

## 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
- *What does the Civic Chair do?* p.28
- *What does the Leader do?* p.29
- *What happens if the Leader is unable to perform their duties?* p.29
- *My Councillor is a member of the Cabinet, what does this mean?* p.30
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- *What does the Chief Executive do?* p.31
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- *Who is responsible for ensuring that the Council's democratic policies and procedures are complied with?* p.31
- *How should Councillors behave?* p.33
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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
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- *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.

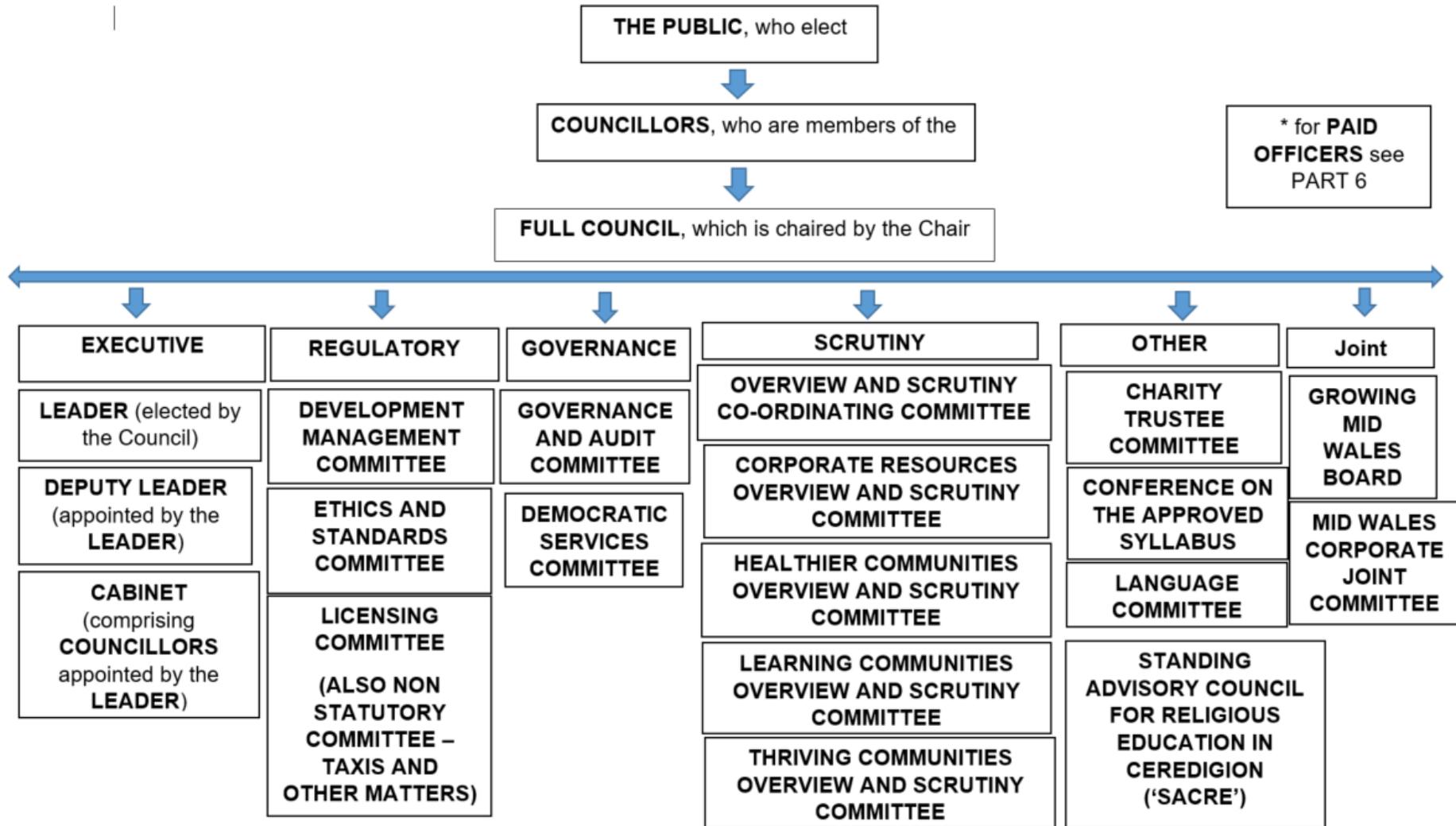
The Cabinet meets regularly to take collective decisions on those aspects of the Council's work which the Cabinet is responsible for.

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.

~~6.3.2.5-16.3.2.7.6~~ 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**

Ceredigion County Council – Part 2 Articles of the Constitution

ARTICLE 8 – REGULATORY COMMITTEES

Updated ~~July~~October 2022

- 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.~~5~~4 The Council will appoint such other Committees as it considers appropriate to the exercise of its functions.
- 8.~~6~~5 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.		

**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>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).	Council	
<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).	Corporate Lead Officer Economy & Regeneration,	
<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;			

**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>
(vi) Section 118B – stopping up of certain highways for purposes of crime prevention etc.;	Cabinet	All Cabinet Members	Corporate Lead Officer Highways & Environmental Services and Corporate Lead Officer Economy & Regeneration
(vii) Section 118C – application by proprietor of school for special extinguishment order;			
(viii) Section 119 – diversion of footpaths, bridleways and restricted byways;			
(ix) Section 119ZA – application for a public path diversion order;			
(x) Section 119A – diversion of footpaths, bridleways and restricted byways crossing railways;			
(xi) Section 119B – diversion of certain highways for purposes of crime prevention etc.;			

**Part 3.2 (Table 2) RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS  
(Cont'd)**

<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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Committee	Functions	Delegation of Functions
<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:</b> Economy and Regeneration	<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 Rfxl.

## **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:

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Ceredigion County Council Constitution - Part 4 Rules of Procedure

PART 4 DOCUMENT B Access to Information Procedure Rules

Approved by Council 21 March 2019

[Updated October 2022](#)

## 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

Ceredigion County Council Constitution - Part 4 Rules of Procedure

PART 4 DOCUMENT B Access to Information Procedure Rules

Approved by Council 21 March 2019

[Updated October 2022](#)

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**

## 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:

Date approved by Council: 21 March 2019

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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

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**

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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 of 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
<b>Meinir Ebbsworth</b>	<b>Elin Prysor</b>	<b>Duncan Hall</b>	<b>Alun Williams</b>	<b>Russell Hughes-Pickering</b>	<b>Rhodri Llwyd</b>	<b>Sian Howys</b>	<b>Donna Pritchard</b>	<b>Elen James</b>	<b>Geraint Edwards</b>	<b>Arwyn Morris</b>	<b>Lowri Edwards</b>
*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