or town council within three years of the date of his/her written application</li> <li>• Committed to the six year term</li> <li>• Ability to assess issues relating to ethical standards and to identify/ evaluate solutions</li> <li>• Ability to work well with Councillors and confidence to challenge and hold to account in a fair and impartial manner.</li> </ul>	✓   ✓  ✓	✓
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## **Ethics & Standards Committee – Independent Persons**

### **PERSON SPECIFICATION – CRITERIA**

#### **Eligibility requirements**

2. Candidates who wish to be appointed as an independent member of the Ethics & Standards Committee must satisfy the following eligibility criteria, in order to ensure that applicants are independent of the Council. Candidates should:
  - e) not currently be a member or officer of
    - Ceredigion County Council
    - Any other County Council or County Borough Council
    - A National Park Authority
    - A Fire Authority
    - A Town or Community Council
  - f) not be a spouse or civil partner of any of the above
  - g) not be a former member or officer of Ceredigion County Council
  - h) not have been a member or officer of any other County Council, County Borough Council, National Park Authority or Fire Authority during the past twelve months.

#### **Other criteria for the role**

The successful applicant will be expected to:-

14. Be flexible in attending meetings at short notice
15. Possess good listening and team-working skills
16. Be able to analyse factual and evidential material, and to form sound unbiased judgements
17. Demonstrate objectivity, discretion and personal integrity
18. Show respect for others and an understanding of diversity issues
19. Have an interest in, and knowledge of, local matters, development of the local community and understanding of local government
20. Participate in the promotion of high ethical standards and compliance with the services

21. Participate in the promotion of high ethical standards and compliance with the Members Code of Conduct and contribute towards the effective discharge of the statutory role and responsibilities of the Ethics & Standards Committee.
22. Advising the Council on the adoption or revision of the Code of Conduct
23. Advising, and training Members, Co-opted Members on matters relating to the Members Code of Conduct
24. An ability to work effectively with Councillors and officers
25. Ability and confidence to challenge and hold to account in a fair and impartial manner
26. Demonstrate commitment and enthusiasm.

## CEREDIGION COUNTY COUNCIL

<b>Report to:</b>	<b>Council</b>
<b>Date of meeting:</b>	<b>20 October 2022</b>
<b>Title:</b>	<b>Report on amendments to the Constitution and Constitution Guide</b>
<b>Purpose of the report:</b>	<b>To consider amendments to the Constitution and Constitution Guide</b>
<b>For:</b>	<b>Decision</b>
<b>Cabinet Portfolio and Cabinet Member:</b>	<b>Cllr Matthew Vaux, Cabinet Member for Partnerships, Housing, Legal and Governance and Public Protection</b>

### **Background:**

The Constitution is published on the Council's website and is a live document. The Monitoring Officer is authorised to make minor amendments to the Constitution and update as necessary. The currently published version of the Council's Constitution is available at:

<https://www.ceredigion.gov.uk/media/9959/constitution-eng.pdf>

Most recently, changes to the Constitution were approved by Council on the 8<sup>th</sup> of July 2022. (Report and meeting minutes –

<https://council.ceredigion.gov.uk/ieListDocuments.aspx?CId=149&MId=274&Ver=4&LLL=0>)

A meeting of the Cross-Party Constitution Working Group took place on the 12<sup>th</sup> of September 2022 during which the amendments presented in this report were considered.

### **Changes to the Constitution Guide (Appendix 1)**

Minor amendment – Part 6 Management Structure on page 12 updated to reflect Duncan Hall Replacing Stephen Johnson as CLO – Finance and Procurement.

### **Proposed Changes to the Constitution**

#### **Contents Page (Appendix 2)**

- Removed references to Head of Paid Service.
- Updated to include new documents added to Part 5.
- General formatting and grammar corrections.

#### **Part 2 Articles of the Constitution (Appendix 3)**

- Added Art. 4.4.15-4.4.20 to Functions of the Full Council.
- Added Art. 6.3.2.7 to Specific Functions of Overview and Scrutiny Committees:

- Sets out expectation to review or scrutinise decisions made, or actions taken, by the Ceredigion Public Services Board and actions they may take.
- Added Art. 8.4 Democratic Services Committee to Art. 8 Regulatory Committees following approval by Democratic Services Committee of Terms of Reference document.
- Updated wording in Art 11.1 Functions and Areas of Responsibility of Chief Executive and removed 'Counting Officer for European Elections'.
- Added Art 11.2.2 – 11.2.4 to Functions of the Chief Executive:
  - Sets out requirement to keep matters under review.
  - Sets out requirement to make report to Council on these matters if they consider it appropriate.
  - Sets out that the Chief Executive will act as a Representative on the Public Services Board.

### **Part 3 Responsibility for Council Functions (Appendix 4)**

- Part 3.3 Table 3 amended functions of Trustee Charity Committee to reflect that the Committee acts as trustee for all trusts the Council is a trustee of. Added detail to membership composition stating Chairs are voting members and Vice Chairs may vote in their absence.
- Part 3.4 Table 4 amended to reflect a change in Cabinet Portfolio roles and responsibilities
  - People and Organisation is now the responsibility of the Leader of the Council and Cabinet Member for Democratic Services, Policy, Performance and People and Organisation.
  - Partnerships is now the responsibility of the Cabinet Member for Partnerships, Housing, Legal & Governance and Public Protection.

### **Part 3.5 C Delegations to the Chief Executive (Appendix 5)**

- Added section 9 and 10 setting out relevant delegated powers in response to the Elections Act 2022.

### **Part 4 Document A Council Procedure Rules (Appendix 6)**

- Added section 4.2-4.4 to section 4 Time and Place of Meetings.
  - Includes references to Protocol for Attendance at Local Authority Meetings and Electronic Broadcasts of Meetings and sets out requirements of meeting summons, attendance requirements for remote attendance and definition of attendance 'by remote means'.
- Added to section 5 Notice of Summons to Meetings reference to Protocol for Attendance at Local Authority Meetings and Electronic Broadcasts of Meetings and amended requirements of summons to provide for attendance by remote means.
- Development of section 17 regarding electronic broadcasting and section 20 regarding disturbance by public

### **Part 4 Document B Access to Information Procedure Rules (Appendix 7)**

- Added section 3 reference to Assistants to Cabinet right to attend.
- Section 4 changes regarding notices of meeting.
- Amendments to section 5 regarding access to agenda and reports before the meeting.

- Development of section 7 regarding requirement to publish minutes, attendance records, decisions etc. after the meeting.
- Development of section 8 regarding background papers and public inspection (s. 8.2).
- Development of section 10.6 regarding disclosure by Members of confidential or exempt information and 10.8 regarding exclusion of public.
- Section 10.7 Public Interest reference to Monitoring Officer. Also changed reference to Data Protection Act 1998 to 'Data Protection Legislation'.
- Added section 14.3 setting out requirement to publish electronically after a Cabinet meeting details of attendance, decisions & outcomes etc.
- Minor grammatical corrections.

#### **Part 4 Document D Cabinet Procedure Rules (Appendix 8)**

- Added to 1.6 sections on remote attendance to meetings with reference to Protocol for Attendance at Local Authority Meetings and Electronic Broadcasts of Meetings.

#### **Part 5 Document R Protocols for Attendance at Local Authority Meetings and Electronic Broadcasts of Meetings (Appendix 9)**

- Added to Constitution following resolution by Council on 8<sup>th</sup> July 2022 to include the protocols in the Constitution.

#### **Part 5 Document S Dealing with Complaints Referred to the Ethics & Standards Committee & Hearing Procedures (Appendix 10)**

- This revised document has been added into the Constitution following approval by Council on the 8<sup>th</sup> of July 2022.

#### **Minor amendments**

Following the Cross-Party Constitution Working Group Meeting on the 12<sup>th</sup> of September 2022, the following minor amendments are additionally proposed:

- Updated Contents pages:
  - Contents Page (**Appendix 2**)
  - Part 2 Articles of the Constitution Contents Page (**Appendix 3**)
  - Part 3 Responsibility for Council Functions Contents Page (**Appendix 4**)
  - Part 4 Document A Council Procedure Rules Contents Page (**Appendix 6**)
  - Part 4 Document D Cabinet Procedure Rules Contents Page (**Appendix 8**)
- Part 2 Articles (**Appendix 3**)
  - Updated wording in Art 11.1 Functions and Areas of Responsibility of Chief Executive and removed 'Counting Officer for European Elections'.
- Part 3.5 C Delegations to the Chief Executive (**Appendix 5**)
  - Added section 9 and 10 setting out relevant delegated powers in response to the Elections Act 2022.
- Part 6 Management Structure updated to reflect Duncan Hall replacing Stephen Johnson as CLO – Finance and Procurement. (**Appendix 11**)

**Wellbeing of Future Generations:** **Has an Integrated Impact Assessment been completed? If not, please state why**

**Summary:** This report does not represent a change in policy or strategy

**Long term:**

**Collaboration:**

**Involvement:**

**Prevention:**

**Integration:**

**Recommendation(s):** That the Council resolves to:

1. Approve the Constitution Guide as amended (at **Appendix 1**);
2. Approve the changes to the Constitution (at **Appendices 2-11**); and
3. Authorise the Monitoring Officer to update the Council's Constitution to reflect the above changes.

**Reasons for recommendations:**

- Adherence to legislation
- Ensuring that the Constitution and Constitution Guide are fit for purpose

**Overview and Scrutiny:** n/a

**Policy Framework:** Constitution

**Corporate Priorities:** n/a

**Finance and Procurement implications:** None

**Legal Implications:** Compliance with legislative requirements and statutory guidance

**Staffing implications:** None

**Property / asset implications:** None

**Risk(s):** Without these changes the Constitution will not be updated and fit for purpose.

**Statutory Powers:** Local Government and Elections (Wales) Act 2021  
<https://www.legislation.gov.uk/asc/2021/1/contents>  
Elections Act 2022  
<https://www.legislation.gov.uk/ukpga/2022/37/contents>

**Background Papers:** Report to Council – 8 July 2022 and Meeting Minutes available at:  
<https://council.ceredigion.gov.uk/ieListDocuments.aspx?CId=149&MId=274&Ver=4&LLL=0>

- Appendices:**
- Appendix 1** – Constitution Guide with draft minor amendments
  - Appendix 2** – Draft Contents
  - Appendix 3** – Draft Part 2 Articles
  - Appendix 4** – Draft Part 3 Responsibility for Council Functions
  - Appendix 5** – Draft part 3.5 C Responsibility for Council Functions
  - Appendix 6** – Draft Part 4 Document A Council Procedure Rules
  - Appendix 7** – Draft Part 4 Document B Access to Information Procedure Rules
  - Appendix 8** – Draft Part 4 Document D Cabinet Procedure Rules
  - Appendix 9** – Part 5 Document R Protocols for Attendance at Local Authority Meetings and Electronic Broadcasts of Meetings
  - Appendix 10** – Part 5 Document S Dealing with Complaints Referred to The Ethics & Standards Committee & Hearings Procedures
  - Appendix 11** – Part 6 Management Structure

**Corporate Officer:**            **Lead** Elin Prysor – Corporate Lead Officer: Legal & Governance (& Monitoring Officer)

**Reporting Officer:**            Elin Prysor

**Date:**                                28/9/2022

# Ceredigion County Council

## Guide to the Constitution

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Cyngor Sir  
**CEREDIGION**  
County Council

Author and service: Corporate Lead Officer Legal & Governance

Date approved by Council:

Integrated Impact Assessment (Yes/No): Not applicable

Publication date: 5.6.2022

Review date:

Produced pursuant to section 45 of the  
Local Government and Elections (Wales) Act 2021

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## **Introduction**

### **The Constitution**

The Council is made up of different individuals and bodies who work together to deliver the Council's functions.

The Council's Constitution describes the different people and bodies that make up the Council, their functions, and the procedure rules that govern how those bodies work together to deliver services.

It is intended to: -

- enable the Council to make decisions efficiently and effectively;
- support you to participate in decisions that affect you;
- help Councillors to represent their constituents more effectively; and
- enable you to hold the Council to account.

One of the main aims of the Constitution is to set out clearly what you can expect from the Council, and what you can do if your expectations are not met.

This Constitution Guide will be taken into account in drafting of the Council's Participation Strategy.

### **This guide**

This guide is designed to help you to understand how the Council works to deliver services in your area. It provides an overview of the Council's Constitution and explains key sections of the Constitution in clear and simple language.

It may also be of use to those organisations that work with the Council to deliver services in the Council's area.

The first part of this guide explains why the Constitution is important and how it is reviewed and updated.

It aims to answer questions such as: -

- *Why does the Council have a constitution?*

P. 1

- *How can I get a copy of the constitution?* P.8
- *Who is responsible for keeping the constitution up to date?* P.8

The second part of this guide explains how the Council is structured. It describes the Council's democratic bodies as well as how decisions are made and by whom.

It explains the functions of the Council, its Executive (Cabinet) and its committees, and which body of the Council is responsible for particular policies and decisions.

It aims to answer questions such as: -

- *What does my local Councillor do?* p.13
- *What does the Council do?* p.15
- *What happens at Council meetings?* p.165
- *How does the Council make decisions?* p.16
- *How can I find out what the Council decided about an issue that affects me?* p.17
- *What does the Cabinet (Executive) do?* p.199
- *How does the Cabinet (Executive) make decisions?* p.20
- *What do the Council's committees do?* p.21
- *Who is responsible for governance, audit and risk management?* p.21
- *Who is responsible for upholding local democracy?* p.21
- *What does the licensing committee do?* p.22
- *What does the development management committee do?* p.22
- *How are decisions scrutinised?* p.23
- *Who is responsible for upholding standards and holding Councillors to account for their conduct?* p.23

The third part of this guide explains the roles and responsibilities of elected members and paid officers of the Council. It describes the jobs they do, and how they work together to deliver the Council's functions and priorities. It also explains the codes of conduct that govern councillors' and officers' conduct and the standards of behaviour that you can expect from them.

It aims to answer questions such as: -

- *What does the Chair do?* p.28
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- *What does the Leader do?* p.29
- *What happens if the Leader is unable to perform their duties?* p.29
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- *Are there any special requirements when Councillors of Officers decide planning applications?* p.36
- *How can I complain about the behaviour of a Councillor?* p.37
- *How do I report concerns about the conduct of a paid Officer of the Council?* p.37

The fourth part of this guide provides a summary of the key policies and procedures that govern how the Council carries out certain functions.

It aims to answer questions such as: -

- *Where can I find the Council's key plans and strategies?* p.38
- *How is the Council's policy framework decided?* p.38
- *How does the Council set its budget?* p.39
- *Can decisions be taken that do not comply with the budget or policy framework?* p.39

- *Can money be moved from one budget head to another once the budget has been adopted?* p.40
- *What other policies and procedures govern how the Council manages its budget?* p.40
- *Are there any restrictions on how the Council buys in goods and services?* p.40
- *How does the Council enter into contracts and agreements?* p.41

The final part of this guide explains how you can engage with, and get involved in, your Council and local democracy. It explains how your councillors are elected, how you can contact your councillor, raise questions and speak at meetings, and how you can use petitions to raise issues that are important to you with the Council.

It aims to answer questions such as: -

- *How can I find out when an issue I am concerned about will be decided?* p.42
- *Can I ask a committee or body of the Council to look into a particular issue?* p.42
- *Can I attend meetings of the Council?* p.43
- *Can I attend other meetings?* p.44
- *Can I speak at a meeting?* p.44
- *Can I ask a question at a meeting?* p.44
- *How can I find out what the Council decided?* p.44
- *Can I view the Council's accounts to understand how my council tax is spent?* p.45

Signposts to the most relevant sections of the Constitution and to additional resources available on the Council's website are provided throughout this guide to enable you to read more on a particular topic if you wish.

There is also a detailed index on the last page of this guide to allow you to quickly look up specific topics and issues of interest to you.

If there is anything in this guide which is unclear, or anything is missing, please let us know so we can improve it.

You can get in touch by emailing the Monitoring Officer:

[MonitoringOfficer@ceredigion.gov.uk](mailto:MonitoringOfficer@ceredigion.gov.uk)

## Part 1 The Constitution

The Constitution governs the way in which the Council, Councillors and Officers working at the Council work together to deliver the Council's functions. It ensures that everyone at the Council acts lawfully, fairly and appropriately and that the Council's functions are performed properly and effectively.

 Part 1 of the Constitution explains the purpose of the constitution.

You can obtain a copy of the Constitution from the Council's offices and view it on the Council's website: [www.ceredigion.gov.uk](http://www.ceredigion.gov.uk)

A copy of the Constitution must also be provided to each Councillor when they are elected to the Council.

 You can access the Council's Constitution on the Council's website: [www.ceredigion.gov.uk](http://www.ceredigion.gov.uk)

 Article 14 of the Constitution explains where, when and how the Constitution must be published.

The Monitoring Officer is responsible for maintaining and reviewing the Constitution. The Monitoring Officer is also responsible for deciding how the Constitution should be understood and applied.

You can read more about the Monitoring Officer's role in Part 4 of this guide.

The Full Council is responsible for agreeing the Constitution. Once the Constitution has been agreed, it can only be changed by the Full Council. Usually, changes to the constitution are recommended to the Full Council by the Monitoring Officer.

In some circumstances, the Monitoring Officer may make changes to the Constitution. For example, where there is a change in the law that affects the constitution, or where a minor change is needed to clarify a provision in the constitution that is unclear.

 Article 14 of the Constitution explain how the constitution is agreed and how it can be changed.

The Constitution also governs how meetings of the Council and its committees should be conducted. The person chairing a meeting will be responsible for ensuring that the Constitution is followed during that meeting.



Key words and phrases are defined and explained in Article 15 of the Constitution.

In the Constitution, the Council acknowledges the need to have regard to its statutory duty in relation to the Welsh Language, the Well-being of Future Generations (Wales), equality and socio-economic duty (see Part 1 and Articles 3 and 12 in Part 2).

## **Part 2      The Council's democratic structures**

The Council is made up of Councillors who are elected every five years to represent people living in different parts of the Council's area (referred to in the Constitution as 'electoral divisions', but commonly known as 'wards').

Councillors are responsible for everyone living in the Council's area, but they have a special duty to people living in their ward.



Part 2 of the Constitution provides an overview of how individual Councillors work together as the Council.

All Councillors meet together regularly as the (Full) Council. The Council is responsible for setting the Council's budget, policy priorities and overall policy framework.

At the start of every new administrative year, the Council will elect one Councillor as its Chair. The Chair is responsible for chairing meetings of the Council and ensuring that decisions are taken properly and in accordance with the rules. The Council's Chair is also the Civic Chair, who is responsible for carrying out certain ceremonial functions.

You can read more about these roles in Part 3 of this guide.

Individual Councillors may also be appointed to the Cabinet by the Leader. Members of the Cabinet are responsible for specific policy areas, commonly referred to as portfolios. Where responsibility for a particular work area or function is given to a member of the Cabinet, it is described in the Constitution as being delegated to that person.

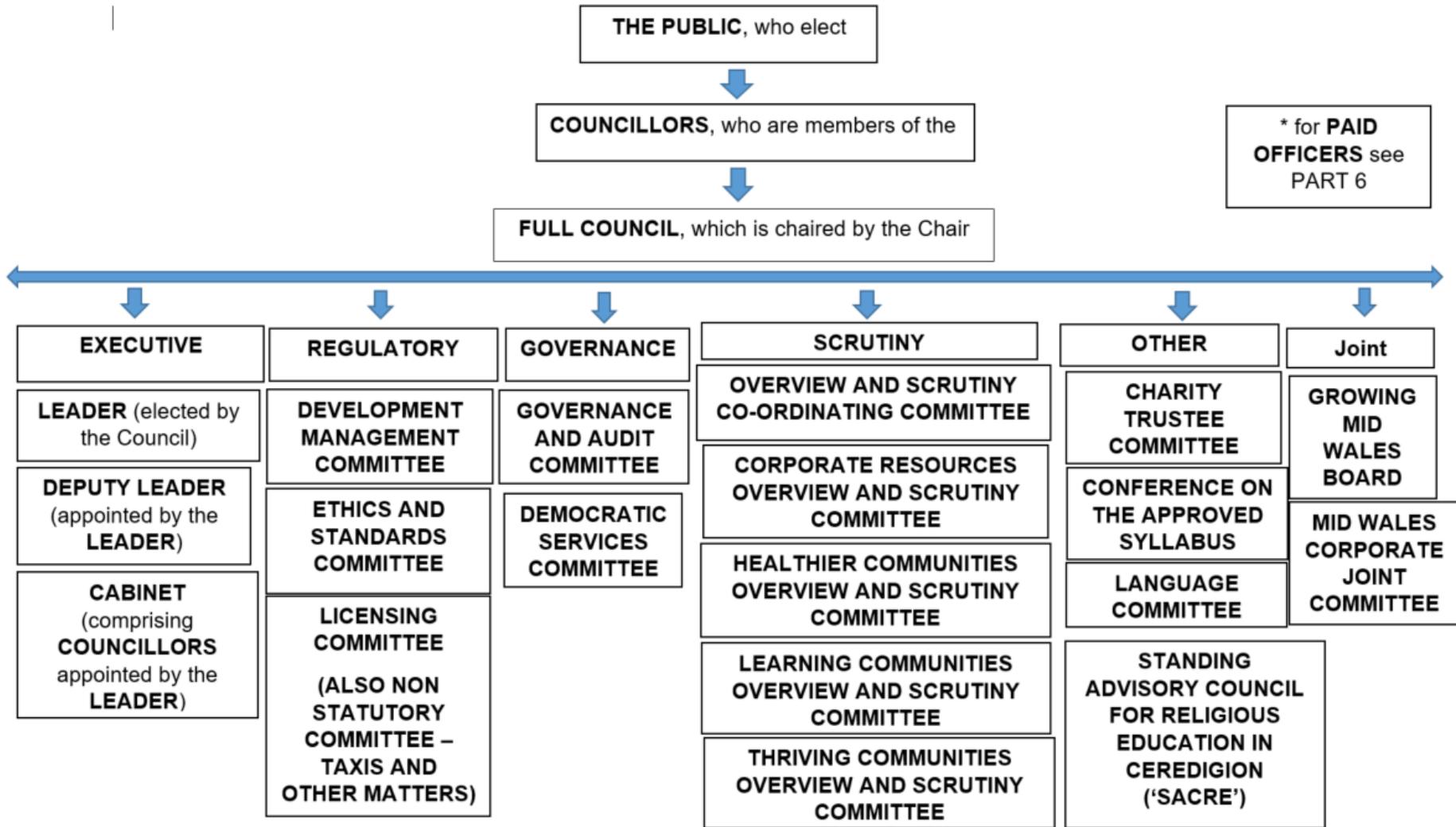
The Cabinet meets regularly to take collective decisions on those aspects of the Council's work which the Cabinet is responsible for.

Some of the Council's functions are carried out by committees. Committees are small groups of Councillors that meet together to carry out certain of the Council's regulatory and scrutiny functions.

The Council may engage such paid Staff (referred to as Officers) as it considers necessary. The Cabinet, Council and committees may delegate functions to officers. Further information on delegations can be found in the officers' scheme of delegations in Part 3.5

You can read more about all of these structures in the following sections of this Part of the guide.

# DEMOCRATIC ROLES



## Part 6 Management Structure chart

CHIEF EXECUTIVE: EIFION EVANS											
CORPORATE DIRECTOR : BARRY REES						CORPORATE DIRECTOR: JAMES STARBUCK					
<ul style="list-style-type: none"> <li>To ensure the development, implementation and evaluation of corporate strategic priorities and objectives which deliver high quality, safe, efficient and effective services to the residents of Ceredigion</li> <li>To work strategically and creatively to achieve the highest possible standards of performance in Council services</li> </ul>						<ul style="list-style-type: none"> <li>To be Corporate Director and provide strategic leadership within the Council ensuring that all services comply with, and support, the Council's strategic objectives and standards.</li> <li>To deputise for the Chief Executive when required</li> <li>To provide leadership, guidance and performance management of up to six Corporate Lead Officers</li> </ul>					
CORPORATE LEAD OFFICERS (6)						CORPORATE LEAD OFFICERS (6)					
<ul style="list-style-type: none"> <li>To be Corporate Lead Officer and lead advisor to the Council for all matters relating to their specific functions as listed below</li> <li>To provide a key link with Corporate Directors and work with other Corporate Lead Officers in ensuring that strategic and corporate objectives are effectively co-ordinated and implemented across all service areas</li> </ul>						<ul style="list-style-type: none"> <li>Whilst Corporate Lead Officers have specific responsibility for the management and leadership of a portfolio of service areas, they have an overriding corporate responsibility to ensure that all service activities and actions comply with and support Council strategic objectives and standards</li> <li>To work creatively and strategically to achieve the highest possible standards of performance in Ceredigion County Council services</li> </ul>					
SCHOOLS AND CULTURE	LEGAL & GOVERNANCE	FINANCE & PROCUREMENT	POLICY, PERFORMANCE & PUBLIC PROTECTION	ECONOMY & REGENERATION	HIGHWAYS & ENVIRONMENTAL SERVICES	PORTH CYNNAL - SPECIALIST THROUGH AGE SERVICES	PORTH GOFAL TARGETED INTERVENTION	PORTH CYMORTH CYNNAR	PEOPLE & ORGANISATION	CUSTOMER CONTACT	DEMOCRATIC SERVICES
Meinir Ebbsworth	Elin Prysor	Duncan Hall	Alun Williams	Russell Hughes-Pickering	Rhodri Llwyd	Sian Howys	Donna Pritchard	Elen James	Geraint Edwards	Arwyn Morris	Lowri Edwards
*Chief Education Officer	*Monitoring Officer	*Chief Finance Officer (s151 Officer)				*Statutory Director of Social Services	Deputy Director of Social Services			*SIRO *Proper Officer for Civil Registration	*Head of Democratic Services
<ul style="list-style-type: none"> <li>School Improvement</li> <li>Additional Learning Needs</li> <li>Pupil well-being</li> <li>School Admissions</li> <li>Infrastructure &amp; Resources</li> <li>Culture</li> <li>Catering</li> </ul>	<ul style="list-style-type: none"> <li>Legal</li> <li>Corporate Governance</li> <li>Internal Audit</li> <li>Coroners Service</li> </ul>	<ul style="list-style-type: none"> <li>Procurement and Payments</li> <li>Core Finance (Deputy 151)</li> <li>Service Finance</li> <li>Revenues &amp; Financial Assessment ,</li> </ul>	<ul style="list-style-type: none"> <li>Strategic Partnerships, Engagement &amp; Equalities</li> <li>Complaints, Compliments &amp; FOI</li> <li>Public Protection</li> <li>Corporate Performance &amp; Research</li> <li>Refugee resettlement</li> <li>Civil contingencies &amp; Business continuity</li> </ul>	<ul style="list-style-type: none"> <li>Growth and Enterprise</li> <li>Planning</li> <li>Property</li> </ul>	<ul style="list-style-type: none"> <li>Highways Maintenance</li> <li>Highways Development</li> <li>Local Environment Services</li> <li>Transport Services</li> </ul>	Specialist through age services including: <ul style="list-style-type: none"> <li>Safeguarding</li> <li>Mental Health</li> <li>Planned care</li> <li>Substance misuse</li> <li>Extended Support Services</li> <li>Quality Assurance &amp; Independent Review</li> </ul>	<ul style="list-style-type: none"> <li>Porth Gofal Intake &amp; Triage Team</li> <li>Targeted intervention services</li> <li>Fostering Services</li> <li>Residential and Day Care services (*Responsible Individual)</li> <li>Housing Services</li> <li>Integrated community equipment stores</li> <li>Emergency Duty Team</li> </ul>	<ul style="list-style-type: none"> <li>Lifelong Learning &amp; Skills</li> <li>Wellbeing Centres</li> <li>Support &amp; Prevention</li> <li>Early Intervention</li> <li>Pupil Referral Units</li> </ul>	<ul style="list-style-type: none"> <li>HR Advice &amp; Admin</li> <li>Pay, Benefits &amp; Systems</li> <li>Learning &amp; Development</li> <li>Health &amp; Safety</li> <li>Employee engagement &amp; wellbeing</li> </ul>	<ul style="list-style-type: none"> <li>ICT</li> <li>Customer Contact</li> <li>Archives &amp; Info Management</li> <li>Library Services</li> <li>Civil Registration</li> </ul>	<ul style="list-style-type: none"> <li>Democratic Services</li> <li>Welsh Language Standards</li> <li>Translation</li> <li>External Communications</li> <li>Electoral Services</li> <li>Corporate Service Support</li> <li>Project Management</li> </ul>
* denotes Statutory Roles											

## Councillors

Councillors are elected by the people living in a particular ward to represent them on the Council. However, Councillors are also accountable to the wider community and must act in the best interests of everyone living in the Council's area.

If you want to raise an issue with the Council and are not sure who to contact, you may wish to contact your Councillor to ask for help.



You can find out who your local Councillor is and their contact details on the Council's website: [www.ceredigion.gov.uk](http://www.ceredigion.gov.uk)

All Councillors are members of the Council, and they may also be members of one or more of the Council's Members bodies (such as the Cabinet or a committee). Where Councillors act as a member of a particular Council body, they are referred to in the Constitution as 'Members'.



This is explained more fully in the list of definitions in Art 2 Part 3 of the Constitution.

Councillors have certain rights that are set out in the Constitution, which enable them to raise issues and make representations on your behalf.

For example, Councillors may: -

- see information which they need in order to fulfil their role as a member of the Council;
- attend any meeting of the Council, its committees or the Cabinet;
- speak at any meeting of any Council body which they are a member of;
- with the permission of the Chair, speak at any meeting of any Council body (even if they are not a member of that body);
- talk to the Leader, or members of the Cabinet or Senior Council officers about any aspect of Council business; and
- raise service issues or complaints.



Councillors' rights to information are set out in Part 5 Doc K of the Constitution. See also Article 2.3.3 (in Part 2) of the Constitution and Part 4 Document B Access to Information Procedure Rules (in particular Rule 17), and Part 4 Document E Overview and Scrutiny Procedure Rules (in particular Rule 14).

 Councillors' rights to participate in Council proceedings are set out in Article 2, Parts 4 Doc A D and E, Part 4 Doc I and Part 5 Doc N of the Constitution.

Councillors may also raise questions at meetings of the Council and the Council's committees and sub-committees, submit motions to the Council and call-in Cabinet decisions.

 The rules surrounding how these rights are exercised are set out in sections Part 4 Doc. A, D & E. Also Part 5 Doc M/M2of the Constitution.

You can read more about the role of elected Councillors and the qualities that make a good Councillor in the role description here:

WLGA: Framework Member Role Descriptions & Person Specifications :

<https://www.wlga.wales/SharedFiles/Download.aspx?pageid=62&mid=665&fileid=346>

## Council



Part 4 Document A of the Constitution governs the Full Council.

### What does the Council do?

The law requires that certain important decisions are taken by all Councillors meeting together as the Council. These are referred to in the Constitution as functions of the Full Council. The Council may decide that other non-executive functions should be carried out by the Council too. These are referred to in the Constitution as local choice functions because the Council has a choice about which person or body should carry them out.



Part 3 (3.1-3.4) of the Constitution explains the different types of functions that are carried out by the Council and which part of the Council is responsible for carrying them out.

The Council is responsible for, amongst other things: -

- agreeing the Constitution, and any changes to the Constitution;
- setting the Council's budget;
- developing the Council's Corporate Strategy (which explains how the Council will deliver its legal duties in areas such as health and social care, children and young people and community safety);
- agreeing key plans and strategies (referred to in the Constitution as the 'policy framework');
- reviewing and reporting on the Council's performance;
- electing the Leader and the Chair; and
- appointing the Chief Executive and other Chief Officers.



All of the functions of the Council are listed in Part 3 (Part 3.3 (Table 4) and Art 4 of the Constitution.

Meetings of the Council are chaired by the Chair. They are responsible for ensuring that meetings are conducted in accordance with the Constitution and that decisions are made properly, fairly and lawfully.

You can read more about the role of the Chair in Part 3 of this guide.

### What happens at meetings of the Council?

The Council will meet at the start of each financial year to elect Councillors to particular positions on the Council, to appoint Councillors to outside bodies and to establish committees and working groups to carry out the Council's business during the year. This is known as the annual meeting.

 The timing of the annual meeting and the issues to be decided at that meeting are described in the council procedure rules in Part 4 Doc. A of the Constitution.

At the annual meeting, the Council will also decide how often all Councillors should meet together as the Full Council. These regular meetings of the Full Meetings are known as ordinary meetings.

 Ordinary meetings are carried out in accordance with the Council Procedure Rules in Part 4 Doc. A of the Constitution.

In some circumstances, it may be necessary for the Council to meet before its next scheduled meeting to discuss an issue that is particularly urgent or important. This is known as an extraordinary or special meetings of the Council.

 The process by which an extraordinary meeting may be called and the issues that may be discussed there are set out in Part 4 Doc. A of the Constitution.

The Head of Democratic Services is responsible for deciding when and where meetings of the Council will be held. They must notify Councillors of this by issuing them with a summons.

The Head of Democratic Services is also responsible for ensuring that the public are told about meetings of the Full Council, by publishing a notice in advance of each meeting. The notice must include certain information such as the date and time of the meeting, where it will be held and how you can access the meeting remotely using video conferencing.

You can read more about participating in meetings of the Council in part 4 of this guide.

 Part 4 Doc B of the Constitution govern meeting arrangements and notice requirements.

The Council broadcasts Council and Cabinet Meetings, which are open to the public.

### **How does the Council make decisions?**

Meetings of the Council are carried out in accordance with an agreed set of rules that are designed to ensure that debates are conducted fairly and efficiently, and

that every Councillor has the ability to raise questions and to make comments on the public's behalf.

 The rules of debate are set out in Part 4 Doc. A of the Constitution.

Decisions are made by Councillors casting votes for or against a particular decision (referred to in the Constitution as a motion). Councillors may also propose amendments (changes) to a particular motion, which must then be voted on.

Usually, votes will be conducted by a show of hands, with Councillors asked to raise their hand to indicate whether they vote for or against a particular motion, or whether they wish to abstain (i.e. to vote neither for nor against the motion).

Decisions will usually require a simple majority of those present voting for a particular motion or decision. In other words, more Councillors must vote for a motion than against it. Where a vote is tied once all Councillors have voted, the Chair will have a second, casting vote.

Councillors may request a recorded vote on a particular issue. In a recorded vote, the Councillors voting for and against a particular motion, and those abstaining, will be written down and recorded in the minutes of the meeting. Councillors may also request that their individual vote on a particular motion is recorded in the minutes.

 The Council's voting arrangements are set out in Part 4 Doc. A of the Constitution.

### **Does every Councillor need to be present before a decision can be taken?**

Not every Councillor needs to vote on every decision. In fact, in some circumstances it may not be appropriate for a Councillor to vote on a particular issue (for example, where they have a personal and prejudicial interest in a decision). You can read more about this in part three of this guide.

However, in order for the Council to make a lawful decision a minimum number of Councillors must be present at a meeting. The minimum number of Councillors that must be present at a meeting is referred to in the Constitution as the quorum for that meeting.

 Part 4 Doc. A of the Constitution sets out the minimum number of Councillors that must be present so the Full Council can make a decision.

## Are meetings recorded?

A record of each meeting will be kept in the form of minutes. The minutes will contain a record of the motions/proposals that were put to the meeting, and the decisions that were taken. They will also record who was present at the meeting.

The minutes of a meeting of the Council will be agreed by the next meeting of the Council and published on the Council's website in accordance with the Council's access to information procedure rules.

If you want to find out what the Council decided about a particular issue, you can read the minutes of the meeting where that issue was discussed.



Information on minutes can be found in Part 4 Doc A of the Constitution.



The access to information procedure rules can be found in Part 4 Doc. B of the Constitution.



Minutes of meetings are available on the Council's website:  
[www.ceredigion.gov.uk](http://www.ceredigion.gov.uk)

## **The Cabinet**

The Cabinet is made up of the Leader and individual Councillors appointed to the Cabinet by the Leader.

 Part 1 para 4 and Art. 7 of the Constitution explain the composition of the Cabinet and how Councillors are appointed to the Cabinet.

The role of Leader and any role on the Cabinet may be carried out by two or more Councillors on a job-share basis.

### **What does the Cabinet do?**

The Leader is responsible for carrying out the Council's executive functions. However, in practice the Leader cannot personally carry out every one of these functions, so the Leader delegates responsibility for certain functions to the Cabinet, to members of the Cabinet, to Officers of the Council or to another bodies.

Each year, the Leader decides which functions to delegate to whom. This is known as the Council's scheme of delegation.

In order to protect the Council and the public's interests in circumstances where decisions are deemed urgent, such that any delay would seriously prejudice the Council's or the public's interests, in the absence or unavailability of the Leader or Deputy Leader, the Leader may delegate the power and responsibility of exercising Executive functions, including making decisions and undertaking relevant actions, to the Chief Executive (and/or Corporate Director/Leadership Group).

 Part 1, Part 2, Part 4 Doc A, Part 4 Doc D, Part 5 3 (3.4 Table 4) of the Constitution explain how functions are delegated by the Leader.

 The Council's scheme of delegation can be found in Part 3 of the Constitution.

### **Meetings of the Cabinet**

The Leader will decide when the Cabinet will meet, and for how long. They will also chair meetings of the Cabinet.

The Constitution prescribes certain matters that must be considered at every meeting of the Cabinet. Additionally, the Leader, members of the Cabinet

(Executive) and certain Chief Officers may require that an item of business is added to the meeting agenda.

Meetings of the Cabinet are carried out in accordance with the rules of procedure and debate set down in the Constitution.

-  The rules of procedure and debate of the Cabinet are set out in Part 4 Doc. B of the Constitution.
-  Part 4 Doc B of the Constitution governs how meetings of the Cabinet are conducted.

### **How does the Cabinet make decisions?**

The Cabinet is obliged to consult with individual Councillors and with certain committees before it makes a decision on matters that are not urgent.

-  These consultation requirements are explained in Part 4 Doc B of the Constitution.

The Cabinet must keep a record of every decision it makes, including every decision made by an individual member of the Cabinet and the Cabinet's committees.

-  Part 4 Doc B of the Constitution sets down the requirements for the Cabinet record of decisions.
-  You can read the minutes of meetings of the Cabinet on the Council's website: [www.ceredigion.gov.uk](http://www.ceredigion.gov.uk)

## **Why does the Council have committees and what do they do?**

The law requires the Council to establish committees for the purpose of carrying out certain legal functions of the Council.

The Council may also decide to establish other committees and working groups for the purpose of assisting the Council to conduct its business efficiently and effectively.

### **What do the Council's regulatory committees do?**

#### **Governance and Audit Committee**

The Governance and Audit Committee advises the Full Council, the Cabinet and their respective committees and members on matters relating to good governance, financial oversight, risk management and complaints.

The Governance and Audit Committee monitors the effectiveness of the Council's rules and procedures for ensuring that the Council acts lawfully, responsibly and that it is accountable to the public (referred to in the Constitution as the Council's governance systems and internal controls). The committee is also responsible for ensuring that the Council's decisions and finances are audited in accordance with agreed procedures.

The Governance and Audit Committee comprises a mixture of Councillors and lay members (who are not members of the Council). Councillors are appointed to the Committee in accordance with the political balance rules (which ensure that the political make-up of the committee reflects the political make-up of the Council).

 Art. 9 of the Constitution explains the Council's arrangements for the Governance and Audit Committee.

 The scheme of delegation in Part 3 (Part 3.3 Table 3) of the Constitution explains the functions of the Governance and Audit Committee.

#### **Democratic Services Committee**

The Council is responsible for appointing the Head of Democratic Services, and the Democratic Services Committee is responsible for keeping under review the provision of resources to the Head of Democratic Services and supporting non-executive members of the Council.

The Democratic Services Committee is made up of Councillors, though there are limits to the number of Cabinet members who can sit on the Democratic Services Committee. Councillors are appointed to the Committee in accordance with the

political balance rules (which ensure that the political make-up of the committee reflects the political make-up of the Council).

 Part 3 (Part 3.3 Table 3) of the Constitution explains the Council's arrangements for the Democratic Services Committee.

 The scheme of delegation of the Constitution Part 3 (Part 3.3 Table 3 of the Constitution explains the functions of the Democratic Services Committee).

### Licensing Committee

The Council is responsible for deciding whether to grant licences for a wide range of different businesses, services and activities in its area. The Council's licensing functions are delegated to the Council's Licensing Committee.

The Council will appoint individual Councillors to the Licensing Committee and agree terms of reference for, and the delegation of powers to, the Licensing Committee to enable it to discharge those functions.

 You can read more about the Council's Licensing Committee in Art 8 and Part 3 (3.3 Table 3) of the Constitution.

 You can also read more about the Council's licensing functions on the Council's website: [www/ceredigion.gov.uk](http://www/ceredigion.gov.uk)

### Development Management Committee

The Council is responsible for operating the planning system in its area. This involves preparing local development plans and local planning policies (which govern development in the Council's area) and managing development (by granting or refusing permission for new development).

The Council will appoint individual Councillors to the Development Management Committee and agree terms of reference for, and the delegation of powers to, the Planning Committee to enable it to discharge those functions.

 You can read more about the Council's Development Management Committee in Art. 8, Part 4 Doc I and Part 5 Doc Q of the Constitution.

 You can also read more about the Council's planning functions on the Council's website: [www/ceredigion.gov.uk](http://www/ceredigion.gov.uk)

## What do the Council's scrutiny committees do?

### Overview and Scrutiny Committees

The Overview and Scrutiny Committees are responsible for holding the Cabinet and other bodies of the Council to account.

The Overview and Scrutiny Committees can: -

- review and scrutinise decisions made by the Cabinet and other parts of the Council;
- make reports and recommendations to the Council or to the Cabinet; and
- make proposals regarding changes to the Council's policies and procedures.

 The functions of the Overview and Scrutiny Committees are set out in Art 6 of the Constitution.

Members of the Overview and Scrutiny Committees must be told about meetings of other Council bodies. They have special rights to see Council documents.

The Overview and Scrutiny Committees may also require any member of the Cabinet or any senior paid officer of the Council to attend a meeting of the committee to explain a decision that they have taken or their performance.

 The Overview and Scrutiny Committees' rights and powers are described in Art 6 of the Constitution.

 The rules around membership of the Overview and Scrutiny Committees, the conduct of committee meetings and the carrying out of the functions of the committee are set out in Art 6, Part 4 Doc E and Part 5 Doc M/M2 of the Constitution.

### Ethics and Standards Committee

The Ethics and Standards Committee is responsible for promoting high standards of conduct by Councillors, including by advising and training Councillors on the councillor code of conduct and advising the Council on changes to that code.

 The functions of the Ethics and Standards Committee are set out in Art 9 and Part 3 (3.3 Table 3) of the Constitution.

The Ethics & Standards Committee is also responsible for investigating alleged breaches of the councillor code of conduct and censuring members who are found to have failed to comply with that code.



The procedure for dealing with allegations made against Councillors is available by contacting the Public Services Ombudsman for Wales or the Council's website:[www.ceredigion.gov.uk](http://www.ceredigion.gov.uk)

The Ethics and Standards Committee comprises a mixture of Councillors and independent members (who cannot be members or paid officers of the Council or related to members or paid officers of the Council).

Councillors are appointed to the Committee in accordance with the political balance rules (which ensure that the political make-up of the committee reflects the political make-up of the Council).



You can read more about the Ethics and Standards Committee in Art 9 and Part 3 (3.3 Table 3) of the Constitution.

## What are joint committees?

The Council may carry out some of its functions jointly with one or more other local authorities in Wales, and with other public bodies. The Council may decide to do this where, for example, the Council considers that it could better promote the economic, social or environmental wellbeing of people living in its area by coordinating its activities with other local authorities, bodies or people.

The Council can establish a joint committee with other local authorities, bodies or people and delegate decisions and functions to that joint committee. By allowing decisions to be taken by a joint committee, the Council can ensure that decisions can be coordinated between all authorities and bodies represented on the committee.

The Cabinet may also establish joint arrangements with one or more local authorities in Wales for the purpose of jointly exercising executive functions together with those authorities.



Art 10 of the Constitution governs the circumstances in which the Council or Cabinet may enter into joint arrangements with other authorities and bodies.

The Council and the Cabinet may also delegate or contract out particular functions to another local authority or to another body or organisation.



Art 10 of the Constitution explain the Council's delegations and contracting out arrangements.

## The Mid Wales Corporate Joint Committee

The Mid Wales Corporate Joint Committee is a type of joint committee.

However, unlike other joint committees (which are created by Councils deciding to work together), the Mid Wales Corporate Joint Committee was created by the Welsh Ministers.

The Mid Wales Corporate Joint Committee is responsible for the following functions:

- developing a regional transport plan;
- strategic development plan;
- economic well-being;

The Council must work together with other members of the Mid Wales Corporate Joint Committee when it performs these functions.

Corporate joint committees are established through regulations made by the Welsh Ministers. Consequently, many of the rules and standards that apply to corporate joint committees are set down in regulations, rather than in the Constitution.



You can read more about the Mid Wales Corporate Joint Committee arrangements in Part 2 (Article 16) and Part 7 of the Constitution.

You can read the regulations that govern the Mid Wales Corporate Joint Committee online:

- <https://www.legislation.gov.uk/wsi/2021/327/contents> (The Corporate Joint Committees (General) (Wales) Regulations 2021)



- <https://www.legislation.gov.uk/wsi/2021/1349/contents/made> (The Corporate Joint Committees (General) (No.2) (Wales) Regulations 2021)

- <https://www.legislation.gov.uk/wsi/2021/342/contents> (The Mid Wales Corporate Joint Committee Regulations 2021)



You can read more about statutory joint committees generally in guidance published by the Welsh Government: <https://gov.wales/corporate-joint-committee-statutory-guidance-summary>

## **Part 3 Roles and responsibilities**

### **What roles do Councillors perform?**

In Art 2 of the Constitution you can find information about the roles that Councillors may perform on the Council.

These include: -

- Leader and Deputy Leader;
- Chair and Vice Chair;
- Member of the Cabinet;
- Assistant to Cabinet-if applicable;
- Elected Member (Councillor);
- Chair and / or member of the Democratic Services Committee;
- Chair and / or member of the Governance and Audit Committee;
- Chair and / or member of the Overview and Scrutiny Committee;
- Chair and / or member of the Ethics and Standards Committee;
- Chair and / or member of a regulatory committee;
- Leader of the Opposition and Deputy Leader of the Opposition; and
- Member Champion.

In Art 11 of the Constitution you will find information about the roles played by senior paid officials of the Council, including the Chief Executive, the Monitoring Officer, the Chief Finance Officer and the Head of Democratic Services.

This part of the guide provides more information about these important roles.

## **Chair and Vice Chair**

The Chair and Vice Chair are elected by the Council every year.

-  The procedures that govern the election of the Chair and the Vice Chair and their resignation or dismissal are set out in Art 5 of the Constitution.

The Chair is responsible for: -

- promoting and upholding the Constitution;
- presiding over meetings of the Full Council;
- ensuring that meetings of the Full Council are quorate and conducted in accordance with the Council's procedure rules; and
- ensuring that decisions are taken in accordance with the Constitution.

The Chair is also the civic leader of the Council. They are responsible for promoting the interests and reputation of the Council and for carrying out civic, community and ceremonial activities.

The Vice Chair performs the Chair's functions in their absence.

-  You can read more about the role and functions of the Chair and the Vice Chair in Art 5 of the Constitution.

-  The role description for the Chair can be found in Art 5 of the Constitution.

-  The role description for the Vice Chair can be found in Art 5 of the Constitution.

The person specification for the Chair can be found within the WLGA: Framework Member Role Descriptions & Person Specifications:

-  <https://www.wlga.wales/SharedFiles/Download.aspx?pageid=62&mid=665&fileid=346>

The Vice Chair performs the Chair's functions in their absence.

## **Civic Chair and Civic Vice Chair**

The Civic Chair is the civic leader of the Council. They are responsible for promoting the interests and reputation of the Council and for encouraging public involvement in the Council's activities.

The Civic Chair undertakes civic, community and ceremonial activities on behalf of the Council and is responsible for fostering community identity and pride.

The Civic Vice Chair performs the Civic Chair's functions in their absence. The Council's Chair holds the Civic Chair role.

## **Leader and Deputy Leader**

The Leader is elected by the Council every year.

The Deputy Leader is appointed by the Leader to exercise the Leader's functions in their absence.



The arrangements governing the election of the Leader and the appointment of the Deputy Leader are set out in Article 4 (Part 2), Part 3 (3.4 Table 4 of the Constitution).

The Leader is responsible for appointing Councillors to the Cabinet and for allocating specific policy areas and responsibilities (portfolios) to members of the Cabinet, recommending the allocation of specific policy areas and responsibilities (portfolios) to members of the Cabinet for agreement by the Council.

The Leader is also responsible for preparing a scheme describing which functions are to be carried out by which members of the Cabinet (this is referred to in the Constitution as the Cabinet scheme of delegation)(Part 4 Doc D).



See Part 3 (3.4 Table 4) of the Constitution for more information.

The Leader also chairs meetings of the Cabinet.

The Leader will act as the Council member of the Mid Wales Corporate Joint Committee and the Council's representative on the Ceredigion Public Services Board.



See Part 7 of the Constitution for more information.

 The role and responsibilities for the Leader can be found in Part 3 (3.4 Table 4) of the Constitution.

 The role and responsibilities for the Deputy Leader can be found in Part 3 (3.4 Table 4) of the Constitution.

The person specification for the Leader can be found within the WLGA: Framework Member Role Descriptions & Person Specifications :

 <https://www.wlga.wales/SharedFiles/Download.aspx?pageid=62&mid=665&fileid=346>

## **Member of the Cabinet**

Members of the Cabinet are responsible for: -

- taking decisions regarding issues that fall within their area of responsibility;
- playing an active role in Cabinet meetings and decision making;
- contributing to the development of the Council's forward work programme and to policies and procedures in their area of responsibility;
- providing political leadership to the Council's paid officers on matters they are responsible for;
- reporting to the Council, the Leader, the Cabinet and others on the performance of services which they are responsible for; and
- participating in the Council's scrutiny processes and procedures, including by explaining decisions they have made and the performance of functions within their area to the Overview and Scrutiny Committee.

 You can read more about members of the Cabinet in Part 3 (3.3 Table 4) of the Constitution.

 The role and responsibilities for members of the Cabinet] can be found in Part 3 (3.3 Table 4) of the Constitution.

The person specification for members of the Cabinet can be found within the WLGA: Framework Member Role Descriptions & Person Specifications :

 <https://www.wlga.wales/SharedFiles/Download.aspx?pageid=62&mid=665&fileid=346>

## **Assistants to the Executive**

The Council does not currently have any assistants to the Executive (Cabinet).

If in place, assistants to the Executive support members of the Cabinet by taking on certain tasks and responsibilities on their behalf. They may attend meetings, prepare reports, review papers and draft comments for the member they support.

Assistants to the Executive are not members of the Cabinet and cannot vote at Cabinet Meetings or Cabinet Committee Meetings. However, they are entitled to attend and to speak at meetings of the Cabinet and its committees.

## **What roles do paid Officers of the Council perform?**

The elected members of the Council are supported by paid Officers of the Council, who are accountable to the Council and responsible for delivering services to the public in accordance with the policies and procedures agreed by the Council, the Cabinet and their committees and bodies.

The **Chief Executive** has overall corporate and operational responsibility for the work of the Council and for all paid officers of the Council.



The Chief Executive's role and responsibilities are described in Art 11 and Part 3 (3.5 Doc B & C) of the Constitution.

The **Monitoring Officer** is responsible for ensuring lawfulness and fairness in the Council's decision making, maintaining and upholding the Constitution, receiving reports of alleged breaches of the Council's duties and obligations and conducting investigations into such allegations.



The Monitoring Officer's role and responsibilities are described in section Art 11 and Part 3 (3.5 Doc B & D) of the Constitution.

The **Head of Democratic Services** is responsible for advising the Council, its committees and individual Councillors, on the proper discharge of the Council's democratic functions and responsibilities.



The Head of Democratic Services' role and responsibilities are described in Art 11 and Part 3 (3.5 Doc B & E) of the Constitution.

The **Chief Finance Officer** is responsible for ensuring that the Council makes lawful and financially prudent decisions. They are also responsible for the administration

of the Council's financial affairs and providing advice to Councillors on the Council's budgetary and other financial procedures.

 The Chief Finance Officer's role and responsibilities are described in s Art 11 and Part 3 (3.5 Doc B & L) of the Constitution.

The Council also employs a number of other Chief Officers, including: -

- Corporate Directors
- Corporate Lead Officer - Schools & Culture (also Chief Education Officer)
- Corporate Lead Officer - Legal & Governance (also Monitoring Officer)
- Corporate Lead Officer - Finance & Procurement (also Chief Finance Officer / S151 Officer)
- Corporate Lead Officer - Policy, Performance & Public Protection
- Corporate Lead Officer - Economy & Regeneration
- Corporate Lead Officer - Highways & Environmental Services
- Corporate Lead Officer - Porth Cynnal - Specialist Through Age Services (also Director of Social Services)
- Corporate Lead Officer - Porth Gofal Targeted Intervention
- Corporate Lead Officer - Porth Cymorth Cynnar
- Corporate Lead Officer - People & Organisation
- Corporate Lead Officer - Customer Contact
- Corporate Lead Officer - Democratic Services (also Head of Democratic Services)

Chief Officers are each accountable to the Council for the financial management and administration of those services and activities allocated to them in accordance with the Council's policies.

 The roles and responsibilities of Chief Officers are described in Art 11 and Part 3 (3.5) of the Constitution.

 The processes by which officers are recruited, appointed, disciplined and dismissed are set out in Part 4 Doc H of the Constitution.

## How should Councillors and Officers behave?

### Councillors should comply with the Members' Code of Conduct

Councillors are expected to uphold the highest standards of personal and professional conduct. Those standards are described in the Code of Conduct for Members.

The Code of Conduct for Members is intended to help and guide Councillors in maintaining appropriate standards of conduct when serving their community. In turn, it provides reassurance to the public and helps build their trust in, and respect for, their local representatives.

The Code of Conduct for Members is based upon the 7 Principles of Public Life, which were first set out in the 1995 Nolan Report on Standards in Public Life. Three additional principles were added in the local government principles in Wales.

The Code of Conduct for Members is consistent with, and provides for the practical application of, these principles.

#### ➤ **Selflessness**

Members must act solely in the public interest. They must never use their position as members to improperly confer an advantage on themselves or to improperly confer an advantage or disadvantage on others.

#### ➤ **Honesty**

Members must declare any private interests relevant to their public duties and take steps to resolve any conflict in a way that protects the public interest.

#### ➤ **Integrity and propriety**

Members must not put themselves in a position where their integrity is called into question by any financial or other obligation to individuals or organisations that might seek to influence them in the performance of their duties. Members must on all occasions avoid the appearance of such behaviour.

#### ➤ **Duty to uphold the law**

Members must act to uphold the law and act on all occasions in accordance with the trust that the public has placed in them.

➤ **Stewardship**

In discharging their duties and responsibilities members must ensure that their authority's resources are used both lawfully and prudently.

➤ **Objectivity in decision-making**

In carrying out their responsibilities including making appointments, awarding contracts, or recommending individuals for rewards and benefits, members must make decisions on merit. Whilst members must have regard to the professional advice of officers and may properly take account of the views of others, including their political groups, it is their responsibility to decide what view to take and, if appropriate, how to vote on any issue.

➤ **Equality and respect**

Members must carry out their duties and responsibilities with due regard to the need to promote equality of opportunity for all people, regardless of their gender, race, disability, sex, sexual orientation, marital status, age or religion, and show respect and consideration for others.

➤ **Openness**

Members must be as open as possible about all their actions and those of their authority. They must seek to ensure that disclosure of information is restricted only in accordance with the law.

➤ **Accountability**

Members are accountable to the electorate and the public generally for their actions and for the way they carry out their responsibilities as a member. They must be prepared to submit themselves to such scrutiny as is appropriate to their responsibilities.

➤ **Leadership**

Members must promote and support these principles by leadership and example so as to promote public confidence in their role and in the authority. They must respect the impartiality and integrity of the authority's statutory officers and its other employees.



You can read the Code of Conduct for Members in full in Part 5 Doc J of the Constitution.

Councillors are expected to ensure that they understand their obligations under the Code and act in a way which shows that they are committed to meeting the high

standards of conduct that are expected of them. Councillors are provided with training when they are first appointed, and on a regular basis, to support them to comply with the Code of Conduct for Members.

### **Special requirements for Councillors who are members of the Council's Development Management Committee**

Planning affects people's private and financial interests in land and property and the environment in which communities live, work and play.

The Council's Development Management Committee is responsible for balancing the needs and interests of individuals and the community to make decisions that are open, fair and transparent and decided using sound judgment and for justifiable reasons.

For these reasons, members of the Council's Development Management Committee are expected to abide by an additional Member's Protocol of Good Practice in Planning.

The Member's Protocol of Good Practice in Planning and the Development Management Committee Operational Procedures explain, amongst other things: -

- the role of officers in providing impartial and professional advice to members of the committee;
- the factors that should be taken into account when deciding an application for planning permission and the factors that should not be taken into account;
- The legal duties which members of the committee must have regard to, such as the Socio Economic Duty, The Well Being of Future Generations Act 2015 and National and Local Planning policies
- the action members should take if they have a personal interest in a matter being determined by the committee (e.g. where an application relates to a property which they own); and
- how applications for development proposed by, or to be carried out by, the Council should be decided.

You can read the Protocol for Good Practice in Planning matters for Members Dealing with Planning Matters in Part 5 Doc Q of the Constitution.



You can read the Development Management Committee Operational Procedures in Part 4 Doc I of the Constitution.

## **Officers should comply with the Council's Code of Conduct for Local Government Employees**

Paid Officers of the Council are responsible for serving the Council by providing advice to Councillors, implementing the Council's policies, and delivering services to the local community. In performing their duties, they must act with integrity, honesty, impartiality and objectivity.

The public is entitled to expect the highest standards of conduct from all those who work for the Council. The Code of Conduct for Local Government Employees outlines the rules and conditions of service which apply to the Council's Employees. It is designed to provide clear guidance to assist them in their day to day work and to allow the public to understand what they can expect when they interact with a Council Employee.



You can read the Code of Conduct for Officers in full in Part 5 Doc L of the Constitution.

## **How should Councillors and Officers work together?**

Councillors and Officers have different roles, responsibilities and accountabilities, but it is imperative that they work effectively together to perform the Council's functions and to deliver services to residents living in the Council's area.

The Protocol on Member/Officer Relations is designed to clarify the respective roles and responsibilities of Councillors and Officers and to guide them in their dealings with one another. It explains what Councillors and Officers can reasonably expect from one another and how they should work together to achieve their common purpose.

Councillors are entitled to express political views and to support the policies of the party or group to which they belong. Conversely, Officers are expected to carry out the Council's business in a politically impartial way and many are restricted from engaging in political activity. The protocol therefore explains how Officers can support the policy deliberations by political groupings, while remaining politically neutral.



You can read the Protocol on Member/Officer Relations in full in Part 5 Doc K of the Constitution.

## **How can I complain about a Councillor?**

If you wish to complain about a Councillor, then you should contact either the Council's Monitoring Officer or the Public Services Ombudsman for Wales.



The Council's complaints process provides more information about how to complain. It is available on the Council's website: [www.ceredigion.gov.uk](http://www.ceredigion.gov.uk) and you can contact the Council's Complaints Team by emailing [complaints@ceredigion.gov.uk](mailto:complaints@ceredigion.gov.uk)



You can find the Monitoring Officer's contact details on the Council's website: [www.ceredigion.gov.uk](http://www.ceredigion.gov.uk)



You can find out more about how to complain to the Public Services Ombudsman for Wales on their website  
<<https://www.ombudsman.wales/how-to-complain/>>

## **How can I complain about an Officer?**

If you wish to complain about a paid Officer of the Council, you should write to the Council's corporate complaints service: [www.ceredigion.gov.uk](http://www.ceredigion.gov.uk)

## Part 4 Policies and procedures

### The Council's key plans and strategies (the policy framework)

#### Where can I find the Council's key plans and strategies?

The Council is responsible for setting the Council's key plans and strategies, which together form the Council's policy framework.

 The plans and strategies which form the Council's policy framework are listed in Art 4 of the Constitution.

 Individual plans and strategies are published on the Council's website, including the Council's Corporate Strategy (see <https://www.ceredigion.gov.uk/your-council/strategies-plans-policies/strategies/>).

Additionally, the Council's Corporate Strategy brings together the Council's plans and strategies for: communities; children and young people; health social care and wellbeing; and community safety.

 The Council's single integrated plan is published on the Council's website [www. Ceredigion.gov.uk](http://www.Ceredigion.gov.uk)

#### How is the Council's policy framework decided?

The Cabinet is responsible for consulting with relevant stakeholders, considering any reports or recommendations made by the Council's scrutiny committees and working with the Council's Chief Officers to develop a draft policy framework.

Once the Cabinet has developed a draft policy framework, it will be considered by a meeting of the Council.

The Council may decide to adopt the policy framework, make changes to it, refer it back to the Cabinet so that further work can be done on it, or substitute its own policy framework for the draft prepared by the Cabinet.

If the Council decides to adopt the policy framework then it shall take effect immediately. If the Council amends the policy framework then the Leader has an

opportunity to object to the amendments and to reconvene the Council to reconsider the policy framework.

Once adopted, the Cabinet, their committees, individual Councillors and the Council's paid officers are bound to act in accordance with the policy framework.



The process by which the Council adopts a policy framework is described in Part 4 Doc C of the Constitution.

## **Budget setting and financial management**

### **How does the Council set its budget?**

The Council is responsible for agreeing the Council's budget, and for agreeing changes to the Council's budget once it has been formally adopted.

The Council's budget is in two parts: -

- the Revenue Budget provides for day to day operating costs and expenditure like staff salaries, rent, and the ongoing costs of providing services.
- the Capital Programme provides for one-off costs like a major road improvement scheme, or the purchase or construction of a new car park.

The Cabinet, in consultation with the Chief Finance Officer, is responsible for developing initial proposals for the Council's budget and consulting over these.

Once this consultation has been completed, the Cabinet is responsible for preparing a final budget proposal for consideration by the Council.

The Council may adopt the budget without making any changes, amend the budget, or ask the Cabinet to reconsider it before adopting it.



The process by which the Full Council adopts its budget is described in Part 4 Doc C of the Constitution.

## **Decisions outside the budget or policy framework**

### **Can decisions be taken that do not comply with the budget or policy framework?**

The Council may decide to make changes to the policy framework.

Other bodies and individuals may only take decisions that do not comply with the policy framework in a limited number of exceptional circumstances, which are set

out in the Constitution (see Part 4 Doc C). For example, where an urgent decision must be taken to safeguard the Council's interests.

However, the Council's Overview and Scrutiny Committees may decide to refer such decisions to the Council for further consideration (this is referred to in the Constitution as calling-in the decision).

-  The Council's arrangements for urgent decisions which do not comply with the policy framework are set out in Part 4 Doc C of the Constitution.
-  Part 4 Doc C of the Constitution describes the limited circumstances in which bodies or individuals other than the Council may make changes to the policy framework.
-  The Overview and Scrutiny Committees' powers are described in Part 4 Doc C of the Constitution.

### **Can money be moved from one budget head to another once the budget has been adopted?**

During the year the Cabinet and Chief Officers may need to transfer budgets from one service area to another to reflect changed service needs or priorities in order to deliver the Council's policy framework within the financial limits set by the Council.

-  The mechanism by which the Cabinet and Chief Officers may move money between budget heads is set out in Part 4 Doc F of the Constitution.

### **What other policies and procedures govern how the Council manages its budget?**

The Council is bound by a number of different financial rules and procedures that govern how the Council's spending is planned, committed, reviewed and audited.

-  The Council's detailed financial procedure rules are set out in Part 4 Doc F of the Constitution.

### **Are there any restrictions on how the Council buys in goods and services?**

The Council can enter into contracts to purchase goods and services in much the same way as any other person or organisation. However, the Council must comply with the contract procedure rules in the Constitution when it does so.

The purpose of the contract procedure rules are to ensure that the Council complies with relevant legal requirements, and secures the most economically advantageous (best value) goods and services for taxpayers.

If you regularly sell goods or services to the Council then you may wish to familiarise with these rules and procedures.



The Council's contract procedure rules are set out in Part 4 Doc G of the Constitution.

### **How does the Council enter into contracts and agreements?**

The rules and procedures that govern how agreements, contracts and deeds are authorised and executed on behalf of the Council are set out in Article 13 and Part 4 Doc G of the Constitution (see also Parts 3.5C, D and E and Part 4 Doc F).

## Part 5 How can I get involved?

### How can I find out when meetings of the Council and its committees and bodies are taking place?

The Council publishes notices of meetings of the Council and its committees.

-  You can find out more about notice requirements in Part 4 Doc B of the Constitution.
-  The Council publishes notices of meetings, and a programme of upcoming meetings, on its website: [www.ceredigion.gov.uk](http://www.ceredigion.gov.uk)

### How can I find out what will be discussed at a particular meeting?

The Council will publish agendas for meetings, together with any background papers and reports in advance of the meeting taking place.

Hard copies of agendas and background papers and reports will also be available at the meeting for those members of the public who wish to attend in person.

-  You can find out more about the information that is made publicly available in advance of a Council meeting in Part 4 Doc B of the Constitution.
-  The Council publishes meetings agendas and supporting documents and reports on its website: [www.ceredigion.gov.uk](http://www.ceredigion.gov.uk)

### How can I find out when an issue I am concerned about will be decided?

The Council publishes a forward work programme, which sets out what decisions will be taken by the Council, the Cabinet and what issues the Overview and Scrutiny Committees will be considering, and when these matters will be discussed.

-  You can find out more about the Council's forward work programme on the Council meetings page of the Constitution (<https://council.ceredigion.gov.uk/ieListMeetings.aspx?Committeeld=149&LLL=0>).

### Can I ask a committee or body of the Council to look into a particular issue?

You can suggest issues for the Scrutiny Committees to consider (see Part 5 Document N of the Constitution for further information). You can also submit petitions to the

Council, using the Council's petition scheme/protocol. The Council is obliged by law to operate a petition scheme, which sets out: -

- how a petition can be submitted to the Council;
- how and when the Council will acknowledge receipt of a petition;
- the steps the Council will take in response to a petition; and
- how and when the Council will make available its response to a petition to the person who submitted the petition and to the public.

 You can read more about submitting a petition to the Council in Part 5 Doc O of the Constitution.

 The Council publishes details of its petition scheme on its website [www.ceredigion.gov.uk](http://www.ceredigion.gov.uk)

## **Can I attend meetings of the Council?**

Yes, members of the public can come to meetings of the Council so long as they are being held in public.

Meetings of the Council are also broadcast live (currently on the Council's Facebook page) so you can watch them in real time remotely if you wish to do so.

The public must be excluded from meetings when confidential information would otherwise be disclosed. 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.

The Council may also exclude the public from a meeting, or part of a meeting, where exempt information would be disclosed. Exempt information includes information that relates to a particular individual or their financial or business affairs, information that is legally privileged or information relating to the prevention, investigation or prosecution of a crime, or other information specified in the Constitution.

If you interrupt a meeting of the Council, then you are likely to be warned by the Chair about causing a disturbance. If you continue to disturb the meeting, then you may be removed.

 The rules around excluding the public from meetings are set out in sections Part 4 Doc B of the Constitution.

 The Council's broadcasting of meetings of the Council are set out in Part 4 Doc A of the Constitution.

 The rules around disturbance by members of the public are set out in section Part 4 Doc A of the Constitution.

### **Can I attend other meetings?**

Yes, members of the public can come to any meeting which the Council has resolved should be held in public.

 Your right to attend meetings of the Council's Cabinet, the Council's committees and other bodies are described in Art 8 (see also Part 4 Doc B) of the Constitution.

### **Can I speak at a meeting?**

Members of the public can speak at any meeting which the Council has resolved should include participation by members of the public.

These include:

Overview and Scrutiny Public Engagement Protocol (see Part 4 Document N)

Development Management Committee (see Part 4 Document I)

Representations can also be made in specific circumstances, such as objectors to planning applications at Development Management Committee or Overview and Scrutiny Committees (see Part 4 Doc I and Part 5 Doc N of the Constitution).

 Contact information for the Head of Democratic Services are published on the Council's website: [www.ceredigion.gov.uk](http://www.ceredigion.gov.uk)

### **How can I find out what the Council decided?**

The Council publishes the agenda, reports and the minutes of meetings once they have been agreed. These papers are available for inspection by the public for a minimum of six years from the date of the meeting. The background papers are available to the public for at least four years.

The Council also has arrangements in place for publishing written records of decisions taken by the Cabinet and the Council's committees and other bodies.

 You can read about the Council's arrangements for publishing minutes of meetings in Part 4 Doc B of the Constitution.

-  You can read about the Council's arrangements for publishing a written record of decisions taken by the Cabinet [, the Council's committees and individual members of the Cabinet in Part 4 Doc B of the Constitution.
-  You can read meeting minutes, reports and agendas on the Council's website [www.ceredigion.gov.uk](http://www.ceredigion.gov.uk)

### **Can I view the Council's accounts to understand how my council tax is spent?**

Yes. The Council is required to publish its accounts and to make them available for inspection by the public. You may raise questions of concerns about the Council's accounts with the Council or with the Council's external auditor.

-  You can find out more about how to view the Council's accounts in Article 3of the Constitution. The Statements of Accounts are available on the Council's website at: <https://www.ceredigion.gov.uk/your-council/budgets-finance/statement-of-accounts/>

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# Ceredigion County Council Constitution

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# Ceredigion County Council

## Constitution

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# **PART 2**

## **ARTICLES OF THE CONSTITUTION**

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## **ARTICLE 1 – THE CONSTITUTION**

### **1.1 POWERS OF THE COUNCIL**

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

### **1.2 THE CONSTITUTION**

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

### **1.3 PURPOSE OF THE CONSTITUTION**

The purpose of the Constitution is to:

- 1.3.1 enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
- 1.3.2 provide a framework for good governance;
- 1.3.3 support the active involvement of citizens in the process of local authority decision-making;
- 1.3.4 help Councillors represent their constituents more effectively;
- 1.3.5 enable decisions to be taken efficiently and effectively;
- 1.3.6 create a powerful and effective means of holding decision-makers to public account;
- 1.3.7 ensure that no one will review or scrutinise a decision in which they were directly involved;
- 1.3.8 ensure that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for decisions; and
- 1.3.9 provide a means of improving the delivery of services to the community.

### **1.4 INTERPRETATION AND REVIEW OF THE CONSTITUTION**

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

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

## **ARTICLE 2– MEMBERS OF THE COUNCIL**

### **2.1 COMPOSITION AND ELIGIBILITY**

#### **2.1.1 Composition.**

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

#### **2.1.2 Eligibility**

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

### **2.2 ELECTION AND TERMS OF COUNCILLORS**

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

### **2.3 ROLES AND FUNCTIONS OF ALL COUNCILLORS**

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

- 2.3.1.1 collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- 2.3.1.2 represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities;
- 2.3.1.3 deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
- 2.3.1.4 balance different interests identified within the electoral division and represent the electoral division as a whole;
- 2.3.1.5 contribute to the continual improvement of Council services;
- 2.3.1.6 be involved in decision-making;
- 2.3.1.7 be available to represent the Council on other bodies; and
- 2.3.1.8 maintain the highest standards of conduct and ethics.

## 2.3.2 Rights and duties

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

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

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

2.3.2.4 Councillors are entitled to serve on School Governing Bodies.

## 2.4 CONDUCT

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

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

## 2.5 SALARIES

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

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

## ARTICLE 3 – CITIZENS AND THE COUNCIL

### 3.1 CITIZENS RIGHTS

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

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

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

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

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

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

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

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

3.1.3.1 to the Council itself under its Corporate Complaints Procedure;

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

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

3.1.3.4 To the Social Services Complaints Officer where appropriate.

#### **3.1.4 Welsh Language**

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

#### **3.1.5 The Rights of the Child**

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

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

### **3.2 CITIZENS' RESPONSIBILITIES**

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

## **ARTICLE 4 – THE FULL COUNCIL**

### **4.1 THE FOLLOWING PLANS AND STRATEGIES ARE:**

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

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

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

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

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

### **4.2 PARTNERSHIP STRATEGIES AND PLANS**

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

### **4.3 BUDGET**

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

## 4.4 FUNCTIONS OF THE FULL COUNCIL

Only the Council will exercise the following functions:

- 4.4.1 adopting and making major changes to the Constitution with changes to reflect legislative structural and minor matters to be effected by the Monitoring Officer;
- 4.4.2 approving or adopting the policy framework and the budget, and setting the Council Tax;
- 4.4.3 subject to the Urgency Procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of a Cabinet function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;
- 4.4.4 agreeing and/or amending the terms of reference for Committees, deciding on their composition and making appointments to them;
- 4.4.5 appointing the Leader;
- 4.4.6 noting the appointment of Cabinet Members by the Leader;
- 4.4.7 appointing representatives to outside bodies unless the appointment is a Cabinet function or has been delegated by the Council;
- 4.4.8 adopting a Schedule of Member Remuneration under Article 2.5;
- 4.4.9 adopting or revising a Code of Conduct for Members of the Council;
- 4.4.10 all the non-Cabinet functions set out in Table 1 in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than a Committee, namely:
  - 4.4.10.1 making, amending, revoking, re-enacting or adopting bylaws;
  - 4.4.10.2 promoting or opposing the making of local legislation or personal bills;
  - 4.4.10.3 the approval of the Council's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be);
  - 4.4.10.4 making standing orders and standing orders as to contracts;
  - 4.4.10.5 the consideration of adverse reports from the Public Services Ombudsman for Wales with recommended compensation over the level of £1,000 or from the Children's Commissioner, the Care and Social Services'

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

- 4.4.10.6 functions relating to sea fisheries;
  - 4.4.10.7 changing the name of the County;
  - 4.4.10.8 changing the name of a community;
  - 4.4.10.9 conferring the title of honorary alderman or to admit to be an honorary freeman;
  - 4.4.10.10 petition for a charter to confer County borough status;
  - 4.4.10.11 appointing an electoral registration officer;
  - 4.4.10.12 the dissolution of Community Councils;
  - 4.4.10.13 making of orders to group Community Councils and for dissolving groups and separating Community Councils from groups;
  - 4.4.10.14 appointing a returning officer for local government elections;
  - 4.4.10.15 submitting proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000;
  - 4.4.10.16 functions relating to local government pensions and the firemen's pension scheme.
  - 4.4.10.17 Consideration of Cabinet decisions called in, following recommendation by the relevant Scrutiny Committee, limited to circumstances the Call-In procedures (part 6).
- 4.4.11 appointing the Chief Executive, Corporate Directors and Corporate Lead Officers;
- 4.4.12 Appointing statutory officers, including Section 151 Officer, Monitoring Officer, Director of Social Services, Chief Education Officer, and Head of Democratic Services;
- 4.4.13 Determining the level, and any change in the level, of the remuneration of Chief Officers;
- 4.4.14 all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than Cabinet;
- 4.4.15 approving, reviewing and amending the Council's Petitions Protocol;
- 4.4.16 preparing an annual report on the extent to which the Council has met its performance requirements;
- 4.4.17 making arrangements for a panel performance assessment and responding to the panel's report;

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

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

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

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

## **4.5 COUNCIL MEETINGS**

There are four types of Council meeting:

4.5.1 the First Annual Meeting

4.5.2 the Annual meeting;

4.5.3 Ordinary meetings;

4.5.4 Special meetings.

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

## **4.6 RESPONSIBILITY FOR FUNCTIONS**

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

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

## **ARTICLE 5 – CHAIRING THE COUNCIL**

### **5.1 ROLE AND FUNCTION OF THE CHAIRPERSON OF THE COUNCIL**

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

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

The Chairperson will have the following responsibilities:

- 5.1.1 to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
- 5.1.2 to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
- 5.1.3 to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not on the Cabinet are able to hold the Cabinet and Committee chairmen to account;
- 5.1.4 to promote public involvement in the Council's activities;
- 5.1.5 to be the conscience of the Council; and
- 5.1.6 to attend such civic and ceremonial functions as they and the Council determine appropriate.

### **5.2 CHAIR OF COMMITTEES**

The Chair and Vice-Chair of the Council shall not serve concurrently as Chair or Vice-Chair of any Committee of the Council.

Chairs and Vice-Chairs of Committees shall serve for a term of two municipal years and may hold one Chair and one Vice-Chair post concurrently and may not seek re-election for the succeeding term in relation to the relevant committee/s of which they hold Chair status.

## ARTICLE 6 – OVERVIEW AND SCRUTINY COMMITTEES

### 6.1 TERMS OF REFERENCE

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

<b>Committee</b>	<b>Scope</b>
<b>Co-ordinating Committee (10 Members)</b>	Transformation of services, collaboration, partnership working. Ceredigion Public Service Board, Ceredigion Local Well-being Plan, Corporate Strategy & Well-being Objectives Safeguarding, communication, equalities and crime and disorder matters
<b>Corporate Resources (13 Members)</b>	Corporate Services (to include human resources, customer services, ICT, treasury management and legal services), Inclusion/Equal Opportunities, Civil Contingencies, Business Continuity, Estates Management and Civil Registration.
<b>Healthier Communities (13 Members)</b>	Social Services, Integrated Care Services, Housing services, Leisure and Recreation Facilities, Environmental Health, Public Protection and Licencing.
<b>Learning Communities (13 Members)</b>	Lifelong Learning, Children and Young People, Schools, Training, Youth Services and Cultural Services.
<b>Thriving Communities (17 Members)</b>	Economic Development, Regeneration, Tourism, Marketing, Stronger Communities, European Grant Aid, Business Support, Capital Programme, Transport and Highways Infrastructure, Town and Country Planning and Sustainability, Coast and Countryside and Waste and other Municipal Services

## 6.2 GENERAL ROLE

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

- 6.2.1 review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- 6.2.2 make reports and/or recommendations to the full Council and/or the Cabinet and/or any joint committee in connection with the discharge of any functions;
- 6.2.3 consider any matter affecting the area or its inhabitants; and
- 6.2.4 exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Cabinet.
- 6.2.5 The role of the Overview and Scrutiny Co-ordinating Committees be extended :
  - (a) To review or scrutinise decisions made, or other actions taken by the Public Services Board ("the P.S.B"), in the exercise of its functions;
  - (b) To review and scrutinise the PSB's governance arrangements;
  - (c) To make reports or recommendations to the PSB with respect to the PSB's functions or governance arrangements;
  - (d) To consider such matters relating to the PSB as the Welsh ministers may refer to it and to report to the Welsh ministers accordingly;
  - (e) To carry out such other functions in relation to the PSB as are imposed on it by the Well-being of Future Generations (Wales) Act 2015.
  - (f) To report/make recommendations to the appropriate fora (including Cabinet, the PSB and relevant sub-groups).

## 6.3 SPECIFIC FUNCTIONS

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

- 6.3.1.1 assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues;
- 6.3.1.2 conduct research, community and other consultation in the analysis of policy issues and possible options;

- 6.3.1.3 consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- 6.3.1.4 question members of the Cabinet and/or Committees and chief officers about their views on issues and proposals affecting the area or any matter under consideration; and
- 6.3.1.5 liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

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

- 6.3.2.1 review and scrutinise the decisions made by and performance of the Cabinet and/or Committees and Council officers both in relation to individual decisions and over time;
- 6.3.2.2 review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- 6.3.2.3 question members of the Cabinet and/or Committees and appropriate officers about their decisions and performance, whether generally in comparison with business plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- 6.3.2.4 make recommendations to the Cabinet and/or appropriate Committee and by way of, and in accordance with good practice to inform Council decision making arising from the outcome of the e scrutiny process;
- 6.3.2.5 review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Overview and Scrutiny Committee and local people about their activities and performance;

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

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

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

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

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

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

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

(a) the Welsh Ministers;

(b) the Future Generations Commissioner for Wales; and

(c) the Auditor General for Wales.

~~6.3.2.5~~6.3.2.7.6 require one or more of the attendees at the Ceredigion Public Services Board, or anyone designated by such a person, to attend a meeting of the Overview and Scrutiny Committee and provide it with explanations of such matters as it may specify.

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

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

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

## 6.4 PROCEEDINGS OF OVERVIEW AND SCRUTINY COMMITTEES

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

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

## 6.5. PUBLIC ENGAGEMENT PROTOCOL

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

## **6.6 JOINT OVERVIEW AND SCRUTINY COMMITTEES**

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

## **ARTICLE 7 – CABINET**

### **7.1 ROLE**

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

### **7.2 FORM AND COMPOSITION**

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

### **7.3 LEADER**

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

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

The Leader will hold office until:

- 7.3.1 they resign from the office; or
- 7.3.2 they are suspended from being a Councillor under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
- 7.3.3 they are no longer a Councillor; or
- 7.3.4 they are removed from office by resolution of the Council passed by at least 75% of members present at the meeting; or
- 7.3.5 they are removed from office by resolution of the Council in the event of a change in political control of the Council.

### **7.4 OTHER CABINET MEMBERS**

Other Cabinet members shall hold office until:

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

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

## **7.5 PROCEEDINGS OF THE CABINET**

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

## **7.6 RESPONSIBILITY FOR FUNCTIONS**

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

## **7.7 ASSISTANTS TO THE CABINET**

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

- (a) a Member of the Cabinet; or
- (b) The Chairman or Vice-Chairman of the Council

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

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

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

## **7.8 JOB SHARING**

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ARTICLE 8 – REGULATORY COMMITTEES

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- 7.8.1 Any election or appointment to the Cabinet (including the Leader) may include the election of two or more Councillors to share office. 7.8.2 Where two or more Members have been elected or appointed to share the same office on the Cabinet the maximum number of Members of the Cabinet, including the Leader(s), will be:
- 7.8.2.1 9, where at least two of the Members have been elected or appointed to share office; or
  - 7.8.2.2 10, where at least three of the Members have been elected or appointed to share office.
- 7.8.3 The Members of Cabinet who share the same office will have one vote between them in respect of any matter on which they have a right to vote because they are a Member of the Cabinet.
- 7.8.4 Where any meeting is attended by more than one of the Members who share the same office and those members are attending in their capacity as a member of the Cabinet, they together count only as one person for the purpose of determining whether the meeting is quorate.

## ARTICLE 8 – REGULATORY COMMITTEES

### REGULATORY COMMITTEES

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

#### 8.2 Development Management Committee

##### 8.2.1 Role, purpose and responsibilities

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

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

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

- I. *Chief Officers (Chief Executive, Corporate Directors and Corporate Lead Officers);*
  - II. *All staff employed by the Planning Service(s) including development management and Forward Planning; and*
  - III. *Any other Staff closely linked to the planning services or a particular planning application or by their close personal associates.*
9. *To prioritise making sound planning judgements in line with all relevant national and local planning policy that advances the corporate strategies and priorities of the Council unless there are other material considerations.*
10. *To determine applications in accordance with the Local Development Plan, the central tenants of the Well-being of Future Generations (Wales) Act 2015, and to deliver the Council’s Corporate Priorities:*
- *Corporate Priority 1 – Boosting the Economy;*
  - *Corporate Priority 2 – Investing in People’s Future;*
  - *Corporate Priority 3 – Enabling individual and Family Resilience; and*
  - *Corporate Priority 4 – Promoting Environmental and Community Resilience.*

#### 8.2.2 Proceedings of the Committee

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

#### 8.2.3 Member’s Protocol of Good Practice in Planning

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

### 8.3 Licensing Committee

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

#### 8.3.1 Simple Majority

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

#### 8.3.2 Chairperson’s Casting Vote

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

## **8.4 Democratic Services Committee**

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

8.4.2 The Committee shall comprise of Councillor Members but no more than one Member of the Cabinet, which Cabinet Member must not be the Leader).

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

8.4.4 The Chair of the Democratic Services Committee is appointed by the Council and must not be the Cabinet Member.

### 8.4.5 Co-option

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

### 8.4.6 Sub-committees

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

### 8.4.7 Attendance to answer questions

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

### 8.4.8 Access to information

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

### 8.4.8 Frequency of meetings

The Committee will meet at least three times in any municipal year.

A meeting of the Committee can also be convened if the full Council so decides or at least a third of the members of the Committee demands a meeting. The onus lies on the Chairman to ensure that meetings are held when required.

#### 8.4.10 Welsh Government Guidance

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

#### 8.4.11 Reports of the Head of Democratic Services

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

### **OTHER COMMITTEES**

- 8.~~54~~ The Council will appoint such other Committees as it considers appropriate to the exercise of its functions.
- 8.~~65~~ Any Committee appointed by the Council may at any time appoint additional Sub-Committees and panels throughout the year. The terms of reference and delegation of powers to them shall be explicit and within the appointed Committee's terms of reference.

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

### **9.1 ETHICS AND STANDARDS COMMITTEE**

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

#### **9.1.1 COMPOSITION OF ETHICS AND STANDARDS COMMITTEE**

##### **9.1.1.1 Membership of Ethics and Standards Committee**

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

- 9.1.1.1.1** Five ‘independent’ members, who are not Councillors or Officers or the spouse of a Councillor or an officer of this Council or any other relevant authority as defined by the Regulations, appointed in accordance with the procedure set out in the Regulations;
- 9.1.1.1.2** Two County Councillors (other than the Leader of the Council and any member of the Cabinet);
- 9.1.1.1.3** Two members of Town and Community Councils wholly or mainly in the Council’s area (‘Community Committee members’).

#### **9.1.2 Term of Office for Ethics and Standards Committee**

- 9.1.2.1** Independent members are appointed for a term of not less than four nor more than six years. They may be re-appointed for one further consecutive term not exceeding four years.
- 9.1.2.2** Members of the Council who are members of the Ethics and Standards Committee have a term of office until the next ordinary local government election following their appointment. They may be reappointed for one further consecutive term.
- 9.1.2.3** A Community Committee member has a term of office until the next ordinary local government election following their appointment. They may be reappointed for one further consecutive term.

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

- 9.1.3.1** at least three members are present; and

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

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

**9.1.4.1 Majority**

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

**9.1.4.2 Chairperson's Casting Vote**

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

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

**9.1.6 Chairing the Ethics and Standards Committee**

**9.1.6.1** An Independent Member must chair the Ethics and Standards Committee.

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

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

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

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

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

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

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

### **9.1.7 ROLE AND FUNCTION OF ETHICS AND STANDARDS COMMITTEE**

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

- 9.1.7.1** promoting and maintaining high standards of conduct by Councillors, Co-opted Members and church and parent governor representatives;
- 9.1.7.2** assisting the Councillors, Co-opted Members and church and parent governor representatives to observe the Members' Code of Conduct;
- 9.1.7.3** advising the Council on the adoption or revision of the Members' Code of Conduct;
- 9.1.7.4** monitoring the operation of the Members' Code of Conduct;
- 9.1.7.5** advising, training or arranging to train Councillors, co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct;
- 9.1.7.6** granting dispensations to Councillors, Co-opted Members and church and parent governor representatives from requirements relating to interests set out in the Members' Code of Conduct; (81(4) & (5) LGA 2000 and the Standards Committees (Grant of Dispensation)(Wales) Regulations 2001 (2001/2279)
- 9.1.7.7** dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter referred to that officer by the Public Services Ombudsman for Wales; (section 73(1) LGA 2000 and the Local Government Investigations (Functions of Monitoring Officers and Standards Committees)(Wales) Regulations 2001))(2001 2281)
- 9.1.7.8** the exercise of 9.1.7.1 to 9.1.7.7 above in relation to the Community Councils wholly or mainly in its area and the members of those Community Councils;(Section 56(1) LGA 2000)
- 9.1.7.9** to appoint an appeals panel of three, with a majority of independent members, one of whom would act as Chairperson, with regard to complaints made by members of the public under the Council's complaints procedure.
- 9.1.7.10** Developing and applying any local resolution protocols.
- 9.1.7.11** Working with Political Group Leaders to promote and maintain high standards of conduct by the Group members.
- 9.1.7.12** Monitoring compliance by Leaders of Political Groups with their duty to:
  - 9.1.7.12.1** take reasonable steps to promote and maintain high standards of conduct by members of the Group; and

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

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

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

**9.1.7.14.1** The annual report must include:-

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

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

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

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

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

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

#### **9.1.7.15 Joint Standards Committee**

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

## **9.2 GOVERNANCE AND AUDIT COMMITTEE**

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

### **9.2.1 ROLE AND FUNCTION OF GOVERNANCE AND AUDIT COMMITTEE**

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

- 9.2.1.1** To provide an independent and high-level focus on the Council's audit, assurance and reporting arrangements;
- 9.2.1.2** To independently review and advise the Council and Cabinet, and their respective Committees and Officers, on matters regarding good governance, financial oversight, risk management control, complaints procedures/handling and internal control in the delivery of the Council's services and functions;
- 9.2.1.3** To ensure the Council's systems of governance and internal control are effective, including arrangements for ensuring value for money, supporting standards and ethics and for managing the authority's exposure to the risks of fraud and corruption, and to ensure that the Council's internal audit services operates in accordance with agreed procedures;
- 9.2.1.4** To review, scrutinise and issue reports and recommendations in relation to the Council's financial affairs;
- 9.2.1.5** To review, scrutinise and issues reports and recommendations on the appropriateness of the Council's risk management, internal control and corporate governance arrangements;
- 9.2.1.6** To oversee the Council's internal and external audit arrangements and the Council's relationship with other regulators, including supporting the effective relationships between external and internal audit, reviewing the external auditor's opinion and reports to members, and monitoring management action in response to the issues raised by external audit;
- 9.2.1.7** To oversee the Council's financial reporting and review its financial statements;
- 9.2.1.8** To review and assess the Council's draft annual Self-Assessment report and make any necessary recommendations to Council for changes to:
  - 9.2.1.8.1** the conclusions; or
  - 9.2.1.8.2** to anything included in the report relating to what actions the Council intends to take, or any actions it has already taken, with a view to increasing the extent to which the Council will meet the performance requirements in the financial year following the financial year to which the report relates

- 9.2.1.9** To consider the Panel Performance Assessment Report, review the Council's draft response to the report of the Panel and make any necessary recommendations for changes to the statements made in the draft response.
- 9.2.1.10** To consider any Auditor General Report following a special inspection of the Council, review the Council's draft response to the Auditor General Report and make any necessary recommendations for changes to the statements made in the Council's draft response relating to what action, if any, the Council intends to take in response to the Auditor General's recommendations; and
- 9.2.1.11** To adhere to accountability arrangements, including reporting on the arrangements and performance of the Governance and Audit Committee, and publish an annual report on the Committee's work.

## **9.2.2 COMPOSITION OF GOVERNANCE AND AUDIT COMMITTEE**

### **9.2.2.1 Membership of Governance and Audit Committee**

The Governance and Audit Committee membership is composed of:

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

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

### **9.2.2.2 Chairing the Governance and Audit Committee**

The Governance and Audit Committee chooses its Chair and Deputy Chair and:

**9.2.2.2.1** The Chair of the Governance and Audit Committee shall be a lay person.

9.2.2.2.2 The Deputy Chair of the Governance and Audit Committee shall not be a member of the Council's executive or an assistant to its executive.

9.2.2.2.3 Meetings of the Governance and Audit Committee shall be chaired by its Chair or, in the absence of the Chair, by its Deputy Chair. If both the said Chair and Deputy Chair are absent, the Governance and Audit Committee may appoint a member of the Committee who is not a member of Cabinet, or an assistant to Cabinet, to chair the meeting.

### **9.2.3 Quorum**

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

### **9.2.4 Voting**

#### **9.2.4.1 Majority**

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

#### **9.1.4.2 Chairperson's Casting Vote**

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

## **ARTICLE 10 – JOINT ARRANGEMENTS**

### **10.1 ARRANGEMENTS TO PROMOTE WELL BEING**

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

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

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

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

### **10.2 JOINT ARRANGEMENTS**

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

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

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

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

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

development/monitoring groups, partnerships within Ceredigion and regional partnerships/fora/consortia/joint committees.

### **10.3 ACCESS TO INFORMATION**

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

### **10.4 DELEGATION TO AND FROM OTHER LOCAL AUTHORITIES**

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

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

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

### **10.5 CONTRACTING OUT**

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

## ARTICLE 11– OFFICERS

### 11.1 MANAGEMENT STRUCTURE

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

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

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

Chief Officer Post	Deputy Chief Officer Post	Functions and Areas of Responsibility
Chief Executive		<ul style="list-style-type: none"> <li>• Acting Returning Officer for <u>UK</u> Parliamentary <u>General</u> Elections</li> <li>• <del>Counting Officer for European Elections</del></li> <li>• Counting Officer for Referenda</li> <li>• Electoral Registration Officer</li> <li>• If appointed by the Lord Chancellor, to act as Secretary to the Lord Chancellor's Advisory Committee on Magistrates for Ceredigion.</li> <li>• Overall corporate management and operational responsibility (including overall management responsibility for all officers);</li> <li>• Representing the Council on partnership and external bodies (as required by statute or the Council); and</li> <li>• Returning Officer for Local Government Elections including Community Councils and Senedd Cymru Elections</li> <li>• Service to the whole Council, on a politically neutral basis.</li> <li>• The provision of professional and impartial advice to all parties in the decision-making process - the Leader and Cabinet, Overview and Scrutiny Committees, the full Council and other Committees;</li> <li>• To act as Joint Clerk to the Lord Lieutenancy for their activities in Ceredigion. <ul style="list-style-type: none"> <li>• To be Proper Officer for the Coroner Service.</li> <li>• Together with the Proper Officer responsibility for a system of record keeping for all the Council's decisions (Executive or otherwise);</li> <li>• Police Area Returning Officer</li> </ul> </li> </ul>

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

		<p>Deliver performance improvements by driving modernisation and managing change, ensuring read through to corporate objectives.</p> <p>Facilitate change and transformation programmes across the Council, supporting senior managers in delivering excellent services through the provision of pragmatic and effective advice.</p> <p><b>3. Political Engagement</b></p> <p>Lead political and democratic engagement in relation to the relevant thematic areas; establishing and maintaining procedure around democratic services and scrutiny.</p> <p>Develop strong working relationships with elected members; providing high level advice and support to maintain and improve Council performance.</p> <p><b>4. Stakeholder Engagement</b></p> <p>Engage local partners from the public, private and community sectors in the delivery of Corporate priorities; forging a broad network of contacts across the public and private sector to develop Ceredigion as a place to live, work, invest and visit.</p> <p><b>5. Communication</b></p> <p>Communicate the vision and values of the organisation to a broad range of stakeholders; building support among them in order to deliver better public services.</p>
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Chief Officer Post	Deputy Chief Officer Post	Functions and Areas of Responsibility
	<p>Corporate Lead Officer <b>Schools and Culture</b></p> <p><b>*Chief Education Officer</b></p>	<ul style="list-style-type: none"> <li>• School Improvement, including use of statutory notices within mainstream schools and pupil referral units.</li> <li>• Curriculum Support</li> <li>• Assessment, pupil progress and accountability measures</li> <li>• Leadership in schools</li> <li>• Post 16 provision in schools</li> <li>• Early years Education in non-maintained settings</li> <li>• Childcare provision</li> <li>• School Improvement Services including advisory service</li> <li>• Governing Body support</li> <li>• Welsh in Education Strategic Plan</li> <li>• Canolfannau Iaith</li> <li>• English/Welsh as an additional language</li> <li>• Additional Learning Needs including pre-school</li> <li>• Inclusion and well-being School exclusion appeals</li> <li>• Monitoring of elective home education</li> <li>• Pupil admissions</li> <li>• Pupil voice</li> <li>• Child Performance Licences</li> <li>• School attendance</li> <li>• School modernisation Programme</li> <li>• Infrastructure and Resources</li> <li>• Catering Service</li> <li>• Music Service</li> <li>• Theatre Felin Fach</li> <li>• Cered</li> <li>• Museum</li> </ul>

Chief Officer Post	Deputy Chief Officer Post	Functions and Areas of Responsibility
	Corporate Lead Officer  <b>Porth Cymorth Cynnar</b>	<ul style="list-style-type: none"> <li>• Behaviour Services (Through Age)</li> <li>• HCT (Work Based Learning)</li> <li>• Dysgu Bro (Adult Community Learning)</li> <li>• Post 14 Learning and Skills</li> <li>• Alternative Curriculum</li> <li>• Leisure</li> <li>• Active Young people</li> <li>• NERS</li> <li>• Disability Sport</li> <li>• Youth Services</li> <li>• NEETs</li> <li>• Post 16 Services (Cam Nesa' Project)</li> <li>• Work Experience (Extended)</li> <li>• Workways+</li> <li>• Communities for Work+</li> <li>• Flying Start</li> <li>• Pathfinder Project</li> <li>• Play</li> <li>• Carers</li> <li>• Team Around the Family</li> <li>• Tim Teulu</li> <li>• Penparcau Family Centre</li> <li>• Families First</li> <li>• Youth Justice Prevention Service</li> <li>• Day/Evening opportunities</li> <li>• Porth y Gymuned</li> <li>• Community Connectors</li> <li>• Channel (Channel Chair)</li> </ul>

Chief Officer Post	Deputy Chief Officer Post	Functions and Areas of Responsibility
	Corporate Lead Officer <b>Finance &amp; Procurement</b>  * <b>Section 151 Officer</b>	<b>Core Finance (Deputy 151)</b> <ul style="list-style-type: none"> <li>• Medium Term Financial Planning</li> <li>• Statement of Accounts</li> <li>• Capital Programme</li> <li>• Financial Information Systems</li> <li>• Insurances</li> <li>• Sundry Debtors</li> <li>• Community Grants</li> <li>• Taxation</li> <li>• Treasury Management &amp; Income Accounting</li> <li>• Care Home charging</li> </ul> <b>Service Finance</b> <ul style="list-style-type: none"> <li>• Financial Management</li> <li>• Accountancy</li> <li>• Budget setting and control</li> <li>• Final Accounts</li> <li>• Grant claims</li> <li>• Financial Management support to Schools</li> <li>• External funding</li> </ul> <b>Revenues &amp; Financial Assessment</b> <ul style="list-style-type: none"> <li>• Council Tax Billing, Collection and Recovery</li> <li>• NNDR Billing, Collection and Recovery</li> <li>• Discretionary rates and Hardship relief</li> <li>• Council Tax Support</li> <li>• Housing Benefits</li> <li>• Financial Assessments</li> <li>• Revenues systems</li> <li>• Discretionary Housing Payments</li> <li>• Free School Meals &amp; Pupil Access Grant</li> </ul> <b>Procurement and Payments</b> <ul style="list-style-type: none"> <li>• Ordering</li> <li>• Quotations and tenders</li> <li>• Payments</li> <li>• Procurement advice and control</li> <li>• Commissioning of service contracts</li> <li>• Proceeds of Crime Act 2002</li> </ul>

Chief Officer Post	Deputy Chief Officer Post	Functions and Areas of Responsibility
	Corporate Lead Officer <b>Democratic Services</b> <b>*Head of Democratic Services</b>	<ul style="list-style-type: none"> <li>• Cabinet Support</li> <li>• Democratic Services</li> <li>• Deputy Electoral Registration Officer</li> <li>• Deputy Acting Returning Officer for Parliamentary Elections</li> <li>• Deputy Returning Officer for Local Government Elections including Community Councils and Senedd Cymru Elections</li> <li>• Police Area Deputy Local Returning Officer</li> <li>• Member Support</li> <li>• Scrutiny Support</li> <li>• Translation Services</li> <li>• Communication and Engagement</li> <li>• Electoral Services</li> <li>• Corporate Services Support</li> <li>• Welsh Language Standards</li> </ul>

Chief Officer Post	Deputy Chief Officer Post	Functions and Areas of Responsibility
	Corporate Lead Officer <b>People &amp; Organisation</b>	<ul style="list-style-type: none"> <li>• Authorised and Authorising Officer: Regulation of Investigating Powers Act 2000</li> <li>• Human resources (HR) Advice and Administration</li> <li>• Payroll and Benefits</li> <li>• HR Systems</li> <li>• Organisational Development</li> <li>• Corporate Learning and Development</li> <li>• Corporate Health and Safety.</li> <li>• Staff engagement and well-being</li> <li>• Employee Equality</li> </ul>

Chief Officer Post	Deputy Chief Officer Post	Functions and Areas of Responsibility
	<p>Corporate Lead Officer  <b>Porth Cynnal Specialist Through Age Services</b></p> <p><b>* Statutory Director of Social Services</b></p> <p><b>*Responsible Individual</b></p>	<ul style="list-style-type: none"> <li>• Adoption</li> <li>• Disabled Children and Adults</li> <li>• Care leavers</li> <li>• Looked After Children</li> <li>• Adults Planned Care Services</li> <li>• Safeguarding Service Children and Adults to include Independent Reviewing Service</li> <li>• Children in Need of Care and Support</li> <li>• Substance Misuse Service</li> <li>• Contracts Monitoring.(Social Care) &amp; Quality Assurance</li> <li>• Regional Partnerships arrangements (Social Services and Well-being Act 2014)</li> <li>• Authorised and Authorising Officer: Regulation of Investigatory Powers Act 2000</li> <li>• Mental Well-being Services</li> <li>• Agency Decision Maker - Children</li> </ul>

Chief Officer Post	Deputy Chief Officer Post	Functions and Areas of Responsibility
	<p>Corporate Lead Officer</p> <p><b>Porth Gofal Targeted Intervention Services</b></p> <p><b>Deputy Statutory Director of Social Services</b></p>	<ul style="list-style-type: none"> <li>• Porth Gofal Intake &amp; Triage</li> <li>• Integrated Community Equipment Stores</li> <li>• Targeted Intervention Services Adults and Children</li> <li>• Assessment of Care and Support needs Adults and Children</li> <li>• Direct Services (In-House Residential Care/Home Care/Equipment)</li> <li>• Domicilliary Care Co-ordination</li> <li>• Porth Gofal</li> <li>• Fostering Services</li> <li>• Housing</li> <li>• Common Housing Register</li> <li>• Homelessness and Housing Options</li> <li>• Disabled Facilities Grants</li> <li>• Home Energy Efficiency</li> <li>• Housing Standards (HMO's, Landlord Accreditation and Letting Agencies)</li> <li>• Emergency Out of Hours Services</li> </ul>

Chief Officer Post	Deputy Chief Officer Post	Functions and Areas of Responsibility
	<p>Corporate Lead Officer</p> <p><b>Policy, Performance &amp; Public Protection</b></p> <p>*Proper Officer – Public Health Control of Disease Act 1984</p>	<ul style="list-style-type: none"> <li>• Civil Contingency/Business Continuity and Local Resilience Forum</li> <li>• Strategic Partnerships, including Public Service Board and Community Safety.</li> <li>• Engagement and Equalities</li> <li>• Policy, Risk Management and Community Cohesion</li> <li>• Freedom of Information, Corporate Complaints, Compliments and Improvements</li> <li>• Business Planning and Improvement</li> <li>• Corporate Performance and Research</li> <li>• Licensing</li> <li>• Public Protection Services</li> <li>• Animal Health</li> <li>• Food Safety and Food Standards</li> <li>• Trading Standards)</li> <li>• Health &amp; Safety (Regulatory)</li> <li>• Environmental Control</li> <li>• Statutory Nuisance</li> <li>• Dyfed Area Planning Board (Substance Misuse)</li> <li>• Public Health</li> <li>• Senior Authorising Officer for Proceeds of Crime Act 2002</li> <li>• Authorised and Authorising Officer: Regulation of Investigatory Powers Act 2000</li> <li>• Public Health Funerals</li> <li>• Private burials</li> <li>• Filthy and verminous premises</li> <li>• Drainage</li> <li>• Private Water Supplies</li> <li>• Air Quality</li> <li>• Refugee Re-settlement</li> </ul>

Chief Officer Post	Deputy Chief Officer Post	Functions and Areas of Responsibility
	Corporate Lead Officer <b>Highways and Environmental Services</b>	<ul style="list-style-type: none"> <li>• Central Wales Infrastructure Collaboration /North and Mid Wales Trunk Road Agent</li> <li>• Climate Change</li> <li>• Design Services (Highways)</li> <li>• Flooding and Coastal</li> <li>• Highways/Bridges</li> <li>• Operational Delivery in the areas of Highways, &amp; Waste</li> <li>• Public Transport</li> <li>• Regional Transport Collaboration (TraCC)</li> <li>• Road Safety</li> <li>• Traffic Management</li> <li>• Civil parking Enforcement</li> <li>• Transport (to include Corporate Passenger Transport Unit)</li> <li>• Transport Planning (Local and Regional)</li> <li>• Waste</li> <li>• Highways Maintenance</li> <li>• Local Environment Services</li> <li>• Highways Development</li> <li>• Transport Services</li> </ul>

Chief Officer Post	Deputy Chief Officer Post	Functions and Areas of Responsibility
	Corporate Lead Officer <b>Economy &amp; Regeneration</b>	<ul style="list-style-type: none"> <li>• Economic Development</li> <li>• Economic and Community Regeneration;</li> <li>• Funding and Grants;</li> <li>• Business Grants;</li> <li>• Food Centre Wales</li> <li>• Farmers Market &amp; Markets</li> <li>• Planning Policy</li> <li>• Growing Mid Wales Partnership</li> <li>• Regional Engagement</li> <li>• Regional Planning</li> <li>• Tourism and marketing:</li> <li>• Tourist Information Centres; Wildlife, Coast and Countryside</li> <li>• Footpaths, bridleways and byways</li> <li>• Proper Officer – s78 Building Act 1984 (dangerous buildings)</li> <li>• Development Control (Planning)</li> <li>• Town &amp; Country Planning</li> <li>• Conservation</li> <li>• Planning Enforcement &amp; Building Control</li> <li>• Estates/ Development</li> <li>• Property Services</li> <li>• Asset Management</li> <li>• Project Management</li> <li>• All Buildings &amp; Buildings Maintenance</li> <li>• Civil Enforcement</li> </ul>

Chief Officer Post	Deputy Chief Officer Post	Functions and Areas of Responsibility
	Corporate Lead Officer <b>Customer Contact</b> <b>*SIRO</b> <b>*Proper Officer for Civil Registration</b>	<ul style="list-style-type: none"> <li>• Archives &amp; Modern Records</li> <li>• Corporate &amp; Education ICT Support &amp; Development</li> <li>• Customer Information Centres</li> <li>• Customer Contact / Community Well-being</li> <li>• Data Protection inc GDPR</li> <li>• ICT</li> <li>• CLIC, inc Family info support Services</li> <li>• DEWIS</li> <li>• Civil Registration</li> <li>• Public Access Requests</li> <li>• Information Management</li> <li>• Library Services</li> <li>• Reprographics Unit</li> <li>• Senior Information Risk Owner</li> </ul>

Chief Officer Post	Deputy Chief Officer Post	Functions and Areas of Responsibility
	Corporate Lead Officer <b>Legal &amp; Governance Services</b> <b>*Monitoring Officer</b>	<ul style="list-style-type: none"> <li>• Head of Legal Services / Chief legal Officer Coroner Service</li> <li>• Internal Audit</li> <li>• External Audit &amp; Regulators</li> <li>• Welsh Audit Office Relationship</li> <li>• Corporate Governance</li> <li>• Constitution</li> <li>• Access to Informations</li> <li>• Deputy Electoral Registration Officer</li> <li>• Ethics and Standards</li> <li>• Monitoring Officer</li> <li>• Notices of Motion</li> <li>• Code of conduct &amp; PSOW Referrals/Investigations</li> <li>• Senior Responsible Officer: Regulation of Investigating Powers Act 2000</li> </ul>

#### 11.1.4 Statutory Posts.

The Council will designate the following statutory posts as shown:

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

\*Designated by the Democratic Services Committee.

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

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

## 11.2 FUNCTIONS OF THE CHIEF EXECUTIVE

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

11.2.2 The Chief Executive must keep the following matters under review:

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

11.2.2.2 The Council's arrangements in relation to:

11.2.2.2.1 Financial planning,

11.2.2.2.2 Asset management, and

11.2.2.2.3 Risk Management

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

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

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

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

~~11.2.4~~ 11.2.5 Restrictions on functions. The Chief Executive may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

## 11.3 FUNCTIONS OF THE MONITORING OFFICER

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

- 11.3.2 **Ensuring lawfulness and fairness of decision-making.** After consulting with the Chief Executive and Chief Finance Officer, the Monitoring Officer will report to the full Council or to Cabinet in relation to a Cabinet function if they consider that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- 11.3.3 **Supporting the Ethics and Standards Committee.** The Monitoring Officer and Deputy Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Ethics and Standards Committee.
- 11.3.4 **Receiving reports.** The Monitoring Officer will receive and act on reports made by the Ombudsman and decisions of the case tribunals or interim case tribunals.
- 11.3.5 **Conducting investigations.** The Monitoring Officer will conduct investigations into matters referred to him/her by the Ombudsman and make reports or recommendations in respect of them to the Ethics and Standards Committee
- 11.3.6 **Proper Officer for access to information.** The Monitoring Officer will ensure that Executive decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible
- 11.3.7 **Advising whether decisions of Cabinet** are within the budget and policy framework. The Monitoring Officer will advise whether decisions of Cabinet are in accordance with the budget and policy framework.
- 11.3.8 **Providing advice.** The Monitoring Officer will, in conjunction with the Chief Finance Officer, provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors and relevant officers.
- 11.3.9 **Restrictions on functions.** The Chief Executive may not be the Monitoring Officer or the Head of Democratic Services but may hold the post of Chief Finance Officer if a qualified accountant. The Head of Democratic Services may not be the Chief Finance Officer.

#### 11.4 **FUNCTIONS OF THE CHIEF FINANCE OFFICER/SECTION 151 OFFICER**

##### 11.4.1 **Ensuring lawfulness and financial prudence of decision-making.**

After consulting with the Chief Executive and the Monitoring Officer, the Chief Finance Officer will report to the full Council or to the Cabinet in

relation to a Cabinet function and the Council's external auditor if they consider that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

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

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

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

## **11.5 FUNCTIONS OF THE HEAD OF DEMOCRATIC SERVICES**

### **11.5.1 to provide support and advice:**

- to the Council in relation to its meetings
- to committees of the Council and the members of those committees
- to any Joint Committee which the Council is responsible for organising and the members of that Joint Committee
- in relation to the functions of the Council's Overview and Scrutiny Committees, to members of the Council, members of the Cabinet and officers
- to each member of the Council in carrying out the role of member of the Council
- to promote the role of the Council's Overview and Scrutiny Committees
- to make reports and recommendations in respect of the number and grades of staff required to discharge democratic services functions and the appointment, organisation and proper management of those staff
- any other functions prescribed by the Welsh Ministers.

## **11.6 FUNCTIONS OF THE CHIEF EDUCATION OFFICER**

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

## **11.7 FUNCTIONS OF THE STATUTORY DIRECTOR OF SOCIAL SERVICES**

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

## **11.8 DUTY TO PROVIDE SUFFICIENT RESOURCES TO THE STATUTORY OFFICERS**

11.8.1 The Council will provide the Monitoring Officer, Chief Finance Officer /Section 151 Officer, statutory Director of Social Services, Chief Education Officer and Head of Democratic Services with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

## **11.9 CONDUCT**

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

## **11.10 EMPLOYMENT**

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

## **ARTICLE 12 – DECISION-MAKING**

### **12.1 RESPONSIBILITY FOR DECISION-MAKING**

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

### **12.2 PRINCIPLES OF DECISION-MAKING**

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

- 12.2.1 Proportionality (i.e. any action taken must be proportionate to the aim being pursued);
- 12.2.2 due consultation and the taking of professional advice from officers;
- 12.2.3 respect for equality and human rights;
- 12.2.4 a presumption in favour of openness; and
- 12.2.5 clarity of aims and desired outcomes.
- 12.2.6 Proper recording of reasons for the decision, any personal and prejudicial interests declared as well as any dispensations to speak granted by the Council's Ethics and Standards Committee
- 12.2.7 Taking all reasonable steps and/or having due regard to:
  - 12.2.7.1 meeting the principles and goals set out in the Well-Being of Future Generations (Wales) Act 2015, in carrying out its functions;
  - 12.2.7.2 the desirability of reducing inequalities of outcome which result from socio-economic disadvantage (pursuant to the Equality Act 2010); and
  - 12.2.7.3 the Council's Anti-Slavery Policy and Anti-Slavery Annual Statement (pursuant to the Modern Slavery Act 2015).

### **12.3 DECISIONS RESERVED TO FULL COUNCIL**

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

### **12.4 DECISION-MAKING BY THE FULL COUNCIL**

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

## **12.5 DECISION-MAKING BY THE CABINET**

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

## **12.6 DECISION-MAKING BY OVERVIEW AND SCRUTINY COMMITTEES**

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

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

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

## **12.8 DECISION-MAKING BY COUNCIL BODIES ACTING AS TRIBUNALS**

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

## **12.9 DECISION-MAKING BY CORPORATE JOINT COMMITTEES**

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

## **ARTICLE 13 – FINANCE, CONTRACTS AND LEGAL MATTERS**

### **13.1 FINANCIAL MANAGEMENT**

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

### **13.2 CONTRACTS**

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

### **13.3 LEGAL PROCEEDINGS**

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

### **13.4 AUTHENTICATION OF DOCUMENTS**

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

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

### **13.5 COMMON SEAL OF THE COUNCIL**

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

## **ARTICLE 14 – REVIEW AND REVISION OF THE CONSTITUTION**

### **14.1 DUTY TO MONITOR AND REVIEW THE CONSTITUTION**

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

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

- 14.2.1 observe meetings of different parts of the member and officer structure;
- 14.2.2 undertake an audit trail of a sample of decisions;
- 14.2.3 record and analyse issues raised with them by members, officers, the public and other relevant stakeholders;
- 14.2.4 compare practices in this Council with those in other comparable authorities, or national examples of good practice.

### **14.3 CHANGES TO THE CONSTITUTION**

#### **Changes to reflect legislative, structural and minor matters**

- 14.3.1 Changes (other than minor matters) to the constitution will be approved by the Council after consideration of the proposal by the Monitoring Officer, in consultation with the Council's Cross-Party Constitution Working Group, as necessary (see Section 2 Part 7).
- 14.3.2 Where change from a Leader and Cabinet form of Executive to a Mayoral Form of Executive or Vice Versa is proposed, the Council must take reasonable steps to consult with local electors and other interested persons in the area.

### **14.4 MAINTAINING THE CONSTITUTION**

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

## **ARTICLE 15 – SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION**

### **15.1 SUSPENSION OF THE CONSTITUTION**

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

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

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

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

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

### **15.2 INTERPRETATION**

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

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

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

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

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

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

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

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

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

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

15.2.4.2 all statutory instruments or orders made pursuant to it.

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

15.2.6 Words denoting any gender include all genders.

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

- 15.2.8 References to a designated employee of the Council includes (except where the law prescribes that the function, action or the like must be taken by that person alone) a person duly authorised to act for or on behalf of that person provided that the employee designated for the purposes of the Constitution shall remain responsible to the Council.
- 15.2.9 References to a post or designation shall be deemed to include a reference to the employee for the time-being performing those functions where the post or designation name is altered or the functions are reallocated and where there is a reference to a generic title (e.g. Corporate Director, Corporate Lead Officer) such reference will be deemed to include other posts whatever their designation or name but being within the same tier of management or responsibility.

### **15.3 PUBLICATION OF CONSTITUTION**

- 15.3.1 The Monitoring Officer ensure that each member of the Council will have access to an electronic or printed copy of this Constitution upon delivery to him/her of that individual's declaration of acceptance of office on the member first being elected to the Council.
- 15.3.2 The Monitoring Officer will ensure that copies are available for inspection at Council offices, and other appropriate locations and is published on the Council's website, and can be purchased by members of the local press and the public on payment of a charge representing no more than the cost of providing the copy.

## ARTICLE 16 – CORPORATE JOINT COMMITTEES

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

- (a) The Mid Wales Corporate Joint Committee ('the Mid Wales CJC') pursuant to
  - (i) The Mid Wales Corporate Joint Committee Regulations 2021
  - (ii) The Corporate Joint Committee (General) (Wales) Regulations 2021; and
  - (iii) The Corporate Joint Committees (General) (Wales) Regulations 2022.
  
- (b) The Mid Wales Corporate Joint Committee has established the following Sub-Committees:
  - (i) The Joint Overview and Scrutiny Committee;
  - (ii) The Joint Governance and Audit Committee; and
  - (iii) The Joint Standards Committee

# **PART 3**

## **RESPONSIBILITY FOR COUNCIL FUNCTIONS**

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**Part 3.1 (Table 1) RESPONSIBILITY FOR COUNCIL FUNCTIONS**

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

**Part 3.1 (Table 1) RESPONSIBILITY FOR COUNCIL FUNCTIONS Cont'd**

**A. Functions relating to town and country planning and development control**

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

**Part 3.1 (Table 1) RESPONSIBILITY FOR COUNCIL FUNCTIONS Cont'd**

**A. Functions relating to town and country planning and development control**

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

**Part 3.1 (Table 1) RESPONSIBILITY FOR COUNCIL FUNCTIONS Cont'd**

**A. Functions relating to town and country planning and development control**

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

**Part 3.1 (Table 1) RESPONSIBILITY FOR COUNCIL FUNCTIONS Cont'd**

**A. Functions relating to town and country planning and development control**

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

**Part 3.1 (Table 1) RESPONSIBILITY FOR COUNCIL FUNCTIONS Cont'd**

**B. Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule)**

<p><b>1.</b> Power to issue licences authorising the use of land as a caravan site ("site licences").</p>	<p>Section 3(3) of the Caravan Sites and Control of Development Act 1960 (c. 62).</p>	<p>Council</p>	<p>Corporate Lead Officer Policy, Performance and Public Protection,</p>
<p><b>2.</b> Power to license the use of moveable dwellings and camping sites.</p>	<p>Section 269(1) of the Public Health Act 1936 (c. 49).</p>		
<p><b>3.</b> Power to license hackney carriages and private hire vehicles.</p>	<p>(a) as to hackney carriages, the Town Police Clauses Act 1847 (10 &amp; 11 Vict. c. 89), as extended by section 171 of the Public Health Act 1875 (38 &amp; 39 Vict. c. 55), and section 15 of the Transport Act 1985 (c. 67); and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (c. 57); (b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.</p>		
<p><b>4.</b> Power to license drivers of hackney carriages and private hire vehicles.</p>	<p>Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.</p>		
<p><b>5.</b> Power to license operators of hackney carriages and private hire vehicles.</p>	<p>Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.</p>		

**Part 3.1 (Table 1) RESPONSIBILITY FOR COUNCIL FUNCTIONS Cont'd**

**B. Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule) Cont'd**

<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>	<b>Delegated to</b>	<b>Further delegated to</b>
<b>6.</b> Power to register pool promoters.	Schedule 2 to the Betting, Gaming and Lotteries Act 1963 (c. 2).	Council	Corporate Lead Officer Policy, Performance and Public Protection,
<b>7.</b> Power to grant track betting licences.	Schedule 3 to the Betting, Gaming and Lotteries Act 1963.		
<b>8.</b> Power to license inter-track betting schemes.	Schedule 5ZA to the Betting, Gaming and Lotteries Act 1963.		
<b>9.</b> Power to grant permits in respect of premises with amusement machines.	Schedule 9 to the Gaming Act 1968 (c. 65).		
<b>10.</b> Power to register societies wishing to promote lotteries.	Schedule 1 to the Lotteries and Amusements Act 1976 (c. 32).		
<b>11.</b> Power to grant permits in respect of premises where amusements with prizes are provided.	Schedule 3 to the Lotteries and Amusements Act 1976.		
<b>12.</b> Power to issue entertainments licences.	Section 12 of the Children and Young Persons Act 1933 (c. 12)		
<b>13.</b> Power to license sex shops and sex cinemas.	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.		

<b>Part 3.1 (Table 1) RESPONSIBILITY FOR COUNCIL FUNCTIONS Cont'd</b>			
<b>B. Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule) Cont'd</b>			
<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>	<b>Delegated to</b>	<b>Further delegated to</b>
<b>14.</b> Power to license performances of hypnotism.	The Hypnotism Act 1952 (c. 46).	Council	Corporate Lead Officer Policy, Performance and Public Protection,
<b>15.</b> Power to register	Sections 13 to 17 of the Local		
(Cont'd) premises for acupuncture, tattooing, ear-piercing and electrolysis. Power to issue permits / permission.	(Cont'd) Government (Miscellaneous Provisions) Act 1982.		
<b>16.</b> Power to license pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907 (c. 53).		
<b>17.</b> Power to license market and street trading.	Part III of and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982.	Delegated to Corporate Lead Officer Economy & Regeneration,	
<b>18.</b> Duty to keep list of persons entitled to sell non-medicinal poisons.	Sections 3(1) (b) (ii), 5, 6 and 11 of the Poisons Act 1972 (c. 66).	Licensing Committee	Corporate Lead Officer Policy, Performance and Public Protection,
<b>19.</b> Power to license dealers in game and the killing and selling of game.	Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831 (c. 32); sections 2 to 16 of the Game Licences Act 1860 (c. 90), section 4 of the Customs and Inland Revenue Act 1883 (c. 10), section 27 of the Local Government Act 1894 (c. 73), and section 213 of the Local Government Act 1972 (c. 70).		

**Part 3.1 (Table 1) RESPONSIBILITY FOR COUNCIL FUNCTIONS Cont'd**

**B. Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule) Cont'd**

<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>	<b>Delegated to</b>	<b>Further delegated to</b>
<b>20.</b> Power of register and license premises for the preparation of food.	Section 19 of the Food Safety Act 1990 (c. 16).	Licensing Committee	Corporate Lead Officer Policy, Performance, and Public Protection,
<b>21.</b> Power to license scrap yards.	Section 1 of the Scrap Metal Dealers Act 1964 (c. 69).		
<b>22.</b> Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975 (c. 52).		
<b>23.</b> Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.	Part III of the Fire Safety and Safety of Places of Sport Act 1987 (c. 27).		
<b>24.</b> Duty to promote fire safety	Section 6 of the Fire and Rescue Services Act 2004 (c. 21)		
<b>25.</b> Power to license premises for the breeding of dogs.	Section 1 of the Breeding of Dogs Act 1973 (c. 60) and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999 (c. 11).		
<b>26.</b> Power to license pet shops and other establishments	Section 1 of the Pet Animals Act 1951 (c. 35); section 1 of the Animal Boarding Establishments		

**Part 3.1 (Table 1) RESPONSIBILITY FOR COUNCIL FUNCTIONS Cont'd**

**B. Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule) Cont'd**

<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>	<b>Delegated to</b>	<b>Further delegated to</b>
(Cont'd) where animals are bred or kept for the purposes of carrying on a business.	(Cont'd) Act 1963 (c. 43); the Riding Establishments Acts 1964 and 1970 (1964 c. 70 and 1970 c. 70); section 1 of the Breeding of Dogs Act 1973 (c. 60), and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.	Licensing Committee	Corporate Lead Officer Policy, Performance and Public Protection.
<b>27.</b> Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925 (c. 38).		
<b>28.</b> Power to license zoos.	Section 1 of the Zoo Licensing Act 1981 (c. 37)		
<b>29.</b> Power to license dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976 (c. 38).		
<b>30.</b> Power to enforce regulations in relation to animal by-products	Regulation 49 of the Animal By-products (Wales) Regulations 2006 (S.I 1292 (W.127))		
<b>31.</b> Power to license the employment of children.	Part II of the Children and Young Persons Act 1933 (c. 12), byelaws made under that Part, and Part II of the Children and Young Persons Act 1963 (c. 37).	Corporate Lead Officer Schools and Culture; Corporate Lead Officer Legal & Governance Services	

**Part 3.1 (Table 1) RESPONSIBILITY FOR COUNCIL FUNCTIONS Cont'd**

**B. Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule) Cont'd**

<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>	<b>Delegated to</b>	<b>Further delegated to</b>
<b>32.</b> Power to approve premises for the solemnisation of marriages and the registration of civil partnerships.	Section 46A of the Marriage Act 1949 (c. 76), section 6A of the Civil Partnership Act 2004 (c. 33) and the Marriages and Civil Partnerships (Approved Premises) Regulations 2005 (S. I. 2005/3168).	Proper Officer for Civil Registrations (Corporate Lead Officer Customer Contact)	
<b>33.</b> Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to— 33(a) an exchange of lands effected by an order under section 19(3) of, or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c. 67) or 3(b) an order under section 147 of the Inclosure Act 1845 (c. 8 & 9 Vict. c. 118).	Regulation 6 of the Commons Registration (New Land) Regulations 1969 (S.I. 1969/1843).	Development Management Committee	Corporate Lead Officer Economy & Regeneration,
<b>34.</b> Power to register variation of rights of common.	Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471).	Development Management Committee	Corporate Lead Officer Economy & Regeneration
<b>35.</b> Power to issue a permit to conduct charitable collections.	Section 68 of the Charities Act 1992.	Licensing Committee	Corporate Lead Officer Policy, Performance and Public Protection.
<b>36.</b> Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c. 40).		

**Part 3.1 (Table 1) RESPONSIBILITY FOR COUNCIL FUNCTIONS Cont'd**

**B. Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule) Cont'd**

<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>	<b>Delegated to</b>	<b>Further delegated to</b>
<b>37.</b> Power to grant a street works licence.	Section 50 of the New Roads and Street Works Act 1991 (c. 22).	Corporate Lead Officer Highways & Environmental Services,	
<b>38.</b> Duty to register the movement of pigs.	Regulations 21(3) and (4) of the Pigs (Records Identification and Movement) (Wales) Order 2004 (S.I 2004/996 (W.104).	Licensing Committee	Corporate Lead Officer Policy, Performance and Public Protection.
<b>39.</b> Power to enforce regulations in relation to the movement of pigs.	Regulation 27(1) of the Pigs (Records, Identification and Movement (Wales) Order 2004/996 (W.104).		
<b>40.</b> Power to issue a licence to move cattle from a market.	Article 5(2) of the Cattle Identification Regulations 1998 (S.I. 1998/871).		
<b>41.</b> Power to sanction use of parts of buildings for storage of celluloid.	Section 1 of the Celluloid and Cinematograph Film Act 1922 (c. 35).		
<b>42.</b> Duty to enforce and execute Regulations (EC) No. 852/2004 and 853/2004 in relation to food business operators as further specified in regulation 5 of the Food (Hygiene) (Wales) Regulations 2006.	Regulation 5 of the Food (Hygiene) (Wales) Regulations 2006.	Licensing Committee	Corporate Lead Officer Policy, Performance and Public Protection.
<b>43.</b> Functions in respect of establishing a Licensing Committee.	Section 6 of the Licensing Act 2003 (c. 17).		

**Part 3.1 (Table 1) RESPONSIBILITY FOR COUNCIL FUNCTIONS Cont'd**

**C. Functions relating to health and safety at work**

Functions under any of the “relevant statutory provisions” within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the authority’s capacity as an employer	Part I of the Health and Safety at Work etc. Act 1974 (c. 37).	Delegated to the Corporate Lead Officer Policy, Performance and Public Protection.
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**Part 3.1 (Table 1) RESPONSIBILITY FOR COUNCIL FUNCTIONS Cont'd**

**D. Functions relating to elections**

<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>	<b>Delegated to</b>	<b>Further delegated to</b>
<b>1.</b> Duty to appoint an electoral registration officer.	Section 8(2A) of the Representation of the People Act 1983 (c. 2).	Council	Save for the functions delegated to the Chief Executive
<b>2.</b> Power to assign officers in relation to requisitions of the registration officer.	Section 52(4) of the Representation of the People Act 1983.		
<b>3.</b> Power to dissolve community councils.	Section 28 of the Local Government Act 1972.		
<b>4.</b> Power to make orders for grouping communities.	Section 29 of the Local Government Act 1972.		
<b>5.</b> Power to make orders for dissolving groups and separating community councils from groups.	Section 29A of the Local Government Act 1972.		
<b>6.</b> Duty to appoint returning officer for local government elections.	Section 35 of the Representation of the People Act 1983.		
<b>7.</b> Duty to provide assistance at European Parliamentary elections.	Section 6(7) and (8) of the European Parliamentary Elections Act 2002.		
<b>8.</b> Duty to divide constituency into polling districts.	Section 18 of the Representation of the People Act 1983.		
<b>9.</b> Power to divide electoral divisions into polling districts at local government elections.	Section 31 of the Representation of the People Act 1983.		

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

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

**Part 3.1 (Table 1) RESPONSIBILITY FOR COUNCIL FUNCTIONS Cont'd**

**I. Miscellaneous functions**

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

**Part 3.1 (Table 1) RESPONSIBILITY FOR COUNCIL FUNCTIONS Cont'd**

**I. Miscellaneous functions Cont'd**

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

**Part 3.1 (Table 1) RESPONSIBILITY FOR COUNCIL FUNCTIONS Cont'd**

**I. Miscellaneous functions Cont'd**

<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>	<b>Delegated to</b>	<b>Further delegated to</b>
<b>15.</b> Approval of annual investment strategy in accordance with guidance.	Section 15 of the Local Government Act 2003.	Council	
<b>16.</b> Duty to make arrangements for proper administration of financial affairs	Section 151 of the Local Government Act 1972 (c. 11).	Council	Section 151 Officer
<b>17.</b> Power to make or revoke an order designating a locality as an alcohol disorder zones	Section 16 of the Violent Crime Reduction Act 2006 (now repealed)		
<b>18.</b> Functions relating to Family Absence of Local Authority Members	The Family Absence for Members of Local Authorities (Wales) Regulations 2013		

**Part 3.2 (Table 2) RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS**

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

<b>Part 3.2 (Table 2) RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS (Cont'd)</b>			
<b>Function</b>	<b>Decision-making body</b>	<b>Membership</b>	<b>Delegation of functions</b>
8. The making of appointments under paragraphs 2 to 4 (appointment of members by relevant councils) of Schedule 2 (police authorities established under section 3) to the Police Act 1996.	Council	All Members of the Council	Joint Committee appointed under Paragraph 2(2) of Schedule 2 to the Police Act 1996
9. The conducting of best value reviews in accordance with the provisions of any order for the time being having effect under section 5 (best value reviews) of the Local Government Act 1999 or action under the Wales Improvement Measure as appropriate.	Cabinet	All Cabinet Members	Cabinet Members, Corporate Directors and Corporate Lead Officers
10. Any function relating to contaminated land.	Council	All Members of the Council	Corporate Lead Officer Policy, Performance and Public Protection, Corporate Lead Officer Highways and Environmental Services
11. The discharge of any function relating to the control of pollution or to the Declaration of an Air Quality Management Area	Council	All Members of the Council	Corporate Lead Officer Policy, Performance and Public Protection.
12. The service of an abatement notice in respect of a statutory nuisance.	Cabinet	All Cabinet Members	Corporate Lead Officer Policy Performance and Public Protection.
13. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	Council	All Members of the Council	
14. The inspection of the authority's area to detect any statutory nuisance.	Cabinet	All Cabinet Members	Corporate Lead Officer Policy, Performance and Public Protection, Corporate Lead Officer Highways and Environmental Services
15. The investigation of any complaint as to the existence of a statutory nuisance.			

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

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

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

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

**Part 3.2 (Table 2) RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS  
(Cont'd)**

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

**Part 3.2 (Table 2) RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS  
(Cont'd)**

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

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

**Part 3.2 (Table 2) RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS  
(Cont'd)**

<b>Function</b>	<b>Decision-making body</b>	<b>Membership</b>	<b>Delegation of functions</b>
22. Functions in respect of the calculation of council tax base in accordance with any of the following— (a) the determination of an item for T in section 33(1) and 44(1) of the Local Government Finance Act 1992; (b) the determination of an amount for item TP in sections 34(3), 45(3) 48(3) and 48(4) of the Local Government Finance Act 1992; (c) the determination of an amount required for determining an amount for the item mentioned in paragraph (a) or (b) above.	Cabinet	All Cabinet Members	None
23. Licensing functions in accordance with Part 2 of the Licensing Act 2003 except section 6.	Council	All Members of the Council	Licensing Committee
24a. Functions in respect of gambling under the following provisions of the Gambling Act 2005 – (i) Section 29 – licensing authority information; (ii) Section 30 – other exchange of information;	Council	All Members of the Council	Corporate Lead Officer Policy Performance and Public Protection

**Part 3.2 (Table 2) RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS (Cont'd)**

<b>Function</b>	<b>Decision-making body</b>	<b>Membership</b>	<b>Delegation of functions</b>
(iii) Section 284 – removal of exemption; (iv) Section 304 – authorised persons; (v) Section 346 – prosecutions by licensing authority; (vi) Section 350 – exchange of information; (vii) Part 5 of Schedule 11 – registration with local authority			
24b. Functions in respect of gambling under the following provisions of the Gambling Act 2005 –  (i) Section 166 – resolution not to issue casino licences; (ii) Section 349 – three-year licensing policy;	Council	All Members of the Council	
24c. Functions in respect of gambling under the following provisions of the Gambling Act 2005 –  (i) Section 212 and regulations made under that section – fees;	Cabinet	All Members of Cabinet	
25a. Functions in respect of approval by a local authority under section 51 or a determination by a Local Authority under section 53 of the School Standards and Organisation (Wales) Act 2013  (i) Section 41 proposals to establish mainstream schools  (ii) Section 43: proposals to discontinue mainstream schools  (iii) Section 44: proposals to	Council	All Members of the Council	

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

**Part 3.3 (Table 3) COMMITTEES OF THE COUNCIL**

Committee	Functions	Delegation of Functions
<p><b>Development Management Committee</b></p> <p><b>(15 Members (may include Cabinet Members))</b></p>	<p>Development Management Committee – Terms of Reference</p> <ol style="list-style-type: none"> <li>1. Functions relating to town and country planning and development control as specified in Part A of Part 3.1 Table 1 above ('Functions relating to town and country planning and development control'), together with functions under items 3 and 4 of Part I of Table 1 ('Miscellaneous functions').</li> <li>2. To carry out the Authority's statutory planning functions in relation to the determination of applications and allied issues relating to development and the regulation of uses and activities.</li> <li>3. To consider and determine applications, so as to advance and contribute to the Council's Corporate Strategy and Priorities through thorough consideration of major developments county-wide.</li> <li>4. To make planning decisions based on sound material planning considerations, and not personal circumstances, opinions or feelings.</li> <li>5. To take into account the sustainable development principle in determining planning applications.</li> <li>6. The power to act, all the powers and duties of the Authority relating to the consideration of planning, listed building and conservation area applications, notification schemes, tree preservation orders, the control of development and the enforcement of such control, and other consultation schemes where appropriate.</li> <li>7. To receive reports from time to time from the Chief Executive or Corporate Lead Officer for Economy and Regeneration and other Officers on the exercise of any functions relating to the control of development which may have been delegated to them.</li> </ol>	<p>See Part 3.1 Table 1(Part A) above ('Functions relating to town and country planning and development control')</p>

	<p>8. To deal with all applications:</p> <ul style="list-style-type: none"> <li>a. made by the Council as landowner;</li> <li>b. relating to major developments;</li> <li>c. made by a Member or close personal associates; or</li> <li>d. made by <ul style="list-style-type: none"> <li>I. Chief Officers (Chief Executive, Corporate Directors and Corporate Lead Officers);</li> <li>II. All staff employed by the Planning Service(s) including development management and Forward Planning; and</li> <li>III. Any other Staff closely linked to the planning services or a particular planning application</li> </ul> </li> </ul> <p>or by their close personal associates.</p> <p>9. To prioritise making sound planning judgements in line with all relevant national and local planning policy that advances the corporate strategies and priorities of the Council unless there are other material considerations.</p> <p>10. To determine applications in accordance with the Local Development Plan, the central tenants of the Well-being of Future Generations (Wales) Act 2015, and to deliver the Council's Corporate Priorities:</p> <ul style="list-style-type: none"> <li>o Corporate Priority 1 – Boosting the Economy;</li> <li>o Corporate Priority 2 – Investing in People's Future;</li> <li>o Corporate Priority 3 – Enabling individual and Family Resilience; and</li> <li>o Corporate Priority 4 – Promoting Environmental and Community Resilience.</li> </ul>	
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<b>Committee</b>	<b>Functions</b>	<b>Delegation of Functions</b>
<p><b>Licensing Committee</b> <b>(11 Members)</b></p>	<p>Licensing and Registration Functions as specified in Part B of Table 1 above, together with functions under item 10 of Part I of Table 1.</p> <p>Licensing Functions and Functions in respect of Gambling as specified in Table 2 above, Functions 23 &amp; 24).</p> <p>To recommend to the Council additions and/or amendments to policy in relation to the functions of the Committee.</p> <p>To determine suspension/revocation of personal licences pursuant to s132 of the Licensing Act 2003</p> <p>To determine contentious applications for the initial granting or renewal of licences to drive a hackney carriage or a private hire vehicle.</p> <p>To determine contentious applications for the initial grant or renewal of operators licences.</p> <p>To determine contentious applications and requests for licence reviews under the Licensing Act 2003 and the Gambling Act 2005. To determine applications for permits for house to house and street collections. To suspend, vary, revoke or refuse house to house, street collections, drivers, operators and vehicle licences.</p> <p>To determine contentious applications under the Motor Salvage Operators’ Registration Scheme.</p> <p>To hear representations and determine relevant applications under the Scrap Metal Dealers Act 2013 as appropriate.</p> <p>Licensing Sub Committee to determine applications for the grant of 3 or more gaming machines on alcohol licensed premises, or applications which are subject to objection</p>	<p>See Table 1 (Parts B and I) and Table 2 above.</p>

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

Committee	Functions	Delegation of Functions
<p><b>Governance and Audit Committee</b></p> <p><b>(3 Lay Persons and 6 County Councillors - 1/3 Lay Person composition )</b></p>	<p>Governance and Audit Committee – Terms of Reference 2018 <u>Statement of Purpose</u></p> <ol style="list-style-type: none"> <li>1 The Governance and Audit Committee is a key component of the Council’s corporate governance framework. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.</li> <li>2 The purpose of the Governance and Audit Committee is to provide independent assurance to full Council and management of the adequacy of the risk management framework and the internal control environment. It provides an independent review of the Council’s governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.</li> </ol> <p><u>Governance Risk and Control</u></p> <ol style="list-style-type: none"> <li>3 To maintain an overview of the Council’s Constitution in respect of: Contract Procedure Rules, Finance Regulations and Code of Conduct.</li> <li>4 To review the Council's corporate governance arrangements against the governance framework, including the ethical framework and consider the local code of governance.</li> <li>5 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.</li> <li>6 To consider the Council's arrangements to secure value for money and review</li> </ol>	None

	<p>assurances and assessments on the effectiveness of these arrangements.</p> <p>7 To consider the Council's framework of assurance and ensure that it adequately addresses the risks and priorities of the Council.</p> <p>8 To monitor the effective development and operation of risk management in the Council.</p> <p>9 To monitor progress in addressing risk-related issues reported to the Committee.</p> <p>10 To consider reports on the effectiveness of internal controls and the implementation of agreed actions.</p> <p>11 To review the assessment of fraud risks and potential harm to the Council from fraud and corruption.</p> <p>12 To monitor the counter-fraud strategy, actions and resources.</p> <p>13 To review the governance and assurance arrangements for significant partnerships or collaborations, where applicable.</p> <p>14 To consider the Corporate Risk Register.</p> <p>15 To consider the Council's Annual Improvement Report.</p> <p>16 To review and assess the performance assessment of the Council.</p> <p>17 To review and assess the Council's draft annual Self-Assessment Report and make any necessary recommendations to Council for changes to:</p> <p>(a) the conclusions; or</p> <p>(b) anything included in the report relating to what actions the Council intends to take, or actions it has already taken, with a view to increasing the extent to which the Council will meet the performance requirements in the financial year following the financial year to which the report relates.</p> <p>18 To consider the Panel Performance Assessment Report, review the Council's draft response to the report of the Panel, and make necessary recommendations for changes to the statements made in the draft response.</p> <p>19 To consider any Auditor General Report following a special inspection of the Council, review and assess the Council's draft response to any Auditor General</p>	
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	<p>Report and make any recommendations for changes to the statements made in the Council’s draft response relating to what action, if any, the Council intends to take in response to the Auditor General’s recommendations.</p> <p><u>Internal Audit</u></p> <p>20 To approve the Internal Audit Charter.</p> <p>21 To consider proposals made in relation to the appointment of any external providers of internal audit services.</p> <p>22 To approve the risk-based Internal Audit Plan, including Internal Audit’s resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.</p> <p>23 To approve significant interim changes to the risk-based Internal Audit Plan and resource requirements.</p> <p>24 To make appropriate enquiries of both management and the Head of Internal Audit (“Chief Internal Auditor”) to determine if there are any inappropriate scope or resource limitations.</p> <p>25 To consider reports from the Head of Internal Audit on internal audit’s performance during the year, including the performance of any external providers of internal audit services. These will include:</p> <ul style="list-style-type: none"> <li>a. Updates on the work of Internal Audit including key findings, issues of concern and action in hand as a result of internal audit work.</li> <li>b. Regular reports on the results of the Quality Assurance and Improvement Programme.</li> <li>c. Reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards and Local Government Application Note, considering whether the non-conformance is significant enough</li> </ul>	
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	<p>that it must be included in the Annual Governance Statement.</p> <p>26 To consider the Head of Internal Audit's annual report regarding:</p> <ul style="list-style-type: none"> <li>d. The statement of the level of conformance with the Public Sector Internal Audit Standards and Local Government Application Note and the results of the Quality Assurance and Improvement Programme that support the statement - these will indicate the reliability of the conclusions of internal audit.</li> <li>e. The opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control together with the summary of the work supporting the opinion - these will assist the committee in reviewing the Annual Governance Statement.</li> </ul> <p>27 To consider summaries of specific Internal Audit reports as requested.</p> <p>28 To receive reports outlining the action taken where the head of internal audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.</p> <p>29 To contribute to the Quality Assurance and Improvement Programme and in particular, to the external quality assessment of internal audit that takes place at least once every five years.</p> <p>30 To consider a report on the effectiveness of Internal Audit to support the Annual Governance Statement, where required to do so by the Accounts and Audit (Wales) Regulations 2014</p> <p>31 To support effective communication with the head of audit.</p> <p>32 To commission work from Internal Audit</p> <p><u>External Audit &amp; Regulators</u></p> <p>33 To consider the external auditor's annual letter, relevant reports and the report to those charged with governance.</p>	
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	<p>34 To consider specific reports as agreed with the external auditor.</p> <p>35 To comment on the scope and depth of external audit work and to ensure it gives value for money.</p> <p>36 To commission work from external audit.</p> <p>37 To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.</p> <p>38 To consider reports from external regulators (including but not exclusive to: WAO, PSOW, GRO, CSIW, Estyn).</p> <p>39 Consider any Report received from the Auditor General, and the Council’s draft response.</p> <p><u>Financial Reporting</u></p> <p>40 To review the annual statement of accounts and related reports. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.</p> <p>41 To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.</p> <p><u>Accountability Arrangements</u></p> <p>42 To report to those charged with governance on the Audit Committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements, and internal and external audit functions.</p> <p>43 To report to full Council on the Audit Committee's performance in relation to the terms of reference and the effectiveness of the Committee in meeting its purpose.</p>	
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	<p>44 To publish an annual report on the work of the Committee.</p> <p><u>Performance Reporting</u></p> <p>45 To consider reports on compliments, complaints and Freedom of Information activity.</p> <p>46 To review and assess the Council's ability to handle complaints effectively.</p> <p>47 To make reports and recommendations in relation to the Council's ability to handle complaints effectively.</p>	
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Committee	Functions	Delegation of Functions
<b>Democratic Services Committee (6 members)</b>	<p>To carry out the local authority's function of designating the Head of Democratic Services (HDS).</p> <p>Keep under review the provision of staff, accommodation and other resources made available to the HDS, in order to ensure that it is adequate for the responsibilities of the post.</p> <p>Make reports, at least annually, to the full council in relation to these matters.</p> <p>To consider, and make recommendations to the Council, concerning the timing of meetings.</p> <p>To oversee the training and development of Members.</p>	None
<b>Appeals Panel (3 Members out of a pool of 7 members)</b>	To determine appeals by members of staff in accordance with the Council's policies and procedures save for those referred to in Part 4 Document H.	
<b>Short-listing Committee (7 Members)</b>	To produce a shortlist of qualified applicants for Chief Executive, Corporate Director and Corporate Lead Officer Posts, to include interviewing of such applicants if needs be, for recommending to Council.	

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

Committee	Functions	Delegation of Functions
<b>Trustee Charity Committee</b>  <b>(10 members: 5 voting and 5 non-voting - <u>Chairs are voting members and Vice Chairs may vote in their absence</u>)</b>	<p>To act as trustee in respect of all <del>property assets held by the Council on charitable trusts</del> <u>trusts that the Council is the trustee of.</u></p> <p>To make decisions in relation to charitable assets in the best interests of the charity.</p> <p>To receive reports on charitable issues and to ensure the requirements of the Charity Commission and charity law are adhered to in so far as they relate to the charitable assets held by the Council on trust.</p>	
<b>Overview and Scrutiny Committees</b>	See Article 6 above	

## Part 3.4 (Table 4) RESPONSIBILITY FOR CABINET FUNCTIONS

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

- 3.4.1 Council functions set out in Table 1 above;
- 3.4.2 Those local choice functions allocated to the Council set out in Table 2 above;
- 3.4.3 Functions that cannot be the sole responsibility of the Cabinet as set out in Article 4 of Part 2 of the Constitution;
- 3.4.4 Potential decisions that conflict with;
  - the Council's budget or borrowing plans;
  - Financial Regulations or financial standing orders;
  - the Council's overall strategy or policy framework.

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

- 3.4.5 Article 7.1 of the Constitution provides that all of the Council's functions which are not the responsibility of any other part of the Council whether by law or under the Constitution will be carried out by Cabinet. This section sets out:
  - the role of Cabinet Members within their respective portfolios,
  - the allocation of service responsibilities to individual Cabinet Members, and
  - those Cabinet Functions which have been delegated to individual Cabinet Members.

Portfolio	Roles, Service Responsibilities and Functions
<p><b>Leader of the Council</b></p>	<p><b>Roles and responsibilities of the Leader</b></p> <p>a) To provide political leadership to the Council, including:</p> <ul style="list-style-type: none"> <li>• being the principal spokesperson for the Council</li> <li>• providing strong, clear leadership in the development and co-ordination of policies, strategies, plans and service delivery</li> <li>• to recommend to Council the appointment of Member Champions</li> </ul> <p>b) Appointing the Cabinet, including:</p> <ul style="list-style-type: none"> <li>• choosing the number of Councillors to serve on the Cabinet and their respective portfolios</li> <li>• designating a Deputy Leader</li> <li>• determining the executive functions delegated to the Cabinet, committees of the Cabinet, individual Cabinet Members, Officers and those undertaken via joint arrangements</li> </ul> <p>c) To provide community leadership, including;</p> <ul style="list-style-type: none"> <li>• acting as a leader of the local community by demonstrating and promoting the Council’s Vision, aims and objectives</li> <li>• providing leadership to local strategic partnerships in the pursuit of common aims and priorities, including the Ceredigion Public Service Board</li> </ul> <p>d) Representing the Council on external organisations, including:</p> <ul style="list-style-type: none"> <li>• representing the Council on the WLGA (including the Co-ordinating Committee) and LGA</li> <li>• representing the Council on the following local, regional and national organisations: <ul style="list-style-type: none"> <li>- Central and South West Wales WLGA Regional Partnership Board</li> <li>- Joint Council for Wales</li> </ul> </li> <li>• acting as the Council member of the Mid Wales Corporate Joint Committee. Where the Leader is unable to discharge their functions in respect</li> </ul>

	<p>of the Mid Wales Corporate Joint Committee, the Council shall appoint another member of the Cabinet to discharge those functions on behalf of the Council.</p> <ul style="list-style-type: none"> <li>• Acting as one of the Council's Representatives on the Ceredigion Public Services Board. <ul style="list-style-type: none"> <li>○ The Leader shall be one of the Council's two representatives at meetings of the Ceredigion Public Services Board.</li> <li>○ The Leader may designate another member of the Cabinet to attend a meeting of the Ceredigion Public Services Board in their absence. The leader shall designate the Deputy Leader to attend in their absence unless the Deputy Leader is also not available in which case the Leader shall designate another Member of Cabinet.</li> </ul> </li> </ul> <p>e) Managing and leading the work of the Cabinet, including:</p> <ul style="list-style-type: none"> <li>• chairing meetings</li> <li>• effectively managing the work of the Cabinet</li> <li>• ensuring that a Cabinet Forward Work Plan is in place</li> </ul> <p>f) Providing portfolio leadership for the following:</p> <ul style="list-style-type: none"> <li>• Service delivery</li> <li>• Community leadership</li> <li>• Finance and budgetary control</li> <li>• Employee relations</li> <li>• Welsh Language Standards</li> </ul> <p>g) Working with others, including:</p> <ul style="list-style-type: none"> <li>• participating in the collective decision-making of the Cabinet</li> <li>• working with Cabinet Members, Non-executive Members and Officers in order to ensure Council policies, the budgetary framework and the continuous improvement agenda is carried out effectively in order to ensure the delivery of high</li> </ul>
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	quality services within existing resources to local people
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<b>All Cabinet Members</b>	<b>Roles and responsibilities of the Cabinet members</b>
	<b>A - General</b>
	<p>a) Providing portfolio leadership, including:</p> <ul style="list-style-type: none"> <li>• reporting to the Cabinet, Leader, Council, Overview and Scrutiny Committees in respect of services within the portfolio</li> <li>• giving political direction to officers working within the portfolio</li> <li>• formulating and developing plans, policies and strategies in respect of services within the portfolio for adoption and revision by the Council</li> <li>• liaising with the Chairperson of the respective Overview and Scrutiny Committee in respect of services within the portfolio</li> <li>• having an overview of the performance management, efficiency and effectiveness of the services within the portfolio</li> </ul> <p>b) Working with others, including:</p> <ul style="list-style-type: none"> <li>• Participating in the collective decision-making of the Cabinet</li> <li>• Working with the Leader of the Council, Cabinet Members, Non-executive Members and Officers in order to ensure Council policies, the budgetary framework and the continuous improvement agenda is carried out effectively in order to ensure the delivery of high quality services within existing resources to local people</li> </ul> <p>c) Contributing towards community leadership, including;</p> <ul style="list-style-type: none"> <li>• promoting the Council’s Vision, aims and objectives within the community</li> <li>• representing the Council on local strategic partnerships and the promotion of common aims and priorities</li> </ul> <p>d) Representing the Council on external organisations, as appointed.</p>

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

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

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

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

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

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

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

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

## **Part 3.5 SCHEME OF DELEGATION TO OFFICERS**

### **Responsibility for Council and Cabinet Functions – Onward limits on delegation**

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

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

PROVIDED ALWAYS that the decision is:

- a) within the Council's budget or borrowing plans;
- b) within the Council's overall strategy or policy framework;
- c) Within Financial Regulations and Accompanying Financial Procedures; and
- d) Not a matter specifically reserved for Full Council, a Committee of the Council, Cabinet, a Statutory Officer, the Chief Executive, or Corporate Directors or Corporate Lead Officers.

## C DELEGATIONS TO THE CHIEF EXECUTIVE

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

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

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

# Council Procedure Rules

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Cyngor Sir  
**CEREDIGION**  
County Council

Author and service:

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## 1. ANNUAL MEETING OF THE COUNCIL

### 1.1 TIMING AND BUSINESS

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

The annual meeting will:

- 1.1.1 elect a person to preside if the Chairperson of Council is not present;
- 1.1.2 elect the Chairperson of Council;
- 1.1.3 receive any disclosures of personal and prejudicial interests;
- 1.1.4 elect the Vice Chairperson of Council;
- 1.1.5 approve the minutes of the last meeting;
- 1.1.6 receive any announcements from the Chairperson and/or Chief Executive;
- 1.1.7 to receive an address by the Leader of the Council;
- 1.1.8 to be told by the Leader of the names of Councillors they have chosen to be members of the Cabinet;
- 1.1.9 appoint at least one Overview and Scrutiny Committee, an Ethics and Standards Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Cabinet functions (as set out in Part 3, Table 1 of this Constitution);
- 1.1.10 decide the size and terms of reference for those committees
- 1.1.11 decide which Committees to establish for the municipal year;
- 1.1.12 decide the allocation of seats to political groups in accordance with the political balance rules;
- 1.1.13 receive nominations of Councillors to serve on each Committee and outside body except where appointment to those bodies has been delegated by the Council or is only exercisable by the Cabinet;
- 1.1.14 appoint to those Committees and outside bodies; and
- 1.1.15 agree such parts of the scheme of delegation as the Constitution determines it is for the Council to agree (as set out in Part 3 Table 3 of this Constitution);
- 1.1.16 approve a programme of ordinary meetings of the Council for the year; and
- 1.1.17 consider any business set out in the notice convening the meeting.

## **2. ORDINARY MEETINGS**

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

- 2.1 elect a person to preside if the Chairperson and Vice Chairperson are not present (such person not being a member of the Cabinet);
- 2.2 receive any disclosures of personal and prejudicial interests from members in accordance with the members Code of Conduct;
- 2.3 confirm as a true record the minutes of the last meeting;
- 2.4 receive any announcements from the Chairperson, Chief Executive, Leader and/or Cabinet Members;
- 2.5 deal with any business from the last Council meeting;
- 2.6 receive reports from the Cabinet and the Council's Committees and receive questions, answers and any observations in relation to those reports;
- 2.7 receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- 2.8 consider motions of which notice has been given; and
- 2.9 any other business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the Council's budget and policy framework.
- 2.10 to elect Chairmen and Vice-Chairmen of Committees in the event of a vacancy arising mid-term
- 2.11 appoint members to fill vacancies on Committees

## **3. SPECIAL MEETINGS**

### **3.1 CALLING SPECIAL MEETINGS**

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

- 3.1.1 the Council by resolution;
- 3.1.2 the Chairperson of the Council;
- 3.1.3 the Leader;
- 3.1.4 the Chief Executive;
- 3.1.5 the Monitoring Officer; and
- 3.1.6 any five members of the Council if they have signed a requisition presented to the Chairperson of the Council.

### **3.2 BUSINESS**

No business shall be considered at any Special Meeting save such as shall be specified in the notice convening the meeting and be accompanied by a copy of any report for the meeting.

## **4. TIME AND PLACE OF MEETINGS**

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

4.2 Where the meeting is to be conducted in accordance with the Council's arrangements for multi-location meetings, - (Protocol for Attendance at Local Authority Meetings and Electronic Broadcasts of Meetings- see Part 5 Doc R) the summons will also include details of how to access the meeting by remote means.

4.3 Members will be regarded as present at a meeting where they attend that meeting by remote means in accordance with the Council's arrangements for multi-location meetings (Protocol for Attendance at Local Authority Meetings and Electronic Broadcasts of Meetings- see Part 5 Doc R) providing that they can speak to, hear and be heard by, other attendees at the meeting.

4.4 For the purposes of section 4.3 above, attendance 'by remote means' means attendance in a different physical location to that of other participants and participating through an online meeting platform.

## **5. NOTICE OF AND SUMMONS TO MEETINGS**

5.1 The Proper Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least three clear days before a meeting, the Proper Officer will send a summons signed by him or her by post or e-mail to every member of the Council or leave it at their usual place of residence.

5.2 The summons will give the date, time and place of each meeting and-, where meetings are conducted in accordance with the Council's arrangements for multi-locations meetings (Protocol for Attendance at Local Authority Meetings and Electronic Broadcasts of Meetings- see Part 5 Doc R), details of how to access the meeting by remote means. The summons will also specify the business to be transacted, and will be accompanied by such reports as are available.

## **6. CHAIR OF MEETING**

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

## **7. QUORUM**

Save as set out in Article 8.2.1 (see Part 2 of the Constitution) in relation to the Development Management Committee, the quorum of a meeting will be one quarter of the membership for that meeting. During any meeting if the Chairperson counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Any remaining business will be considered at a time and date fixed by the Chairperson. If they do not fix a date, the remaining business will be considered at the next ordinary meeting.

## **8. DURATION OF ITEMS OF BUSINESS**

If an item of business at the meeting has not been concluded within one hour of its commencement, the Chairperson may draw attention to that fact and may call for the vote immediately on the item under discussion. The vote will then be taken in the usual way without any further discussion.

## **9. QUESTIONS BY MEMBERS**

### **9.1 ON REPORTS OF THE CABINET OR COMMITTEES**

A member of the Council may ask the Leader or the Chairperson of a Committee any question without notice upon an item of the report of the Cabinet or a Committee when that item is being received or under consideration by the Council.

### **9.2 QUESTIONS ON NOTICE AT FULL COUNCIL**

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

- the Chairperson of the Council;
  - the Leader and/or a member of the Cabinet; or
  - the Chairperson of any Committee or Sub-Committee
- a question on any matter in relation to which the Council has powers or duties or which affects Ceredigion.

### **9.3 QUESTIONS ON NOTICE AT COMMITTEES AND SUB-COMMITTEES**

Subject to Rule 9.4, a member of a Committee or Sub-Committee may ask the Chairperson a question on any matter in relation to which the Council has powers or duties or which affect Ceredigion and which falls within the terms of reference of that Committee or Sub-Committee.

#### **9.4 NOTICE OF QUESTIONS**

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

- 9.4.1 they have given at least five working days notice in writing of the question to the Proper Officer; or
- 9.4.2 the question relates to an urgent matter and they have the consent of the Chairperson to whom the question is to be put and the content of the question is given to the Proper Officer by 1.00pm on the day prior to the meeting.

#### **9.5 RESPONSE**

An answer may take the form of:

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

## **9.6 SUPPLEMENTARY QUESTION**

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

## **10. MOTIONS ON NOTICE**

### **10.1 NOTICE**

Except for motions which can be moved without notice under Rule 11, written notice of every motion, signed by at least 2 (proposer and seconder) members, must be delivered to the Proper Officer (which for these purposes shall be the Monitoring Officer) not later than 5.00pm 10 working days before the date of the meeting. These will be entered in a record open to public inspection. No motion moved by notice will be debated at the Annual meeting of the Council.

### **10.2 MOTION SET OUT IN AGENDA**

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

Any members of the Council may give notice of not more than one motion for consideration at any meeting of the Council.

### **10.3 SCOPE**

Motions must be about matters for which the Council has a responsibility and which substantially affect the administrative area of Ceredigion.

### **10.4 Amendments to Motions**

Written amendments to Notices of Motion must be received by the Proper Officer not later than 5pm, 2 working days before the date of the Council meeting, signed by the Proposer and Secunder and will be circulated in written form to all members at the Council meeting. Verbal amendments will be allowed at the discretion of the Chairman. A motion under Rule 10 or notice of motion to amend must be formally moved and seconded at the relevant meeting. In the absence of the recorded proposer or seconder, another member may propose or second the motion or amendment to the motion. If the motion is not moved or is not seconded then it will be treated as withdrawn.

## **11 MOTIONS WITHOUT NOTICE**

The following motions may be moved without notice:

- 11.1 to appoint a Chairperson of the meeting at which the motion is moved;
- 11.2 in relation to the accuracy of the minutes;
- 11.3 to change the order of business in the agenda;
- 11.4 to refer something to an appropriate body or individual;
- 11.5 to appoint a Committee or member arising from an item on the summons for the meeting;
- 11.6 to receive reports or adoption of recommendations of Committees or officers and any resolutions following from them;
- 11.7 to withdraw a motion;
- 11.8 to amend a motion;
- 11.9 to proceed to the next business;
- 11.10 that the question be now put;
- 11.11 to adjourn a debate;
- 11.12 to adjourn a meeting;
- 11.13 to suspend a particular Council procedure rule;
- 11.14 to exclude the public and press in accordance with the Access to Information Rules;
- 11.15 to not hear further a member named under Rule 18.3 or to exclude them from the meeting under Rule 18.4; and
- 11.16 to give the consent of the Council where its consent is required by this Constitution.

## **12 RULES OF DEBATE**

### **12.1 NO SPEECHES UNTIL MOTION SECONDED**

No speeches may be made after the mover has moved a motion and explained the purpose of it and until the motion has been seconded. The proposer of the motion shall have the right to make the first speech in relation to the motion.

### **12.2 RIGHT TO REQUIRE MOTION IN WRITING**

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

### **12.3 SECONDER'S SPEECH**

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

## **12.4 CONTENT AND LENGTH OF SPEECHES**

12.4.1 Speeches must be directed to the question under discussion or to a personal explanation or point of order.

12.4.2 No speech may exceed five minutes without the consent of the Chairperson.

## **12.5 WHEN A MEMBER MAY SPEAK AGAIN**

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

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

## **12.6 AMENDMENTS TO MOTIONS**

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

- 12.6.1.1 to refer the matter to an appropriate body or individual for consideration or reconsideration;
  - 12.6.1.2 to leave out words;
  - 12.6.1.3 leave out words and insert or add others;
  - 12.6.1.4 to insert or add words; or
  - 12.6.1.5 to substitute another proposition.
- as long as the effect of 12.6.1.2 to 12.6.1.4 above is not to negate the motion

12.6.2 Any amendments to motions will be called by the Chairperson in an order determined by the Chairperson in consultation with the Monitoring Officer, to facilitate coherent debate and to, wherever possible, allow the opportunity for all amendments to be voted upon. Each amendment will be proposed and seconded and then put to the vote in the order determined by the Chairperson.

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

## **12.7 ALTERATION OF MOTION**

12.7.1 A member may alter a motion of which they have given notice with the consent of the meeting. The meeting's consent will be signified without discussion.

12.7.2 A member may alter a motion which they have moved without notice with the consent of both the meeting and the seconder.

12.7.3 Only alterations which could be made as an amendment in accordance with 12.6.1 may be made.

## **12.8 WITHDRAWAL OF MOTION**

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

## **12.9 RIGHT TO REPLY**

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

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

12.9.3 The mover of the amendment has no right of reply to the debate on their amendment.

12.9.4 A member may not speak after a proposition has been voted on except on a point of order relating to it.

## **12.10 MOTIONS WHICH MAY BE MOVED DURING DEBATE**

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

- 12.10.1 to withdraw a motion;
- 12.10.2 to amend a without notice motion;
- 12.10.3 to proceed to the next business;
- 12.10.4 that the question be now put;
- 12.10.5 to adjourn a debate;
- 12.10.6 to adjourn a meeting;
- 12.10.7 to exclude the public and press in accordance with the Access to Information Rules; and
- 12.10.8 to not hear further a member named under Rule 18.3 or to exclude them from the meeting under Rule 18.4.

## **12.11 CLOSURE MOTIONS**

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

12.11.1.1 to proceed to the next business;

12.11.1.2 that the question be now put;

12.11.1.3 to adjourn a debate; or

12.11.1.4 to adjourn a meeting.

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

12.11.3 If a motion that the question be now put is seconded and the Chairperson thinks the item has been sufficiently discussed, they will put the procedural motion to the vote. If it is passed they will give the mover of the original motion a right of reply before putting their motion to the vote.

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

## **12.12 POINT OF ORDER**

A member may raise a point of order at any time. The Chairperson will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The member must indicate the rule of law and the way in which they consider it has been broken. The ruling of the Chairperson on the matter will be final.

## **12.13 PERSONAL EXPLANATION**

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

## **13. PREVIOUS DECISIONS AND MOTIONS**

### **13.1 MOTION TO RESCIND A PREVIOUS DECISION**

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least twenty members.

### **13.2 MOTION SIMILAR TO ONE PREVIOUSLY REJECTED**

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least twenty members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

## **14. VOTING**

### **14.1 MAJORITY**

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

### **14.2 CHAIRPERSON'S CASTING VOTE**

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

### **14.3 SHOW OF HANDS**

Unless a ballot or recorded vote is demanded under Rules 14.4 and 14.5, the Chairperson will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

### **14.4 BALLOTS**

The vote will take place by ballot if a majority members present at the meeting demand it. The Chairperson will announce the numerical result of the ballot immediately the result is known.

### **14.5 RECORDED VOTE**

If the Council so decides by resolution, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote will override a demand for a ballot save in relation to the appointment of officers.

### **14.6 RIGHT TO REQUIRE INDIVIDUAL TO BE RECORDED**

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

### **14.7 VOTING ON APPOINTMENTS OF ELECTED MEMBERS TO POSITIONS TO BE FILLED BY THE COUNCIL**

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

## 15. MINUTES

### 15.1 SIGNING THE MINUTES

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

### 15.2 NO REQUIREMENT TO SIGN MINUTES OF PREVIOUS MEETING AT SPECIAL MEETING

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

### 15.3 FORM OF MINUTES

15.3.1 Minutes will contain all motions and amendments in the exact form and order the Chairperson put them.

15.3.2 Where parts of the minutes are excluded because they refer to exempt information and the minutes available do not provide a reasonably fair and coherent record, a written summary will be provided which provides such a record without disclosing the exempt information.

## 16. RECORD OF ATTENDANCE

All members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

## 17. ~~WEBCASTING~~ ELECTRONIC BROADCAST OF MEETINGS

Meetings of the full Council at the Council Chamber, Neuadd Ceredigion, Penmorfa, Aberaeron will be ~~webcast~~ broadcast live electronically so that members of the public not in attendance at the meeting can see and hear the proceedings. Recordings of the meeting will be available for ~~1x 1~~ 6 years after the meeting such footage to be available for viewing on the Council's website at [www.ceredigion.gov.uk](http://www.ceredigion.gov.uk). For details of multi-location meetings procedures see Part 5 Document ~~Rf1~~.

## **18. EXCLUSION OF PUBLIC**

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 19 (Disturbance by Public).

## **19. MEMBERS' CONDUCT**

### **19.1 SPEAKING**

When a member speaks at full Council they must address the meeting through the Chairperson.

### **19.2 CHAIRPERSON STANDING**

When the Chairperson stands during a debate, any member speaking at the time must stop. The meeting must be silent.

### **19.3 MEMBER NOT TO BE HEARD FURTHER**

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

### **19.4 MEMBER TO LEAVE THE MEETING**

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

### **19.5 GENERAL DISTURBANCE**

If there is a general disturbance making orderly business impossible, the Chairperson may adjourn the meeting for as long as they think necessary.

## **20. DISTURBANCE BY PUBLIC**

### **20.1 REMOVAL OF MEMBER OF THE PUBLIC**

If a member of the public interrupts proceedings, the Chairperson will warn the person concerned. If they continue to interrupt, the Chairperson will order their removal from the meeting room [-or their removal from the online platform by which they are accessing the meeting from another location.](#)

## **20.2 CLEARANCE OF PART OF MEETING ROOM**

If there is a general disturbance in any part of the meeting room open to the public, the Chairperson may call for that part to be cleared. [If there is a general disturbance on the online meeting platform, the Chairperson may call for the online meeting platform to be muted, temporarily suspended or closed.](#)

## **21. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**

### **21.1 SUSPENSION**

All of these Council Rules of Procedure except Rule 14.6 and 15.2 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

### **21.2 AMENDMENT**

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

## **22. APPLICATION TO COMMITTEES AND SUB-COMMITTEES**

Save as set out in paragraph 24 below, all of the Council Rules of Procedure apply to meetings of full Council. None of the rules apply to meetings of the Cabinet. Only Rules 4–22 apply to meetings of Committees and Sub-Committees.

## **23. OFFICER ADVICE**

23.1 Any report placed for decision before Council should contain all necessary advice to enable Members to take a decision. Reports will be circulated in advance of the meeting and if a Member requires clarification on an issue related to the report, this should be sought prior to the meeting.

23.2 Further officer advice will only be available at the meeting of Council with the consent of the Chairperson, in consultation with the Chief Executive, Head of Finance or the Monitoring Officer. If there is a need for further detailed legal or financial advice to be provided, the meeting should be adjourned.

# ACCESS TO INFORMATION PROCEDURE RULES

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Cyngor Sir  
**CEREDIGION**  
County Council

Author and service:

Date approved by Council: 19 March 2019

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## 1. SCOPE

These rules apply to all meetings of the Council, the Cabinet, Overview and Scrutiny Committees, the Ethics and Standards Committee, the Development Management Committee, the Governance and Audit Committee, the Licensing Committee and the Shortlisting Committee and any other public meetings.

## 2. ADDITIONAL RIGHTS TO INFORMATION

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

## 3. RIGHTS TO ATTEND MEETINGS

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

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

## 4. NOTICES OF MEETING

The Council will give at least three clear days' notice of any meeting by posting details of the meeting on the public notice board at Neuadd Cyngor Ceredigion, Penmorfa, Aberaeron ~~or~~ on the Council's website:- [www.ceredigion.gov.uk](http://www.ceredigion.gov.uk), or, if the meeting is convened at shorter notice, then at the time it is convened, and such notice shall state the time of the meeting, how to access the meeting and location (if appropriate).

Where the meeting is to be conducted in accordance with the Council's arrangements for multi-location meetings (~~Protocols for Attendance at Local Authority Meetings and Electronic Broadcasts of Meetings-see Part 5 Doc R~~) the notice will also include details of how to access the meeting by remote means.

References to a meeting held through remote means are to a meeting held by means of any equipment or other facility which enables persons who are not in the same place to speak to and be heard by each other (whether or not the equipment or facility enables those persons to see and be seen by each other).

### 4.1 Where the meeting or part of the meeting is open to the public and is

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held wholly through remote means, the notice must include details of the time of the meeting, and how to access it.

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

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

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

## **5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING**

The Council will make ~~copies of~~ the agenda and reports open to the public available for inspection ~~at the designated office~~ electronically (via the Council's website: [www.ceredigion.gov.uk](http://www.ceredigion.gov.uk)) at least three clear days before the meeting or, if the meeting is convened at shorter notice, then at the time it is convened. If an item is added to ~~an~~ the agenda, which has been published, the item or -later, the revised agenda (and any report(s) for the meeting relating to the item) shall be published at the time that the item is added to the agenda (~~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:

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

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

## 7. ACCESS TO MINUTES ETC AFTER THE MEETING

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

7.1 the minutes of the meeting or record of decisions taken by of the Council and Cabinet excluding any part of the minutes of proceedings when the meeting was not open to the public because exempt or confidential information was being considered.

7.2 The Council shall (whether this information is included in the minutes or a separate note) publish electronically, as soon as reasonably practicable after a Council meeting, and in any event, before the end of 7 working days beginning with the day on which the meeting is held, setting out;

7.2.1.1 the names of the Members who attended the meeting;

7.2.1.2 any apologies for absence received;

7.2.1.3 any personal interests declared;

7.2.1.4 all decisions made at the meeting (excluding any decisions made when the meeting was not open to the public because exempt or confidential information was being considered);

7.1.4.17.2.1.5 the outcomes of any votes taken at the meeting (excluding any votes taken when the meeting was not open to the public because exempt or confidential was being considered);

7.27.3 a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;

7.37.4 the agenda for the meeting; and

7.47.5 reports relating to items when the meeting was open to the public.

## 8. BACKGROUND PAPERS

### 8.1 List of Background Papers

The Reporting Officer-author 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-their opinion:

- 8.1.1 disclose any facts or matters on which the report or an important part of the report is based; and
- 8.1.2 which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10).

## **8.2 Public Inspection of Background Papers**

The Council will make available for public inspection electronically for ~~four~~ six years after the date of the meeting ~~one copy of~~ each of the documents on the list of background papers, but, where they are open to inspection at the offices of the Council under subsection 8.1 above, be open to inspection by members of the public at the offices of the Council until the expiration of that period.

## **9. SUMMARY OF PUBLIC'S RIGHTS**

A written summary of the public's rights to attend meetings and to inspect and copy documents is kept at and available to the public at Neuadd Cyngor Ceredigion, Penmorfa, Aberaeron and is also available on the Council's website.

## **10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS**

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

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

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

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

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

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

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6. Due regard will be ~~had~~given to the wishes of the individual should they so elect that the hearing be held in private where the law so permits.

## 10.4 Meaning of Confidential Information

Confidential information means information given to the Council by a Government Department (including the Welsh Government) on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

## 10.5 Meaning of Exempt Information

Exempt information means information falling within the following 10 categories (subject to any qualification):

CATEGORY	QUALIFICATION
Para 12. Information relating to any individual	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
Para 13. Information which is likely to reveal the identity of an individual	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
Para 14. Information relating to the financial or business affairs of any particular person (including the Council)  <i>Note : 'financial or business affairs' includes contemplated, as well as past or current, activities</i>	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.  Information falling within paragraph 14 is not exempt information by virtue of that paragraph if it is required to be registered under –

CATEGORY	QUALIFICATION
	(a) the Companies Act 1985 (b) the Friendly Societies Act 1974 (c) the Friendly Societies Act 1992 (d) the Industrial and Provident Societies Acts 1965 to 1978 (e) the Building Societies Act 1986 (f) the Charities Act 1993
<p>Para 15. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the Council or a Minister of the Crown and employees of, or office holders under, the Council</p> <p><i>Note : 'Labour relations matters' are as specified in paragraphs (a) to (g) of Section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 i.e. matters which may be the subject of a trade dispute</i></p>	<p>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</p>
<p>Para 16. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings</p>	

CATEGORY	QUALIFICATION
<p>Para 17. Information which reveals that the Council proposes –</p> <p>(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</p> <p>(b) to make an order or direction under any enactment</p>	<p>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</p>
<p>Para 18. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime</p>	<p>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</p>
<p>In addition to the categories referred to above, the following categories will apply to the proceedings of the Ethics and Standards Committee and its Sub-Committee only in connection with the investigation and consideration of an allegation(s) of a breach of the Council's Member Code of Conduct</p>	
<p>18A. Information which is subject to any obligations of confidentiality.</p>	<p>Information is exempt only where a meeting of the Ethics and Standards Committee is convened to consider a matter referred under the provisions of sections 60(2) or (3), 64(2), 70(4) or (5),</p>

CATEGORY	QUALIFICATION
	or 71(2) of the Local Government Act 2000
18B. Information which relates in any way to matters concerning national security.	Information is exempt only where a meeting of the Ethics and Standards Committee is convened to consider a matter referred under the provisions of sections 60(2) or (3), 64(2), 70(4) or (5), or 71(2) of the Local Government Act 2000
18C. The deliberations of the Ethics and Standards Committee or of a Sub-Committee of the Standards and Ethics Committee in reaching any finding on a matter referred under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred to it.	
Information falling within any of paragraphs 12-18 is not exempt by virtue of that paragraph if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.	

## 10.6 Disclosure by Members of Confidential or Exempt information

Members will not make public Confidential or Exempt Information without the consent of the Council or divulge information given in confidence to anyone

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other than a Member or Officer entitled to know it unless otherwise authorised by law.

Members must be aware that an unauthorised disclosure of such Confidential or Exempt information may be dealt with as a breach of the Code of Conduct for Members.

## **10.7 Public Interest**

Information within Categories 12 to 15 and 17 and 18 set out in Rule 10.5 may only be treated as exempt if an assessment of the public interest has been made by the Monitoring Officer.

The public interest will be assessed on a case by case basis having regard to all relevant factors, including but not limited to the following, to ensure a proper balance is achieved between the right to know, the right to personal privacy and the delivery of effective government.

In making such an assessment the Monitoring Officer shall have regard to any relevant prejudice which may be caused to the Council or any other party if the information were disclosed, having regard to the full context of any disclosure. Account may be taken of whether disclosure would breach any obligation of confidence not within Rule 10.5, or the rights of any individual under ~~the~~ Data Protection ~~Act 1998~~ Legislation or the Human Rights Act 1998.

Account will be taken of the fact that the public interest test may be served by allowing access to information which would:

- 10.7.1 further the understanding of and participation in debating issues of the day;
- 10.7.2 facilitate transparency and accountability in and enhance scrutiny of decisions taken by the Council;
- 10.7.3 facilitate transparency and accountability in the spending of public money;
- 10.7.4 help individuals understand the decisions made by the Council affecting their lives;
- 10.7.5 bring to light information affecting public safety or danger to the environment;
- 10.7.6 contribute to the administration of justice and enforcement of the law or the prevention or detection of crime or the apprehension or prosecution of offenders;
- 10.7.7 protect the public from unsafe products or rogue traders or practices.

In making such an assessment the following factors shall be regarded as irrelevant:

- possible embarrassment to the Council or its Officers;
- possible loss of confidence in the Council or another public body;
- the seniority of persons involved in the subject matter;
- the risk of the public misinterpreting the information.

### **10.8 Exclusion of the Public**

A decision to exclude the public from a meeting under this Rule shall be made in accordance with the Council [Procedure Rules \(Part 4 Document A of this Constitution\)](#) and Committee Procedure Rules [\(Overview and Scrutiny Procedure Rules at Part 4 Document E\)](#) or Cabinet Procedure Rules [\(Part 4 Document D of this Constitution\)](#) as appropriate.

## **11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS**

If the Monitoring Officer

so recommends, the meeting may exclude access by the public to reports which in ~~his or her~~[their](#) opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed. After the meeting, access to the Report is subject to Rule 7.2.

Where the decision to exclude access has required a determination of the public interest, the Proper Officer shall keep a note of the reasons for the decision.

## **12. THE FORWARD WORK PROGRAMME**

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

The forward work programme will be prepared by the Proper Officer to cover a period of four months. It will be updated on a quarterly basis.

### **12.2 CONTENTS OF FORWARD WORK PROGRAMME**

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The forward work programme will contain matters which Cabinet, Overview and Scrutiny Committees and full Council are likely to consider. It will contain information on:

- 12.2.1 the timetable for considering the budget and any plans forming part of the policy framework and requiring Council approval, and which body is to consider them;
- 12.2.2 the timetable for considering any plans which are the responsibility of Cabinet;
- 12.2.3 any individual matters which are outside the budget or policy framework on which Cabinet intends to consult in advance of taking a decision, and the timetable for consultation and decision;
- 12.2.4 the work programme of the Overview and Scrutiny Committees, to the extent that it is known.

### **13. CONSULTATION ON PROPOSALS TO BE CONSIDERED BY CABINET**

At least 3 weeks should be permitted in the forward work programme timetable for consultation with relevant Overview and Scrutiny Committees and ward members where a matter as defined in 12.2.3 above is to be considered by Cabinet and is not urgent (as defined below) or confidential or exempt (as defined in Para 10).

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

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

### **14. RECORD OF DECISIONS OF CABINET**

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## 14.1 The Decision Record

14.1.1 A written record will be made of every Cabinet decision made by Cabinet and its Committees (if any) and individual Cabinet members, and of Joint Committees and Joint Sub-Committees whose members are all members of a Council's Executive.

14.1.2 This decision record will include a statement, for each decision, of:

- the Members present
- any apologies for absence received
- the decision made
- the date the decision was made
- the reasons for that decision;
- any personal interest declared;
- any dispensation to speak granted by the Council's Ethics and Standards Committee;
- the consultation undertaken prior to the decision and, if such consultation has not taken place, the reason why.

## 14.2 PREPARING THE DECISION RECORD

14.2.1 The Proper Officer or ~~his or her~~their representative shall attend any meeting of Cabinet, a Committee of Cabinet or a Joint Committee or Joint Sub-Committee where all its members are members of a local authority Executive, and shall as soon as reasonably practicable after the meeting produce a decision record, which shall be published on the Council's website as soon as is reasonably practicable.

14.2.2 Where an individual Cabinet member has made any Cabinet decision;

14.2.2.1 that Cabinet member shall as soon as reasonably practicable instruct the Proper Officer to produce a decision record; and

14.2.2.2 the decision shall not be implemented until that decision record has been produced, subject to 14.2.3 below.

14.2.3 Where the date by which a Cabinet decision made by an individual member must be implemented makes compliance with 14.2.2.2 above impracticable, the decision may be implemented if the decision maker has the agreement of:-

- the Chairperson of the relevant Overview and Scrutiny Committee, or
- if there is no such person or that person is unable to act, the Chairperson of the Council, or
- if there is no Chairperson of the relevant Overview and Scrutiny Committee or the local Council, the Vice-Chairperson of the Council
- that the making of the decision is urgent and cannot reasonably be deferred.

### **14.3 Publishing a note of all meetings of the Cabinet and its Committees**

14.3.1 The Council shall (whether this information is included in the minutes or a separate note) publish electronically, as soon as reasonably practicable after a Cabinet meeting, and in any event, before the end of 7 working days beginning with the day on which the meeting is held, setting out;

14.3.1.1 the names of the Members who attended the meeting;

14.3.1.2 any apologies for absence received;

14.3.1.3 any personal interests declared;

14.3.1.4 all decisions made at the meeting (excluding any decisions made when the meeting was not open to the public because exempt or confidential information was being considered);

14.3.1.5 the outcomes of any votes taken at the meeting (excluding any votes taken when the meeting was

[not open to the public because exempt or confidential was being considered\);](#)

## **15. DECISIONS BY AN INDIVIDUAL MEMBER OF CABINET**

### **15.1 Reports Intended to be Taken Into Account**

Where an individual member of Cabinet receives a report which [he/shethey](#) intends to take into account in making any decision, then [he/shethey](#) will not make the decision until at least 3 clear days after receipt of that report.

### **15.2 Provision of Copies Report to Overview and Scrutiny Committees**

On giving of such a report to an individual decision maker, the person who prepared the report will give a copy of it to the Chair of every relevant Overview and Scrutiny Committee as soon as reasonably practicable, and make it publicly available at the same time.

### **15.3 RECORD OF INDIVIDUAL DECISION**

The decision recording rules in Para 14 will apply.

## **16. OVERVIEW AND SCRUTINY COMMITTEE MEMBERS' ACCESS TO DOCUMENTS**

### **16.1 Rights of Access**

Subject to Rule 16.2 below and subject to paragraph 5 of the Code of Conduct for members, an Overview and Scrutiny Committee (including its Sub-Committees) will be entitled to access to any document which is in the possession or control of Cabinet or its Committees and which contains material relating to

16.1.1 any business transacted at a meeting of Cabinet or its Committees; or

16.1.2 any decision taken by an individual member of Cabinet.

### **16.2 Limit on Rights**

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An Overview and Scrutiny Committee or Sub-Committee will not be entitled to receive any part of a document that contains confidential or exempt information unless that information is relevant to an action or decision that is being reviewed or scrutinised or any review contained in a programme of work of that Committee or Sub-Committee.

## **17. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS**

### **17.1 Rights of Access**

All members will be entitled to inspect any document which is in the possession or under the control of Cabinet or its Committees and contains material relating to any business transacted at a meeting of a decision-making body of that authority or by an individual member of Cabinet. This provision is subject to paragraph 5 of the Code of Conduct for Members.

### **17.2 Nature of Rights**

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

# CABINET PROCEDURE RULES



Cyngor Sir  
**CEREDIGION**  
County Council

Author and service:

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## **1.1 WHO MAY MAKE CABINET DECISIONS?**

The Leader will decide how Cabinet functions are discharged by:

- 1.1.1 the Cabinet as a whole;
- 1.1.2 a Committee of the Cabinet;
- 1.1.3 an individual member of Cabinet;
- 1.1.4 an officer;
- 1.1.5 joint arrangements; or
- 1.1.6 another local authority.

## **1.2 DELEGATION BY THE LEADER**

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

- i. the names, addresses and electoral divisions of the people appointed to 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 Cabinet functions to any other authority or any joint arrangements and the names of those Cabinet members appointed to any Joint Committee for the coming year; and  
the nature and extent of any delegation to officers with details of any limitation on that delegation, and the title of the officer to whom the delegation is made.

### **1.3 SUB-DELEGATION OF CABINET FUNCTIONS**

- 1.1.7 Where the Cabinet, a Committee of the Cabinet or an individual member of Cabinet is responsible for a Cabinet function, they may delegate further by joint arrangements or to an officer.
- 1.1.8 Unless the Council directs otherwise, if the Leader delegates functions to the Cabinet, then Cabinet may delegate further to a Committee of the Cabinet or to an officer.
- 1.1.9 Unless the Leader directs otherwise, a Committee of the Cabinet to whom functions have been delegated by the Leader may delegate further to an officer.
- 1.1.10 Even where Cabinet functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated those functions.

### **1.4 THE COUNCIL'S SCHEME OF DELEGATION AND CABINET FUNCTIONS**

- 1.4.1 Subject to 1.4.2 below the Council's scheme of delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in Article 7 and set out in Part 3 of this Constitution.
- 1.4.2 With the Leader being able to decide whether to delegate Cabinet functions, he/she may amend the scheme of delegation relating to Cabinet functions at any time during the year. To do so, the Leader must give written notice to the Proper Officer and to the person, body or Committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, Committee or Cabinet as a whole. The Proper Officer will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.
- 1.4.3 Where the Leader seeks to withdraw delegation from a Committee of the Cabinet, notice will be deemed to be served on that Committee when he/she has served it on its Chairperson.

### **1.5 CONFLICTS OF INTEREST**

- 1.5.1 Where the Leader has a conflict of interest this should be dealt with

as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

1.5.2 If every member of Cabinet has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution and in consultation with the Monitoring Officer.

1.5.3 If the exercise of a Cabinet function has been delegated to a Committee of the Cabinet, an individual member or an officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Local Code of Conduct for Members in Part 5 of this Constitution and in consultation with the Monitoring Officer.

## 1.6 CABINET MEETINGS – WHEN AND WHERE?

1.6.1 The Cabinet will meet at least 10 times per year, at times to be agreed by the Leader. The Cabinet shall meet at the Council's main offices at Neuadd Cyngor Ceredigion, Penmorfa, Aberaeron, or another location to be agreed by the Leader.

1.6.2 Members will be regarded as present at a meeting of the Cabinet or a committee of the Cabinet where they attend that meeting by remote means in accordance with the Council's arrangements for multi-location meetings (Protocol for Attendance at Local Authority Meetings and Electronic Broadcasts of Meetings- see Part 5 Doc R) providing that they can speak to, and be heard by, other attendees at the meeting.

1.5.41.6.3 For the purposes of section 1.6.2, attendance 'by remote means' means attendance in a different physical location to that of other participants and participating through an online meeting platform.

## 1.7 PUBLIC OR PRIVATE MEETINGS OF THE CABINET?

All meetings of the Cabinet will be open to the public subject to the Access to Information Rules in Part 4 of this Constitution.

## **1.8 QUORUM**

The quorum for a meeting of the Cabinet, or a Committee of it, shall be 3 including the Leader or Deputy Leader. See Article 7.8 Part 2 Constitution for the requirements of a quorum and job sharing: where any meeting is attended by more than one of the Members who share the same office and those Members are attending in their capacity as a Member of the Cabinet, they together count as only one person for the purpose of determining whether the meeting is quorate.

## **1.9 HOW ARE DECISIONS TO BE TAKEN BY THE CABINET?**

1.9.1 Cabinet decisions which have been delegated to the Cabinet will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.

1.9.2 Where Cabinet decisions are delegated to a Committee of the Cabinet the rules applying to Cabinet decisions taken by them shall be the same as those applying to those taken by the Cabinet.

## **1.10 VOTING**

### **1.10.1 MAJORITY**

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

See Article 7.8, Part 2 of this Constitution for the rules on voting and job sharing: the Members of Cabinet who share the same office will have one vote between them in respect of any matter on which they have a right to vote because they are a Member of Cabinet.

### **1.10.2 CHAIRPERSON'S CASTING VOTE**

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

### **1.10.3 ASSISTANTS TO THE CABINET**

Assistants to the Cabinet are not entitled to vote at Cabinet Meetings nor Cabinet Committee Meetings.

## **2. HOW ARE THE CABINET MEETINGS CONDUCTED?**

### **2.1 Who Presides?**

The Leader will preside at any meeting of the Cabinet or its Committees at which he/she is present, or may appoint the Deputy Leader or another person to do so.

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

These details are set out in the Access to Information Rules in Part 4 Document B of this Constitution.

### **2.3 What Business?**

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

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- 2.1.1 consideration of the Minutes of the last meeting;
- 2.1.2 disclosures of personal interest, if any;
- 2.1.3 matters referred to the Cabinet (whether by an Overview and Scrutiny Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules (Document E) or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- 2.1.4 consideration of reports from Overview and Scrutiny Committees; and
- 2.1.5 matters set out in the agenda for the meeting, and which shall indicate decisions which are not in accordance with the Access to Information Procedure rules set out in Part 4 Document B of this Constitution.

## **2.4 General Disturbance**

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

## **2.5 Disturbance by the Public**

### **2.5.1 Removal of member of the public**

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

### **2.5.2 Clearance of part of meeting room**

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

## **2.6 Consultation**

All reports to the Cabinet from any member of Cabinet or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant Overview and Scrutiny

Committees, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

## **2.7 Who can put Items on the Cabinet Agenda?**

The Leader will decide upon the schedule for the meetings of the Cabinet. He/she may put on the agenda of any Cabinet meeting any matter which he/she wishes, whether or not authority has been delegated to the Cabinet, a Committee of it or any member or officer in respect of that matter. The Proper Officer will comply with the Leader's requests in this respect.

Any member of Cabinet may require the Proper Officer to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration. If he/she receives such a request, the Proper Officer will comply.

The Proper Officer will make sure that an item is placed on the agenda of the next available meeting of the Cabinet where a relevant Overview and Scrutiny Committee or the full Council have resolved that an item be considered by the Cabinet.

There will be a standing item on the agenda of each meeting of the Cabinet for matters referred by Overview and Scrutiny Committees.

Any member of the Council may ask the Leader to put an item on the agenda of a Cabinet meeting for consideration, and if the Leader agrees, the item will be considered at the next available meeting of the Cabinet. The notice of the meeting will give the name of the Councillor who asked for the item to be considered.

The Monitoring Officer and/or the Chief Financial Officer may include an item for consideration on the agenda of a Cabinet meeting and may require the Proper Officer to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Chief Executive, Chief Financial Officer and Monitoring Officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of a Cabinet meeting. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a Cabinet meeting be convened at which the matter will be considered.

Financial Officer.

## **3. Publication of Decisions**

3.1 When a decision is made by the Cabinet, an individual member of Cabinet

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or a Committee of the Cabinet or under joint arrangements, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within 2 working days of being made. Members will be sent copies of the records of all such decisions within 2 working days, by the person responsible for publishing the decision. (See Document E)

3.2 The decision notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 5 working days after the publication of the decision, unless any three members of the relevant Overview and Scrutiny Committee whose terms of reference relate to the Cabinet decision (as described in Article 6 of Part 2 of the Constitution) or six elected members of the Council and the chair of that Committee, object to it and call it in. (See Document E)



# Protocols for Attendance at Local Authority Meetings and Electronic Broadcasts of Meetings

**May 2022**

<b>Fersiwn: Version</b>	<b>Dyddiad: Date</b>	<b>Natur y diweddariad: Nature of update:</b>
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## **Introduction - Purpose of document**

The Local Government and Elections (Wales) Act 2021 (LG&EW2021), Section 47 requires principal councils to make and publish arrangements for the purpose of ensuring that from 5 May 2022, that local authority meetings are able to be held by means of any equipment or other facility which enables persons who are not in the same place to attend the meetings, to speak to and be heard by each other, and in the case of meetings to be broadcast (under Section 46 of the regulations), to speak and be heard by each other and to see and be seen by each other.

In addition, the LG&EW2021, Section 46 requires principal councils to make and publish arrangements for the purpose of ensuring that from 5 May 2022-

- (a) a broadcast of proceedings at a meeting to which subsection (2) applies is available electronically so that members of the public not in attendance at the meeting can see and hear the proceedings;*
- (b) the proceedings are broadcast as they take place, subject to any specified exceptions;*
- (c) the broadcast is available electronically for a specified period after the meeting.*

*This subsection applies to proceedings at a meeting, or any part of a meeting, which is open to the public of—*

- (a) a principal council;*
- (b) any of the following specified bodies—*
  - (i) the executive of a principal council;*
  - (ii) a committee or sub-committee of an executive of a principal council;*
  - (iii) a committee or sub-committee of a principal council;*
  - (iv) a joint committee, or a sub-committee of a joint committee, of two or more principal councils.*

The Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 which came into force on 22 April 2020 made provision in relation to local authority meetings, as a result of the covid-19 outbreak. The regulations related to participation at meetings held between 22 April 2020 and 1 May 2021. As a result of these regulations, all Ceredigion County Council meetings open to the public were held remotely, and the Council and Cabinet meetings were broadcasted as they took place, and made

available electronically for a specified period after the meeting. These arrangements have continued and will form the basis for the arrangements post 5 May 2022.

In addition to the current arrangements, Ceredigion County Council will also implement hybrid style meetings from 5 May 2022, whereby Members, Officers and the public are able to attend meetings remotely or in person.

This protocol has been created, in line with the LG&EW2021 Act to provide a guide as to the implementation of the Regulations and to outline the process to apply to the public meetings of Ceredigion County Council, and sets out the practical issues that will need to be addressed in relation to protocols for hybrid meetings. It is based on the principle of full or partial remote attendance so long as persons who are not in the same place are able to speak to, and be heard by, other participants, and in the case of meetings that are broadcasted to also see and be seen by each other.

Underpinning this Protocol are the fundamental principles that conduct shall be compliant with the Code of Conduct for Members and that the integrity and security of any confidential information is maintained.

The objective will be to make hybrid meetings as close as possible to the Council's usual meetings practice which will follow normal procedural rules in the Constitution where possible.

### **1.0 Attending in person or remotely**

Members, Officers and members of the public will be able to attend meetings of the Council that are open to the public in person at the Council's Penmorfa Offices, Aberaeron or remotely (wherever possible).

Please note that attendance in person may be subject to limitations on numbers due to space and any regulations that may be in place at that time, such as the 2 metre social distances regulations or guidance. In person meetings may also be suspended at any time should regulations or guidance deem it necessary due to COVID-19.

Priority will be given to Committee Members, Officers presenting or advising on reports, facilitating officers, translators and members of the public addressing the committee.

## **1.1 Invitation to join the meeting remotely**

### Councillors

Councillors will be sent an electronic link for each individual meeting. This link must not be shared with any other person.

### Members of the public

Members of the public who wish to attend a meeting remotely, should contact Democratic Services at least 1 hour prior to the commencement of the meeting to request a link to the meeting. We cannot guarantee that later requests will be processed, as Officers will be involved in setting up the meetings, or minute taking once the meeting has commenced. Please e-mail your request to: [democracy@ceredigion.gov.uk](mailto:democracy@ceredigion.gov.uk) or telephone CLIC on 01545 570881.

The electronic meeting will be open to Members and those that will be addressing the meeting 30 minutes before the start of the meeting. Members are requested to join the meeting at least 15 minutes prior to the time of commencement in order to check that everyone is able to participate. Access to simultaneous translation will be checked prior to the commencement of the meeting.

## **1.2 Electronic broadcasts of meetings**

Meetings of the full Council and Cabinet will be broadcasted as they take place in order that members of the public not in attendance in person or remotely can see and hear the proceedings, subject to the following exceptions:

- consideration of exempt / confidential information (para 1.12)
- the discretion of the Chair to terminate the meeting (para 1.13)

The broadcasting will be available electronically for a period of up to 6 years following the meeting.

## **1.3 Preparations in advance of the meeting**

Committee Members are asked to confirm the following information with the Meeting Facilitator prior to the date of the meeting:

- Attendance / apologies
- Whether they wish to attend in person or remotely
- Declarations of interest
- Any personal matters that they wish to submit
- Non-Committee Members must notify the Chair and facilitator in advance if they are aware in advance that they wish to speak on a specific agenda item

Members of the public address the following committees, (subject to the terms of reference for addressing said committee as published in the Council's Constitution):

- a) Overview and Scrutiny Committees
- b) The Development Control Committee

must contact Democratic Services by mid-day, two days prior to the meeting, confirming the following:

- a) the committee that they will be addressing, and the agenda item
- b) whether they wish to attend in person or remotely
  - (i) if attending remotely, an e-mail address in order for the link to be sent.

#### **1.4 Filming the Meeting**

The Chair will remind everyone at the commencement that the proceedings of the meeting that the Council and Cabinet meetings will be filmed for live or subsequent broadcast via the Council's internet site and in the archive record of the meeting. The images and sound recording may also be used for training purposes within the Council.

All Council Members participating in the Council and Cabinet meetings will be seen and heard during said meeting.

For all other meetings that are open to the public, the legislation requires that Members are able to speak to and be heard by each other. However, the hybrid system does allow for those present at the meeting to see and be seen by each other in addition to the requirement to speak to and be heard by each other. Members of the public addressing an Overview and Scrutiny Committee, or Development Control Committee

will be visible and audible to all those attending the meeting during their presentation only, whether in person or remotely, however as these meetings are not broadcast this will not be available to the general public in the broader sense as per the Council and Cabinet meetings.

### **1.5 Confirmation of the speaker**

Normally, the Chair will invite those present to speak by their full name. However, if the speaker has not been introduced, it is recommended that each individual introduce themselves with their full name before speaking, in order that participants and minute takers are in no doubt who is speaking.

### **1.6 Quorum**

The normal quorum requirements for meetings as set out in the Authority's Constitution will also apply to a hybrid meeting.

In the event of any apparent failure of a Member's video, or conferencing connection, the Chair should immediately determine if the meeting is still quorate:

- if it is, then the business of the meeting will continue; or
- if there is no quorum, then the meeting shall adjourn for a period specified by the Chair, expected to be no more than ten or fifteen minutes, to allow the connection to be re-established.
- Should any aspect of a Member's remote participation fail, the Chair may call a short adjournment of up to five minutes or so to determine whether the connection can quickly be re-established. If the connection is not restored within that time, the meeting should continue to deal with the business whilst this happens, providing the meeting remains quorate.
- In the event of connection failure, the remote Member(s) will be deemed to have left the meeting at the point of failure and if the connection cannot be re-established to those Member(s) before the end of the meeting, then the presumption will be that the meeting should continue to deal with the item/s.

- If the connection is successfully re-established, then the remote Member(s) will be deemed to have returned at the point of re-establishment.

If the connection cannot be restored within a reasonable time, the meeting will proceed, but the Member who was disconnected will not be able to vote on the matter under discussion as they would not have heard all the facts.

### **1.7 Member participation**

Members of the relevant committee will be asked in turn for their contribution to an item by the Chairman.

Members should be able to speak to and be heard by each other. Where meetings are broadcasted, Members will also need to be seen and to see each other.

The facilitator will have provided a list to the Chair of non-Committee Members who wish to speak on specific agenda – in the order they were received. If any matters arise during the discussion, non-Committee Members will need to alert the Chairman that they wish to speak, by pressing the ‘Speak’ button on the delegate microphone system if attending in person, and similarly the ‘Speak’ button on screen if attending remotely.

### **1.8 Voting**

Details of how Members voted will not be kept or minuted unless a Recorded Vote is called. Where a Recorded Vote is requested, the Chair will call the names of all Committee Members present, alphabetically, and Members will be required to confirm verbally their vote.

Members need to ensure that they are able to remain on-line throughout debates and during voting in order to maintain the integrity of the decision-making process and to reduce the opportunity for legal challenge of any decision.

## **1.9 Declaration of interest**

Wherever possible, declarations in any item of business must be made in advance of the meeting, and in any case under the “Personal and/or prejudicial Interests” agenda item. Members must declare their interest verbally during the meeting. Members must state the agenda item which their declaration relates to, and stipulate whether their declaration is ‘personal’ or ‘personal and prejudicial’. Members who declare a ‘personal and prejudicial’ interest will leave the Council Chamber (if attending in person), or leave the meeting if attending remotely for the duration of the discussion on said agenda item. Members should also confirm if they have been given dispensation to speak or to speak and vote, as this would allow Members to remain in the meeting.

Where it becomes apparent during the meeting that a Member will need to declare a disclosable interest after the Personal and /or Prejudicial Interest agenda item has passed, he/she must immediately notify the Chair by selecting the ‘Speak’ button and when invited to speak, to verbally declare as above.

## **1.10 Translation**

A translation facility will be provided which can be accessed by selecting the appropriate language via the ‘Interpretation’ button on the screen, or by using the headphones provided if attending in person. The simultaneous translator will turn the translation option on and off as required during the meeting as the committee changes from speaking Welsh to English, therefore individuals attending in person or remotely will not need to change the choice of language once set prior to the commencement of the meeting.

It is recommended that Members using the translation facility allow plenty of time to ensure that they the correct settings prior to the commencement of the meeting.

## **1.11 Notice of Meetings**

Public notice of the time of the meeting will be given by publication on the Council's website at least three clear days before the meeting or, if the meeting is convened at shorter notice, then as soon as reasonably practicable. A monthly schedule of meetings is also published on the Council's Facebook page.

### **1.12 Exclusion of Public and Press**

There are times when council meetings are not open to the public, when confidential, or "exempt" issues (as defined in Schedule 12A of the Local Government Act 1972) are under consideration. Members will be reminded that the item is an exempt report and if they wish to discuss the content of the exempt report, members of the public and press will be asked to leave the Council Chamber if attending in person, or to leave the meeting if attending remotely.

The meeting Facilitator will ensure that there are no members of the public in remote attendance or in person that are able to hear or see the proceedings once the exclusion has been agreed by the meeting. Live streaming of the meeting will be suspended temporarily.

Each Member in remote attendance must ensure that there are no other persons present with them who are not entitled to be present (either hearing or seeing), or to have access to such exempt items, and/or recording of the proceedings. Any Member in remote attendance who failed to disclose that there were in fact persons present who were not so entitled would, in our view be deemed to be in breach of the Members' Code of Conduct.

### **1.13 Terminating filming of the Meeting**

The Chair has the discretion to terminate or suspend filming, if, in his/her opinion continuing to do so would prejudice the proceedings or that continued filming might infringe the rights of any individual.

### **1.14 Revising or replacing arrangements in relation to Attendance and Electronic Broadcasting of meetings**

Any revisions or replacement to the arrangements in relation to Attendance and Electronic Broadcasting of meetings will be published on the Council's website.

### **1.15 Arrangements relating to Joint Committees**

Protocols relating to the arrangements for Attendance and Electronic Broadcasting of Joint Committees will be published separately.



## **ETHICS & STANDARDS COMMITTEE**

### **DEALING WITH COMPLAINTS REFERRED TO THE ETHICS & STANDARDS COMMITTEE & HEARINGS PROCEDURES**

#### **Introduction**

1. This document sets out the procedure that the Council's Ethics & Standards Committee will follow where it is required to make decisions about the conduct of Councillors following investigations by the Public Services Ombudsman for Wales or the Council's Monitoring Officer under Part III of the Local Government Act 2000 and any related regulations.
2. If there is any conflict between this document and any statutory requirements then those statutory requirements will prevail.
3. Subject to any express provision in the Regulations, the practice and procedure for exercising its functions under Regulations, shall be for the Ethics and standards Committee to decide.

#### **Interpretation**

4. In this procedure:
  - (a) 'the Act' means the Local Government Act 2000 Part III
  - (b) 'the Council' means Ceredigion County Council
  - (c) 'the Code of Conduct' means the Code of Conduct for Members adopted by the Council or the town/community councils within the Council's area in 2008 (and as amended in 2016), in accordance with Section 51 of the Act.
  - (d) 'the Complainant' means any person who made any allegation which gave rise to the investigation
  - (e) Co-opted members means persons appointed by the Council to sit as independent or lay members on its Governance and Audit or its Ethics & Standards Committee
  - (f) the 'Investigating Officer' means the person who conducted an investigation into any alleged breach of the Code of Conduct and produced the investigation report, being either the Ombudsman (or a person acting on his or her behalf) or the Monitoring Officer
  - (g) an 'investigation report' means a report on the outcome of an investigation into any alleged breach of the Code of Conduct produced either by the Ombudsman under s69, 70 or s71(2) of the Act or by the Monitoring Officer under the Regulations.
  - (h) 'the Member' means any person who is the subject of an investigation into any alleged breach of the Code of Conduct

- (i) 'the Monitoring Officer' means the officer for the time being appointed by the Council under section 5 of the Local Government and Housing Act 1989
- (j) 'the Ombudsman' means the Public Services Ombudsman for Wales
- (k) 'the Regulations' means the Local Government Investigations (Functions of Monitoring Officers and Standards Committees) (Wales) Regulations 2001/2281 as amended (SI 2016/85),
- (l) 'the Standards Officer' means the officer for the time being appointed by the Council to support the work of the Ethics & Standards Committee
- (m) the 'Advising Officer' means the Monitoring Officer, Deputy Monitoring Officer the Standards Officer or some other suitably qualified person.

### Summary of the procedure

- 5) Under **section 69** of the Act, the Ombudsman may investigate any alleged breach of the Code of Conduct by members or co-opted members (or former members or co-opted members) of the Council or a community council in the Council's area.
- 6) Under **section 70(4)** of the Act, where the Ombudsman ceases such an investigation before it is completed:
  - a) they may refer the matters which are the subject of the investigation to the Monitoring Officer.
  - b) The Monitoring Officer will then investigate those matters in accordance with the Regulations before reporting and, if appropriate, making recommendations to the Ethics & Standards Committee. See detailed procedure below in section 17.
- 7) Under **section 71(2)** of the Act, where the Ombudsman decides after investigating that it is appropriate, they will:
  - a) produce a report on the outcome of the investigation and send it to the Monitoring Officer and the Council's Ethics & Standards Committee.
  - b) The Monitoring Officer will then consider the report of the Ombudsman in accordance with the Regulations, before, if appropriate, making recommendations to the Ethics & Standards Committee.
  - c) See detailed procedure below in section 17.
- 8) The Ethics & Standards Committee will then make an initial determination (Reg. 7) either:
  - a) that there is no evidence of any failure to comply with the Code of Conduct,
  - or
  - b) that the Member must be invited to make representations, either orally or in writing, in respect of the findings of the investigation and any allegation they have failed to comply with the Code of Conduct.
- 9) Where the Member is invited to make representations, the Ethics & Standards Committee will convene a hearing to consider any response made by the Member.

### **Determination of the Ethics and Standards Committee**

10) After considering any representations, the Ethics & Standards Committee must determine (Regulation 9(1)) that:

- (a) there is no evidence of any failure to comply with the Code of Conduct and that therefore no action needs to be taken in respect of matters which are the subject of the investigation;
- (b) the Member or co-opted member (or former member or co-opted member) has failed to comply with the Code of Conduct but that no action needs to be taken in respect of that failure;
- (c) the Member or co-opted member (or former member or co-opted member) has failed to comply with the Code of Conduct and should be censured, or
- (d) the Member or co-opted member (or former member or co-opted member) has failed to comply with the Code of Conduct and should be suspended or partially suspended from being a member or co-opted member of his/her authority for a period not exceeding six months.

and take any such action accordingly.

11) Where an appeals tribunal drawn from the Adjudication for Wales makes a recommendation that a different penalty should be imposed (Reg. 12), the Ethics and Standards Committee must also determine whether or not it should uphold its original determination or accept the recommendation.

### **Investigations by the Monitoring Officer (referrals under section 70(4) of the Act)**

12) Where the Ombudsman ceases their investigation before it is completed and refers the matters which are the subject of the investigation to the Monitoring Officer under section 70(4) of the Act, the Monitoring Officer must:-

- a) conduct an investigation; and
- b) report, and if appropriate make recommendations to the Council's Ethics & Standards Committee

13) The Monitoring Officer will investigate in accordance with the Regulations and may follow such procedures as they consider appropriate in the circumstances of the case.

14) After concluding an investigation, the Monitoring Officer must:

- (a) produce a report on the findings of their investigation and, if appropriate, may make recommendations to the Ethics & Standards Committee,
- (b) send a copy of the report to the Member, and
- (c) take reasonable steps to send a copy of the report to the Complainant.

15) The Ethics & Standards Committee will consider the Monitoring Officer's report and any recommendations in accordance with the procedure set out in section 17 below.

### **Investigations by the Ombudsman (referrals under section 71(2) of the Act)**

- 16) Where the Ombudsman completes their investigation and sends a report to the Monitoring Officer and the Council's Ethics & Standards Committee under section 71(2) of the Act, the Monitoring Officer must:
- a) consider the Ombudsman's report and,
  - b) if appropriate, make recommendations to the Council's Ethics & Standards Committee.
- 17) The Ethics & Standards Committee will consider the Ombudsman's report together with any recommendations made by the Monitoring Officer in accordance with the procedure set out below.

### **Step 1 - Ethics & Standards Committee – Initial Determination Hearing**

18) After the Monitoring Officer has:

- a) produced an investigation report in accordance with paragraph 14; or
- b) considered the Ombudsman's investigation report in accordance with paragraph 16.

a meeting of the Ethics & Standards Committee will be convened as soon as possible.

A copy of the investigation report, together with the Monitoring Officer's recommendations (if any), will be sent to each of the members of the Ethics & Standards Committee.

- 19) Notice of the time and place of the meeting will be given in accordance with Part VA of the Local Government Act 1972, as amended by the Regulations.
- 20) If the investigation report is produced by the Ombudsman, the Monitoring Officer will advise the Ethics & Standards Committee, as Advising Officer.
- 21) If the investigation report is produced by the Monitoring Officer, the Standards Officer or some other suitably qualified person will advise the Ethics & Standards Committee, as Advising Officer.
- 22) The business of the Ethics & Standards Committee Initial Determination hearing will be limited to:
- a) considering the investigation report
  - b) and the Monitoring Officer's recommendations (if any) and
  - c) to making an initial determination either:-
    - i. that there is no evidence of any failure to comply with the Code of Conduct, or
    - ii. that the Member should be invited to make representations, either orally or in writing in respect of the findings of the investigation and any allegation that they have failed, or may have failed, to comply with the Code of Conduct.

### **Step 2 - After the first meeting of the Ethics & Standards Committee**

23) Where the Ethics & Standards Committee decides that there is no evidence of any failure to comply with the Code of Conduct, the Standards Officer will accordingly notify the Member, the Complainant and the Ombudsman. See 22(c)(i) above.

24) Where the Ethics & Standards Committee decides that the Member must be invited to make representations, the Standards Officer will notify the Member of the Committee's Initial determination decision and the procedure which the Committee proposes to adopt to receive and consider any representations that they may wish to make. See 22(c)(ii) above and Step 3 below.

### **Step 3 - Preparing for the hearing to consider the Member's representations**

25) (A) The Standards Officer, in consultation with the Chair of the Ethics & Standards Committee, will write to the Member to propose a date for a hearing to consider any representations that the Member may wish to make and to ask the Member to complete and return a questionnaire within 14 days, to confirm whether they:

- (a) Intend to attend the hearing
- (b) want to make representations, whether orally or in writing and if so, to include any written representations in his or her response
- (c) disagree with any of the findings of fact in the investigation report, and if so, which matters they disagree with and the reasons for any disagreements;
- (d) wishes to represent themselves or be represented at the hearing by a legal representative or any other person, in accordance with the Regulations
- (e) wants to give evidence to the Ethics & Standards Committee, either orally or in writing;
- (f) wants to call relevant witnesses to give evidence to the Ethics & Standards Committee, and if so to identify those witnesses, and confirm if they are witnesses of fact or character
- (g) wants any part of the meeting to be held in private, and if so, explain the reasons
- (h) wants any part of the investigation report or other relevant documents to be withheld from the public, and if so, explain the reasons;

25(B) The Investigating Officer will be expected to attend the Hearing to present the report and explain any matters within it (unless the Committee has agreed that this is not necessary).

26) The Standards Officer will notify the Investigating Officer of the proposed hearing date and ask whether they will be attending the hearing. Two alternative dates should be kept in reserve.

27) The Standards Officer will send a copy of the Member's response under paragraph 25 to the Investigating Officer and will ask them to confirm in writing within 7 days whether they:

- (a) have any comments on the Member's response
- (b) want to be represented at the hearing;
- (c) want to call relevant witnesses to give evidence to the Ethics & Standards Committee; and if so to identify those witnesses
- (d) want any part of the meeting to be held in private; if so, provide reasons
- (e) want any part of the investigation report or other relevant documents to be withheld from the public; if so provide reasons

28) The Standards Officer will write to the members of the Committee, the Member and the Investigating Officer at least 14 days before the hearing to:

- (a) confirm the date, time and place for the hearing;
- (b) summarise the allegation(s);
- (c) outline the main facts of the case that are agreed;
- (d) outline the main facts which are not agreed;
- (e) note whether the Member or the Investigating Officer will attend or be represented at the hearing;
- (f) list those witnesses, if any, who will be asked to give evidence;
- (g) enclose the investigation report, any relevant documents, the Member's response and any further response from the Investigating Officer; and
- (h) outline the proposed procedure for the hearing.
- (i) seek confirmation if they intend to attend the hearing
- (j) provide evidence upon which they intend to rely

29) The following information will be sent to the members of the Committee, the Member and the Investigation Officer in advance of the hearing (and any other relevant documents):

- Investigating Officers report
- Member's response
- Any further response from the Investigating Officer
- An outline of main facts agreed /not agreed
- List of witnesses

- Whether the member will be attending the hearing and whether they will be represented
- Procedure for the hearing.

## **Step 4 - The Hearing Procedure**

### **Principles**

30) The Ethics & Standards Committee:

- a) may, in accordance with the requirements of natural justice, conduct the meeting in the manner it considers most suitable to the clarification of the issues before it and generally to the just handling of the proceedings.
- b) It must so far as appears to it appropriate seek to avoid inflexibility in its proceedings.
- c) decide factual evidence on the balance of probabilities.
- d) consider any criteria established to assist the Committee to ensure consistency in decisions.

31) The Member or the Investigating Officer may be represented or accompanied whether or not legally qualified but if in any particular case the Ethics & Standards Committee is satisfied that there is a good reason, it may refuse to permit a particular person to assist or represent a party at the hearing.

32) The Ethics & Standards Committee may take legal advice from a Council officer appointed for this purpose at any time during the meeting or while they are considering the outcome. The substance of any legal advice given to the Committee will be shared with the Member and the Investigating Officer if they are present.

33) The hearing will be held in public unless the Ethics & Standards Committee is persuaded that there is a good reason to exclude the public.

34) The intention is that all parties to the hearing are able to participate in the full knowledge of the matters under investigation, ensuring that the proceedings are fair, transparent and impartial.

35) The procedure at the meeting shall be as set out below, subject to the Chair making such changes as they think fit in order to ensure a fair and efficient hearing.

### Introduction

36) The Chair of the Ethics & Standards Committee will introduce those persons present and will explain the manner and order of proceedings including any physical arrangements.

### First stage: Preliminary procedural issues

37)The Ethics & Standards Committee will then resolve any issues or disagreements about how the hearing should continue, which have not been resolved during the pre-hearing process. Including:

- a) Whether public or press should be excluded from the hearing or parts of it
- b) Any new matters arising since the agenda was prepared
- c) If any new evidence or matter is raised that could have been raised before the hearing, the assumption will be that it will not be allowed unless there is good reason to do so.
- d) whether there is good reason hearing should proceed in absence of any party, reasons offered for any absence and to satisfy itself that all parties were properly notified of the hearing date. Alternatively, to adjourn the hearing.
- e) To make arrangements to dispose of the matter fairly, in the event that the Committee is satisfied that any party (after receiving medical evidence) is unable to attend and is likely to be unable to attend for a long time.
- f) No cross-examination of witnesses will be allowed. Questions must be directed through the Chair.

Second stage: Making findings of fact-

38)The Ethics & Standards Committee will then consider whether or not there are any significant disagreements about the facts contained in the investigation report.

39)If there is a disagreement as to the facts:-

- (a) the Investigating Officer, if present, will be invited to make any necessary representations to support the relevant findings of fact in the investigation report.
- (b) the Investigating Officer may call any necessary supporting witnesses to give evidence, with the Ethics & Standards Committee's permission and the Committee shall give the Member an opportunity to challenge any evidence put forward by any witness called by the Investigating Officer and question any witness through the Chair.
- (c) the Member will then be invited to present their case and make representations in support his or her version of the facts.
- (d) the Member may call any necessary witnesses to give evidence, with the Ethics & Standards Committee's permission and the Committee shall give the Investigating Officer an opportunity to challenge any evidence put forward by any witness called by the Member.

40)At any time, the Ethics & Standards Committee may question any of the people involved or any of the witnesses through the Chair.

41)If the Member disagrees with any relevant fact in the investigation report, without having given prior notice of the disagreement, they must give good reasons for

not mentioning it before the hearing. If the Investigating Officer is not present, the Ethics & Standards Committee will consider whether or not it would be in the public interest to continue in his or her absence. After considering the Member's explanation for not raising the issue at an earlier stage, the Committee may then:

- (a) continue with the hearing, relying on the information in the investigation report
- (b) allow the Member to make representations about the issue, and invite the Investigating Officer to respond and call any witnesses, as necessary; or
- (c) postpone the hearing to arrange for appropriate witnesses to be present, or for the Investigating Officer to be present if they are not already.
- (d) The Investigating Officer, followed by the Member, will have an opportunity to sum up.

42) At the conclusion of the representations as to matters of fact, the Ethics & Standards Committee will retire to deliberate in private on the representations along with the Advising Officer.

43) The Committee will also consider if it is required to proceed to the third stage. It is a majority decision.

44) The Ethics & Standards Committee will reconvene as a public meeting and the Chair of the Ethics & Standards Committee will announce their findings of fact. The Member, Investigating Officer and witnesses will be invited back to the meeting.

#### Third stage: Deciding whether the Member has failed to comply with the Code

45) The Ethics & Standards Committee will then consider whether, based on the facts it has found, the Member has failed to comply with the Code.

46) The Ethics & Standards Committee will invite the Investigating Officer to make representations as to whether or not, based on the facts the Committee has found, the Member has failed to comply with the Code of Conduct.

47) The Ethics & Standards Committee will invite the Member to respond to the representations of the Investigating Officer and to make representations as to whether or not, based on the facts the Committee has found, they have failed to comply with the Code of Conduct.

48) The Ethics & Standards Committee may, at any time, question anyone involved on any point they raise in their representations.

49) The Member will be invited to make any final relevant points and offer any mitigation.

50) The Ethics & Standards Committee will retire to deliberate in private along with the Advising Officer on the representations and decide on the balance of probabilities whether or not the Member has failed to comply with the Code of

Conduct. This will be a majority decision. The Advising Officer will not take part in any vote.

51) The Ethics & Standards Committee will reconvene as a public meeting and the Chair of the Ethics & Standards Committee will announce the decision whether there is a breach of the Code. This will be a majority decision. The Advising Officer will not take part in any vote.

#### Fourth stage: Action to be taken

52) If the Ethics & Standards Committee decides that the Member has not failed to comply with the Code of Conduct, it will

- a) formally record that there is no evidence of any failure by the Member to comply with the Code of Conduct and that therefore no action needs to be taken.
- b) The Ethics & Standards Committee can still consider whether to make any recommendation to the Council to avoid similar situations occurring again

53) If the Ethics & Standards Committee decides that the Member has failed to comply with the Code of Conduct it will invite the Member and the Investigating Officer to make representations as to:

- (a) whether or not the Committee should apply a sanction; and
- (b) what form any sanction should take.

54) The Ethics & Standards Committee will retire along with the Advising Officer to deliberate in private on the representations, to consider sanctions.

55) The available Options are that:

- a) no action needs to be taken in respect of the failure to comply with the Code of Conduct,
- b) the Member should be censured or
- c) the Member should be suspended or partially suspended from being a member or co-opted member of his or her authority for a period not exceeding six months.

This will be a majority decision. The Advising Officer will not take part in any vote.

56) The Ethics & Standards Committee will reconvene and the Chair of the Ethics & Standards Committee will announce its decision.

57) After making a decision the Ethics & Standards Committee will instruct the Standards Officer to:

- a) confirm the decision and
- b) the reasons for the decision in writing, and to send a copy of the written decision (including details of the Member's right of appeal) to the Member,

the Complainant and the Ombudsman as soon as reasonably practicable, and in accordance with the Regulations

### **Miscellaneous Matters**

#### **Failure to make representations / attend the hearing**

58) If the Member fails to make representations, the Ethics & Standards Committee may:

- a) unless it is satisfied that there is sufficient reason for such failure, consider the investigation report and make a determination in the Member's absence; or
- b) give the Member a further opportunity to make representations

59) If a party fails to be present or represented at a hearing, the Ethics & Standards Committee may, if it is satisfied that the party was duly notified of the hearing and that there is no good reason for such absence -

- a) hear and decide the matter in the party's absence; or
- b) adjourn the hearing.

#### **Illness or incapacity**

60) If the Ethics & Standards Committee is satisfied that any party is unable, through physical or mental sickness or impairment, to attend the hearing and that the party's inability is likely to continue for a long time, the Ethics & Standards Committee may make such arrangements as may appear best suited, in all the circumstances of the case, for disposing fairly of the matter.

#### **Suspension**

61) A period of suspension or partial suspension (suspended from doing part of their Council work) will commence on the day after:

- a) the expiry of the time allowed to lodge a notice of appeal to an appeals tribunal under the Regulations (i.e. within 21 days of receiving notification of the Ethics & Standards Committee's determination);
- b) receipt of notification of the conclusion of any appeal in accordance with the Regulations;
- c) a further determination by the Ethics & Standards Committee made after receiving a recommendation from an appeals tribunal under the Regulations,

whichever occurs last.

#### **Referral to an Appeals Tribunal**

62) Where the Ethics & Standards Committee determines that the Member has failed to comply with the Code of Conduct, the Member may appeal against the determination to an appeals tribunal drawn from the Adjudication Panel for Wales. Leave to appeal is required in accordance within the Regulations.

63) An appeals tribunal may:

- a) endorse the decision of the Ethics & Standards Committee,
- b) refer a matter back to it recommending it impose a different penalty,
- c) or overturn the decision.

64) If:

- a) the Ethics & Standards Committee determines that the Member failed to comply with the Code of Conduct;
- b) the Member appeals to an appeals tribunal drawn from the Adjudication Panel for Wales; and
- c) the said tribunal refers the matter back to the Ethics & Standards Committee with a recommendation that a different penalty be imposed,

the Ethics & Standards Committee shall meet as soon as reasonably practicable to consider the recommendation of the appeals tribunal and will determine whether or not it should uphold its original determination or accept the recommendation.

65) After making its determination the Ethics & Standards Committee will instruct the Standards Officer to confirm the decision and the reasons for the decision in writing and to send a copy of the written decision to the Member, the Complainant, the Ombudsman and the president of the Adjudication Panel for Wales as soon as reasonably practicable.

#### **Publication of the Ethics & Standards Committee's report**

66) The Ethics & Standards Committee will cause to be produced within 14 days after:

- a) the expiry of the time allowed to lodge a notice of appeal under the Regulations, or
- b) receipt of notification of the conclusion of any appeal in accordance with the Regulations, or
- c) a further determination by the Ethics & Standards Committee made after receiving a recommendation from an appeals tribunal under the Regulations,

whichever occurs last, a report on the outcome of the investigation and send a copy to the Ombudsman, the Monitoring Officer, the Member and take reasonable steps to send a copy to the Complainant.

67) Upon receipt of the report of the Ethics & Standards Committee, the Monitoring Officer shall:

- a) for a period of 21 days publish the report on the Council's website and make copies available for inspection by the public without charge at all reasonable hours at one or more of the Council's offices, where any person shall be entitled to take copies of, or extracts from, the report when made so available,
- b) supply a copy of the report to any person on request if they pay such charge as the Council may reasonably require, and

- c) not later than 7 days after the report is received from the Ethics & Standards Committee, give public notice, by advertisement in newspapers circulating in the area and such other ways as appear to him or her to be appropriate, that copies of the report will be available as provided by sub-paragraphs (a) and (b) above, and shall specify the date (being a date not more than seven days after public notice is first given) from which the period of 21 days will begin.

## **Costs**

68) The Ethics & Standards Committee has no power to make an award of any costs or expenses arising from any of its proceedings.

Legislation

Local Government Act 2000-Part III:

<https://www.legislation.gov.uk/ukpga/2000/22/part/III/chapter/III>

Code of Conduct for Members:

Legal & Governance Services/Democratic Services

13/6/22

## CHIEF EXECUTIVE: EIFION EVANS

### CORPORATE DIRECTOR : BARRY REES

- To ensure the development, implementation and evaluation of corporate strategic priorities and objectives which deliver high quality, safe, efficient and effective services to the residents of Ceredigion
- To work strategically and creatively to achieve the highest possible standards of performance in Council services

### CORPORATE DIRECTOR: JAMES STARBUCK

- To be Corporate Director and provide strategic leadership within the Council ensuring that all services comply with, and support, the Council's strategic objectives and standards.
- To deputise for the Chief Executive when required
- To provide leadership, guidance and performance management of up to six Corporate Lead Officers

### CORPORATE LEAD OFFICERS (6)

- To be Corporate Lead Officer and lead advisor to the Council for all matters relating to their specific functions as listed below
- To provide a key link with Corporate Directors and work with other Corporate Lead Officers in ensuring that strategic and corporate objectives are effectively co-ordinated and implemented across all service areas

### CORPORATE LEAD OFFICERS (6)

- Whilst Corporate Lead Officers have specific responsibility for the management and leadership of a portfolio of service areas, they have an overriding corporate responsibility to ensure that all service activities and actions comply with and support Council strategic objectives and standards
- To work creatively and strategically to achieve the highest possible standards of performance in Ceredigion County Council services

SCHOOLS AND CULTURE	LEGAL & GOVERNANCE	FINANCE & PROCUREMENT	POLICY, PERFORMANCE & PUBLIC PROTECTION	ECONOMY & REGENERATION	HIGHWAYS & ENVIRONMENTAL SERVICES	PORTH CYNNAL - SPECIALIST THROUGH AGE SERVICES	PORTH GOFAL TARGETED INTERVENTION	PORTH CYMORTH CYNNAR	PEOPLE & ORGANISATION	CUSTOMER CONTACT	DEMOCRATIC SERVICES
Meinir Ebbsworth	Elin Prysor	Duncan Hall	Alun Williams	Russell Hughes-Pickering	Rhodri Llwyd	Sian Howys	Donna Pritchard	Elen James	Geraint Edwards	Arwyn Morris	Lowri Edwards
*Chief Education Officer	*Monitoring Officer	*Chief Finance Officer (s151 Officer)				*Statutory Director of Social Services	Deputy Director of Social Services			*SIRO *Proper Officer for Civil Registration	*Head of Democratic Services
<ul style="list-style-type: none"> <li>• School Improvement</li> <li>• Additional Learning Needs</li> <li>• Pupil well-being</li> <li>• School Admissions</li> <li>• Infrastructure &amp; Resources</li> <li>• Culture</li> <li>• Catering</li> </ul>	<ul style="list-style-type: none"> <li>• Legal</li> <li>• Corporate Governance</li> <li>• Internal Audit</li> <li>• Coroners Service</li> </ul>	<ul style="list-style-type: none"> <li>• Procurement and Payments</li> <li>• Core Finance (Deputy 151)</li> <li>• Service Finance</li> <li>• Revenues &amp; Financial Assessment ,</li> </ul>	<ul style="list-style-type: none"> <li>• Strategic Partnerships, Engagement &amp; Equalities</li> <li>• Complaints, Compliments &amp; FOI</li> <li>• Public Protection</li> <li>• Corporate Performance &amp; Research</li> <li>• Refugee resettlement</li> <li>• Civil contingencies &amp; Business continuity</li> </ul>	<ul style="list-style-type: none"> <li>• Growth and Enterprise</li> <li>• Planning</li> <li>• Property</li> </ul>	<ul style="list-style-type: none"> <li>• Highways Maintenance</li> <li>• Highways Development</li> <li>• Local Environment Services</li> <li>• Transport Services</li> </ul>	Specialist through age services including: <ul style="list-style-type: none"> <li>• Safeguarding</li> <li>• Mental Health</li> <li>• Planned care</li> <li>• Substance misuse</li> <li>• Extended Support Services</li> <li>• Quality Assurance &amp; Independent Review</li> </ul>	<ul style="list-style-type: none"> <li>• Porth Gofal Intake &amp; Triage Team</li> <li>• Targeted intervention services</li> <li>• Fostering Services</li> <li>• Residential and Day Care services (*Responsible Individual)</li> <li>• Housing Services</li> <li>• Integrated community equipment stores</li> <li>• Emergency Duty Team</li> </ul>	<ul style="list-style-type: none"> <li>• Lifelong Learning &amp; Skills</li> <li>• Wellbeing Centres</li> <li>• Support &amp; Prevention</li> <li>• Early Intervention</li> <li>• Pupil Referral Units</li> </ul>	<ul style="list-style-type: none"> <li>• HR Advice &amp; Admin</li> <li>• Pay, Benefits &amp; Systems</li> <li>• Learning &amp; Development</li> <li>• Health &amp; Safety</li> <li>• Employee engagement &amp; wellbeing</li> </ul>	<ul style="list-style-type: none"> <li>• ICT</li> <li>• Customer Contact</li> <li>• Archives &amp; Info Management</li> <li>• Library Services</li> <li>• Civil Registration</li> </ul>	<ul style="list-style-type: none"> <li>• Democratic Services</li> <li>• Welsh Language Standards</li> <li>• Translation</li> <li>• External Communications</li> <li>• Electoral Services</li> <li>• Corporate Service Support</li> <li>• Project Management</li> </ul>

\* denotes Statutory Roles

## CEREDIGION COUNTY COUNCIL

<b>Report to:</b>	<b>Council</b>
<b>Date of meeting:</b>	<b>20th October 2022</b>
<b>Title:</b>	<b>Democratic Services Committee Annual Report, 2021/22.</b>
<b>Purpose of the report:</b>	<b>To present the Annual Report of the Democratic Services to Council.</b>
<b>For:</b>	<b>Information</b>

The Local Government (Wales) Measure 2011 requires each County Council to establish a Democratic Services Committee. The Measure prescribes the functions of the Democratic Services Committee and states that the Committee must make a report at least annually to the Council.

The Democratic Services Annual Report is used to:

- Highlight the work carried out by the Democratic Services Committee;
- Show how the Democratic Services Committee has made a difference;
- Support continuous improvement for Councillors.

The Annual Report will be published on the Council website.

**Has an Integrated Impact Assessment been completed? If, not, please state why.**

No. This report is not related to a new Policy or change in service

**Wellbeing of Future Generations:**

**Summary:**

<b>Long term:</b>	N/A
<b>Integration:</b>	N/A
<b>Collaboration:</b>	N/A
<b>Involvement:</b>	N/A
<b>Prevention:</b>	N/A

**Recommendation(s):** **To note the Democratic Services Annual Report, 2021/22.**

**Reasons for decision:** **To inform Council of the work being undertaken by the Democratic Services Committee.**

**Overview and Scrutiny:** Not applicable.

**Policy Framework:** Not applicable.

**Strategic Objectives:** • Ceredigion Council is an organisation that is fit-for-purpose to deliver improving services to meet the needs of our citizens.

**Financial implications:** None.

**Statutory Powers:** Local Government (Wales) Measure 2011  
Local Government and Elections (Wales) Act 2021

**Background Papers:** None.

**Appendices:** Appendix A – Democratic Services Committee Annual Report 2021/22.

**Corporate Lead Officer:** Lowri Edwards, Corporate Lead Officer: Democratic Services (Head of Democratic Services)

**Date:** 1st October 2022.

# Democratic Services Committee



Cyngor Sir  
**CEREDIGION**  
County Council

## Annual Report 2021/22



GWYNEDD  
COUNCIL

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## Terms of Reference of the Committee

The Local Government (Wales) Measure 2011 (the Measure) requires the local authority to appoint a Democratic Services Committee. At its first meeting in July 2012, the Terms of Reference were agreed as follows:

The functions of the Democratic Services Committee are to:

Carry out the local authority's function of designating the Head of Democratic Services (HDS)

Keep under review the provision of staff, accommodation and other resources made available to the HDS, in order to ensure that it is adequate for the responsibilities of the post

Make reports, at least annually, to the full council in relation to these matters

To consider, and make recommendations to the Council, concerning the timing of meetings

To oversee the training and development of Members.

### **Membership**

The Committee will comprise 6 Members as appointed by the Council.

### **Chairman**

The Chairman will be appointed by the Council and will serve for a term of two consecutive municipal years (in accordance with Article 5.2 of Part 2 of the Constitution).

### **Co-option**

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

### **Sub-committees**

The Committee may appoint sub-committees as and when required and delegate functions to them.

The Committee will appoint the Chairman of any sub-committee.

### **Attendance to answer questions**

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



## Terms of Reference of the Committee (continued)

### **Access to information**

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

### **Frequency of meetings**

The Committee will meet at least three times in any municipal year.

A meeting of the Committee can also be convened if the full Council so decides or at least a third of the members of the Committee demands a meeting.

The onus lies on the Chairman to ensure that meetings are held when required.

### **Welsh Government Guidance**

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

### **Reports of the Head of Democratic Services**

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



## Membership of the Committee

The Committee is made up of 6 Members and is politically balanced. In 2021/22 it was chaired by Councillor Ceredig Davies. The Members have worked together to progress the work of the Democratic Services Committee:

### Chairman



Councillor Ceredig Davies  
Liberal Democrats  
Attendance: 3/3



Councillor Clive Davies  
Plaid Cymru  
Attendance 2/3



Councillor Lloyd Edwards  
Ungrouped  
Attendance 2/3



Councillor Gwyn James  
Independent  
Attendance 3/3



Councillor Dai Mason  
Independent  
Attendance 3/3



Councillor Wyn Thomas  
Plaid Cymru  
Attendance 3/3



## The Activities of the Committee

2021/22

In the past year, the Democratic Services Committee has undertaken a range of activities. The information below highlights the issues discussed and the views expressed by the Committee:

### **A review of the size of all Committees**

Following a review by the Local Democracy and Boundary Commission for Wales, it was noted that the number of Councillors representing Ceredigion County Council would reduce from 42 to 38 from May 2022. The Democratic Services Committee agreed to establish a Cross-Party Task and Finish Group to consider recommendations regarding a reduction to the number of Members on several of its committees. The recommendations of the Cross-Party Task and Finish Group were then presented to Council and approved.

### **Diversity in Democracy Action Plan**

The Democratic Services Committee considered an action plan relating to the Diversity in Democracy statement which had been endorsed by the Council. The action plan contains 6 aims and a timetable for implementation which will be reviewed by the Democratic Services Committee in due course. Members noted that there is a role for the political groups to promote diversity whilst encouraging individuals to stand for the election in May 2022 with an aim to improve diversity in democracy.

### **Elected Members Role Descriptors**

The Democratic Services Committee considered proposed revisions to the WLGA role descriptors reflecting the requirements of the Local Government and Elections (Wales) Act 2021, which are designed to be used alongside the Welsh Member Development (Competency Framework). It was noted that Ceredigion County Council Officers had been involved in the development of these revisions alongside Officers and Members representing all Councils in Wales. The Committee resolved to recommend the amendments for approval by Council. Council subsequently approved the Members' Role Descriptors.

### **The Development Framework for Councillors in Wales 2021**

The Democratic Services Committee considered the framework developed by the WLGA as a guide to identify priorities for training and development. Members noted the duty for political parties to take a lead on a number of the items, and noted the importance of training in order to ensure that Members can provide a high level of support to their residents. It was also noted that Members would be able to self-evaluate their development needs in accordance with the development framework and that training would be tailored to meet those needs.



## The Activities of the Committee 2021/22 (continued)

### A review of the impact of the Local Government and Elections (Wales) Act 2021

Members were advised of the main aspects of the Local Government and Elections (Wales) Act 2021 relevant to the Democratic Services Committee, including:

- A requirement to publish a strategy encouraging participation by local people  
It was noted that a draft strategy was presented to Cabinet for consideration.
- Electronic broadcasts of meetings  
It was noted that installation of new equipment at the Council Chambers in Penmorfa was underway in order to facilitate the requirement of this legislation, and that this would be accommodated by the publication of protocols, subject to the outcome of the Welsh Government consultation taking place in July 2022 and resulting guidance. Members asked whether the number of attendees had increased as a result of holding remote meetings, and it was confirmed that the numbers have increased significantly.
- A requirement to develop an e-petition scheme  
It was noted that Ceredigion are leading on an e-petition scheme for the whole of Wales and that a report would be presented subject to the outcome of the Welsh Government consultation in July 2022 and resulting guidance.
- A duty to publish official addresses  
It was noted that Ceredigion County Council currently publish official addresses for all Members, and that from May 2022, a generic address would be published.
- The enabling of job sharing and family absences  
It was noted that the above requirements are contained within the Annual Report and recommendations of the Independent Remuneration Panel for Wales.
- Duties relevant to Leaders of Political Groups in relation to standards of conduct  
It was noted that the legislation requires political group leaders to take reasonable steps to promote and maintain high standards of conduct by members of the group in cooperation with the Ethics and Standards Committee.
- A review of the size of the Governance and Audit Committee  
The Local Government and Elections (Wales) Act 2021 stipulates that from 5 May 2022 one third of the members of the Governance and Audit Committee must be lay members. The Democratic Services Committee noted the recommendations of the Governance and Audit Committee, and resolved to recommend to Council that the number of lay members increase from 1 to 3 and that the number of County Councillor members remains at 6.



## The Activities of the Committee 2021/22 (continued)

### Changes to the Council's Constitution

The Democratic Services Committee reviewed recommendation to the Council's procedure rules relating to Motions on Notice, Call-in procedures and the principles of the voting mechanism relating to simple majority and the Chairperson's casting vote. The aims of the amendments were to simplify and clarify the procedures in relation to the deadline for submitting a Motion, making amendments both prior to the meeting and during the meeting, and clarifying what can and cannot be called in, the criteria for referral to Council and consent in relation to urgent decisions. With regards to the voting mechanisms, it was recommended that the overarching Council rules are duplicated for all Committees within the Constitution. The Democratic Services Committee recommended to Council that all the above are implemented. Council approved the recommendations.

### Member ICT Provision post elections 2022

The Democratic Services Committee considered a report which proposed that Members are given the same ICT provisions as staff, namely a *Windows* laptop, a 24" screen with internal docking capability or separate docking station allowing the laptop to be connected with a single cable, a keyboard, mouse, headset and a basic carry case. Ceredigion email address and Office 365 account would be installed, and an ability to install Office applications on up to 5 personal devices. Printing and scanning facilities would be provided in the Members' Room, with access to Wi-Fi in all council offices. Members would be able to access email and Office files from personal devices and mobile phones and appropriate training would be provided on issued devices and data protection, whilst ICT support from corporate ICT service desks would continue to be provided. It was agreed that following the election, Members would be issued with the same equipment that was provided to current Members in January when the i-pads were decommissioned and that the matter be considered again during the next administration.

### High Speed Broadband / Fibre Contract

A request was received from a Councillor that consideration be given to investigating the possibility of providing a group high speed broadband / fibre contract for all Councillors and Senior Officers of the Council. Members of the Committee noted that over a 1000 staff connect daily from home via broadband and are able to carry out most of their duties. If the Authority was to approve high speed broadband to certain individuals, a policy would need to be agreed on who would be eligible to receive this service, why they are entitled and how it would be funded. Members also noted that regular communication has taken place with Openreach and the Welsh Government regarding the advancement of broadband in Ceredigion and that improvements are happening all the time. During the following meeting it was noted that this would not be financially viable due to the high cost of installation, and that Ceredigion is currently ahead of the rest of Wales with 26% of its population on fibre. Openreach was also due to launch a website providing information about the service, technology and broadband across the County.



## The Activities of the Committee 2021/22 (continued)

### Members' Induction Programme 2022

The Democratic Services Committee considered the draft induction programme, noting that an additional training session had been included specifically for Cabinet Members. It was noted that the timetable was manageable, and that it would be preferable if training could be provided in a piecemeal manner.

### Self-Evaluation of Scrutiny

The Democratic Services Committee considered the report of the Scrutiny Officers relating to the Self-Evaluation of Scrutiny. It was noted that the survey is conducted annually and that the number of questions had been reduced as proposed by the Democratic Services Committee in the previous year, however responses had reduced to 15 compared to 25 for the previous year. The majority of Members agreed that Partnerships and partners organisations have been the subject of effective Scrutiny, that they have a worthwhile and fulfilling role, that Scrutiny have ownership of its own work programme, that changes have been brought about as a result of scrutiny activity and that members of the public are able to contribute. They agreed that there is sufficient support arrangements for scrutiny and that there is a constructive working partnerships with officers. The self-evaluation was undertaken when all meeting were only held remotely and there was a mixed response as to whether remote Overview and Scrutiny Committee meetings were as effective as face to face meetings, with some agreeing that they were as effective and others disagreeing with the statement.

### Amendments to the Dispensation application form

The Democratic Services Committee asked that the Ethics and Standards Committee consider amending the Dispensation application form to stipulate that the information contained within the document is made available to the public. The form has since been amended to note this.

### Regular Monthly Meetings

The Democratic Service Committee requested that monthly meetings take place remotely between the Leadership Group and all Councillors during the lockdown in order to provide an update on Covid-19. At a later meeting, it was confirmed that the monthly meetings were now taking place.

### Forward Work Programme

The Democratic Services Committee noted that all Members are able to propose additions to the Forward Work Programme as matters arise. This item is included on all meeting agendas for



## The Year Ahead

The key areas the Democratic Services Committee will consider during 2022/23 are as follows:

- ◆ To monitor the emerging issues which arise from the Local Government and Elections (Wales) Act 2021;
- ◆ To review the annual self-evaluation of Overview and Scrutiny survey to reflect amendments to legislation;
- ◆ To review annual Independent Remuneration Panel for Wales consultations and outcomes;
- ◆ To undertake a survey in relation to the timings of meetings;
- ◆ To undertake a diversity and inclusion survey with Members which will provide a benchmark for future elections and provide opportunities to address any barriers;
- ◆ To review the induction programme for all Members;
- ◆ To arrange a workshop for all Members on protocols for attending hybrid meetings;
- ◆ To arrange a workshop for all Members on the use of the 'Clic' system;
- ◆ To ensure adequate support is provided to Members;
- ◆ Any matters that are raised by Members that requires the Committee's consideration.



## Attending the Democratic Services Committee / Contact us

### Attending meetings of the Democratic Services Committee

The Council is keen to see members of the public attend Democratic Services Committee meetings and all other Council meetings, including Council itself, Cabinet, the Overview and Scrutiny Committee meetings, Development Control Committee and the Licensing Committee.

With the exception of confidential items, all business is held in public, with members of the public able to attend meetings remotely or in person. All of the public papers are published online 3 working days in advance of the meeting

<http://www.ceredigion.gov.uk/your-council/councillors-committees/committees/>

### Contact us

If you wish to find out more about the Democratic Services Committee or make a comment or suggestion, please contact us:

Democratic Services, Neuadd Cyngor Ceredigion, Penmorfa, Aberaeron, SA46 0PA

01545 570881      [democracy@ceredigion.gov.uk](mailto:democracy@ceredigion.gov.uk)

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## CEREDIGION COUNTY COUNCIL

<b>Report to:</b>	<b>Council</b>
<b>Date of meeting:</b>	<b>20 October 2022</b>
<b>Title:</b>	<b>Annual Report from the Chair of the Ethics and Standards Committee 2021/22</b>
<b>Purpose of the report:</b>	<b>For Council to note the work of the Ethics and Standards Committee during 2021/2</b>
<b>For:</b>	<b>Information</b>
<b>Cabinet Portfolio and Cabinet Member:</b>	<b>Councillor Matthew Vaux, Cabinet Member for Housing, Legal and Governance, People and Organisation and Public Protection</b>

### Background

An Annual Report of the Chair of the Ethics and Standards Committee has been prepared and presented to Council since 2018.

### Requirements-from May 2022

From May 2022, the Ethics and Standards Committee will be required to make an annual report to the Authority as soon as practicable after the end of each financial year (meaning period of 12 months ending with 31 March) in respect of that year, pursuant to S63 **Local Government & Election (Wales) Act 2021**.

The annual report will have to describe how the committee's functions have been discharged during the financial year.

The Council must then consider the annual report made by its standards committee before the end of 3 months beginning with the day on which the authority receives the report.

### Content

The report will have to include a summary of—

- a) what has been done to discharge the general and specific functions conferred on the committee by section 54 or 56 of the 2000 Act, namely its functions including:
  - promoting and maintaining high standards of conduct by the members and co-opted members of the authority, and
  - assisting members and co-opted members of the authority to observe the authority's code of conduct.
  - advising the authority on the adoption or revision of a code of conduct,
  - monitoring the operation of the authority's code of conduct, and
  - advising, training or arranging to train members and co-opted members of the authority on matters relating to the authority's code of conduct.

- b) reports and recommendations made or referred to the committee under Chapter 3 of the 2000 Act. This will include:
  - PSOW references to Monitoring Officer
- c) action taken by the committee following its consideration of such reports and recommendations;
- d) notices given to the committee under Chapter 4 of the 2000 Act, This will include Adjudication Panel for Wales (APW) recommendations.

In addition, from May 2022, the annual report will also include the committee’s **assessment of the extent to which leaders of political groups of the Council have complied with their duties** under section 52A(1) of the 2000 Act (as inserted by S62 of the 2021 Act), during the financial year.

These are to:

- 1)(a) must take reasonable steps to promote and maintain high standards of conduct by the members of the group, and
- (b) co-operate with the council’s standards committee (and any sub-committee of the committee) in the exercise of the standards committee’s functions.
- 2) have regard to any guidance about their functions issued by the Welsh Ministers.

The annual report should also make reference to the way the committee has discharged its new functions (set out in S62):  
of—

- (a) monitoring compliance by leaders of political groups on the council with their duties under section 52A(1), and
- (b) advising, training or arranging to train leaders of political groups on the council about matters relating to those duties.”

The annual report may also include recommendations to the authority about any matter in respect of which the committee has functions.

**Current Position**

The Annual Report from the Chairman of the Ethics and Standards Committee for 2021/22 has been prepared and is attached (Appendix A).

Council is requested to note the Annual Report as presented, which outlines the work of the Ethics and Standards Committee during 2021/22.

The Annual Report will be published on the Council website.

<b>Has an Integrated Impact Assessment been completed? If, not, please state why</b>	N/A This report is not related to a new Policy or change in service
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**Wellbeing of Future Generations:**

**Summary:**  
**Long term:** N/A  
**Collaboration:** N/A  
**Involvement:** N/A  
**Prevention:** N/A  
**Integration:** N/A

<b>Recommendation(s):</b>	<b>That Council:</b> 1)notes the contents of the report, and 2) considers the contents of the Annual Report from the Chairman of the Ethics and Standards Committee 2021/22 (Appendix A).
<b>Reasons for decision:</b>	To inform the Council of the work of the Ethics and Standards Committee during 2021/22
<b>Overview and Scrutiny:</b>	Not applicable. The Ethics and Standards Committee endorsed the report at its meeting on the 25 May 2022
<b>Policy Framework:</b>	Not applicable
<b>Corporate Priorities:</b>	Not applicable
<b>Financial implications:</b>	None
<b>Statutory Powers:</b>	Local Government Act 2000 Local Government & Election (Wales) Act 2021.
<b>Background Papers:</b>	Code of Conduct Guidance from the Public Services Ombudsman for Wales Annual Report of the Public Services Ombudsman for Wales
<b>Appendices:</b>	Appendix A – Ethics and Standards Committee Annual Report 2021/22
<b>Corporate Lead Officer:</b>	Corporate Lead Officer: Legal and Governance & Monitoring Officer
<b>Reporting Officer:</b>	Elin Prysor
<b>Date:</b>	14 June 2022

# Ethics and Standards Committee

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Cyngor Sir  
**CEREDIGION**  
County Council

## Annual Report 2021/22

# The Ten General Principles of Public Life

<p><b>Selflessness</b> – Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.</p>	<p><b>Personal judgement</b> – Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.</p>
<p><b>Honesty and integrity</b> – Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly, and should on all occasions avoid the appearance of such behaviour.</p>	<p><b>Respect for others</b> – Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority’s statutory officers and its other employees.</p>
<p><b>Objectivity</b> – Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefit.</p>	<p><b>Duty to uphold the law</b> – Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.</p>
<p><b>Accountability</b> – Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.</p>	<p><b>Stewardship</b> – Members should do whatever they are able to do to ensure that their authorities use their resources prudently, and in accordance with the law.</p>
<p><b>Openness</b> – Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.</p>	<p><b>Leadership</b> – Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.</p>

**“Nolan Committee on Standards in Public Life”**

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# 1

## Foreword by the Chair of the Committee

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I am pleased to present the annual report of the Ceredigion Ethics and Standards Committee providing an overview of its work during the period 1<sup>st</sup> April 2021 to 31<sup>st</sup> March 2022.

There have been Ethics and Standards Committee Meetings for the consideration of Councillors' applications for dispensation to engage in discussions where they have a prejudicial interest, and of other matters relating to standards. We have welcomed the contributions of the Group Leaders to discussions on how standards are promoted within the Groups. The Committee has engaged in discussions at national level regarding the Ethical Framework, the application of Local Resolution Protocols and the Statutory Guidance for Standards of Conduct.

I would like to reiterate the Committee's thanks to Hywel Wyn Jones, our previous Chair, and Rif Winfield for the ten years that they have contributed to our work. Also, thank you to the County and Community Councillors who have been on the Committee over the electoral term ending May 2022. We welcome Caryl Davies and Alan Davies as Independent Members.

As ever, the Committee's work relies heavily on the support it receives from officers, particularly the Monitoring Officer and supporting staff. I wish to record our thanks to them. I also wish to thank my fellow Committee Members for their contributions.

**Caroline White**  
**2021/22 Chair of the Ethics and Standards Committee, Ceredigion County Council**

## 2

# Terms of Reference of the Ethics & Standards Committee & Vision Statement

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The Council has established an Ethics and Standards Committee in accordance with the Standards Committee (Wales) Regulations 2001 (2001/2283) (as amended (2006/1849), 2007/951).

### COMPOSITION

#### Membership

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

- Five 'independent' members, who are not Councillors or Officers or the spouse of a Councillor or an officer of this Council or any other relevant authority as defined by the Regulations, appointed in accordance with the procedure set out in the Regulations;
- Two County Councillors [other than the Leader of the Council and any member of the Cabinet];
- Two members of Town and Community Councils wholly or mainly in the Council's area ('Community Committee members')

#### Term of Office

- Independent members are appointed for a term of not less than four nor more than six years. They may be re-appointed for one further consecutive term not exceeding four years. Two Independent Members were appointed and took up office in 2021/22.

Members of the Council who are members of the Ethics and Standards Committee have a term of office until the start of the next local government election following their appointment.

- A Community Committee member would have a term of office until the next ordinary local government election following their appointment.

**Quorum** - A meeting of the Ethics and Standards Committee shall only be quorate when:

- at least three members are present, and;
- at least half the members present (including the Chairperson) are Independent Members.

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

### **Chairing the Committee**

- An Independent Member must chair the Ethics and Standards Committee.
- The Chair and Vice-Chair are elected by the Members of the Ethics and Standards Committee for whichever is the shorter of the following periods:-
  - a period of not less than four nor more than six years, or
  - until the term of office of that person as an Independent member of the Ethics and Standards Committee comes to an end

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

If both the Chair and the Vice-Chair of the Ethics and Standards Committee are absent from a meeting of that Committee, such Independent member of the Ethics and Standards Committee as the members of the Committee present shall choose shall preside.

### **VISION STATEMENT**

“Our Vision is that the people of Ceredigion will have trust and confidence that all those elected to office in Local Government in our county will work to the highest ethical and moral standards in serving their community”

# 3

## Roles and Functions of the Ethics and Standards Committee

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

- promoting and maintaining high standards of conduct by Councillors,
- assisting the Councillors, Co-opted Members and church and parent governor representatives to observe the Members' Code of Conduct;
- advising the Council on the adoption or revision of the Members' Code of Conduct;
- monitoring the operation of the Members' Code of Conduct;
- advising, training or arranging to train Councillors, co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct;
- granting dispensations to Councillors, Co-opted Members and church and parent governor representatives from requirements relating to interests, as set out in the **Members' Code of Conduct 2016 edition; Section (81(4) & (5) of the Local Government Act 2000 and the Standards Committees (Grant of Dispensation)(Wales) Regulations 2001 (2001/2279).**
- 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; as set out in (section 73(1) **Local Government Act 2000, Local Government Investigations (Functions of Monitoring Officers and Standards Committees)(Wales) Regulations 2001)) (2001/2281) (as amended; 2009/2578), and the Local Government (Standards Committee, Investigations,**

**Dispensations and Referral) (Wales) (Amendment) Regulations 2016 (2016/85).**

- the exercise of the above in relation to the Community Councils wholly or mainly in its area and the members of those Community Councils;(Section 56(1) Local Government Act 2000) to appoint an appeals panel of three, with a majority of independent members, one of whom would act as Chairperson, with regard to complaints made by members of the public under the Council's complaints procedure

Examples of the type of work carried out by the Ethics and Standards Committee may include:

- involvement in developing training materials on the Code, including a flowchart summarising the main provision of the code
- attendance at and participation in training sessions on the Code for both the County Council and Community Councils
- attendance at Council and Committee meetings to observe proceedings
- the introduction of procedures which allow Councillors to attend Committee meetings to present an application for dispensation in person

# 4

## Membership of the Committee

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### Membership of the Ethics and Standards Committee 2020/21

1<sup>st</sup> April 2021– 26<sup>th</sup> September 2021

Committee Member	Term of Office	Term as Chair & Vice Chair
Mr Hywel Wyn Jones (Chair) Independent Member	2/09/17-26/09/21	Chair:22/02/19- 19/05/21  Member 19/05/21- 26/09/21
Mrs Caroline White (Vice- Chair) Independent Member	01/08/13-30/07/23	Vice-Chair 22/02/18-19/05/21 Chair 19/05/21
Mr Rif Winfield Independent Member	27/09/17-26/09/21	
Ms Carol Edwards Independent Member	22/02/18-21/02/24	
Mr John Weston Independent Member	22/02/18-21/02/24	
Councillor Dai Mason Ceredigion County Council	05/05/17- Local Government elections May 2022	
Councillor Odwyn Davies Ceredigion County Council	05/05/17-	

	Local Government elections May 2022.	
Councillor Julian Evans (Community Council Representative)	05/05/17- Local Government elections May 2022	
Councillor Gill Hopley (Community Council Representative)	05/05/17- Local Government elections May 2022	

**26<sup>th</sup> September 2021- 31<sup>st</sup> March 2022**

Committee Member	Term of Office	Term as Chair & Vice Chair
Mrs Caroline White Chair Independent Member	01/08/13-30/7/23	Chair 19/05/21-30/07/23
Mr John Weston Independent Member	22/02/18-21/02/24	Vice Chair 19/05/21-30/07/23
Ms Carol Edwards Independent Member	22/02/18-21/02/24	
Mr Alan Davies Independent Member	26/09/21-26/09/27	
Mrs Caryl Davies Independent Member	26/09/21-26/09/27	
Councillor Dai Mason Ceredigion County Council	05/05/17- Local Government elections May 2022	
Councillor Odwyn Davies Ceredigion County Council	05/05/17- Local Government elections May 2022.	

Councillor Julian Evans (Community Council Representative)	05/05/17- Local Government elections May 2022	
Councillor Gill Hopley (Community Council Representative)	05/05/17- Local Government elections May 2022	

## Members of the current Ethics & Standards Committee

 <p><b>Mr Hywel Wyn Jones</b> (Chair up to the 19/05/21 and Independent Member up to the 26/09/21)</p>	<p><b>Hywel Wyn Jones is a former Administrative Secretary of the University of Wales, Aberystwyth. For ten years he was a member of the Standards Committee of Dyfed-Powys Police Authority (with a term as Chairman).</b></p> <p><b>Hywel has served as an Independent Member of Ceredigion County Council Ethics and Standards Committee since 2012, and as its Chair from February 2018. Hywel is also Chair of the Standards Committee of Mid &amp; West Wales Fire and Rescue Authority.</b></p>
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**Mrs Caroline White**  
(Vice Chair up to the  
19/05/21 and Chair as  
from 19/05/21)

**Caroline White is a retired teacher. Caroline’s 26-year teaching career included many whole school management responsibilities, latterly as Assistant Head. She now works as a Study Skills Tutor at Aberystwyth University.**  
**Caroline was appointed as an Independent Member of the Ethics and Standards Committee in August 2013 and was elected as Vice-Chair, from February 2018, and then as Chair, from May 2021.**



**Mr Rif Winfield**  
(Member up to the  
26/09/21)

**Rif Winfield has enjoyed a career in the political, commercial and voluntary sectors. He was an elected Borough Councillor in 1972.**

**Rif was a founding Director of Ceredigion Association for Voluntary Organisations for 17 years including Chairman.**

**Rif has been an Independent Member of the Ceredigion Ethics & Standards Committee since 2011.**



**Mrs Carol Edwards**

**Carol Edwards qualified as a Chartered Librarian from the Librarian College in Aberystwyth. worked for Clwyd County Council, Ysbyty Llwynhelyg (as a medical librarian)and then back to Aberystwyth at the National Library for Wales for over 20 years, and as Head of Department from 2010-2013.**

**Carol is currently a Governance Manager and Clerk of the Board of Trustees for the National Library for Wales.**

**Carol was appointed as a Member of the Ethics & Standards Committee in February 2018.**

 <p><b>Mr John Weston</b> (Vice Chair as from the 19/05/21)</p>	<p><b>John Weston was a Town Planner, and was then employed by the WAO as a performance auditor, retiring in 2013; undertaking audits within Councils in Wales and also with Welsh Police and Fire and Rescue services.</b></p> <p><b>John was appointed as an Independent Member of the Ethics &amp; Standards Committee from February 2018 and was elected as Vice-Chair from May 2021.</b></p>
 <p><b>Mr Alan Davies</b> (Independent Member as from the 26/09/21)</p>	<p><b>Alan Davies is originally from London, with parental roots in Ceredigion, he is married, with 2 sons and lives in Aberaeron. He is a fluent Welsh speaker and regularly comments for TV and radio on military, defence, peace and security matters. He is currently active in developing the Space Sector in Wales and has led many significant business growth and change initiatives. His early career was in the Army, retiring as a Major after 18 years of service, where he was responsible for strategic military planning for global intervention operations and rescues.</b></p>
 <p><b>Mrs Caryl Davies</b> (Independent Member as from the 26/09/21)</p>	<p><b>Caryl Davies is a former Director of Student Support Services and Head of Careers at Aberystwyth University. A Welsh speaker, Caryl is also a member of the Carmarthenshire Standards Committee; a fitness to practice lay panel member and chair for Social Care Wales; and a lay representative for Health Education Improvement Wales.</b></p>



**Cllr Dai Mason  
(Ceredigion County  
Council)**

**Dai Mason was a design engineer at IBERS, and then a Company Director in the entertainment/ travel industry.**

**School Governor.**

**Currently Ceredigion County Councillor since 2012 representing the Trefeurig Ward. Chairman of Ceredigion County Council 2016/17.**

**Appointed to the Ethics & Standards Committee in May 2012.**



**Cllr Odwyn Davies  
(Ceredigion County  
Council)**

**Odwyn Davies is a farmer.  
Ceredigion County Councillor since 1999 representing the Llangybi Ward.  
Former joint Leader of Llangybi area, Urdd Gobaith Cymru.  
Member of the Ethics & Standards Committee since May 2012.**

 <p><b>Dr Julian Evans (Community Council representative)</b></p>	<p><b>Julian Evans was a Dental Surgeon from 1978, and ran his own practice until retirement in 2008.</b></p> <p><b>New Quay Town Council Councillor (Mayor 5 times since 1982.</b></p> <p><b>Ceredigion County Council Councillor representing New Quay ward (1995-1999)</b></p> <p><b>Member of the magistrate's selection committee, former part-time firefighter. Former School Governor. Chair of the Ceredigion branch of One Voice Wales.</b></p> <p><b>Appointed to the Ethics &amp; Standards Committee in 2017.</b></p>
 <p><b>Cllr Gill Hopley (Community Council representative)</b></p>	<p><b>Gill Hopley enjoyed a successful career in retail and fashion design from 1987 until her retirement in 2016.</b></p> <p><b>New Quay Town Councillor since 1991 (and mayor on several occasions).</b></p> <p><b>Ceredigion County Councillor representing the New Quay ward from 1999 until 2017. Chairman of Ceredigion County Council 2015.</b></p> <p><b>Appointed to the Ethics &amp; Standards Committee in 2017.</b></p>

**When does the Ethics & Standards Committee meet?**

The Ethics & Standards Committee has scheduled bimonthly meetings. Meetings can also be convened at other times in exceptional circumstances.

# 5

## The Committee's Work in 2021/2022

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### 1. APPLICATIONS FOR DISPENSATION

Year	Number of applications received	County Council applications	Town Council Applications
2017/18	23	10	13
2018/19	21	9	13
2019/20	15	13	12
2020/21	17	11	6

#### 2021/22

The Committee had considered 17 applications from County and Community and Town Councillors during the year.

- 16 were granted
- 0 was deferred
- 1 was refused
- 0 was withdrawn

Of these:

- County Councillors: 8
- Town & Community Councillors 9

The grounds upon which the Committee may grant a dispensation are set out in the Standards Committee (Grant of Dispensations) (Wales) Regulations 2001 (Reg. 2)

The most common grounds for which the Committee granted dispensations were:

- d) the nature of the member's interest is such that the member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business

- f) the participation of the member in the business to which the interests relates is justified by the member's particular role or expertise.

Of the 16 dispensations granted:

- 7 were granted to speak only
- 9 were granted to speak and vote

Of the dispensations granted:

- 14 were granted for a term of up to 12 months
- 0 were granted for a term of up to 6 months
- 2 were granted for a specific meeting

Of the dispensation refused the grounds were:

(i)the Committee was not satisfied that any of the statutory grounds for dispensation were made out;

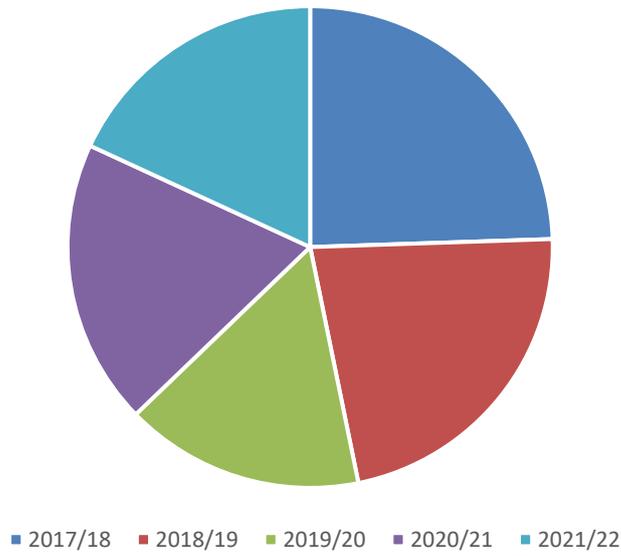
(ii)the Committee noted that the Community Council had a protocol which allows for members of the public to make representations as a member of the public at a community council meeting in relation to matters on the agenda or of concern to the Community;

(iii) the Committee was concerned that the presence of a councillor might influence the Community Council's decision;

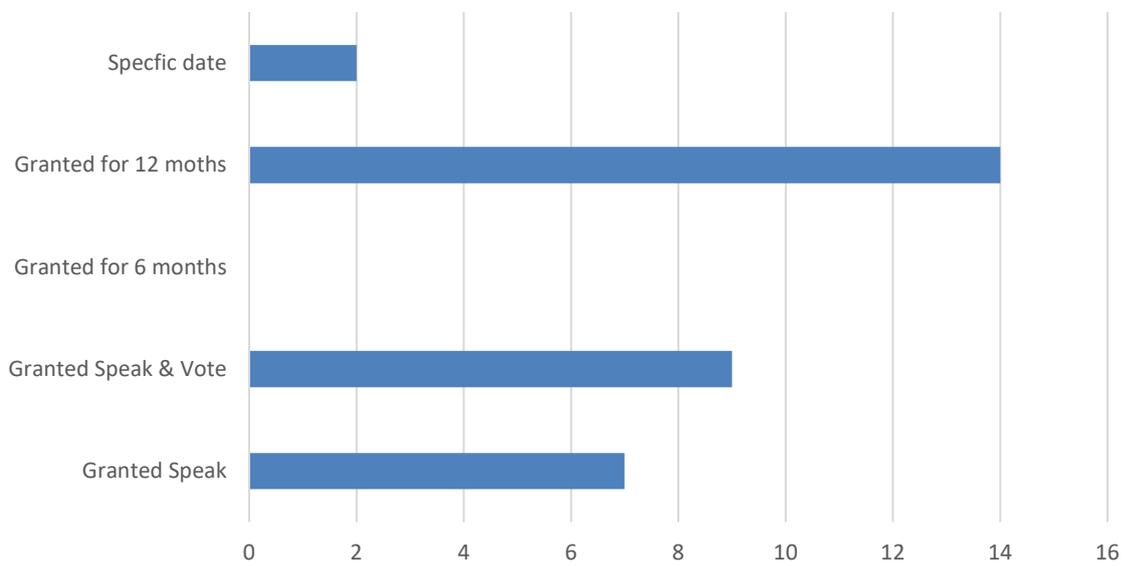
(iv)the Committee did not feel that refusal of the application would result in a democratic deficit; and

(v) that paragraph 14(2) of the Code of Conduct for Members applies

Dispensation Applications Received 2017-2022



Overview of Applications granted 2021/2022



Reminders for renewal are not sent to Members. Dispensations lapse automatically at the end of the fixed term. Any applications for extensions of time are treated as new applications in order to ensure that Members properly review the need and grounds for dispensation

The Committee approaches each application on its merits.

Details of the applications dealt with by the Committee can be viewed as part of the agenda/minutes of the meetings of the Committee which are accessible on Ceredigion County Council's website:

<http://www.ceredigion.gov.uk/your-council/councillors-committees/committees/ethics-and-standards/>

Applicants were encouraged to attend Committee meetings to present their case.

During 2017/18 2 Members attended Committee in person

During 2018/19 2 Members attended Committee in person

During 2019/20 2 Members attended Committee in person.

During 2020/21 1 Member attended the Committee (via video conferencing)

During 2021/22 5 Members attend the Committee (via video conferencing )

## **2. ADJUDICATION PANEL FOR WALES.**

The Adjudication Panel for Wales (APW) is an independent tribunal that has been set up to determine alleged breaches against an authority's statutory Code of Conduct by elected and co-opted members of Welsh County, County Borough and Community Councils, Fire and National Park Authorities.

At the meeting held on the 19 May 2021 consideration was given to the reports dated the 23 December 2020 on the decision of the Case Tribunal to suspend a Member of Merthyr Tydfil Borough Council for a period of seven months or, if shorter, the remainder of his term of office.

The second report dated the 12 January 2021 reported on the decision of the Case Tribunal to disqualify a former Community Council for Sully and Lavernock Community Council for 15 months.

Both reports were noted for information by the committee.

It was also agreed at the September meeting that all Adjudication Panel for Wales matters were now circulated to all Party Leaders for information due to their new responsibilities from May 2022 in relation to the requirement of high standards of their group Members

### **3. UPDATE ON THE PUBLIC SERVICE OMBUDSMAN MATTERS – CONSULTATION ON REVISION OF CODE OF CONDUCT GUIDANCE**

On the 5<sup>th</sup> February 2021, the Public Services Ombudsman for Wales released two new draft Guidance documents on the Code of Conduct for members, namely one for County Council members and one for Community/Town Councils.

The Ethics and Standards Committee members provided a response to the consultation through comments via email and a workshop held on 4<sup>th</sup> March 2021. The draft guidance was also shared with the political group leaders.

The Council submitted a response to the consultation comprising of comments from the Ethics and Standards Committee, Group Leaders and the Monitoring Officer. This was circulated to members.

The final guidance on the Code of Conduct for members of County and Community/Town Councils has been published by the Public Services Ombudsman for Wales and was presented to the Committee on the 17 September 2021 for information.

Subsequent decisions are available on the PSOW under “Our Findings.”

### **4. S 62-63 OF THE LOCAL GOVERNMENT AND ELECTIONS (WALES) ACT 2021**

The Local Government and Elections (Wales) Act 2021 places new duties on leaders of political groups and standards committees, namely s62 and s63.

S62:With regard to the duties of leaders of political groups in relation to standards of conduct, (S.52A Local Government Act 2000) states that a leader of a political group consisting of members of a county council in Wales must :

- take reasonable steps to promote and maintain high standards of conduct by the members of the group; and
- co-operate with the council’s standards committee.

In section 54 Local Government Act 2000 (functions of standards committees), a standards committee of a county council or county borough council in Wales also has the specific functions of—

(a) monitoring compliance by leaders of political groups on the council with their duties under section 52A(1), and

(b) advising, training or arranging to train leaders of political groups on the council about matters relating to those duties.

S.63 inserts the requirements for the standards committee annual report. As well as describing how the committee's functions have been discharged the report must also include what has been done to discharge the general and specific functions conferred on the committee by section 54 or 56.

An annual report by a standards committee of a county council or county borough council in Wales must include the committee's assessment of the extent to which leaders of political groups on the council have complied with their duties under section 52A(1).

The annual report may also include recommendations to the authority about any matter in respect of which the committee has functions.

An annual Chair's report has been presented to Council since 2018.

It was reported that currently political leaders of Ceredigion County Council are invited annually to the Ethics and Standards Committee to discuss the methods of promoting and maintaining high standards of conduct by Members of Ceredigion County Council.

The committee agreed to note the new duties with a recommendation to meet with Group Leaders at least on an annual basis, and to review on receipt of further guidance,

## **5. RECRUITMENT**

At the 19 May 2021 meeting a report on the appointment of two Independent Members was presented. It was reported that the current Chair Mr Hywel Wyn Jones and Mr Rif Winfield were appointed initially on 27/9/2011 and reappointed on 27/9/2017. Their respective terms of office would expire on 26/9/2021. These members were not now eligible for reappointment.

On 10th December 2020 Council resolved:

a) the job description, person specification and criteria for the appointment of independent members; and b) Membership of the Selection Panel.

The Selection Panel took place on 26th March 2021 and the interviews on 15th April 2021.

The two successful candidates were:

- Caryl Davies;
- Alan Davies.

Council on the 17<sup>th</sup> June 2021 that these appointments would be for a term of 6 years from 27<sup>th</sup> September 2021.

The new Members attended their first workshop on the 17<sup>th</sup> November 2021 and meeting on the 19<sup>th</sup> January 2022.

The Chair conveyed the gratitude of the Committee to Mr Hywel Wyn Jones and Mr Rif Winfield for their contribution to the work of the Ethics and Standards Committee since their appointment. Both thanked the Committee and Officers for their work and support during their term.

## **6. APPOINTMENT OF CHAIR AND VICE-CHAIR**

At the meeting held on the 15<sup>th</sup> May 2021, it was reported that the Committee was aware that the Term of Office of two of the current independent members, Mr Hywel Wyn Jones and Mr Rif Winfield would end on 26 September 2021.

As such, the term of office of the current Chair, Mr Hywel Wyn Jones 'Chair' would also end on 26 September 2021. The current Chair wished to relinquish the chairmanship at the end of the 19<sup>th</sup> May 2021 meeting, so that the Committee could decide on its succession in good time. It was a requirement that the Committee's Chair (and Vice-chair) were appointed from among the independent members of the Committee. The newly recruited independent members would not take up Office until 27 September 2021. As such, the new Chair would have to be appointed from the remaining Independent members (namely Caroline White, John Weston and Carol Edwards).

In the event that the existing Vice-Chair was appointed, there would be a need to consider nominations for a replacement Vice-Chair thereafter, again effective from 20 May 2021.

It was AGREED:-

- (ii) to appoint Caroline White to the Chair to the Committee effective from 20 May 2021 for the duration of her term of office to 30<sup>th</sup> July 2023; and
- (ii) John Weston be appointed as the Vice-Chairman of the Committee, to coincide with appointment of the Chair to 30<sup>th</sup> July 2023.

On 17 June 2021 Council endorsed these appointments.

## **7. THE PUBLIC SERVICE OMBUDSMAN FOR WALES (PSOW) CODE OF CONDUCT CASEBOOK**

The Monitoring Officer presented the Ombudsman Code of Conduct Casebook Issues to Committee as follows:-

- casebook 24
- casebook 25

Members also raised the following:-

- (i) to note the concern of the Committee that the PSOW should have stronger proposals on the cases that they consider; as several were recommendations and not stipulations;
- (ii) the PSOW should follow up on these recommendations e.g whether training had been completed
- (iii) that the Ethical Framework would be presented at a future meeting for consideration

## **8. TRAINING**

It was reported at the May 2021 meeting that the Chair would be training Members of Llanwenog Community Council on 8 June 2021. This training was provided remotely.

Training would also be provided by the Monitoring Officer on 27 September 2021 for the new members of the Ethics and Standards Committee. This training was provided.

Post the May 2022 elections Code of Conduct training would also be provided for new Members with refresher training for returning Members. Consideration would be given to remote training in future.

Hywel Wyn Jones offered his support for future training provision through the medium of Welsh.

At the 17 September 2021 meeting, it was reported:-

- That County Council Members would be receiving Data Protection/Equalities and Code of Conduct training due to the information that possibly could be placed on social media sites such as Facebook. This training would be also offered following the election in May 2022

- That the training material provided on Data Protection /Equalities could be included with any future Code of Conduct training for Town and Community Councils
- Clarification was awaited from WLGA if the presentation provided on the Code of Conduct training following the elections in 2017 would be amended prior to the May 2022 elections
- That several Members of the Committee could now provide bilingual training to Town and Community Councils on the Code of Conduct as they had experience of providing training
- That training sessions would be arranged with the Committee to consider specific issues within the Ethics and Standards agenda prior to the formal Ethics and Standards Committee meetings.

At the January 2022 meeting, the following information was presented:-

<b>Mon 9 May</b>	<b>10:00am</b>	<b>Elin Prysor</b>	<b>TRAINING - Code of Conduct for <u>new</u> Members (2 ½ hours) (mandatory)</b>
	<b>2:00pm</b>	<b>Elin Prysor</b>	<b>TRAINING - Code of Conduct for <u>returning</u> Members (1 ½ hour) (mandatory)</b>
<b>Tues 24 May</b>			
	<b>2:00pm</b>	<b>Elin Prysor</b>	<b>TRAINING – Role and responsibilities of the Ethics and Standards Committee (mandatory for all Committee members)</b>

- Mandatory training for Group Leaders would also be held on the 06 June 2022
- It was also reported that Hearing Procedures training would be held in September 2022.

## **9. CORPORATE JOINT COMMITTEES (GENERAL) (WALES) REGULATIONS 2021**

Consideration was given at the May meeting to the Corporate Joint Committees (General) (Wales) Regulations 2021. It was reported The Corporate Joint Committees (General) (Wales) Regulations 2021 (“The General Regulations”) introduces a number of provisions in relation to the general administration and governance of Corporate Joint Committees, established by Part 5 of the Local Government and

Elections (Wales) Act 2021. These provisions came into force on the 1 April 2021.

The overall intent in establishing Corporate Joint Committees was that a Corporate Joint Committee would be treated as part of or a member of the 'local government family' and largely subject to the same or similar powers and duties as local authorities in the way that they operate and are governed. The General regulations set out the requirements and necessary legislative framework for effective administration and governance of a Corporate Joint Committee.

The General regulations seek to ensure that, as part of the wider application of the local government ethical framework that members, co-opted participants and employees of Corporate Joint Committees are subject to appropriate standards of conduct.

The provisions within these General regulations were to ensure the application of relevant authority's Code of Conduct to members and co-opted participants of a Corporate Joint Committee. That is that the code of conduct of the relevant authority from which the member or co-opted participant is from will apply. This includes to require them to register any personal interests they have in the business of the Corporate Joint Committee in their relevant authority's register of interest.

It was AGREED to note the relevant content of the Corporate Joint Committees (General) (Wales) Regulations 2021 in relation to standards of conduct.

At the January 2022 meeting composition of the Corporate Joint Committee for Mid Wales Joint Standards Committee was required to be discussed. It had been agreed in principle that the Monitoring Officer for Powys would be the MO for the Mid Wales CJC. Members were of the opinion that as this was a joint Committee that its Members should be from both Counties.

## **10. ETHICS AND STANDARDS FORWARD WORK PROGRAMME 2021/22**

Consideration was given to the Ethics and Standards Forward Work Programme 2021/22. Following discussion, it was AGREED:-  
(i) that a Forward Work Programme be a standing item on each agenda of the Committee, and

(ii) that the Forward Work Programme be updated to include standard items, being a live document which will be updated as required.

## **11. A DEVELOPMENT FRAMEWORK FOR COUNCILLORS IN WALES 2021**

Consideration was given to the Report upon the Development Framework for Councillors in Wales 2021 at the January meeting. It was reported that the framework had been developed by the WLGA, as a useful guide to identify priorities for continual personal and professional development and for providing support and training for members. It includes a range of generic competencies required by all Councillors as well as specialist competencies related to specific roles on the Council.

The generic competencies include: fundamental skills such as understanding the role of the Councillor, and the Local Authority, conduct, equalities and diversity, ICT skills and work-life balance etc; skills required by all councillors in their roles as community leaders such as consultation and engagement; casework on behalf of the public; partnership and representation; and working in a political environment. Specific role competencies include an understanding of the role of Scrutiny, policy development and review, holding the Executive to account, monitoring performance; Chairing skills; serving on statutory / regulator committees; Executive Members; and Council Leadership.

The framework would feed into the training / induction programme for Councillors.

Relevant sections to the Ethics and Standards Committee:

The range of general skills required:

<b>Ref</b>	<b>Requirement</b>	<b>Knowledge and Skills</b>	<b>Effective behaviours</b>
A3	Conduct	The ethical framework that Councillors must work to. The Code of Conduct. The role of the Monitoring Officer, Standards Committee, Local	Always abides by the Code of Conduct. Always declares and defines interests when necessary. Seeks advice from the monitoring officer when necessary.

		Resolution Protocol. the role of and guidance from the Public Services Ombudsman for Wales.	
A17	Working with Officers	The role of officers generally and the 'rules' they need to abide by including a deeper understanding of the role of senior officers such as the Chief Executive, Senior Management Team, Monitoring Officer and Heads of Finance, Legal and Democratic Services. Skills in acting as a corporate employer. Understanding of the appointments process and interviewing skills.	Maintains professional relationships with officers, recognising boundaries and abiding by the Member Officer Protocol. Acts as an effective member of an appointment panel, applying sound HR and equality and diversity principles to make appointments.
A38	Group Discipline	Understanding of the behaviours and conduct required of a group member	Works according to the standards of behaviour required by the Group Leader.
B8	Committee Leadership	An in depth understanding of the role of the committee and its scope. Ability to liaise with relevant officers,	Promotes the work and value of the committee in the Council and to the public. Works with the committee outside of meetings to make it work more effectively.

		members, and agencies. Commitment to enabling all committee members to develop skills and participate effectively in meetings.	Communicates with members and officers with an interest in committee proceedings. Builds relationships with the relevant Heads of Service/ Directors to ensure that the work of the committee is relevant, well informed and provides the outcomes needed.
B16	Standards	The law and constitution in relation to conduct. Local resolution protocols. Needs of both County Council and Town and Community Councils for Training in relation to the Code of Conduct. Member behaviour, dealing with reports from Group Leaders and annual reporting	Demonstrates objectivity by taking independent decisions based on evidence and the legal responsibility placed on committees acting in a semi- judicial role. Transparently adheres to the Code of Conduct. Seeks appropriate professional officer advice, personal development or briefing before taking decisions.

### **11.APPOINTING TOWN & COMMUNITY COUNCILLORS TO THE ETHICS AND STANDARDS COMMITTEE – SUCESSION PLANNING**

Consideration was given at the January 2022 meeting to the report presented upon Appointing Town & Community Councillors to the Ethics and Standards Committee -Succession Planning.

It was AGREED to accept the proposed process for selection of the Town & Community Councillors to the Ethics and Standards Committee for the administration period May 2022-May 2027.

## **12. DEALING WITH COMPLAINTS REFERRED TO THE ETHICS & STANDARDS COMMITTEE & HEARING PROCEDURES**

Consideration was given to the report upon Dealing with complaints referred to the Ethics & Standards Committee & Hearings procedures at the January meeting.

It was reported that the Independent Review of the Ethical Standards Framework in Wales report (para 1.6) recommended that training be undertaken by Standards Committees on how to hold hearings, to ensure openness and fairness to the member complained of, to the complainant and to any witnesses. The report points out that the PSOW accepts the needed for more reference back to Standards Committees when he declines to investigate complaints.

A review of the document had been undertaken to take account of changes in the Regulations (in 2016) and also a comparison of the procedures in place in other authorities to ensure the Council's current procedures were current, fit for purpose.

The revised document Proposed changes were presented for consideration.

Following questions from the floor, it was AGREED to

(i) accept the amendments;

(ii) recommend the document for approval by Council subject to any recommendation or amendments to the document following consideration at a workshop of the committee to be held prior to the May Elections

## **13. THE WALES STANDARDS CONFERENCE**

The Wales Standards Conference was held remotely on 9/2/22.

Details of the event and agenda were circulated to Members of the Committee, Councillors and Clerks to Town and Community Council accordingly. As the Conference was held remotely there was not a limit to the number of delegates attending per authority, allowing 4 Ethics and Standards Committee members and 2 officers to attend.

## **14. CONCLUSIONS**

The Committee had a relatively busy year, working to respond to changes in guidance in preparation for the new electoral term.

# 6

## Code of Conduct – Monitoring Officer's Report

1. All County Councillors, Town/Community Councillors and Co-opted Members are required to abide by the **Code of Conduct for Councillors** adopted by the Council which conforms to the mandatory requirements of the Model Code of Conduct issued by the National Assembly for Wales.
2. Complaints relating to an allegation that a County Councillor had breached the Code should be sent to the Ombudsman directly and/or to the Council's Monitoring Officer (MO)
3. The Ombudsman publishes a guidance on the PSOW website on how to make a complaint about an elected member on a Factsheet.
4. The WLGA has e-learning training modules available for Councillors on the All Wales Academy, including Ethics and Standards (Councillor Development), and Social Media Guidance.
5. The Adjudication Panel for Wales (APW) published a Sanctions Guidance during 2019
6. The PSOW may decide that the MO should investigate a complaint, or may ask the Council's Ethics & Standards (ES) Committee to make a determination. Options available to the ES Committee include no further action, censure and suspension for up to 6 months.
7. If the Ombudsman investigates an allegation of a breach of the Code and concludes that a breach has occurred The Ombudsman will forward a report of his findings to the Monitoring officer and to the Councillor concerned.
8. If the Ombudsman considers that the breach is serious it may be forwarded to the Adjudication Panel for Wales who has the power to disqualify a councillor for up to 5 years.

9. The Local Government & Elections (Wales) Act 2021 received Royal Assent during 2020/21. S62 of the Act sets out additional duties for political group leaders, to uphold standards of conduct, effective from May 2022.

## MONITORING OFFICER'S REPORT

### 1.Complaints received

#### PREVIOUS YEARS

The table below shows an analysis of complaints received between 2018-2021:

<b>County Councillors</b>	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>
Member on Member	0	0	1
Public on Member	9	3	11
Officer on Member	4	8	4
Self-referrals to PSOW	0	0	0
	<b>Total: 13</b>	<b>Total: 11</b>	<b>Total:16</b>
<b>Town/ Community Councillors</b>			
Member on Member	0	2	1
<u>Public on Member</u>	4	2	4
	<b>Total: 4</b>	<b>Total:13</b>	<b>Total:5</b>

#### **CURRENT YEAR: 2021/2022**

Brought forward: x 3

The Monitoring Officer considered 16 complaints against Members in relation to the Code of Conduct.

Of these:

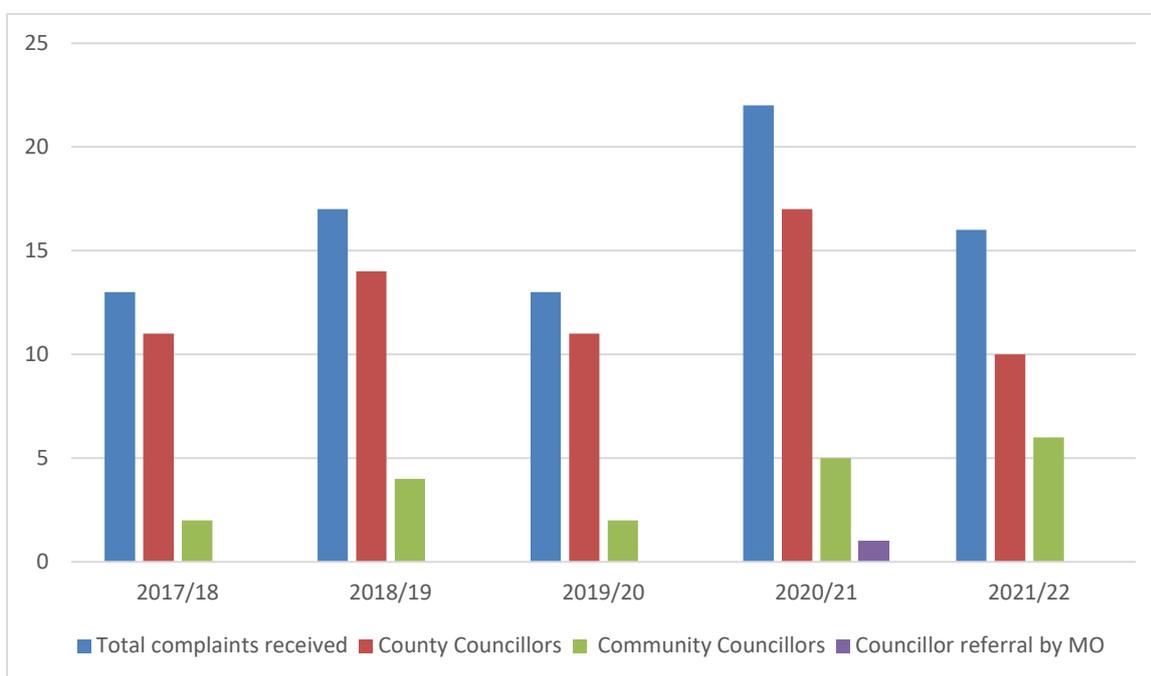
- 10 were against County Councillors
- 6 were against Town/ Community Councillors.

**Source of complaints:**

<b>County Councillors</b>	<b>Number of complaints received</b>
Member on Member	<b>1</b>
Public on Member	<b>4</b>
Officer on Member	<b>5</b>
Clerk of Town/Community Council	<b>0</b>
<b>Total</b>	<b>10</b>
<b>Town/ Community Councillors</b>	
Member on Member	<b>4</b>
Public on Member	<b>1</b>
Officer	<b>1</b>
Clerk	<b>0</b>
<b>Total</b>	<b>6</b>

**MO recommended sanctions:**

- apology
- training
- advice/reminder of Councillor obligations under Code



It should be noted that complaints by Officers against Members are not always made directly by the Officer concerned, who may not wish to pursue a formal complaint. Where concerns are drawn to the attention of the Monitoring Officer/Chief Executive, those cases will be dealt with by

the Monitoring Officer (and if appropriate the Chief Executive) who may make enquiries and provide advice/action as appropriate.

The Monitoring Officer will investigate as necessary.

## **2. PSOW Notifications**

		<b><u>2018/19</u></b>	<b><u>2019/20</u></b>	<b><u>2020/21</u></b>
	Complaints received from PSOW	7	6	4
<b>County Council</b>	Of these: Declined to Investigate/Closed after initial consideration:	4	5	
		2	5	
	Investigation: Discontinued:	0 1	0 0	
	No evidence of breach:	1	1	
<b>Community Council</b>				
	Of these: Declined to Investigate/Closed after initial consideration:	3		
		3		
	Investigation: Discontinued:	0		
	No Evidence of breach:	0		
	No Further Action	0		
	Of those investigated resulted in sanctions Resulted in no sanction	0 0		
	Sanctions/actions included: advice			

	given to member to modify behaviour			
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The MO received notifications of the following complaints:

**CURRENT YEAR 2021/22**

The PSOW reported 8 complaints:

Of these:

County Council: 6

Town/Community Council 2

Councillor referral by Monitoring Officer to PSOW (brought forward matter)	<b>1 Town/ Community Council</b>
--	----------------------------------

	County Council	Town/ Community Council
<b>Of these: Declined to Investigate/Closed after initial consideration:</b>	<b>4</b>	<b>1</b>
<b>Investigation: Discontinued: No further action necessary</b>	<b>0 0</b>	<b>0 0</b>
<b><u>Ongoing:</u> <u>Recorded as pre-assessment</u></b>	<b>2 1</b>	<b>0</b>
<b>Outcomes:</b> • No evidence of breach	<b>3</b>	<b>1</b>

<ul style="list-style-type: none"> <li>• <b>Technical breach</b></li> </ul>	<b>1</b>	
<ul style="list-style-type: none"> <li>• <b>Breach</b></li> </ul>	<b>0</b>	
<ul style="list-style-type: none"> <li>• <b>Referral to APW</b></li> </ul>	<b>0</b>	<b>1</b>

**Of those investigated:**

- **resulted in sanctions :**  
apology, training, reminder of Councillor obligations under Code
- **1 resulted in no sanction**

**For Information:**

**PSOW Annual report 2021/22:**

**E. Code of Conduct Complaints Closed**

County/County Borough Councils	Closed after initial consideration	Discontinued	No evidence of breach	No action necessary	Refer to Standards Committee	Refer to Adjudication Panel	Withdrawn	Total
Ceredigion		-	-	-	-	-	-	

**F. Town/Community Council Code of Complaints**

Town/Community Council	Closed after initial consideration	Discontinued	No evidence of breach	No action necessary	Refer to Standards Committee	Refer to Adjudication Panel	Withdrawn	Total
	-	-	-		-	-	-	

This information is not available at date of writing this report

**3.Nature of Complaints**

	<b>County Council</b>	<b>Town and Community Councils</b>
<b>2017/18-2019</b>	The majority of complaints against County Councillors related to:	Complaints included:

	<ul style="list-style-type: none"> <li>•Bullying</li> <li>•Lack of respect/ consideration/ courtesy for others</li> <li>•Lack of impartiality</li> <li>•Improper use of delegated powers</li> <li>•Conflict of interest</li> <li>•Standards of Conduct, including inappropriate parking, delay in paying Council Tax</li> <li>•Using position to gain an advantage</li> <li>•Disclosure of confidential information</li> <li>•Failure to reply to an enquiry</li> <li>•Acting without authority</li> <li>•Improper use of delegated power</li> <li>•Failure to disclose personal/prejudicial interests</li> <li>•Standards of conduct eg inappropriate parking, comments made in meetings and inappropriate communication</li> <li>•Attempting to compromise officers impartiality</li> <li>•Social Media postings by Councillors eg complaints about officers and services.</li> <li>•Development Control Committee decisions.</li> </ul>	<ul style="list-style-type: none"> <li>•perception of lack of transparency in Council meetings,</li> <li>•improper meeting procedures eg voting, quorum, failure to adequately record decisions, failure to publish minutes and register of interests</li> <li>•failure to disclose personal/prejudicial interests</li> <li>•discrimination</li> </ul> <p>Some of the complaints above were attributable to acts/omissions of clerks.</p>
<p><b>2019/20</b></p>	<ul style="list-style-type: none"> <li>•Social Media postings</li> <li>•Failure to declare an interest</li> <li>•Improper use of delegated powers</li> <li>•Lack of respect/ consideration/ courtesy for officers – including Development Control Committee/Scrutiny meetings</li> </ul>	

	<ul style="list-style-type: none"> <li>•Lack of respect for the Chair of a public meeting-Scrutiny Committee</li> <li>•inappropriate comment regarding Officers.</li> </ul>	
<b>2020/21</b>	<ul style="list-style-type: none"> <li>•Social Media postings</li> <li>•Inappropriate behaviour</li> <li>•Lack of respect/consideration/attitude</li> <li>•Planning decision</li> <li>•swearing</li> <li>•Bringing Council into disrepute</li> <li>•Poor culture</li> <li>•Failure to declare interest</li> <li>•Nuisance/harrassment</li> <li>•Physical assault</li> <li>•failure to disclose prejudicial interests</li> <li>•disclosure of confidential information</li> <li>•failure to take action</li> </ul>	<ul style="list-style-type: none"> <li>•perception of lack of transparency in Council meetings,</li> <li>•improper meeting procedures eg voting, quorum, failure to adequately record decisions, failure to publish minutes and register of interests</li> <li>•failure to disclose personal/prejudicial interests</li> <li>•Discrimination-sexism, ageism</li> <li>•Criminal conviction</li> <li>•Failure to self-report criminal allegations/convictions</li> <li>•Poor culture</li> <li>•swearing</li> <li>•Lack of respect/consideration/attitude</li> <li>•Threatening behaviour</li> </ul> <p>Some of the complaints above were attributable to acts/omissions of clerks.</p>

**2021/2022**

- Social media postings
- Poor culture/attitude
- swearing
- Lack of respect/consideration-officers/clerk
- Bullying
- Spreading false information
- Threatening behaviour
- Lack of respect/ consideration/ courtesy for officers

- Inappropriate conduct
- Discrimination-of minority group
- disrespectful, impolite or offensive language by Councillors n public meetings has increased-more swearing.
- Overstepping role
- Unrealistic demands on officers
- Demanding behaviour
- Perceived failure to declare interest
- Inappropriate sexual conduct
- Harassment
- Bringing office or authority into disrepute
- Perceived failure to act
- Disclosure of confidential information-social media/public meeting
- Criminal conviction
- Failure to heed advice
- Lack of impartiality
- Inappropriate use of Council resources
- Democratic process deficit
- Subject to Safeguarding process
- Racist comments
- Negative relationships

#### **4. Monitoring Officer Advice**

The Monitoring Officer regularly provides informal advice orally, or in writing to County Councillors on various issues within the Code of conduct including personal/ prejudicial interests. This advice is given orally, or in writing.

Advice can be a preventative measure, or in anticipation of a potential breach, or following a breach in consideration of mitigation.

Occasionally advice may be given to Town/Community Councillors  
Town/Community Councillors There is an expectation that  
Town/Community Councillors consult their clerk in first instance.

Queries include advice on:

- meeting process/procedure
- conflicts of interest
- breach of Code of Conduct
- complaint process

Advice may also be given to clerks to Town/community Councils, by telephone, email or face to face. Most of Town/Community Councils within the Ceredigion area are subscribed to One Voice Wales

	Formal Advice	Informal warning	Formal Warnings (e-mail/letter)	Face to Face meetings with members of public	Face to face meeting was undertaken with a Town/community	Meeting process/procedure	Conflict of interest	Other	Sanctions	Local Resolution Procedure
2018-19 County Councillors	5	0	1							
2018-19 Town & Community Council	5	0	0	1	1					
2019-20 County Councillors	3	Numerous/ Varied	1					Some issues considered by the Monitoring officer relate to pre-emptive advice by the Monitoring officer in relation to disclosures of interest: X 6.	member apology in writing to the officer or member  member apology to the officer or member in public meeting	
2019-20 Town & Community Councils		2							Queries include advice on: Public meeting process/procedure conflicts of interest conduct of a councillor  meetings with members of the public: 0	
2020-21 County Council	4	1  informal advice- numerous/ varied. Some issues considered by the Monitoring	1							1

		officer relate to pre-emptive advice by the Monitoring Officer in relation to disclosures of interest								
2021-22 Town and Community Councils								Advice was also given to clerks of Town/Community Councils, and members of the public.		

### 2021-22 Current year

•informal advice- numerous/varied.

Some issues considered by the Monitoring officer relate to pre-emptive advice by the Monitoring Officer in relation to disclosures of interest

- formal advice : 3
- informal warnings: numerous
- formal warnings (e-mail/letter): 3
- Local Resolution Procedure:0

Sanctions included:

- member apology in writing to the officer or member
  - member apology to the officer or member in public meeting
- Advice/reminder of Councillor obligations under Code

Training eg safeguarding, social media, diversity

### 5. The Ethics & Standards Committee -Hearing Panels

- There were no Ceredigion County Council Councillor cases referred to Committee during 2021/22.
- There were no Town/Community Council cases referred to Committee during 2021/22.

## **6.Adjudication Panel for Wales (APW)**

- There were no Ceredigion County Council cases referred by the PSOW to the APW during 2021/22.
- There were no Ceredigion Town/Community Council cases referred to the APW during 2021/22.

## **7. PSOW referrals to the Monitoring Officer for investigation during 2021/21**

There were no cases referred to the Monitoring Officer by the Public Service Ombudsman Wales for investigation during 2021/22.

## **2021/22**

### **Summary**

- The standard of conduct by Ceredigion County Council Members generally is to be commended.
- There were complaints by Members against Members.
- There were complaints by member of the public against Members
- There were complaints by officers against Members
  
- Whilst bullying, intimidation and/or lack of respect/courtesy continues to be an issue, the relationship between Ceredigion County Council Officers and Members has improved, with less instances of bullying, intimidation and/or lack of respect/courtesy than previously.
- Examples of disrespectful, impolite or offensive language by Councillors in public meetings has increased-more swearing.
- Councillors need to be particularly careful of use of language during remote meetings, with increased use of microphones and less awareness of comments being overheard
- Councillors are largely aware of the need to declare interests, and do so in a timely and appropriate way. Advice is sought from the Monitoring Officer at appropriate times.
- The use of social media as a forum for Councillors making representations/expressing views is continuing to increase. This has occasionally brought the Council into disrepute.

- The Monitoring Officer maintains a recommendation that all Members receive refresher training on social media, as well as data protection (including the responsibility of Councillors as data controllers).
- As in previous years, the Monitoring Officer identified that some County Councillors Members would benefit from refresher /additional safeguarding training
- Members continue to be more cognisant of the need to:
  - consider whether they have an interest, and
  - declare any interest in communication/correspondence with officers.

### **8. Correspondence with Group Leaders**

Group Leaders now receive copies of relevant cases and information. Group Leaders attend the Committee at least once annually.

### **9. Annual update on the Register of Interest**

An email dated the 01 April 2021 from the Monitoring Officer was circulated to Members requesting them to carry out an annual review of their Register of Interests Booklet , at the end of the financial year. Members were therefore requested to review the online version of their Register of Interests for the entire year 2020/21 (1/4/20-31/3/21):

- If there were no new interest/changes , Members emailed to confirm “No changes.”
- If there were new interests/changes, Members emailed to confirm that there were changes, and provided details of these changes.

The original booklets were re-signed and re-dated and each reply, and booklet were reviewed by the Monitoring Officer

These arrangements are inspected regularly by external auditors.

### **10. Covid 19 – Business grants**

All Councillors, and/or co-opted independent members, were requested to make a declaration if they ,or anyone involved in the overall running and/or control of a business ,(or someone who is a close personal associate of theirs), had, to best of their knowledge, applied for a Business Support Grant, Enhanced Lockdown Grants

for businesses or Restrictions Business Fund NDR for businesses grant. All declarations were requested be made by the closing date of the applications.

#### **11. Hospitality Register**

During 2021/22 there were no declarations of hospitality from Councillors.

# Local Resolution Processes

The Public Services Ombudsman for Wales has indicated, in his Guidance for Members on the Code of Conduct, that he expects local authorities across Wales to implement local resolution procedures to deal with low level complaints which are made by a member against a fellow member.

Complaints which will be considered under such a procedure will typically concern alleged failures to show respect and consideration for others (paragraph 4(b) of the Code) or the duty not to make vexatious, malicious or frivolous complaints against other members (paragraph 6(1)(d) of the Code).

Members may still complain directly to the Ombudsman about a fellow member, but complaints relating to the above paragraphs of the Code of Conduct are likely to be referred to the Authority for consideration under a local resolution procedure.

The Ombudsman believes that informal and local resolution of such complaints will:-

- (a) speed up the complaints process
- (b) ensure that resources are devoted to the investigation of serious complaints
- (c) resolve matters at an early stage so as to avoid the unnecessary escalation of the situation which may damage personal relationships within an authority and an authority's reputation

The Welsh Government had also expressed the view that there was scope for a more local approach to the resolution of low level complaints and that such processes should be implemented by all local authorities as soon as practicable. If procedures were not voluntarily adopted by local authorities, it was likely that the Welsh Government would introduce statutory measures for a mandatory procedure. The Welsh Government had also indicated its intention to remove the obligation on Members in paragraph 6(1)(c) of the Code to report potential breaches to the Ombudsman.

The Group Leaders attended a meeting of the Ethics and Standards Committee on 2 July 2013 and it was agreed that a

simple process involving Group Leaders in the first instance, with the option to consult with the Monitoring Officer and an independent member if the matter remained unresolved, would be suitable for Ceredigion.

The Committee agreed that the Chair contact One Voice Wales (OVW) regarding the statement in their guidance in relation to the issues that must be directed to the Public Services Ombudsman for Wales include “Vexatious, malicious or frivolous complaints”; as PSOW had been informing Councils that he did not wish to see an increase in these sort of cases. The Monitoring Officer also contacted PSOW on the issue. The outcome was the OVW amended their Model Local Resolution Protocol.

The Local Resolution Procedure was reviewed during 2021, and noted by the Ethics and Standards Committee on 17<sup>th</sup> September 2021 subject to the removal of the line as with “non-aligned or unaffiliated members” in paragraph 3.6 of the Ceredigion protocol.

The process would involve a referral to the relevant Group Leaders (or to the Chairman of the Council in the event of a complaint against a Group Leader or unaffiliated member), who would try and resolve the issue in the first instance. If the matter remained unresolved, the Group Leaders could consult the Monitoring Officer and an individual member of the Ethics and Standards Committee if necessary.

## **The following is the Members’ Local Resolution Procedure.**

### **“1. General Principles**

- 1.1 The Council wishes to promote high standards of conduct and behaviour as a means of strengthening respect and trust among members. This procedure is not intended to replace the Code of Conduct, rather it is intended to sit alongside the Code, enabling behaviour which may not reach the threshold of referral to the Public Services Ombudsman for Wales to be dealt with swiftly and effectively.

- 1.2 This procedure does not replace the Protocol on Member/Officer Relations set out in the Council's Constitution.
- 1.3 Members will make all reasonable attempts to resolve disputes informally and through agreed internal processes, subject to their obligations under the Members' Code of Conduct.
- 1.4 Referral to external regulators will become a last resort, subject to members' obligations under the Code of Conduct.
- 1.5 Members will avoid personal confrontation in any public forum, especially full Council and through the media.
- 1.6 These commitments will not stifle legitimate political debate or scrutiny.
- 1.7 Group discipline will become the cornerstone of self-regulation, with Group Leaders taking responsibility for their own members.
- 1.8 Group Leaders individually and collectively will work to ensure compliance with this procedure.
- 1.9 Members will commit to training and development in support of this procedure.

## **2. Working to avoid problems**

- 2.1 To minimise the number of instances of alleged breaches of the Code of Conduct, members have:
  - (i) resolved to adopt a Member Development Strategy - all reasonable endeavours will be made to ensure that the Member Development Strategy identifies and responds to the needs of members.
  - (ii) committed to attend relevant member training events and in particular those relating to the Code of Conduct.
  - (iii) demonstrated commitment to obtaining the WLGA's Charter for Member Support and Development and supporting its objectives.

## **3. Role of Group Leaders**

- 3.1 A complaint by a member relating to a member of the same group will be referred to the Group Leader. A complaint by a member concerning the activities of a member of a different political group will be discussed with the complainant's own Group Leader, who will then refer the issue to the Group Leader with responsibility for the member against whom the complaint is made.
- 3.2 Upon receiving a complaint, it is the role of Group Leaders to take responsibility for discipline within their groups. Group discipline should be informal and difficulties resolved through face to face meetings where possible. Group Leaders will need to retain some records, but the process will not be "document heavy". The emphasis should be on training, education, mediation and conciliation.
- 3.3 When appropriate, a sanction such as removal from a committee or an outside body may be used in extreme cases or after persistent breaches and the matter may also be referred to the Public Services Ombudsman for Wales.
- 3.4 Prior to considering any sanction or training, the relevant Group Leader may consult with an independent member of the Ethics and Standards Committee in conjunction with the Monitoring Officer or Deputy Monitoring Officer. The Ethics and Standards Committee will seek to ensure fairness and consistency in the discipline imposed within each Group.
- 3.5 At the next available Group Leaders' meeting, any issue of discipline which has been referred to a Group Leader will be discussed with the Group, with the objective of seeking to ensure that fair and consistent sanctions are applied.
- 3.6 Where the complaint relates to the Group Leaders themselves, the Chairman of the Council will be requested to consider the complaint, as with non-aligned or unaffiliated members and the Chairman may consult with an independent member of the Ethics and Standards Committee in conjunction with the Monitoring Officer or Deputy Monitoring Officer.

#### **4. Non Aligned or Unaffiliated Members**

- 4.1 As far as non-aligned or unaffiliated members are concerned, the

Chairman will fulfil the role of "Group Leader". Concerns regarding the conduct of an unaffiliated member should be referred to the Chairman who will apply the same principles and standards as those of the Group Leaders in terms of training, education, mediation and conciliation."

Consideration was given to the Report upon the Review of Local Dispute Resolution protocol at the September meeting. It was reported that at a recent Monitoring Officer Network meeting authorities were requested to share their Local Resolution Procedure with the WLGA. This would provide an opportunity to compare and contrast all Local Resolution Procedures with a view to revising them.

The Local Resolution Procedure was intended to sit alongside the Code, enabling behaviour which may not reach the threshold of referral to the Public Services Ombudsman for Wales to be dealt with swiftly and effectively.

Consideration was given to Ceredigion County Council's current Local Resolution Procedure and flowchart at the September meeting. It was reported that One Voice Wales had also produced guidance to assist town and community councils to support them with the local resolution process

It was stated that the results of the review that was being undertaken by the WLGA would be shared with the Committee in due course.

It was AGREED:-

- (i) to note the protocol presented;
- (ii) to remove the line as with "non-aligned or unaffiliated members" in paragraph 3.6 of the Ceredigion protocol;
- (iii) that the Chair contact OVW regarding the statement in their guidance in relation to the issues that must be directed to the Public Services Ombudsman for Wales include "Vexatious, malicious or frivolous complaints"; as PSOW had been informing Councils that he did not wish to see an increase in these sort of cases;
- (iv) that the Monitoring Officer contact PSOW on the issue raised

The outcome was that the PSOW would suggest that the OVW protocol be amended



# 8

## Political Group Leaders

The Local Government and Elections (Wales) Act 2021 places new duties on leaders of political groups and standards committees, namely s62 and s63.

With regard to the duties of leaders of political groups in relation to standards of conduct, (S.52A Local Government Act 2000) states that a leader of a political group consisting of members of a county council in Wales must take reasonable steps to promote and maintain high standards of conduct by the members of the group; and must co-operate with the council's standards committee.

In section 54 Local Government Act 2000 (functions of standards committees), a standards committee of a county council or county borough council in Wales also has the specific functions of—

- (a) monitoring compliance by leaders of political groups on the council with their duties under section 52A(1), and
- (b) advising, training or arranging to train leaders of political groups on the council about matters relating to those duties.

S.63 inserts the requirements for the standards committee annual report. As well as describing how the committee's functions have been discharged the report must also include what has been done to discharge the general and specific functions conferred on the committee by section 54 or 56. An annual report by a standards committee of a county council or county borough council in Wales must include the committee's assessment of the extent to which leaders of political groups on the council have complied with their duties under section 52A(1). The annual report may also include recommendations to the authority about any matter in respect of which the committee has functions.

The political leaders of Ceredigion County Council were invited annually to the Ethics and Standards Committee to discuss the methods of promoting and maintaining high standards of conduct by Members of Ceredigion County Council.

It is now necessary for Group Leaders to consider the additional duties upon them to take reasonable steps to promote and maintain high

standards of conduct by the members of the group; and how to co-operate with the council's standards committee, and how this can be evidenced.

At the January 2022 meeting the party leaders were invited to the meeting to discuss the methods of promoting and maintaining high standards by conduct by Members of Ceredigion County Council to include the duties required under S 62-63 of the Local Government and Elections (Wales) Act 2021

The Chair welcomed Councillor Ellen ap Gwynn (Leader of the Council and Leader of the Plaid Cymru Group), Councillor Ray Quant (Deputy Leader of the Council and Leader of the Independent Group) and Councillor Ceredig Davies (Leader of the Liberal Democrats and opposition party) for attending the meeting to exchange views on promoting and maintaining high standards of conduct in Ceredigion.

It was reported that the Local Government and Elections (Wales) Act 2021 placed new duties on leaders of political groups and standards committees and contains the relevant sections, namely s62 and s63. With regard to the duties of leaders of political groups in relation to standards of conduct, (S.52A Local Government Act 2000) states that a leader of a political group consisting of members of a county council in Wales must take reasonable steps to promote and maintain high standards of conduct by the members of the group; and must co-operate with the council's standards committee.

In section 54 Local Government Act 2000 (functions of standards committees), a standards committee of a county council or county borough council in Wales also has the specific functions of—

- (a) monitoring compliance by leaders of political groups on the council with their duties under section 52A(1), and
- (b) advising, training or arranging to train leaders of political groups on the council about matters relating to those duties

It was reported that the political leaders of Ceredigion County Council were invited annually to the Ethics and Standards Committee to discuss the methods of promoting and maintaining high standards of conduct by Members of Ceredigion County Council. It was reported that it was now necessary for Group Leaders to consider the additional duties upon them to take reasonable steps to promote and maintain high standards of conduct by the members of the group; and how to co-operate with the council's standards committee, and how this can be evidenced. The

political leaders stated that they welcomed this guidance, as it was a reference for them to confirm that the standards were being adhered to.

All the Leaders of the Council emphasised the importance of the Committee's work in promoting high standards of conduct and welcomed the training that would be held in May 2022, following the elections on the Code of Conduct.

The Leaders also highlighted the need to address the issues of conduct at meetings that were held virtually, especially with the etiquette of Members such as answering the phone while attending the meeting.

# 9

## Future Priorities

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The priority areas the Ethics and Standards Committee to consider in 2022/23:

- Code of Conduct Training for clerks of Town and Community Councillors prior to the local government election in May 2022
- Code of Conduct Training for County Councillors following the local government election in May 2022
- Annual meeting with Political Group Leaders
- Update Members Register of Interest on the new Democratic Services System, Modern.gov
- Proactive approach to working collaboratively with other relevant standards organisations and keeping up with best practice
- Committee Members attend other Committee meetings of the Council to observe and familiarise themselves with proceedings and conduct.
- Implement changes set out in Local Government & Elections (Wales) Act 2021 relevant to the Ethics and Standards Committee:
  - Part 4 sections S62 Conduct of members imposed additional duties on political group leaders, to promote and maintain high standards of conduct by Members, effective from May 2022.
  - Consider Statutory Guidances
- Complete hearings Procedures and undertake training
- Appointment and Training of new Town/community Council members
- Succession Planning-new independent member
- Consider additional duties relating to the Mid Wales CJC Joint Ethics and Standards Committee

# 10

## Attending the Ethics and Standards Committee / Contact us

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### Attending meetings of the Ethics and Standards Committee

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The Council is keen to see Members of the public attend Ethics and Standards meetings

With the exception of confidential items, all business is held in public.

All of the public agenda papers are published online 3 working days in advance of the meeting <http://www.ceredigion.gov.uk/your-council/councillors-committees/committees/>

### Contact us

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If you wish to find out more about the Ethics and Standards Committee or make a comment or suggestion, please contact us:

Ethics & Standards  
Democratic Services, Neuadd Cyngor Ceredigion, Penmorfa, Aberaeron,  
SA46 0PA

01545 570881  
[ethicsandstandards@ceredigion.gov.uk](mailto:ethicsandstandards@ceredigion.gov.uk)

### **Council's Monitoring Officer (MO):**

Monitoring Officer  
Ceredigion County Council  
Penmorfa  
Aberaeron  
Ceredigion  
SA46 0PA  
01545 570881

E-Mail: [MonitoringOfficer@ceredigion.gov.uk](mailto:MonitoringOfficer@ceredigion.gov.uk)

**The Ombudsman (PSOW)**

Public Services Ombudsman for Wales  
1 Ffordd yr Hen Gae  
Pencoed  
Bridgend CF35 5LJ  
Telephone: 0300 790 0203 (local call rate)  
Fax: 01656 641199  
E-mail: [ask@ombudsman-wales.org.uk](mailto:ask@ombudsman-wales.org.uk)  
Website: [www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk)

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## CEREDIGION COUNTY COUNCIL

**Report to:** Council

**Date of meeting:** 20 October 2022

**Title:** Notification of appointment of Interim Corporate Lead Officer- Porth Cynnal and Statutory Director of Social Services for a 6 month period

**Purpose of the report:** To notify Council of the appointment of an Interim Corporate Lead Officer - Porth Cynnal and Statutory Director of Social Services for a 6 month period

**For:** Information

**Cabinet Portfolio and  
Cabinet Member:** Councillor Bryan Davies  
Leader of the Council

### Background

The current Corporate Lead Officer – Porth Cynnal and Statutory Director of Social Services, Ms Sian Howys, will be retiring from the role on 31 October 2022.

There are currently well documented recruitment challenges in the social care sector across the UK and at all levels. Following its implementation at the beginning of this year, the Through Age and Wellbeing programme continues to develop and the need for an experienced leader to be able to immediately continue this progress is seen a critical. The post of Corporate Lead Officer – Porth Cynnal also holds the responsibility of being the Council’s Statutory Director of Social Services, a role required under the Social Services and Well-Being (Wales) Act 2014 tasked with providing strategic leadership to effectively deliver care and support services.

Taking these issues into consideration a proposal to appoint a six-month interim Corporate Lead Officer – Porth Cynnal via a recruitment agency was accepted by the Leader of the Council, Councillor Bryan Davies along with both Opposition Group Leaders, Councillors Elizabeth Evans and Gareth Lloyd.

The Local Authorities (Standing Orders) (Wales) Regulations (2006) (as amended) Schedule 1, as contained within Document H, Officer Employment Procedure Rules, of the Council’s Constitution (see Appendix A), allows for the appointment of a chief officer under an interim arrangement, provided that it lasts for a period of no longer than 12 months. This process has been used previously for the appointment of an interim Corporate Director in November 2020 and an interim Corporate Lead Officer – People and Organisation in December 2020.

## **Appointment of Interim Corporate Lead Officer: Porth Cynnal**

On Monday, 3 October 2022, a panel under the chair of Cllr Bryan Davies, Leader of the Council, interviewed Ms Audrey Somerton-Edwards, a qualified social worker with significant senior management experience.

After consideration it was resolved to engage with Ms Somerton-Edwards' services for a period of six months as Interim Corporate Lead Officer – Porth Cynnal and Statutory Director of Social Services on an agency basis. The engagement in this role will start on 17 October 2022.

## **Recruitment to permanent role of Corporate Lead Officer - Porth Cynnal and Statutory Director of Social Services**

The interim appointment will allow for a comprehensive recruitment campaign to be undertaken for the permanent appointment of a Corporate Lead Officer - Porth Cynnal and Statutory Director of Social Services. The appointment process will be as prescribed in Part 3.3 (Table 3) in the Constitution which requires that a Shortlisting Committee be established of 7 Elected Members. The Committee is required to produce a shortlist of qualified applicants for the role, to interview the applicants if needs be before recommending their appointment to Council for approval.

	<b>Has an Integrated Impact Assessment been completed? If, not, please state why</b>	No – not a policy or service change.
<b>Wellbeing of Future Generations:</b>	<b>Summary:</b> <b>Long term:</b> N/A <b>Integration:</b> N/A <b>Collaboration:</b> N/A <b>Involvement:</b> N/A <b>Prevention:</b> N/A	
<b>Recommendation(s):</b>	To note the engagement of Ms Audrey Somerton-Edwards services as Interim Corporate Lead Officer - Porth Cynnal and Statutory Director of Social Services on an agency basis for a 6-month period from 17 October 2022.	
<b>Reasons for decision:</b>	To notify Council of the appointment of an Interim Corporate Lead Officer- Porth Cynnal and Statutory Director of Social Services.	
<b>Overview and Scrutiny:</b>	N/A	
<b>Policy Framework:</b>	Council's Constitution	
<b>Corporate Priorities:</b>	To support the delivery of the Council's Corporate Priorities: <ul style="list-style-type: none"><li>• Boosting the Economy</li><li>• Investing in People's Futures</li></ul>	

- Enabling Individual and Family Resilience
- Promoting Environmental and Community Resilience

**Finance and Procurement implications:**

Ms Somerton-Edwards has been engaged on an agency basis, the rate needs to be classed as commercially sensitive. Consequently, the relevant information is contained in an exempt item (Appendix B - EXEMPT)

**Legal Implications:**

None

**Staffing implications:**

Appointment of an Interim Corporate Lead Officer - Porth Cynnal and Statutory Director of Social Services for a period of 6 months.

**Property / asset implications:**

None

**Risk(s):**

- Failure to appoint to a Statutory Director of Social Services will result in the Council not complying with Section 144 of the Social Service and Well-being (Wales) Act 2014, which will alert Care Inspectorate Wales, the social care sector Regulator.
- Failure to appoint an experienced social care senior manager will negatively impact the development of the Through age and Well-being programme at a critical time

**Statutory Powers:**

- Local Authorities (Standing Orders) (Wales) Regulations 2006 (as amended) Schedule 1, Part 1;
- Section 144 of the Social Service and Well-being (Wales) Act 2014.

**Background Papers:**

None

**Appendices:**

- A) Officer Employment Procedure Rules in Document H
- B) Exempt Item

**Reporting Officer:**

Eifion Evans, Chief Executive

**Date:**

10 October 2022

Document H

# OFFICER EMPLOYMENT PROCEDURE RULES

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Author and service:

Date approved by Council: 21 March 2019

Publication date:

Review Date: March 2021

# Officer Employment Procedure Rules

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## **OFFICER EMPLOYMENT PROCEDURE RULES**

### **EXPLANATORY**

These Procedure Rules are intended to comply with the provisions of the Local Authorities (Standing Orders) (Wales) Regulations 2006 as amended by the Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014 (“the Regulations”).

In the event of any conflict between these Procedure Rules and the Regulations, the Regulations take precedence.

### **INTERPRETATION**

“The 1989 Act”	the Local Government and Housing Act 1989;
“the 2000 Act”	the Local Government Act 2000;
“Chief Officer”	has the same meaning as in the Local Authorities (Standing Orders)(Wales) Regulations 2006, namely: the the Monitoring Officer (designated under s.5(1) of the 1989 Act); a statutory chief officer mentioned in paragraph (a), (c) or (d) of section 2(6) of the 1989 Act (which includes the Chief Finance Officer); or a non-statutory chief officer within the meaning of section 2(7) of the 1989 Act; and also the Chief Executive (designated under s.54 of the Local Government and Elections (Wales) Act 2021).
“disciplinary action”	means any action occasioned by alleged misconduct which, if proved, would be recorded on the member of staff’s personal file, and includes any proposal for dismissal of a member of staff for any reason other than redundancy, permanent ill-health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless an undertaking has already been given to renew such a contract;

## **1. RECRUITMENT AND APPOINTMENT**

### **1.1 Declarations**

1.1.1 The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Councillor or officer of the Council; or of the partner of such persons.

1.1.2 No candidate so related to a Councillor or an officer will be appointed without the authority of the relevant chief officer or an officer nominated by him/her.

### **1.2 Seeking support for appointment**

1.2.1 Subject to paragraph 1.2.3, the Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.

1.2.2 Subject to paragraph 1.2.3 no Councillor will seek support for any person for any appointment with the Council.

1.2.3 Nothing in paragraphs 1.2.1 and 1.2.2 above will preclude a Councillor or the mayor from giving a written reference for a candidate for submission with an application for appointment.

### **1.3 Restriction on the Appointment of Members as Officers**

1.3.1 An Officer of the Council is disqualified from being a Member of the Council while they remain an Officer.

## **2. RECRUITMENT OF CHIEF EXECUTIVE, CHIEF OFFICERS AND DEPUTY CHIEF OFFICERS**

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

2.1 draw up a statement specifying:

2.1.1 the duties of the officer concerned; and

2.1.2 any qualifications or qualities to be sought in the person to be appointed;

2.2 subject to paragraph 2.4 below make arrangements for the post to be publicly advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and

2.3 make arrangements for a copy of the statement mentioned above to be sent to any person on request.

2.4 Sub-paragraph 2.2 above will not apply in the event that the Council proposes to appoint a Chief Officer for a period of no longer than 12 months.

2.5 Where a post has been advertised the Council must –

2.5.1 interview all qualified applicants for the post, or

2.5.2 select a short-list of qualified applicants and interview those included on the short list.

2.6 Where no qualified person has applied, or if the Council decides to re-advertise the appointment, the Council may make further arrangements in accordance with paragraph 2.2 above.

2.7 Full Council must approve the appointment of the Chief Executive.

2.8 Full Council must approve the level, and any change in the level of remuneration to be paid to a Chief Officer.

### **3. DISCIPLINARY PROCEDURE**

1. The Regulations set out mandatory requirements in respect of disciplinary, capability or other similar issues arising in relation to the Chief Executive, the Monitoring Officer, the Section 151 Officer and the Head of Democratic Services (“a relevant officer”). This procedure is intended to give effect to the Regulations.
2. For the avoidance of doubt, this procedure also applies to any alleged breakdown of trust and confidence between the relevant officer and the Council.
3. Any officer who was a relevant officer at the time of the alleged misconduct or when the reason for the proposed dismissal occurred (but is no longer so), shall be regarded as a relevant officer.

#### **General**

4. The principles of natural justice will govern the conduct of any proceedings against a relevant officer. Due regard will be had to the principles of the ACAS Code of Practice on Disciplinary and Grievance Procedures.
5. The parties recognise that from time to time it may be necessary to depart from the provisions of this procedure, according to the particular circumstances of the case.
6. This procedure does not form part of a relevant officer’s contract of employment and may be amended at any time, subject to compliance with the Regulations.
7. The relevant officer will be entitled to be accompanied at all stages of this procedure.

#### **Procedure**

##### **Initial allegations**

8. Any allegations of misconduct should be notified to the Corporate Lead Officer People & Organisation who will be the responsible officer for this purpose.
9. The responsible officer will then make arrangements for an investigating & disciplinary committee to be appointed to consider the alleged misconduct.

##### **Investigating and disciplinary Committee**

Ceredigion County Council Constitution - Part 4 Rules of Procedure

PART 4 DOCUMENT H Officer Employment Rules

Approved by Council 21 March 2019. Updated July 2022

10. The investigating & disciplinary committee must:-
  - 10.1 consist of a minimum of 3 members;
  - 10.2 include at least one member of the Council's Cabinet; and
  - 10.3 be politically balanced in accordance with s.15 of the 1989 Act.
11. The responsible officer will prepare a report with regard to the allegations and send a copy to the relevant officer and the investigating & disciplinary committee. A date will be set for the committee to meet.
12. The investigating & disciplinary committee must, within 1 month of its appointment, meet to consider the allegation of misconduct and decide whether it should be further investigated.

For the purpose of considering the allegation of misconduct, the investigating & disciplinary committee:

  - 12.1 may make such enquiries of the relevant officer or any other person it considers appropriate;
  - 12.2 may request the relevant officer or any other person it considers appropriate to provide it with such information, explanation or documents as it considers necessary within a specified time limit; and
  - 12.3 may receive written or oral representations from the relevant officer or any other person it considers appropriate.
13. Where it appears to the investigating & disciplinary committee that an allegation of misconduct by the relevant officer should be further investigated, it must appoint a person ("the designated independent person").

## **Suspension**

14. The investigating and disciplinary committee will need to consider whether suspension is appropriate. This may be necessary if an allegation is such that if proven it would amount to gross misconduct. It may also be necessary if the continuing presence of the relevant officer might compromise the investigation or impair the efficient exercise of the Council's functions.
15. In any case the relevant officer shall be informed of the reason for the proposed suspension and have the right to present information before any such decision is taken.

16. Any suspension must not last longer than 2 months unless the designated independent person has used his/her power to direct an extension to that period.

### **Designated Independent Person**

17. The designated independent person

17.1 must be such person as may be agreed between the Council and the relevant officer within 1 month of the date on which the requirement to appoint the designated independent person arose; or

17.2 where there is no such agreement, must be such a person as is nominated for the purpose by the Welsh Ministers.

18. The designated independent person –

18.1 may direct –

- that the Council terminate any suspension of the relevant officer;
- that any such suspension is to continue after the expiry of the 2 month period referred to in paragraph 16 above or that the terms on which any such suspension has taken place are to be varied in accordance with the direction; or
- that no steps (whether by the Council or any committee, sub-committee or officer acting on behalf of the Council) by way of disciplinary action or further disciplinary action against the relevant officer, other than steps taken in the presence, or with the agreement, of the designated independent person, are to be taken before a report is made under sub-paragraph 18.4;

18.2 may inspect any documents relating to the conduct of the relevant officer which are in the possession of the Council, or which the Council has power to authorise the designated independent person to inspect;

18.3 may require any member or member of staff of the Council to answer questions concerning the conduct of the relevant officer;

18.4 must make a report to the Council –

- stating an opinion as to whether (and, if so, the extent to which) the evidence obtained supports any allegation of misconduct against the relevant officer; and

- recommending any disciplinary action which appears appropriate for the Council to take against the relevant officer, and

18.5 must no later than the time at which the report is made under subparagraph 18.4 send a copy of the report to the relevant officer.

19. Subject to paragraph 20, the relevant officer and investigating & disciplinary committee, after consulting the designated independent person, attempt to agree a timetable within which the designated independent person is to undertake the investigation.
20. Where there is no agreement under paragraph 19, the designated independent person must set a timetable as that person considers appropriate within which the investigation is to be undertaken.
21. The Council must pay reasonable remuneration to a designated independent person appointed by the investigation committee and any costs incurred by, or in connection with the discharge of functions under this regulation.
22. The designated independent person's report will be sent to the Council (via the Chair of the investigating & disciplinary committee) and to the relevant officer simultaneously.

### **Meeting of the Investigating & Disciplinary Committee**

23. The investigating & disciplinary committee must meet to consider the report prepared under paragraph 18.4 within 1 month of receipt of that report, and is required to take a decision on the basis of the designated independent person's report. The Investigating Committee can impose a lesser sanction than that recommended by the designated independent person but cannot impose a greater sanction.
24. The relevant officer or his/her representative will be permitted to address the investigating & disciplinary committee meeting prior to it carrying out its deliberations.
25. The investigating & disciplinary committee may, having considered any other associated factors:-
  - take no further action;
  - recommend informal resolution or other appropriate procedures;
  - refer back to the designated independent person for further investigation and report;

- take disciplinary action against the relevant officer short of dismissal
  - propose dismissal of the relevant officer to the Council.
26. The decision of the investigating & disciplinary committee will be communicated to the parties in writing setting out the reasons for the decision.

### **Appeal Process**

27. In the event that the investigating and disciplinary committee proposes dismissal, any such dismissal must be referred to full Council for approval before any such notice is issued. In view of this requirement the meeting of the full Council will fulfil the function of an appeal meeting.
28. The Council will consider the proposal from the investigating & disciplinary committee that the relevant officer should be dismissed. The relevant officer (or his/her representative) will have the opportunity to put his/her case to the council before a decision is taken. The decision taken by full Council will be final.
29. In the event that the investigating and disciplinary committee takes action short of dismissal, the relevant officer may appeal to the Appeals Committee. The Appeals Committee will consider the report of the designated independent person and any other relevant information considered by the investigating & disciplinary committee and the relevant officer will have the opportunity to state their case.
30. The Appeals Committee will give careful consideration to these matters and reach a decision. The decision of the Appeals Committee will be final.

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By virtue of paragraph(s) 12, 14 of Part 1 of Schedule 12A of the Local Government Act 1972.

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