

## **PART 1 – SUMMARY AND EXPLANATION**

### **The Council's Constitution**

Gwynedd Council has agreed a constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are effective, transparent and accountable to local people. Some of these processes are required by the law, whilst others are a matter for the Council to choose.

The Constitution is divided into 15 articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

### **What's in the Constitution?**

Article 1 of the Constitution commits the Council to ensure that it serves the inhabitants of the County in a modern way which is accountable, open and which ensures equal opportunity in order to improve the quality of their lives.

Articles 2 – 15 explain the rights of citizens and how the key parts of the Council operate. These are:

- Members of the Council (Article 2)
- Citizens and the Council (Article 3)
- The Full Council (Article 4)
- Chairing the Council (Article 5)
- The Scrutiny Committees (Article 6)
- The Executive (Article 7)
- Regulatory and other committees (Article 8)
- The Standards Committee (Article 9)
- Joint arrangements (Article 10)
- Officers (Article 11)
- Decision Making (Article 12)
- Finance, Contracts and Legal Matters (Article 13)
- Review and Revision the Constitution (Article 14)
- Suspension, Interpretation and Publication of the Constitution (Article 15)

### **How the Council operates**

The Council is composed of 75 members elected every four years. Councillors are democratically accountable to residents of their electoral division. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties. The Standards Committee trains and advises them on the code of conduct.

All councillors meet together as the Council. Meetings of the Council are normally open to the public. Here, councillors decide the Council's overall policies and set the budget each year.

### **How decisions are made**

The Executive is the part of the Council that is responsible for taking most of the major decisions. The Executive is made up of the Council Leader, who is elected by the Full Council, and up to nine other councillors that he/she will appoint to the Executive. The Executive does not have to be selected based on political balance and it can include members from one or more political groups. Meetings of the Executive, the Council's Scrutiny Committees and other committees are open to the public, except where confidential or exempt matters are being discussed, as defined by the law. The Executive has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Full Council for a decision.

### **Overview and Scrutiny**

There are three overview and scrutiny committees who support the work of the Executive and Council as a whole. They allow citizens to have a greater say in Council matters by holding public inquiries into matters of local concern. These lead to reports and recommendations which advise the Executive and the Council as a whole on its policies, budget and service delivery. Overview and scrutiny committees also monitor the decisions of the Executive. They can call-in a decision which has been made by the Executive but not yet implemented. This enables them to consider whether the decision is appropriate. They may recommend that the Executive reconsider the decision. They may also be consulted by the Executive or the Council on forthcoming decisions and the development of policy.

### **The Council's Staff**

The Council has people working for it (called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A code of practice governs the behaviour of officers and a protocol governs the relationship between officers and members of the Council.

### **Citizens' Rights**

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

Where members of the public use specific Council services, for example, as a parent of a school pupil or as a Council's tenant, they have additional rights. These are not covered in this Constitution.

Citizens have the right to:

- vote at local elections if they are registered;
- contact their local councillor about any matters of concern to them;
- attend meetings of the Executive, the Council and its committees, except where personal or confidential matters are being discussed;
- petition to request a referendum on a mayoral form of executive;
- participate in the Council's question and answer session and contribute to the investigations of the scrutiny committees;
- discover, from the forward work programme, what business is to be considered by the Executive, the overview and scrutiny committees or the Council as a whole;
- see reports and background papers considered by the Executive, the Council and any of its committees and the record of any decisions made by the Council, its committees and the Executive, except where they contain personal or confidential information;
- complain to the Council about the standard of the service provided by the Council, or something which the Council or a member of its workforce may or may not have done. The procedure is set out in the Council's Complaints Procedure.
- complain to the Ombudsman if they think that they have suffered injustice because the Council has not followed its procedures properly. However; they are encouraged only to do this after using the Council's own complaints process;
- complain to the Ombudsman if they have evidence which they think shows that a councillor or co-opted member of the Council has not followed the Members' Code of Conduct; and
- inspect the Council's accounts and make their views known to the external auditor.

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the Monitoring Officer.

**PART 2 – ARTICLES.**

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## **Article 1 – The Constitution**

### **1.01 Powers of the Council**

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

### **1.02 The Constitution**

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

### **1.03 Purpose of the Constitution**

The purpose of the Constitution is to:

1. enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
2. support the active involvement of citizens in the process of local authority decision-making;
3. help councillors represent their constituents more effectively;
4. enable decisions to be taken efficiently and effectively;
5. create a powerful and effective means of holding decision-makers to public account;
6. ensure that no one will review or scrutinise a decision in which they were directly involved;
7. ensure that those responsible for decision-making are clearly identifiable to local people and that they explain the reasons for decisions; and
8. provide a means of improving the delivery of services to the community.

### **1.04 Interpretation and Review of the Constitution**

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

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

## Article 2 – Members of the Council

### 2.01 Composition and Eligibility

- (a) **Composition.** The Council comprises 75 members at present, 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 the National Assembly.
- (b) **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.

### 2.02 Election and terms of councillors

The regular election of councillors will be held on the first Thursday in May every four years beginning in 2008. The terms of office of councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

### 2.03 Roles and functions of all councillors

- (a) **Key roles.** All councillors will:
- (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
  - (ii) represent their electoral division and individual constituents effectively and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities;
  - (iii) deal with individual case work and act as an advocate for constituents in resolving particular concerns or grievances;
  - (iv) balance different interest identified within the electoral division and represent the electoral division as a whole;
  - (v) contribute to the continual improvement of Council services through the Best Value process;
  - (vi) be involved in decision-making;
  - (vii) be available to represent the Council on other bodies;
  - (viii) contribute to the good governance of the county and actively encourage community participation and citizen involvement in decision-making by the Council and its partnerships;

- (ix) respond to constituents' enquiries and representations, fairly and impartially;
- (x) participate in the governance and management of the Council; and
- (xi) maintain the highest standards of conduct and ethics.

(b) **Rights and duties**

- (i) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- (ii) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a councillor or officer entitled to know it.
- (iii) For these purposes, "confidential" and "exempt" information are defined in the Access to Committee Information Procedure Rules in Part 4 of this Constitution.

**2.04 Conduct**

Councillors will at all times observe the Members' Code of Conduct and the Codes of Practice and Protocols set out in Part 5 of this Constitution.

**2.05 Salaries**

Councillors will be entitled to receive a salary in accordance with the Members Salary set by the Independent Remuneration Panel for Wales's, and in accordance with the list set out in Part 6 of this Constitution.

## Article 3 – Citizens and the Council

### 3.01 Citizens' rights

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

- (a) **Voting and petitions.** Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an elected mayor form of constitution.
- (b) **Information.** Citizens have the right to:
  - (i) attend meetings of the Council, the Executive and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
  - (ii) find out from the forward work programme what decisions will be taken by the Executive or Council, and which issues the Scrutiny Committees will be considering, and when these matters will be discussed;
  - (iii) see reports and background papers, and any records of decisions made by the Council and the Executive; and
  - (iv) inspect the Council's accounts and make their views known to the external auditor.
- (c) **Participation.** Citizens have the right to participate in the Council's question time and contribute to investigations by Scrutiny Committees.
- (ch) **Complaints.** Citizens have the right to complain:
  - (i) to the Council itself under its complaints scheme;
  - (ii) to the Ombudsman about any injustice they have suffered as a result of maladministration, but they are encouraged to use the Council's own complaints scheme first; however, use of the arrangements under (i) and (ii) at the same time will not be permitted.
  - (iii) to the Ombudsman where they believe a member or co-opted member of the Council has breached the Members' Code of Conduct.

### 3.02 Citizens' responsibilities

Citizens must not be violent, abusive or threatening to councillors or officers and must not wilfully damage things owned by the council, councillors or officers.



## Article 4 – The Full Council.

### 4.01 Meanings

- (a) **Policy framework.** The policy framework means the plans and strategies contained from time to time in the schedule to this article.
- (b) **Budget.** The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.
- (c) **Housing Land Transfer.** Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the National Assembly for Wales for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985.

### 4.02 Functions of the Council.

Only the Council will exercise the following functions:

- (a) adopting and changing the Constitution;
- (b) approving or adopting and amending the policy framework, the budget and any application to the National Assembly for Wales in respect of any Housing Land Transfer;
- (c) borrowing money;
- (ch) subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution; making decisions about any matter in the discharge of an executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget;
- (d) appointing the Council Leader;
- (dd) agreeing and/or amending the terms of reference for committees, and deciding on their composition and making appointments to them on the basis of political balance in accordance with the provisions of the Local Government and Housing Act 1989;
- (e) effecting agency agreements with other councils;
- (f) determining a list of higher salaries;
- (ff) making decisions in respect of electoral divisions;
- (g) changing the name of the area or conferring the title of honorary alderman;

- (ng) the appointment of the Council's Chief Executive;
- (h) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (i) all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the executive; and
- (l) executing all other matters which by law must be reserved to the Council.

#### **4.03 Council meetings.**

There are three types of Council meeting:

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

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

#### **4.04 Responsibility for functions.**

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

**Plans and Strategies which constitute the Council's Policy Framework.**

- 3 year Strategic Plan
- Best Value Performance Plan;
- Children and Young People Plan;
- Community Strategy;
- Crime and Disorder Reduction Strategy;
- Economic Development Strategy;
- Local Transport Plan;
- Plans and amendments that together form the Development Plan;
- The Welsh Language Scheme;
- The Youth Justice Plan;
- Housing Strategy and Operational Plan;
- Powers to approve the Young People Partnership Strategic Plan and the Children and Young People Framework Partnership;
- Policy agreements;
- Health and Well-being Strategy;
- Rights of Way Improvement Plan.

## **Article 5 – Chairing the Council**

### **5.01 Role and function of the Chairman**

The chairman and vice-chairman will be elected by the Council annually. The chairman, and in his/her absence the vice-chairman, will have the following role and responsibilities:

1. to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
2. to preside over meetings of the Council so that its business can be carried out effectively and with regard to the rights of councillors and the interests of the community;
3. to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not on the Executive are able to hold the Executive and committee chairmen to account;
4. to promote public involvement in the Council's activities;
5. to be the conscience of the Council; and
6. to attend such civic and ceremonial functions as the Council and he/she determines appropriate.

## Article 6 – Scrutiny Committees.

### 6.01 Terms of Reference.

- (a) The Council shall appoint the 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.

Themes	Possible work subjects
Corporate	Corporate Strategy Partnerships Engagement Business Transformation Service Efficiency Services for Tomorrow Outcomes Agreement Workforce Customer Care  The right to call in Audit Committee issues.
Communities	Economy and Regeneration Green Gwynedd Environment Transportation Network and Community Transport Empowering Communities Waste Housing Language Carbon Footprint Reduction Unitary Development Plan
Services	Older People Adults Families Children and Young People Education Pathway to employment Health

- (b) Each committee will consist of 18 members appointed on the basis of political balance.
- (c) The Chairpersons of the committees will be appointed in accordance with the provisions of Part 6 – Local Government (Wales) Measure 2011.

**6.02 General function.**

Within their terms of reference, scrutiny committees will:

- (i) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- (ii) make reports and/or recommendations to the Council and/or the Executive, and/or any joint or area committee in connection with the discharge of any functions;
- (iii) consider any matter affecting the area or its inhabitants;
- (iv) exercise the power to call-in, for reconsideration, decisions made but not yet implemented by the executive.

**6.03 Specific functions.**

(a) **Policy development and review.** Scrutiny committees may:

- (i) assist the Council and the Executive in the development of its budget and policy framework by in-depth analysis of policy issues;
- (ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
- (iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- (iv) question members of the Executive and/or committees and chief officers about their views on issues and proposals affecting the area; and
- (v) 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.

(b) **Scrutiny.** In their relevant field, scrutiny committees may:

- (i) review and scrutinise the decisions made by and performance of the Executive and/or committees and council officers both in relation to individual decisions and over time;
- (ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- (iii) question members of the Executive and/or committees and chief officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;

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- (iv) make recommendations to the Executive and/or appropriate committee and/or Council arising from the outcome of the scrutiny process;
  - (v) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the scrutiny committee and local people about their activities and performance; and
  - (vi) question and gather evidence from any person (with their consent).
- (c) **Finance.** Scrutiny committees may exercise overall responsibility for the finances made available to them.
- (ch) **Annual report.** Scrutiny committees must report annually to the Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.
- (d) **Officers.** Scrutiny committees may exercise overall responsibility for the work programme of the officers employed to support their work.

### **6.04 Proceedings of scrutiny committees.**

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

## **Article 7 – The Executive (The Cabinet).**

### **7.01 Function.**

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

### **7.02 Form and composition.**

The executive will consist of the executive leader together with at least 2, but no more than 9, councillors appointed to the executive by the executive leader.

### **7.03 Leader.**

The leader will be a councillor elected to the post of leader by the Council. He/she will hold office until:-

- (a) he/she resigns from the office; or
- (b) he/she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
- (c) he/she is no longer a councillor; or
- (ch) he/she is removed from office by resolution of the Council.

### **7.04 Other executive members.**

Other executive members shall hold office until:

- (a) they resign from office; or
- (b) they are suspended from being councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
- (c) they are no longer councillors; or
- (ch) 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.

The Executive will not include the Chair or Vice-chair of the Council or any member of a scrutiny committee either.



**7.05 Proceedings of the Executive.**

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

**7.06 Responsibility for functions.**

The leader will be responsible for maintaining a list in Part 3 of this Constitution setting out which individual members of the executive, committees of the executive, officers or joint arrangements are responsible for the exercise of particular executive functions.

## **Article 8 – Regulatory and Other committees**

**8.1** The Council will appoint the following committees to discharge the functions set out in Part 3 of this Constitution ('Responsibility for Functions'):

### **8.2 The Audit Committee**

- (a) The committee will be composed of 18 members based on political balance, along with one 'lay member', namely a person who is not a local authority member.
- (b) Only one member of the committee may be a member of the executive, and the Council Leader may not be a member of the committee.
- (c) The Chair shall be appointed by the committee and he/she may be a member of the authority or a lay member, but he/she must not be a member of an executive group\*. If there are no opposition parties\*, the Chair may be a member of an executive group but he/she must not be a member of the executive.
- (ch) All members of the committee may vote on any question submitted for decision by the committee.
- (d) The committee must meet once in every calendar year, but also if the Council decides it should meet or if at least a third of the committee members request a meeting by means of one or more written notices submitted to the Chair.

*\*as the terms are defined in the Local Government (Wales) Measure 2011*

### **8.3 The Planning Committee**

The committee will be composed of 15 Council members appointed on the basis of political balance.

No members of the committee may be a member of the executive.

### **8.4 The Central Licensing Committee**

- (a) Establish the committee under the Licensing Act 2003 and the Gambling Act 2005 to deal with issues under those acts only.
- (b) The committee will be composed of 15 members of the Council appointed on the basis of political balance.
- (c) The committee may establish (a) sub-committee(s) from three members of the committee.

- (ch) The majority of the members of the committee shall be members of the Council who are not members of the Executive.
- (d) Neither the Chair nor the Vice-chair of the committee shall be a member of the Executive.
- (dd) The same individuals shall form the membership of this committee and the Public Licensing Committee.

### **8.5 The Licensing Committee [General]**

- (a) The committee will be composed of 15 members of the Council appointed on the basis of political balance.
- (b) The committee may establish (a) sub-committee(s) from three members of the committee.
- (c) The majority of the members of the committee shall be members of the Council who are not members of the Executive.
- (ch) Neither the Chair nor the Vice-chair of the committee shall be a member of the Executive.
- (d) The same individuals shall form the membership of this committee and the Central Licensing Committee

### **8.6 Employment Appeals Committee**

The committee will be composed of 7 members of the Council appointed on the basis of political balance.

The majority of the members of the committee shall be members of the Council who are not members of the Executive.

### **8.7 The Pensions Committee**

The committee will be composed of 7 members of the Council appointed on the basis of political balance together with one co-opted member each (with a vote) from the Isle of Anglesey County Council and Conwy Borough Council. The majority of the members of the committee shall be members of the Council who are not members of the Executive.

### **8.8 The Language Committee**

The committee will be composed of 15 members of the Council appointed on the basis of political balance.

### **8.9 The Democratic Services Committee**

The committee will be composed of 15 members of the Council appointed on the basis of political balance. Only one member of the committee may be a member of the executive, and the Council Leader may not be a member of the committee.

The Council shall appoint the Chair of the committee and he/she may not be a member of the 'executive group' (as the term is defined in the Local Government (Wales) Measure 2011). If there are no 'opposition parties' (as the term is defined in the Local Government (Wales) Measure 2011), the Chair may be a member of an executive group, but he/she must not be a member of the Executive.

The committee must meet once in every calendar year, but also if the Council decides it should meet or if at least a third of the committee members request a meeting by means of one or more written notices submitted to the Chair.

The committee may not discharge any functions except those given to it by the Local Government (Wales) Measure 2011.

### **8.10 Consultative Committees.**

- (a) Aberdyfi Harbour Consultative Committee
- (b) Barmouth Harbour Consultative Committee
- (c) Porthmadog Harbour Consultative Committee
- (ch) Pwllheli Harbour Consultative Committee

## Article 9 – The Standards Committee

### 9.01 Standards Committee

The Council will establish a standards committee. Its procedures are described in Part 4 of this Constitution.

### 9.02 Composition

- (a) **Membership.** The Standards Committee will compose of nine members. Its membership will include:
- (i) five 'independent' members, who shall be neither councillors nor officers, nor a spouse of a councillor or officer, of this Council nor any other relevant authority as defined in the Act and who shall be appointed in accordance with arrangements set out in the Standards Committee (Wales) Regulations 2001. Such members should be of high standing in the community and shall be non-political;
  - (ii) three councillors, excepting members of the Cabinet;
  - (iii) one member of a community council wholly or mainly in the Council's area (a 'community committee member'). Such member shall represent the interests of community councils in the area of the Council and shall be of high standing in the community and shall be non-political.
- (b) **Term of office**
- (i) The term of office of an independent member shall not be less than four years and no longer than six years. The term will be decided upon so that the terms of office of all independent members will not expire at the same time. An independent member may be reappointed for one further consecutive term. This consecutive term shall be no longer than four years.
  - (ii) Members of the local authority who are members of the Standards Committee will have a term of office of no more than four years or until the next ordinary local government election following their appointment, whichever is the shorter. They may be reappointed for one further consecutive term. An elected member shall cease to be a member of the Standards Committee if he/she ceases to be a member of the Council.
  - (iii) A member of the Standards Committee who is a community committee member will have a term of office of no more than four years or until the next ordinary community council election following their appointment, whichever is the shorter. A community committee member may be reappointed for one further consecutive term. A community committee member shall cease to be a member of the Standards Committee if he/she ceases to be a member of a community council within Gwynedd.

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(iv) The term of office of a member of the Standards Committee which commences or expires by reference to ordinary local government elections in any year shall commence or expire on the fourth day following those elections.

(c) **Quorum**

(i) A meeting of the Standards Committee or the Community Sub-committee shall only be quorate when:

(a) at least three members, including the chairman are present, and

(b) at least half the members present (including the chairman) are independent members.

(ii) A meeting of a sub-committee established under paragraph (f)(ii) below (a section 54A sub-committee) shall only be quorate when –

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

(b) at least half the members present (including the chairman) are independent members

(In the context of this paragraph, ‘chairman’ includes the Vice-chairman when chairing a meeting in the Chairman’s absence or any other independent member who is chairing the meeting in the absence of both the Chairman and Vice-chairman)

(ch) **Voting**

(i) A question to be decided by the Standards Committee shall be decided by a majority of votes cast by the members present. In the case of equality of votes the chairman shall have a second casting vote.

(ii) Independent members and the community committee member will be entitled to vote at meetings.

(d) **The community committee member**

The community committee member shall not take part in the proceedings of the Standards Committee when any matter relating to his/her community council is being considered;

dd) **Chairing the Committee**

(i) Only an independent member of the Standards Committee may be the chairman and vice-chairman

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- (ii) The chairman and vice-chairman will be elected by the members of the Standards Committee for whichever is the shortest period of (a) no less than 4 years or no more than 6 years, or (b) until the term of office of the independent member comes to an end. An independent member, who has been reappointed as such for a second term, may be appointed as chairman or vice-chairman notwithstanding the fact that he/she was elected as chairman or vice-chairman of the committee during that member's first term of office.
- (iii) If present the chairman shall preside at meetings of the Standards Committee. If the chairman is absent the vice-chairman shall preside. If both the chairman and vice-chairman are absent, such other independent member as the members of the Standards Committee present may appoint, shall preside.
- (iv) The chairman or vice-chairman may at any time resign from office by notice in writing to the Monitoring Officer of the Council.
- (vi) Where a casual vacancy in the office of chairman or vice-chairman is filled, the person so appointed shall hold office for whichever is the shorter of the following periods -
  - until the date upon which the term of office of the person in whose place that person is elected would have expired, or
  - until the term of office of that person as an independent member of the Standards Committee comes to an end.

### (e) **Meetings of the Standards Committee**

- (i) The Standards Committee shall hold at least one meeting during every calendar year.
- (ii) The Monitoring Officer or his representative shall attend every meeting of the Standards Committee and no business shall be conducted in the absence of the Monitoring Officer or his representative.

### (f) **Sub-committees**

- (i) The Standards Committee may establish a 'Community Sub-committee' to exercise the committee's functions as set out in Article 9.03 (ff) below (i.e. functions relating to community councils). The Community Sub-committee will include at least one independent member and one community committee member.
- (ii) The Standards Committee may establish one or more sub-committees ('section 54A sub-committees') to exercise any of its functions apart from the functions of the Community Sub-committee.

### (ff) **General**

- (i) Unless the circumstances otherwise dictate, the proceedings of the Standards Committee shall be governed by the Council's rules of procedure.
- (ii) A complainant or a councillor subject to a complaint must not canvass in any way any member of the Standards Committee.
- (iii) It shall be the duty of any member of the Standards Committee who is canvassed by a complainant or a councillor subject to a complaint to report the matter immediately to the Monitoring Officer.
- (iv) If a complaint is made by a member of the Standards Committee, or a person connected with such a member, that member shall not participate as a member of the Standards Committee when the complaint is considered.
- (v) Independent members shall be paid such allowances and expenses as may from time to time be approved by the Council.

### **9.03 Role and Function**

The Standards Committee will have the following roles and functions:

- (a) promoting and maintaining high standards of conduct by councillors, co-opted members and church and parent governor representatives;
- (b) assisting the councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct;
- (c) advising the Council on the adoption or revision of the Members' Code of Conduct;
- (ch) monitoring the operation of the Members' Code of Conduct;
- (d) 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;
- (dd) 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;
- (e) dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any complaint made to him/her or on any matter referred to that officer by the Public Services Ombudsman for Wales;
- (f) authorising payments by the Monitoring Officer of allowances and expenses to persons who have assisted in an investigation by the Monitoring Officer;
- (ff) the exercise of (a) to (f) above in relation to the community councils wholly or mainly in its area and the members of those community councils.



## **Article 10 – Joint Arrangements**

### **10.01 Arrangements to promote well-being**

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

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

### **10.02 Joint arrangements**

- (a) The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- (b) The executive may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- (c) Except as set out below, the Executive may only appoint executive members to a joint committee and those members need not reflect the political composition of the local authority as a whole.
- (ch) The executive may appoint members to a joint committee from outside the executive, where the joint committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the executive 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.
- (d) Details of any joint arrangements including any delegations to joint committees will be found in the Council's Scheme of Delegations for Committees in Part 3 of this Constitution.

### **10.03 Access to information**

- (a) The Access to Committee Information Procedure Rules in Part 4 of this Constitution apply.
- (b) If all the members of a joint committee are members of the executive in each of the participating authorities then its access to information regime is the same as that applied to the executive.

- (b) If the joint committee contains members who are not on the executive of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply.

**10.04 Delegate to and from other local authorities**

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

**10.05 Contracting functions**

The Council may contract out to another body functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

**10.06 Joint committees.**

The following will be established to act in accordance with their own constitutions.-

- (a) Special Educational Needs Joint Committee
- (b) Traeth Lafan Management Joint Committee
- (c) TAITH
- (ch) TraCC

## Article 11 - Officers

### 11.01 Management Structure

- (a) **General.** The Council and the Executive may engage such staff (referred to as officers) as it consider necessary to carry out its functions.
- (b) **Corporate Leadership Team.** The Council will engage people for the following posts:

Chief Executive and three Corporate Director Posts (and one of them will be designated as Lead Director for Children under the Children Act 2004).

- (c) **Head of paid service, Monitoring Officer, Chief Finance Officer and Head of Democratic Services.** The Council will designate the following posts as shown:

Post	Designation
Chief Executive	Head of Paid Service
Head of Democracy and Legal Department	Monitoring Officer
Head of Finance Department	Chief Finance Officer
To be decided by the Democratic Services Committee.	Head of Democratic Services

Such posts will have the functions described in Article 11.02-11.04 below.

- (d) **Structure.** The Head of Paid Service 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 as Part 7 of this Constitution.

### 11.02 Functions of the Head of Paid Service

- (a) **Discharge of functions by the Council.** The Head of Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- (b) **Restrictions on functions.** The Head of Paid Service may not be the Monitoring Officer or the Head of Democratic Services, but may hold the post of chief finance officer if a qualified accountant.

**11.03 Functions of the Monitoring Officer**

- (a) **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.
- (b) **Ensuring lawfulness and fairness of decision making.** After consultation with the Head of Paid Service and the Chief Finance Officer, the Monitoring Officer will report to the full Council if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report had been considered.
- (c) **Support the Standards Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
- (ch) **Receiving reports.** The Monitoring Officer will receive and act on reports made by the Ombudsman and decisions of the case tribunals.
- (d) **Conducting investigations.** The Monitoring Officer will conduct investigations into matters referred by the Ombudsman and make reports or recommendations in respect of them to the Standards Committee.
- (dd) **Proper officer for access to information.** The Monitoring Officer will ensure that decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- (e) **Advising whether decisions are within the budget and policy framework.** The Monitoring Officer will decide whether decisions are within the budget and policy framework.
- (f) **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and will support and advise councillors and officers in their respective roles.
- (ff) **Restrictions on posts.** The Monitoring Officer cannot be the Chief Finance Officer of the Head of paid service.

#### 11.04 Functions of the Chief Finance Officer

- (a) **Reporting and advising on lawfulness and financial prudence of decisions taken with financial obligations.** After consultation with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full Council and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause loss or deficiency or if the Council is about to enter an item of account unlawfully.
- (b) **Administration of Financial Affairs.** The Chief Finance Officer will have responsibility for the proper administration of the financial affairs of the Council
- (c) **Contributing to corporate management.** The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (ch) **Providing advice.** The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and will support and advise councillors and officers in their respective roles.
- (d) **Giving financial information.** The Chief Finance Officer will be responsible for providing financial information to the media, members of the public and the community.
- (dd) **Restrictions on posts.** The Chief Finance Officer cannot be the Monitoring Officer or the Head of Democratic Services.

#### 11.05 Functions of the Head of Democratic Services

- (a) The Head of Democratic Services shall exercise functions required under Section 9 of the Local Government Measure (Wales) 2011, namely:
  - “1(a) to provide support and advice to the authority in relation to its meetings, subject to subsection (2);*
  - (b) to provide support and advice to committees of the authority (other than the committees mentioned in paragraph (e)) and the members of those committees, subject to subsection (2);*
  - (c) to provide support and advice to any joint committee which a local authority is responsible for organising and the members of that committee, subject to subsection (2);*
  - (ch) to promote the role of the authority’s overview and scrutiny committee or committees;*

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- (d) *to provide support and advice to:*
  - (i) *the authority’s overview and scrutiny committee or committees and the members of that committee or those committees, and*
  - (ii) *the authority’s democratic services committee and the members of that committee.*
- (dd) *to provide support and advice in relation to the functions of the authority’s overview and scrutiny committee or committees to each of the following—*
  - (i) *members of the authority;*
  - (ii) *members of the executive of the authority*
  - (iii) *officers of the authority;*
- (e) *to provide support and advice to each member of the authority in carrying out the role of a member of the authority, subject to subsection (3);*
- (f) *to make reports and recommendations in respect of any of the following—*
  - (i) *the number and grades of staff required to discharge democratic services functions;*
  - (ii) *the appointment of staff to discharge democratic services functions;*
  - (iii) *the organisation and proper management of staff discharging democratic services functions;*
  - (iv) *such other functions as may be prescribed.*

2. *The references to “advice” in paragraphs (a) to (c) do not include advice about whether or how the authority’s functions should be, or should have been, exercised.*

3. *The following kinds of support and advice are not to be considered as support and advice for the purposes of subsection (1)(g)—*

- (a) *support and advice to a member of the authority in discharging that member’s functions as part of the executive of the authority (except as provided for under subsection (1)(f));*
- (b) *advice about whether or how the authority’s functions should be, or should have been, exercised in relation to any matter under consideration, or to be considered, at a meeting of the authority, a committee referred to in subsection (1)(b) or a joint committee which a local authority is responsible for organising.*

4. *Nothing in subsection (1) (h) affects the duty of the head of paid service in section 4(2) of the Local Government and Housing Act 1989.*

5. *In this section, references to a committee (or joint committee) include*

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*references to any sub-committee of that committee.”*

6. **Restrictions on Posts.** The Head of Democratic Services cannot be the Monitoring Officer, the Chief Finance Officer of the Head of Paid Service.

**11.06 Duty to provide sufficient resources to the Monitoring Officer, the Chief Finance Officer and the Head of Democratic Services.**

- (a) The Council will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.
- (b) The Council must provide the Head of Democratic Services with the staff, accommodation and other resources as are in the Council's opinion, sufficient to allow the Officer's functions to be achieved.

**11.07 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.

**11.08 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**

### **12.01 Responsibility for decision making**

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

### **12.02 Principles of decision making**

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

- (a) proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) due consultation and the taking of professional advice from officers;
- (c) respect for human rights (see below for further details);
- (ch) a presumption in favour of openness;
- (d) clarity of aims and desired outcomes;
- (dd) the giving of reasons for the decision; and
- (e) human rights and equal opportunities.

### **12.03 Decisions reserved to the Council**

Decisions relating to the functions listed in Article 4.02 will be made by the Council and not delegated.

### **12.04 Decision making by the Council**

Subject to Article 12.08, the Council meeting will follow the Council Procedure Rules set out in Part 4 of this Constitution when considering any matter.

### **12.05 Decision making by the Executive**

Subject to Article 12.08, the Executive will follow the Council Procedure Rules set out in Part 4 of this Constitution when considering any matter.

### **12.06 Decision making by scrutiny committees**

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

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**12.07 Decision making by other committees and sub-committees established by the Council**

Subject to Article 12.08, the other Council committees and sub-committees will follow those parts of the Council Procedure Rules set out in Part 4 of this Constitution as apply to them.

**12.08 Decision making by the Council bodies acting as tribunals.**

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

## **Article 13 - Finance, Contracts and Legal Matters**

### **13.01 Finance management**

The management of the Councils finance affairs will be conducted in accordance with the Financial Procedure Rules set out in Part 4 of this Constitution.

### **13.02 Contracts**

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

### **13.03 Legal proceedings**

The Monitoring Officer is authorised:-

To issue statutory notices in order to ascertain the legal interest of any person in land and to authorise other chief officers to act similarly in their relevant fields of work.

To institute, defend and settle legal proceedings (either in the name of the Council or in the name of a specific officer of the Council) under common law or under any legislation, subordinate legislation, order or bye-law which provide for the Council's duties or in respect of duties undertaken by him and to appeal against any legal judgement. In order to avoid any doubt this authority includes taking all organisational steps and the issues of statutory notices or others, counter notices and notices to quit.

To authorise officers of the Council to act in the same manner as himself/herself and to prosecute or defend or appear in any legal proceedings by virtue of the provisions of section 223, Local Government Act 1972 or any other relevant legislation which may be in force from time to time. The Monitoring Officer must keep a list of every power delegated by him/her when exercising powers under this sub-paragraph.

### **13.04 Authentication of documents**

In addition to any other persons who may be authorised by resolution of the Council for the purpose, the proper officer for the purpose of section 234 of the 1972 Act (authentication of documents) shall be the Monitoring Officer or any officer authorised in writing by such an officer.

### **13.05 Common Seal of the Council**

- (1) The Common Seal of the Council shall be kept in a safe place in the custody of the proper officer.
- (2) The Common Seal of the Council shall be affixed to a document only on the authority of:-
  - (a) a resolution of the Council;
  - (b) a resolution of the committee or a sub-committee which the Council has empowered to authorise the use of the Seal;
  - (c) a resolution of the Executive.

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- (ch) a decision by the Council, or by a duly authorised committee, sub-committee, Executive, individual member or officer to do anything where a document under the Common Seal is necessary to complete the action.
- (3) The affixing of the Common Seal shall be attested by the proper officer or by a deputy authorised in writing by the proper officer. An entry of every sealing of a document shall be made, and numbered consecutively, in a book kept for the purpose, and shall be signed by the person who shall have attested the seal.

## **Article 14 - Review and Revision the Constitution**

### **Article 14 - Review and Revision the Constitution**

#### **14.01 Duty to monitor and review the constitution**

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

#### **Protocol for monitoring and review of the Constitution by the Monitoring Officer**

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

1. observe meetings of different parts of the member and officer structure;
2. undertake an audit trail of a sample of decisions;
3. record and analyse issues raised with him/her by members, officers, the public and other relevant stakeholders; and
4. compare practices in this Council with those in other comparable authorities, or national examples of good practice.

#### **14.02 Changes to the Constitution**

- (a) **Approval.** Changes of substance to the constitution will only be approved by the Council after consideration of the proposal by the Monitoring Officer.
- (b) **Adopting a different form of executive or changing the current form of executive.** The Council must follow the steps set out in Part 4 of the Local Government Measure (Wales) 2011.

## **Article 15 - Suspension, Interpretation and Publication of the Constitution.**

### **15.01 Suspension of the Constitution**

- (a) **Limitation to suspension.** The Articles of this constitution may not be suspended. The Procedure Rules specified below may be suspended by the Council to the extent permitted within those Rules and the law.
- (b) **Procedure to suspend.** A motion to suspend any rules will not be moved without notice unless at least one half of the number of councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.
- (c) **Rules capable of suspension.** The following Procedure Rules may be suspended in accordance with Article 15.01: All Rules except: 10, 19(7) and 20(2).

### **15.02 Interpretation**

The ruling of the person presiding at meetings of the Council, the Executive and any committees and sub-committees as to the interpretation or application of this Constitution or as to any proceedings of the Council, the Executive, committees or sub-committees shall not be challenged at any meeting of the Council, the Executive, committees or sub-committees. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

### **15.03 Publication**

- (a) The Monitoring Officer will ensure that an electronic copy of this Constitution will be made available to each member of the authority upon delivery to him/her of that individual's acceptance of office when the member is first elected to the Council.
- (b) The Monitoring Officer will ensure that a copy is available for inspection on the Council website and can be purchased by members of the local press and the public on payment of a reasonable fee.

### **PART 3 – RESPONSIBILITY FOR FUNCTIONS**

One of the main purposes of the Constitution is to clarify who is responsible for which functions and which person or body is permitted to take decisions in relation to those functions.

This part of the Constitution outlines the responsibilities of the following in taking decisions relating to the Council's various functions.

- The Full Council
- Council committees
- The Executive (Cabinet)
- Council Officers

#### **General**

1. This scheme includes the functions noted in the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 as those that cannot be the responsibility of the Executive. Specific activities relate to any permission, entitlement, authorisation, licence or registration issues under those functions delegated to those issuing that permission, right, authority, licence or registration. Further details are provided in a table in this scheme.
2. A committee performing the functions of the Council or the Executive may do anything intended to facilitate and promote the performance of those functions, or intended to that end, or being part of the process.
3. Every committee shall be permitted to appoint sub-committees to any purpose deemed appropriate by them in accordance with any relevant legislation, however, no standing sub-committee may be appointed without the Council's approval, to be granted following consideration of a report submitted by the standing committee.
4. In addition, the Council, the Executive or scrutiny committee may establish working groups of members or members and officers jointly to consider any matter within the Council's functions in order to undertake any research into that subject and submit a report and recommendations to the body which established it by a specific date. Such working groups shall be appointed for a specific term, and will cease to exist at the end of that term.
5. In this scheme any reference to an enactment in the functions and powers of committees and sub-committees includes acts, subordinate legislation, regulations, rules, orders, directions and bye-laws and every re-enactment, amendment or extension thereof which may be in force from time to time.
6. Unless the context otherwise requires, the singular includes the plural and the plural includes the singular.

PART 3 – RESPONSIBILITY FOR FUNCTIONS

Function	Responsible Body /Person
1. Impose a condition or restriction on any permission, entitlement, authorisation, licence or registration permitted as specified in Schedule 1 Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007.	Those who issued the permission, entitlement, authorisation, licence or registration.
2. Determine any other terms to which the permission, entitlement, authorisation, licence or registration are subject.	Those who issued the permission, entitlement, authorisation, licence or registration.
3. Determine whether and how to enforce failure to comply with  (a) the permission, entitlement, authorisation, licence or registration; or  (b) any condition or restriction imposed on them.	Those who issued the permission, entitlement, authorisation, licence or registration.  Those who issued the permission, entitlement, authorisation, licence or registration.
4. Change, amend or vary any permission, entitlement, authorisation, licence or registration, or any condition or restriction imposed on them.	Those who issued the permission, entitlement, authorisation, licence or registration.
5. Revoke such a permission, entitlement, authorisation, licence or registration.	Those who issued the permission, entitlement, authorisation, licence or registration.
6. Determine whether such a permission, entitlement, authorisation, licence or registration should be charged, and determine the value of the fee.	Those who issued the permission, entitlement, authorisation, licence or registration.



## FULL COUNCIL

The Full Council will undertake the functions that have been reserved by law to the Full Council and which have been noted in Article 8 of the Constitution, along with those listed in this scheme, subject to delegation to any committee or officer.

The tables below list the specific functions in the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 (namely functions that are not to be the responsibility of the authority's executive), which have been delegated to the committee. (The headings, numbers and letters correspond to those in the Regulations.)

### FUNCTIONS THAT CANNOT BE THE RESPONSIBILITY OF THE EXECUTIVE

#### B. Licensing and registration functions (provided they are not covered by any other paragraph of this schedule)

Function	Provision of Act or Statutory Instrument	Delegation / Conditions and restrictions
43. Functions in respect of establishing a Licensing Committee	Section 6 of the Licensing Act 2003 (p.17)	

#### CH Functions relating to elections

Function	Provision of Act or Statutory Instrument	Delegation / Conditions and restrictions
1. Duty to appoint an election registration officer.	Section 8(2) of the Representation of the People Act 1983	
2. Power to assign officers in relation to requisitions of the registration officer.	Section 52(4) of the Representation of the People Act 1983	
3. Power to dissolve community councils.	Section 28 of the Local Government Act 1972.	
4. Power to make orders for grouping communities.	Section 29 of the Local Government Act 1972.	

PART 3 – RESPONSIBILITY FOR FUNCTIONS

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<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>	<b>Delegation / Conditions and restrictions</b>
5. Power to make orders for dissolving groups and separating community councils from groups.	Section 29A of the Local Government Act 1972.	
6. Duty to appoint returning officer for local government elections.	Section 35 of the Representation of the People Act 1983	
7. Duty to provide assistance at European Parliamentary elections.	Paragraph 4(3) and (4) of Schedule 1 to the European Parliamentary Elections Act 1978	
8. Duty to divide constituency into polling districts.	Section 18 of the Representation of the People Act 1983	
9. Power to divide electoral divisions into polling districts at local government elections.	Section 31 of the Representation of the People Act 1983	
10. Powers in respect of holding elections.	Section 39(4) of the Representation of the People Act 1983	
11. Power to pay expenses properly incurred by electoral registration officers.	Section 54 of the Representation of the People Act 1983	
12. Power to fill vacancies in event of insufficient nominations.	Section 21 of the Representation of the People Act 1985.	
13. Duty to declare vacancy in office in certain cases	Section 86 of the Local Government Act 1972.	Head of Democracy and Legal Department
14. Duty to give public notice of a casual vacancy	Section 87 of the Local Government Act 1972.	Head of Democracy and Legal Department
15. Power to make temporary appointments to community councils	Section 91 of the Local Government Act 1972.	

PART 3 – RESPONSIBILITY FOR FUNCTIONS

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Function	Provision of Act or Statutory Instrument	Delegation / Conditions and restrictions
16. Power to determine fees and conditions for supply of, or extracts from, election documents.	Rule 48(3) of the Local Elections (Principle Areas) Rules 1986 (S.I.1986/2214) and rule 48(3) of the Local Elections (Parishes and Communities) Rules 1986 (S.I. 1986/2215).	Head of Democracy and Legal Department
17. Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.	Section 10 of the Representation of the People Act 2000.	
18. Miscellaneous electoral functions under Part II, S.I. 2003/284	National Assembly for Wales (Representation of the People) Order 1999, S.I. 1999/450.	Delegate functions of the returning officer to the Head of Democracy and Legal Department.

**D. Functions relating to name and status of areas and individuals**

<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>	<b>Delegation / Conditions and restrictions</b>
1. Power to change the name of a county or county borough.	Section 74 of the Local Government Act 1972.	
2. Power to change the name of a community.	Section 76 of the Local Government Act 1972.	
3. Power to confer title of honorary alderman or to admit to be an honorary freeman.	Section 249 of the Local Government Act 1972.	
4. Power to petition for a charter to confer county borough status.	Section 245A of the Local Government Act 1972.	

**DD. Power to make, amend, revoke or re-enact byelaws**

<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>	<b>Delegation Conditions and restrictions</b>
1. Power to make, amend, revoke or re-enact byelaws	Any provision of any enactment (including a local Act), whenever passed and section 14 of the Interpretation Act 1978.	

**E. Power to promote or oppose local or personal bills**

<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>	<b>Delegation Conditions and restrictions</b>
Power to promote or oppose local or personal bills.	Section 239 of the Local Government Act 1972.	

**F. Functions relating to pensions etc.**

	<b>Provision of Act or Statutory Instrument</b>	<b>Delegation / Conditions and restrictions</b>
2. Functions relating to pensions, allowances and gratuities.	Regulations under section 18 (3A) of the Local Government and Housing Act 1989 (c.42)	

**FF. Miscellaneous Functions**

<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>	<b>Delegation / Conditions and restrictions</b>
5. Power to make standing orders.	Section 106 of the Local Government Act 1972 and paragraph 42 of Schedule 12 of that Act.	
6. 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.	For the Chief Executive only. Establish an appointment panel for the Heads of Service and Strategic Directors. See Schemes of Delegation to Officers in Part 3 of the Constitution for rights for the appointment and dismissal of remainder of staff.
7. Power to make standing orders as to contracts.	Section 135 of the Local Government Act 1972.	
9. Power to make an order identifying a place as a designated public place for the purpose of police powers in relation to alcohol consumption.	Section 13(2) of the Police and Criminal Justice Act 2001	
11. Power to appoint officers for particular purposes (appointment of “proper officers”).	Section 270(3) of the Local Government Act 1972.	
12. 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 (p.42).	

PART 3 – RESPONSIBILITY FOR FUNCTIONS

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<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>	<b>Delegation / Conditions and restrictions</b>
13. 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.	
14. Duty to determine affordable borrowing limit.	Section 3 of the Local Government Act 2003 (p.22).	
15. Approval of annual investment strategy in accordance with guidance.	Section 15 of the Local Government Act 2003.	
16. Duty to make arrangements for proper administration of financial affairs.	Section 151 of the Local Government Act 1972 (p.11).	

**‘LOCAL CHOICE’ FUNCTIONS**

The table below lists the functions under the Regulations which may be the responsibility of an authority’s executive (but need not be) which are to be exercised by the Full Council.

Function	Delegation / Conditions and restrictions
7. To make arrangements under Section 20 (questions regarding Police matters in meetings of the council) of the Police Act 1996 to permit questions to be asked regarding undertaking the functions of a police authority.	
2. The determination of an appeal against any decision made by or on behalf of the authority.	The appropriate committee
8. Making appointments under paragraphs 2 to 4 (appointment of members by appropriate councils) of Schedule 2 (police authorities established under section 3) of the Police Act 1996.	Chief Executive

**FUNCTIONS WHICH WOULD USUALLY BE THE RESPONSIBILITY OF THE EXECUTIVE**

Under the regulations, the functions listed in the first column of the table below will be the responsibility of the Full Council under the circumstances described in the second column.

<b>Function</b>	<b>Circumstances</b>
<p><b>1.</b> The adoption or approval of a plan or strategy (whether statutory or non-statutory), other than a plan or strategy for the control of the authority's borrowing or capital expenditure or a plan or strategy referred to in Schedule 3 of the Local Authorities (Alternative Arrangements) (Wales) Regulations 2007.</p>	<p>The authority determines whether the decision whether the plan or strategy should be adopted or approved should be taken by them.</p>
<p><b>2.</b> The determination of any matter in the discharge of a function -</p> <p>(a) is the responsibility of the executive; and</p> <p>(b) is concerned with the authority's budget, or their borrowing or capital expenditure.</p>	<p>The individual or the body by whom, by virtue of any of the sections 14 to 17 of the Local Government Act 2000 or provisions made under section 18 or 20 of that Act, the determination is to be made -</p> <p>(a) is minded to determine the matter contrary to, or not wholly in accordance with -</p> <p>(i) the authority's budget; or</p> <p>(b) is not authorised by the authority's alternative arrangements, financial regulations, standing orders or other rules or procedures to make a determination in those terms.</p>
<p><b>3.</b> The determination of any matter in the discharge of a function -</p> <p>(a) which is the responsibility of the executive; and</p> <p>(b) in relation to which a plan or strategy (whether statutory or non-statutory) has been adopted or approved by the authority.</p>	<p>The individual or body by whom, by virtue of any of sections 14 to 17 of the Local Government Act 2000 or provision made under section 18 or 20 of that Act, the determination is to be made, is minded to determine the matter in terms contrary to the plan or, as the case may be, the strategy adopted or approved by the authority.</p>



## THE EXECUTIVE (CABINET)

**Details of the Executive’s Constitution can be found in Article 7, Part 2 of the Constitution. The Executive Procedure Rules can be found in Part 4 of the Constitution.**

1. Under the Local Government Act 2000 all the council’s functions shall be the responsibility of the executive unless regulations made under the act state they may not be or that another statutory provision gives the function to a statutory committee (e.g. scrutiny committee, standards committee). In addition, the Council has a choice if some functions are to be the responsibility of the Executive or otherwise (‘Local choice functions’).
2. In the previous tables in this part of the Constitution, it can be seen how the functions that are not the responsibility of the Executive have been allocated to the Full Council and to Council committees.
3. Therefore, except for any matter which has been noted specifically as a matter for the Full Council or committee, every function of the authority is a responsibility for the Executive.
4. This document includes details of any functions that have been delegated to individual members of the Executive and any Executive committees that have been established. Details of functions that have been delegated to chief officers are found in the Delegation Scheme for Officers – Part 3 of the Constitution.

### ‘Local Choice’ Functions

Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 provide that some functions may be the responsibility of the authority’s executive (but they do not require to be so).

4. The Local Choice Functions given to the Executive have been noted in the table below. The second column notes if the function has been delegated onwards to a principal officer.

Function	Delegation and/or conditions or limitations
1. Any function under a local Act other than a function specified or referred to in Schedule 1 Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007.	The relevant Chief Officer
3. Functions in relation to the revision of decisions made in connection with claims for housing benefit or council tax benefit and for appeals against such decisions under Section 68 of, and schedule 7 of the Child Support, Pensions and Social Security Act 2000.	Head of Finance Department

PART 3 – RESPONSIBILITY FOR FUNCTIONS

Function	Delegation and/or conditions or limitations
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.	Head of Education Department
5. The making of arrangements pursuant to section 94(1) and (4) of, and Schedule 24 to, the Schools Standards and Framework Act 1998 (admission appeals).	Head of Education Department
6. The making of arrangements pursuant to section 95(2) of, and Schedule 25 to, the Schools Standards and Framework Act 1998 (children to whom section 87 applies: Appeals by governing bodies).	Head of Education Department
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.	Any decision by the Executive will be subject to prior consideration by the relevant Scrutiny Committee
10. Any function relating to contaminated land.	Head of Regulatory Department
11. The discharge of any function relating to the control of pollution or the management of air quality.	Head of Regulatory Department
12. The service of an abatement notice in respect of a statutory nuisance.	Head of Regulatory Department
13. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	Head of Regulatory Department
14. The inspection of the authority's area to detect any statutory nuisance.	Head of Regulatory Department
15. The investigation of any complaint as to the existence of a statutory nuisance.	Head of Regulatory Department
16. The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in the land.	Head of Regulatory Department
17. The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	The relevant Chief Officer

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Function	Delegation and/or conditions or limitations
<p>19. The appointment of any individual -                      (a) to any office other than an office in which he/she is employed in by the authority;                      (b) to any body other than -                          (i) the authority;                          (ii) 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.</p>	
<p>20. Power to make payments or provide other benefits in maladministration cases etc.</p>	Monitoring Officer
<p>21. The discharge of any function by an authority acting as a harbour authority.</p>	Head of Economy and Community Department
<p>22. Functions in respect of the calculation of council tax base in accordance with any of the following:                       (a) the determination of an amount for item T in sections 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.</p>	

**Circumstances whereby the executive cannot make a determination**

5. The regulations also provide for circumstances when the Executive cannot make a determination on a matter that would otherwise be its responsibility. Under these circumstances the determination is for the Full Council. Those circumstances are outlined in the table below:

**“Circumstances in which functions are not to be the responsibility of an authority’s executive”**

Function	Circumstances
<p>1. The adoption or approval of a plan or strategy (whether statutory or non-statutory), other than a plan or strategy for the control of the authority’s borrowing or capital expenditure or referred to in Schedule 3 of the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007.</p>	<p>The authority determines that the decision whether the plan or strategy should be adopted or approved should be taken by them.</p>
<p>2. The determination of any matter in the discharge of a function which -</p> <p>(a) is the responsibility of the executive; and</p> <p>(b) is concerned with the authority’s budget, or their borrowing or capital expenditure.</p>	<p>The individual or body by whom, by virtue of any of sections 14 to 17 of the Local Government Act 2000 or provision made under section 18 or 20 of that Act, the determination is to be made -</p> <p>(a) is minded to determine the matter contrary to, or not wholly in accordance with -</p> <p>(i) the authority’s budget; or</p> <p>(ii) the plan or strategy for the time being approved or adopted by the authority in relation to their borrowing or capital expenditure; and</p> <p>(b) is not authorised by the authority’s alternative arrangements, financial regulations, standing orders or other rules or procedures to make a determination in those terms.</p>
<p>3. The determination of any matter in the discharge of a function -</p> <p>(a) which is the responsibility of the executive; and</p> <p>(b) in relation to which a plan or strategy (whether statutory or non-statutory) has been adopted or approved by the authority.</p>	<p>The individual or body by whom, by virtue of any of sections 14 to 17 of the Local Government Act 2000 or provision made under section 18 or 20 of that Act, the determination is to be made, is minded to determine the matter in terms contrary to the plan or, as the case may be, the strategy adopted or approved by the authority.</p>

### **Responsibility for Executive Functions**

#### **The Leader**

6. In relation to the functions that are the responsibility of the Executive ('executive functions'), the Leader is authorised to:

- determine delegation within and from the Executive;
- determine if individual members of the Executive wish to have responsibility for specific functions ('portfolios');
- authorise individual members of the Executive with portfolios to make decisions personally in relation to those portfolios;
- determine if any committees of the Executive should be established and to delegate functions to them;
- determine if any functions should be delegated to [area committee], to a joint committee with another authority, or to another authority;
- determine what Executive functions will be delegated to officers;
- determine what limitations (if any) are to be placed on any delegation made under these powers;
- determine if any delegation made in accordance with these powers should be withdrawn and to exercise the function itself.
- implement any function that has not been allocated to another body or person via this scheme (subject to the restrictions in paragraph 10).

### **Executive Committees**

7. The Leader has not established any Executive Committees.

### **Individual Members of the Executive**

8. The Leader has determined that individual members of the Executive (including the Leader) should have responsibility for specific functions ('portfolios') as stated in the table below.

9. The Leader has authorised individual members of the Executive to make decisions personally in connection with the portfolios allocated to them, subject to the conditions and limitations noted below (para.10).

**Portfolios**

<b>Portfolio and Portfolio Holder</b>	<b>Portfolio Responsibilities</b>

**Decisions by an Individual Member of the Executive**

10. When taking decisions personally the Members of the Executive shall conform with:

- (1) Any statutory limitations
- (2) Any specific limitations in this Constitution, including
  - (i) rights that have been delegated to Officers in Part 3 of the Constitution
  - (ii) the Council's Financial Procedure Rules (Part 4)
  - (ii) Gwynedd Council's Contracts Procedure Rules (Part 4)
  - (iv) the Policy and Budget Framework set by the Council
  - (ii) the Council's Access to Information Procedure Rules (Part 4)
- (3) the Code of Conduct for Members (Part 5)
- (4) The need to consult with the local member(s) if the matter in question is a local issue
- (5) The need to consider if the matter should be referred to scrutiny committee(s) when in the opinion of the Executive Member it requires a pre-decision review

## PART 3 – RESPONSIBILITY FOR FUNCTIONS

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- (6) Advice given by the Chief Executive, as head of paid services, the Chief Finance Officer or the Monitoring Officer.
- (7) The need to consult with the relevant Chief Officer(s) in order to ensure that action is taken in accordance with professional advice.
- (8) The need to consult with other Executive Member(s) when the matter in question deals with more than one portfolio
- (9) The need every time to consider whether, in all circumstances, the decision should be one for the whole Executive to take.
- (10) The need, where relevant, for the matter to be included in the work programme approved by the Executive.
- (11) The requirements of the Council's Access to Information Procedure Rules (Part 4) regarding publishing a decisions sheet etc. prior to implementing any delegated power.
- (12) There is nothing in this Delegation Scheme to prevent the Executive from exercising functions that would otherwise be exercised under this Scheme by an individual member of the Executive.

## AUDIT COMMITTEE

- Details of the composition of this committee are included in Article 8, Part 2 of the Constitution.
- The tables below list the specific functions in The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 (namely functions that are not to be the responsibility of the authority's Executive) which have been delegated to the committee. The headings, numbers and letters correspond to those in the Regulations.
- The third column notes whether or not the function has been delegated onwards to a principal officer. Further details on the rights of the principal officer, including any restriction on the right to act are to be found in the Schemes for Delegation to Officers in Part 3 of the Constitution.

Functions that cannot be the responsibility of the Executive.

### FF. Various Functions

Function	Provision of Act or Statutory Instrument	<i>Delegation - (subject to any restrictions in the Scheme for Delegation to Officers)</i>
1. The duty to approve an authority's statement of its accounts, income, expenditure and balance sheet or its record of its proceeds and payments (as it happens).	Accounts and Audit Regulations (Wales) 2005	

### Functions under the Local Government Measure (Wales) 2011

The committee is responsible for fulfilling the following statutory functions under Section 81 of the Local Government Measure (Wales) 2011:

- (a) review and scrutinise the authority's financial matters,
- (b) make reports and recommendations in relation to the authority's financial matters.
- (c) review and assess the authority's risk management, internal control and corporate governance arrangements,
- (ch) make reports and recommendations to the authority regarding the adequacy and effectiveness of those arrangements,
- (d) inspect the authority's internal and external audit arrangements, and
- (dd) review the financial statements prepared by the authority.



### **Other Functions**

The committee will also be responsible for fulfilling the following functions:-

- (i) to promote internal audit, establishing a timetable to conduct review control, develop an anti-fraud culture and review financial operations;
- (ii) to focus the Council's audit resources by agreeing on audit plans and monitoring the provision of audit;
- (iii) to monitor audit performance by ensuring that officers' work is on schedule, that audit reports are produced on time and that they are responded to in the same way, monitoring the completion of the accounts and ensuring action on audit recommendations;
- (iv) to consider observations and concerns on individual services at a county level, on the basis of reports by Council officers, the Audit Commission or the District Auditor.

## PLANNING COMMITTEE

- Details of the composition of this committee are included in Article 8, Part 2 of the Constitution.
- The tables below list the specific functions in the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 (namely functions that are not to be the responsibility of the authority’s Executive) which have been delegated to the committee. The headings, numbers and letters correspond to those in the Regulations.
- The third column notes whether or not the function has been delegated onwards to a principal officer. Further details on the rights of the principal officer, including any restriction on the right to operate are included in the Delegation to Officers Scheme, in Part 3 of the Constitution.

Functions that cannot be the responsibility of the Executive.

“A. Functions relating to Town and Country Planning and Development Control.”

Function	Provision of Act or Statutory Instrument	Delegation - (subject to any restrictions in the Delegation to Officers Scheme)
1. Power to determine an application for planning permission	Sections 70(1) (a) and (b) of the Town and Country Planning Act 1990	Head of Regulatory Department
2. Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990	Head of Regulatory Department
3. Power to grant planning permission for development already carried out.	Section 73A of the Town and Country Planning Act 1990	Head of Regulatory Department
4. Power to decline to determine application for planning permission.	Section 70A of the Town and Country Planning Act 1990	Head of Regulatory Department

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<b>Function</b>	<b>Provision of Act or Statutory Instrument</b>	<b>Delegation - (subject to any restrictions in the Delegation to Officers Scheme)</b>
5. 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 thereunder	Head of Regulatory Department
6. 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 and Country Planning General Regulations 1992 (S.I. 1992/1492)	Head of Regulatory Department
7. 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).	Head of Regulatory Department
8. Power to enter into agreement regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990	Head of Regulatory Department
9. Power to issue a certificate of existing or proposed lawful use or development.	Section 191(4) and 192(2) of the Town and Country Planning Act 1990	Head of Regulatory Department
10. Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990	Head of Regulatory Department
11. 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	Head of Regulatory Department
12. Power to authorise entry onto land.	Section 196A of the Town and Country Planning Act 1990	Head of Regulatory Department
13. Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990	Head of Regulatory Department

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14. 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	Head of Regulatory Department
15. Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990	Head of Regulatory Department
16. Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990	Head of Regulatory Department
17. Power to determine applications for hazardous substances consent and related powers.	Section 9(1) and 10 of the Planning (Hazardous Substances) Act 1990	Head of Regulatory Department

18. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites or mineral permissions relating to mining sites, as the case may be, are to be subject.	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.	Head of Regulatory Department
19. Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990	Head of Regulatory Department
20. Power to determine applications for listed building consent and related powers.	Sections 16(1) and (2), 17, 27(2) and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act (c.9).	Head of Regulatory Department
21. Power to determine application 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.	Head of Regulatory Department

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22. Duties relating to applications for listed building consent and conservation area consent.	Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1987 and paragraph 1271 of the Welsh Office Circular 61/96 Planning and the Historic Environment; Historic Buildings and Conservation Areas.	Head of Regulatory Department
23. Power to serve a building preservation notice and related powers.	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Head of Regulatory Department
24. Power to issue enforcement notice in relation to demolition of unlisted building in conservation areas.	Sections 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Head of Regulatory Department
25. Power 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.	Head of Regulatory Department
26. Power to apply for an injunction in relation to a listed building.	Sections 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Head of Regulatory Department
27. Power to execute urgent works.	Sections 54 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.	Head of Regulatory Department
28. Power related to mineral working.	Schedule 9 of the Town and Country Planning Act 1990	Head of Regulatory Department
29. Power related to footpaths and bridleways.	Section 257 of the Town and Country Planning Act 1990	Head of Regulatory Department
30. Power to provide certification of appropriate alternative development.	Section 17 of the Land Compensation Act 1961.	Head of Regulatory Department
31. Power to serve purchase orders.	Sections 137 -144 of the Town and Country Planning Act 1990	Head of Regulatory Department

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32. Powers related to blight notices.	Sections 149 -171 of the Town and Country Planning Act 1990	Head of Regulatory Department
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**FF. Miscellaneous Functions**

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

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**Functions that can be the responsibility of an authority's executive (but need not be)**

Function		Delegation (subject to any restrictions in the Delegation to Officers Scheme)
18.	Any one or any of the following functions relating to highways	<b>Head of Regulatory Department</b>
(a)	The drawing-up of agreements for the execution of highway works.	
(b)	The functions contained in the following provisions of Part III of the Highways Act 1980 (2) (Creation of Highways).	
	(i) Section 25 – creation of footpaths, bridleways or restricted byways by agreement;	
	ii) Section 26 – enforcement powers for the creation of footpaths, bridleways or restricted byways;	
(c)	The functions included in the following provisions, Part VIII of the Highways Act 1980 (extinguishment and stopping up of highways etc.)	
	(i) Section 116 – the power of magistrates' courts to authorise the stopping up or diversion of a highway	
	(ii) Section 117 – application for an order under section 116 on behalf of another person.	
	(iii) Section 118 – stopping up of footpaths, bridleways and restricted byways.	
	(iv) Section 118Za – application for a public path extinguishment order	
	(v) Section 118B – stopping up of certain highways for purposes of crime prevention	
	(vi) Section 118C – application for 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.	

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	(xi)	Section 119B – diversion of certain highways for purposes of crime prevention etc.	
	(xii)	Section 119C – application for proprietor of school for special diversion order;	
	(xii)	Section 119D – diversion of certain highways for the 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.	
(ch)		The functions included in the following provisions, Part IX of the Highways Act 1980 (lawful and unlawful interference with highways and streets)	
	(i)	Section 130 – protection of public rights.	
	(ii)	Section 139 – control of builders’ skips	
	(iii)	Section 140 – removal of builders’ skips	
	(iv)	Section 140A – builders’ skips: charges for occupation of highway	
	(v)	Section 142 – licence to plant trees, shrubs etc. in the highway	
	(vi)	Section 147 – power to authorise erection of stiles etc. on footpaths or bridleways	
	(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.	
	(ix)	Section 169 – control of scaffolding on highways	
	(x)	Section 171 – control of deposit of building materials and making of excavations in streets	
	(xi)	Section 171A – regulations made under that section – works under section 169 or section 171: charge for occupation of the highway	
	(xii)	Section 172 – hoardings to be set up during building etc.	
	(xii)	Section 173 – hoardings to be securely erected	



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	(xiv)	Section 178 – restriction on placing rails, beams etc. over highways	
	(xv)	Section 179 – control of construction of cellars etc. under streets	
	(xvi)	Section 180 – control of openings into cellars etc. under streets and pavement lights and ventilators	
(d)		Undertake functions under Section 34 of the Countryside and Wildlife Act 1981 (Limestone pavement orders)	
(dd)		Undertake functions under Section 53 of the Countryside and Wildlife Act 1981 (duty to keep definitive maps and definitive statement under continuous review).	

Functions	Provision of Act or Statutory Instrument	Delegation (subject to any restrictions in the Delegation to Officers Scheme)
Provide road traffic regulations [whenever there is an objection to the proposal following advertisement].	Road Traffic Regulation Act 1984	Head of Regulatory Department

## CENTRAL LICENSING COMMITTEE

- Full details of this committee’s composition can be found in Article 8 of Part 2 of the Constitution.
  - The tables below list the specific functions in The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) 2007 Regulations (namely functions which are not the responsibility of the authority’s Executive) which have been delegated to the committee. The headings, numbers and letters correspond to those in the Regulations.
  - The third column notes whether or not the function has been delegated onwards to a principal officer. Further details on the rights of the principal officer, including any restriction on the right to act are to be found in the Schemes for Delegation for Officers in Part 3 of the Constitution.
- (a) Functions which may be (but need not be) the responsibility of an authority’s executive
- (b) Licensing and registration functions (to the extent that no other paragraphs in this Schedule deal with them).

Function		Delegation - (subject to any restrictions in the Schemes for Delegation to Officers)
23. Licensing functions in accordance with Part 2 of the Licensing Act 2003 with the exception of section 6.		Head of Regulatory Department
24. Gambling functions in the following provisions of the Gambling Act 2005(3)		Head of Regulatory Department
a)	section 29 – licensing authority information;	
b)	section 30 – other exchange of information;	
c)	section 166 – resolution not to issue casino licenses	
(ch)	section 212 – regulations made under that section – fees.	
(d)	section 284 – removal of exemption;	
(dd)	section 304 - authorised persons;	
(e)	section 346 – prosecution by licensing authority;	
(f)	section 349 – three-year licensing policy;	
(ff)	section 350 – exchange of information;	
(g)	Part 5 of Schedule 11 – registration with local authority.	

**Resolutions under the Licensing Act 2003 and the Gambling Act 2005**

The specific functions held by the Council as a licensing authority under the Licensing Act 2003 and the Gambling Act 2005 are fulfilled by the Full Central Licensing Committee, by a Sub-committee containing 3 members of that Committee or by licensing officers. The tables below (of the Council's Licensing Policy Statements in these areas) illustrate the distribution of functions.

**Licensing Act 2003**

<b>Matter to be dealt with</b>	<b>Full Council</b>	<b>Sub-committee or panel</b>	<b>Head of Regulatory Department</b>
Application for personal licence		If a representation made	If no representation made
Application for a personal licence with unspent convictions		All cases	
Application for Premises Licence/ club premises certificate		If a representation made	If no representation made
Application for Provisional Statement		If a representation made	If no representation made
Application to vary Premises Licence/ club premises certificate		If a representation made	If no representation made
Application to vary designated personal licence holder		If representations made by the police	All other cases
Request to be removed as a designated personal licence holder			All cases
Application for transfer of premises licence		If representations made by the police	All other cases
Application for Interim Authorities		If representations made by the police	All other cases
Application to review Premises Licence/ club premises certificate		All cases	

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<b>Matter to be dealt with</b>	<b>Full Council</b>	<b>Sub-committee or panel</b>	<b>Head of Regulatory Department</b>
Decision on whether a complaint is irrelevant, frivolous or vexatious			All cases
Decision to object when local authority is a consultee and not the lead authority			All cases
Determination of a police representation to a temporary event notice			All cases

**Gambling Act 2005**

<b>Matter to be dealt with</b>	<b>Full Council</b>	<b>Sub-committee</b>	<b>Head of Regulatory Department</b>
Three-year licensing policy	X		
Policy not to allow casinos	X		
Set fees – when appropriate		Full Committee	
Application for premises licence		If representations made and are not withdrawn	If no representations made or are withdrawn
Application to vary licence		If representations made and are not withdrawn	If no representations made or are withdrawn
Application to transfer licence		If representations are made by the Commission	If no representations are made by the Commission
Application for interim licence		If representations made and are not withdrawn	If no representations made or are withdrawn
Review premises licence		X	
Application for gaming machine / club permits		If representations made and are not withdrawn	If no representations made or are withdrawn

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<b>Matter to be dealt with</b>	<b>Full Council</b>	<b>Sub-committee</b>	<b>Head of Regulatory Department</b>
Abolish gaming machine / club permits		X	
Application for other permits			X
Abolish licensed premises gaming machine permit			X
Consider temporary use notices			X
Decision to submit counter-notice to temporary use notice		X	
Decision whether a person is an Interested Party			X
Decision whether representations are relevant			X
Decision whether representations are relevant, frivolous, vexatious or repetitive			X

## GENERAL LICENSING COMMITTEE

- Details of the composition of this committee are included in Article 8, Part 2 of the Constitution.
- The tables below list the specific functions in The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 (namely functions that are not to be the responsibility of the authority's Executive) which have been delegated to the committee. The headings, numbers and letters correspond to those in the Regulations.
- The third column notes whether or not the function has been delegated onwards to a principal officer. Further details on the rights of the principal officer, including any restriction on the right to act are to be found in the Schemes for Delegation to Officers in Part 3 of the Constitution.

### Functions that cannot be the responsibility of the Executive.

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

Function	Provision of Act or Statutory Instrument	Delegation - (subject to any restrictions in the Schemes for Delegation to Officers)
1. Power to issue licences authorising the use of land as a caravan site.	Section 3(3) Caravan Sites and Control of Development Act 1960 (c.62)	Head of Regulatory
2. Power to license the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936 (c.49).	Head of Regulatory
3. Power to license hackney carriages and private hire vehicles.	(a) as to hackney carriages, the Town Police Clauses Act 1847 (10 & 11 Vict. C. 89), as extended by section 171 of the Public Health Act 1875 (38 & 39 Vict. C.55), and section 15 of the Transport Act 1985 (c.67); and sections 47,57,58,60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (c.57);  (b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.	Head of Regulatory

PART 3 – RESPONSIBILITY FOR FUNCTIONS

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4. Power to license drivers of hackney carriages and private hire vehicles.	Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.	Head of Regulatory
5. Power to license operators of hackney carriages and private hire vehicles.	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.	Head of Regulatory
6. Power to register pool promoters.	Schedule 2 to the Betting, Gaming and Lotteries Act 1963 (c.2)	Head of Regulatory
7. Power to grant track betting licences.	Schedule 3 to the Betting, Gaming and Lotteries Act 1963.	Head of Regulatory
8. Power to license inter-track betting schemes.	Schedule 5ZA to the Betting, Gaming and Lotteries Act 1963.	Head of Regulatory
9. Power to grant permits in respect of premises with amusement machines.	Schedule 9 to the Gaming Act 1968 (c.65).	Head of Regulatory
10. Power to register societies wishing to promote lotteries.	Schedule 1 to the Lotteries and Amusements Act 1976 (c.32).	Head of Regulatory
11. Power to grant permits in respect of premises where amusements with prizes are provided.	Schedule 3 to the Lotteries and Amusements Act 1976.	Head of Regulatory
12. Power to issue entertainments licences.	Section 12 of the Children and Young Persons Act 1933 (c.12).	Head of Education [“PtrCanolog”?]
13. Power to license sex shops and sex cinemas.	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.	Head of Regulatory
14. Power to license performances of hypnotism.	The Hypnotism Act 1952 (c.46).	Head of Regulatory
15. Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis.	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.	Head of Regulatory
16. Power to license pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907 (c.53).	Head of Economy and Community
17. Power to license market and street trading.	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982.	Head of Regulatory

PART 3 – RESPONSIBILITY FOR FUNCTIONS

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18. Duty to keep list of persons entitled to sell non-medicinal poisons.	Sections 3(1)(b)(ii), 5, 6 and 11 of the Poisons Act 1972 (c.66).	Head of Regulatory
19. Power to license dealers in game and the killing and selling of game.	Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831 (c.32); sections 2 to 16 of the Game Licensing Act 1860 (c.90), section 4 of the Customs and Inland Revenue Act 1883 (c.10), sections 12(3) and 27 of the Local Government Act 1874 (c.73), and section 213 of the Local Government Act 1972 (c.70).	Head of Regulatory
20. Power to register and license premises for the preparation of food.	Section 19 of the Food Safety Act 1990 (c.16).	Head of Regulatory
21. Power to license scrap yards.	Section 1 of the Scrap Metal Dealers Act 1964 (c.69).	Head of Regulatory
22. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975 (c.52).	Head of Regulatory
23. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.	Part III of the Fire Safety and Safety of Places of Sport Act 1987 (c.27).	Head of Regulatory
24. Duty to promote fire safety.	Section 6 of the Fire and Rescue Services Act 2004.	Head of Regulatory
25. Power to license premises for the breeding of dogs.	Section 1 of the Breeding of Dogs Act 1973 (c.60) and Section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999 (c.11).	Head of Regulatory
26. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	Section 1 of the Pet Animals Act 1951 (c.35); section 1 of the Animal Boarding Establishments Act 1963 (c.43); the Riding Establishments Acts 1964 and 1970 (1964 c. 70 and 1970 c.70); section 1 of the Breeding of Dogs Act 1973 (c.60), and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.	Head of Regulatory
27. Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925 (c.38).	Head of Regulatory



PART 3 – RESPONSIBILITY FOR FUNCTIONS

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28. Power to license zoos.	Section 1 of the Zoo Licensing Act 1981 (c.37)	Head of Regulatory
29. Power to license dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976 (c.38).	Head of Regulatory
30. Power to enforce regulations in relation to animal by-products.	Regulation 49 of the Animal By-Products (Wales) Regulations 2006.	Head of Regulatory
31. Power to license the employment of children.	Part II of the Children and Young Persons Act 1933 (c. 33), byelaws made under that Part, and Part II of the Children and Young Persons Act 1963 (c.37).	Head of Education
32. Power to approve premises for the solemnisation of marriages.	Section 46A of the Marriage Act 1949 (c.76) and the Marriages (Approved Premises) Regulations 1995 (S.I. 1995/510).	Head of Democracy and Legal
33. Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to -  (a) an exchange of lands 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  (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).	Head of Democracy and Legal
34. Power to register variation of rights of common.	Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471).	Head of Democracy and Legal
35. Power to license persons to collect for charitable and other causes.	Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 (c.31) and section 2 of the House to House Collections Act 1939 (c.44).	Head of Regulatory
36. Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c.40).	Head of Regulatory

PART 3 – RESPONSIBILITY FOR FUNCTIONS

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37. Power to grant a street works licence.	Section 50 of the New Roads and Street Works Act 1991 (c.22).	Head of Regulatory
38. Duty to register the movement of pigs.	Articles 21(3) and (4) of the Pigs (Records, Identification and Movement) (Wales) Order 2004 (S.I. 2004/96).	Head of Regulatory
39. Power to enforce regulations in relation to the movement of pigs.	Article 27(1) of the Pigs (Records, Identification and Movement) (Wales) Order 2004.	Head of Regulatory
40. Power to issue a licence to move cattle from a market.	Article 5(2) of the Cattle Identification Regulations (S.I. 1998/871)	Head of Regulatory
41. Power to sanction use of parts of buildings for storage of celluloid.	Section 1 of the Celluloid and Cinematograph Film Act 1922 (c.35).	Head of Regulatory
42. Duty to enforce and execute Regulations (E.C.) No. 852/2004 in relation to food business operators as further specified in regulation 5 of the Food (Hygiene) (Wales) Regulations 2006.	Regulation 5 of the Food (Hygiene) (Wales) Regulations 2006.	Head of Regulatory

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

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

**FF. Miscellaneous Functions**

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

## DEMOCRATIC SERVICES COMMITTEE

- Details of the composition of this committee are included in Article 8, Part 2 of the Constitution.
- The tables below list the specific functions that have been delegated to the Committee. The third column notes whether or not the function has been delegated onwards to a Principal Officer. Further details on the rights of the Principal Officer, including any restriction on his right to act are included in the Schemes for Delegations to Officers (Part 3 of the Constitution).

Function	A provision of an act or Statutory Instrument	<i>Delegation -</i> (subject to any restrictions in the Schemes for Delegation to Officers)
Designate the Council's Head of democratic services	Local Government (Wales) Measure 2011	
Review the provision's sufficiency by the authority in terms of staff, accommodation and other resources to fulfil the functions of the democratic services.	Local Government (Wales) Measure 2011	
Draft a report and make recommendations to the authority in relation to that provision.	Local Government (Wales) Measure 2011	

## PENSIONS COMMITTEE

- Details of the composition of this committee are included in Article 8, Part 2 of the Constitution.
- The tables below lists the specific functions in The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 (namely functions that are not to be the responsibility of the authority’s Executive) which have been delegated to the committee. The headings, numbers and letters correspond to those in the Regulations.
- The third column notes whether or not the function has been delegated onwards to a principal officer. Further details on the rights of the principal officer, including any restriction on the right to act are included in the Schemes for Delegation to Officers in Part 3 of the Constitution.

### FUNCTIONS THAT CANNOT BE THE RESPONSIBILITY OF THE EXECUTIVE

#### F. Functions involving pensions etc.

Function	A provision of an act or Statutory Instrument	<i>Delegation -</i> (subject to any restrictions in the Schemes for Delegation to Officers)
1. A function involving local government pensions etc.	Regulations under section 7, 12 or 24 of the Superannuation Act 1972 (p.11)	
2. Functions under current Pension Plans in relation to persons employed by fire and rescue authorities in accordance with Section 1 Fire and Rescue Services Act 2004	Sections 34 and 36 of the Fire and Rescue Services Act 2004.	

## THE EMPLOYMENT APPEALS COMMITTEE

- Details of the composition of this committee are included in Article 8, Part 2 of the Constitution.
- The tables below lists the specific functions in The Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 (namely functions that are not to be the responsibility of the authority’s Executive) which have been delegated to the committee. The headings, numbers and letters correspond to those in the Regulations.
- The third column notes whether or not the function has been delegated onwards to a principal officer. Further details on the rights of the principal officer, including any restriction on the right to act are included in the Schemes for Delegation to Officers in Part 3 of the Constitution.

### Functions that cannot be the responsibility of the Executive.

#### FF. Various Functions

Function	A provision of an act or Statutory Instrument	Delegation - (subject to any restrictions in the Schemes for Delegation to Officers)
1. The duty to approve an authority’s statement of its accounts, income, expenditure and balance sheet or its record of its proceeds and payments (as it happens)	Accounts and Audit Regulations (Wales) 2005	

### Functions under the Local Government Measure (Wales) 2011

The committee is responsible for fulfilling the following statutory functions under Section 81 of the Local Government Measure (Wales) 2011:

- (a) review and scrutinise the authority’s financial matters,
- (b) make reports and recommendations in relation to the authority’s financial matters.
- (c) review and assess the authority’s risk management, internal control and corporate governance arrangements,
- (ch) make reports and recommendations to the authority regarding the adequacy and effectiveness of those arrangements,
- (d) inspect the authority’s internal and external audit arrangements, and
- (dd) review the financial statements prepared by the authority.

### **Other Functions**

The committee will also be responsible for fulfilling the following functions:-

- (i) to promote internal audit, establishing a timetable to conduct review control, develop an anti-fraud culture and review financial operations;
- (ii) focussing the Council's audit resources by agreeing on audit plans and monitoring the provision of audit;
- (iii) To monitor audit performance by ensuring that officers' work is on schedule, that audit reports are produced on time and that they are responded to in the same way, monitoring the completion of the accounts and ensuring action on audit recommendations;
- (iv) to consider observations and concerns on individual services at a county level, on the basis of reports by Council officers, the Audit Commission or the District Auditor.

## **SCHEME OF DELEGATION TO OFFICERS**

*The Council's Management Structure can be seen in Article 12 and in Part 7 of the Constitution. There, a general outline is given of chief officers' functions and responsibility fields, along with the details of the Statutory Officers of the authority. This scheme includes more detailed provisions relating to:*

- *the way chief officers should exercise their delegated powers (para.2)*
- *general powers delegated to all chief officers (para. 3)*
- *specific powers delegated to all individual chief officers (para. 4)*

*This Scheme includes functions delegated by the Full Council and by the Executive.*

### **1. Definitions**

- 1.1 In this scheme, "chief officer" means the Chief Executive, any Corporate Director or any Head of Department, depending on the context.
- 1.2 Any reference to an Act in this scheme includes a reference to any amendment thereto or re-enactment thereof of any order or secondary legislation made thereunder.

### **2. Conditions and limitations on the exercise of delegated powers**

- 2.1 Under this scheme, each chief officer is authorised to act on behalf of the Council in relation to any matter within his/her service area SUBJECT TO THE FOLLOWING:-
  - 2.1.1 policies approved by the Council or Cabinet;
  - 2.1.2 any matters reserved to the Council, Cabinet, Committee or sub-committee or delegated to a Leader;
  - 2.1.3 the Constitution of the Council (including the Council's Procedure Rules, the Financial Procedure Rules and the Contracts Procedure Rules).
- 2.2 Where the exercise of delegated powers is likely to affect more than one service, the chief officer must consult with any other chief officer whose service may be so affected.
- 2.3 Without prejudice to his/her delegated powers or to that of the relevant Committee, and in appropriate circumstances only, each chief officer should, when exercising his/her powers:-
  - 2.3.1 keep the Cabinet fully informed, in particular members of the Cabinet who act as portfolio holders for the service fields in question and also have due regard to any comments made by the relevant scrutiny committee regarding the matter in question;
  - 2.3.2 ensure that he/she consults with/or informs the local member(s);
  - 2.3.3 ensure that he/she consults with/or informs the Chief Executive, as the head of the paid service, the Chief Finance Officer of the Council and the Council's Monitoring Officer.



- 2.4 Before exercising a delegated power, each chief officer must consider whether the decision is one that should be referred to the Cabinet, or appropriate committee or sub-committee for a decision.
- 2.5 In deciding whether to refer a matter to the Cabinet, committee or sub-committee the chief officer will have regard to the following considerations:-
- 2.5.1 day to day decisions on technical or professional issues will normally be taken without reference to members;
- 2.5.2 the views of the local member, portfolio leader and Chief Executive must be taken into account, if a decision is likely to have a significant impact on the Council's profile or is likely to attract unfavourable comment in the press, there will be a presumption in favour of referring it to members.
- 2.6 Any new function which becomes the Council's responsibility will be included within this scheme without the need for the full Council to amend the scheme and if any doubt should arise as to which chief officer is responsible for the function, the Chief Executive shall decide.

### **3. General Powers**

#### **Protecting the Council's interests**

- 3.1 Each chief officer (having consulted with the relevant portfolio leader where appropriate) is authorised to take any action necessary to protect or promote the Council's interests, subject to the restrictions above.
- 3.2 Without prejudice to the generality of the above provisions, this includes exercising his/her professional judgement to take such decisions as necessary to implement the Council's policies and to promote the management and delivery of the services which are his/her responsibility.

#### ***Authorising officers***

- 3.3 Any powers granted to a chief officer may be discharged either in his/her absence by such officer(s) as may be authorised by him/her or in accordance with any general instructions or provisions made by him. In the absence of the chief officer, any officer appointed by him/her to deputise on his behalf may also authorise the exercise of the delegated powers. For the avoidance of doubt such authorisations may be granted to persons who are not officers of the Council.
- 3.4 Each chief officer may authorise his/her staff to exercise such powers as necessary to enter or inspect any land, buildings or properties and to provide any evidence or authority as necessary for discharging their duties in accordance with the Council's statutory powers.

## PART 3 – SCHEME OF DELEGATION FOR OFFICERS

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- 3.5 Each chief officer is authorised to decide upon the presence of officers at external meetings, seminars or conferences which are not on the approved list.
- 3.6 Each chief officer is authorised to appoint or nominate officers to serve on external bodies, except where the right has been delegated to an area committee.
- 3.7 Each chief officer is authorised to approve a list of authorised signatories.

### ***Urgent Action***

- 3.8 In relation to matters reserved to the Council, committee or sub-committee, the relevant chief officer will be permitted to act in between meetings, in consultation with the appropriate Chairperson and also, if required, with local members and leaders of the political groups as necessary, on condition that any such action is consistent with the Council's general policies and that a report on the action taken is presented to the next meeting of the Council, committee or sub-committee.

### ***Staffing Matters***

- 3.9 In consultation with the Head of Human Resources Department, each chief officer is authorised to act in relation to staffing matters including the recruitment, appointment, review of structure, approving accelerated increments within the grade for the post, awarding a temporary honorarium, disciplining and dismissal of staff, subject to any matters which have been reserved to the Council or the Human Resources Committee and subject (in cases of a change of structure which involves viring finance from other budget headings) to compliance with the Financial Procedure Rules and to receiving the approval of the relevant Portfolio Leader to the business case.

### ***Procurement/disposal of property and goods and matters relating to contracts***

- 3.10 Each chief officer is authorised to act in relation to procurement and contracts within the approved budget and in accordance with the Contracts Procedure Rules.
- 3.11 Each chief officer is authorised to act in relation to matters under the standing orders in relation to contracts relating to his/her department, where there is a need to suspend the rules to extend contracts, accept tenders which are not the lowest, etc. within the financial guidelines in the financial standing orders.
- 3.13 Each chief officer is authorised to purchase property required for improvements within the department's budget (e.g. highways, small plots only).
- 3.14 Each chief officer is authorised to sell or dispose of plots of land and/or buildings owned by the service following consultation with the local member(s) and subject to the following:-
- (a) where a freehold is sold, that the value of the land is less than £25,000;
  - (b) where the land is let by means of leasehold or tenancy, that the annual rent is less than £10,000;
  - (c) in each case where the local member(s) object, the matter is referred to the Executive for a decision;
  - (ch) that the sale or disposal is not contrary to the Council's Asset Management Plan.

***Asset management***

- 3.15 Each chief officer is authorised to sell goods that are surplus to requirements, e.g. old computers, furniture, etc.
- 3.16 Each chief officer is authorised to manage the assets, vehicles and equipment belonging to the Service for which he/she has responsibility. This includes the granting of permission for any event to be held on Council land and the letting of rooms in buildings for which he/she is responsible for periods of 24 hours or less.
- 3.17 Each chief officer is authorised to demolish a building owned by the service, provided that resources are available to fund such action.

***Opening Hours***

- 3.18 Each chief officer is authorised to determine and vary (after considering usage, public opinion and finance) the opening hours of all sites relating to the service.

***Financial, Grants and Fees Matters***

- 3.19 Each chief officer is authorised to act on financial matters in accordance with the Financial Rules.
- 3.20 Each chief officer is authorised to approve grant applications submitted to his/her department of up to £5,000.
- 3.21 Each chief officer is authorised, in consultation with the relevant Portfolio Leader, to set fees for licences, consents, etc. which are not the responsibility of the Cabinet, or any other central committee, subject to prior confirmation by the Head of Finance Department that he is persuaded that the proposals recommended are not likely to create a deficit in the Service's accounts. (See also Financial Procedure Rule 20.12).

***Variation of operational policy***

- 3.22 Each chief officer is authorised to vary the service's operational policy (e.g. opening hours of a Leisure Centre over Christmas; construction of cattle grids, cemeteries).

***Draft plans***

- 3.23 Each chief officer is authorised to accept draft plans, following assessment by the relevant Scrutiny Committee, before going out to consultation. (The plan will subsequently return to the Cabinet).

***Requests for support***

- 3.24 Each chief officer is authorised to respond to requests for support by members of parliament, assembly members or any national campaign where it is obvious that the campaign is consistent with the Council's policies.

**4. Specific delegation**

- 4.1 The following specific powers and duties are delegated to the named chief officer.



**1. Chief Executive**

*In the "Scheme of Delegation to Committees" in Part 3 of the Constitution, it is noted where functions that are not the responsibility of the Executive have been delegated to Chief Officers. Where no chief officer has been named in that document, the power has not been delegated rather it has been reserved by the committee.*

- 1.1 To act as the head of paid service under Section 4 - Local Government and Housing Act 1989.
- 1.2 Supervising policy development and best value arrangements in general.
- 1.3 Exercising the duties of the Clerk to the Lieutenancy.
- 1.4 Exercising the Council's powers under the Civil Contingencies Act 2004 and general rights to act in a civil emergency.

## 2. Head of Human Resources Department

*In the "Scheme of Delegation to Committees" in Part 3 of the Constitution, it is noted where functions that are not the responsibility of the Executive have been delegated to Chief Officers. Where no chief officer has been named in that document, the power has not been delegated rather it has been reserved by the committee.*

- 2.1 To act on a day to day basis and within the scheme in the following areas:-
- Work terms and conditions
  - Industrial relations
  - Staff training and development
  - Recruitment and appointment procedure
  - Employer's responsibility relating to health and safety matters
- 2.2 To be the proper officer for signing applications for checks with the Criminal Records Bureau.
- 2.3 To determine, on behalf of the employer, stage 1 of an appeal under the internal dispute resolution procedure of the Local Government Pension Scheme.
- 2.4 To decide on re-grading applications (to be discharged through the job evaluation procedure).

### 3 Head of Education Department

*In the “Scheme of Delegation to Committees” in Part 3 of the Constitution, it is noted where functions that are not the responsibility of the Executive have been delegated to Chief Officers. Where no chief officer has been named in that document, the power has not been delegated rather it has been reserved by the committee.*

- 3.1. To act on a day to day basis and within the scheme in the following areas:-
  - Schools’ support
  - Special educational needs
  - Education welfare service
  - Governors’ support
  - Schools improvement and educational standards
  - Schools’ admissions
  - Child employment
  - School transport
  - School staffing matters
  - Children and Young People Partnership
- 3.2 To be the Chief Education Officer.
- 3.3 To decide on the commencement and finishing dates for school terms and holidays.
- 3.4 To intervene to prevent discipline in school from breaking down or in cases where there is concern about standards or management.
- 3.5 To decide on applications by parents noting a preference for a school for their children.
- 3.6 To decide on admission arrangements in county and voluntary schools.
- 3.7 To exercise the Council's powers in relation to the employment of children.
- 3.8 To take any steps that may be taken under legislation to exclude persons from educational premises and take steps to have them removed as required.
- 3.9 To exercise the Council's powers to ensure the attendance of pupils in schools (including taking legal action where appropriate).
- 3.10 To decide on applications for free or reduced cost transport to schools and to deal with school transport contracts.
- 3.11 To consider individual cases of pupils who are excluded from school and decide on the response of the Education Authority.
- 3.12 To suspend the right of the governing body to have a delegated budget in circumstances permitted by the Act.
- 3.13 To act on any school staffing matters where the decision is that of the Local Education Authority (rather than the Governing Body).

## PART 3 – SCHEME OF DELEGATION FOR OFFICERS

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- 3.14 To implement the Special Educational Needs provisions in so far as the decisions have not been delegated to the Special Educational Needs Joint Committee.
- 3.15 To appoint governors to school governing bodies.
- 3.16 To allocate student grants.



#### 4. Head of Finance Department

*In the “Scheme of Delegation to Committees” in Part 3 of the Constitution, it is noted where functions that are not the responsibility of the Executive have been delegated to Chief Officers. Where no chief officer has been named in that document, the power has not been delegated rather it has been reserved by the committee.*

- 4.1 To act on a day to day basis and within the scheme in the following areas:-
- Internal Audit
  - Accountancy
  - Risk management and insurance
  - The pension fund and the pension scheme
  - Treasury management (including investments)
  - Council Tax and non-domestic rates
  - Housing benefits and rates
  - Payments
  - Income and creditors
  - Payroll
- 4.2 To be the proper officer for the purposes of Section 151 of the Local Government Act 1972 and Section 114 of the Local Government Finance Act 1988.
- 4.3 To be the proper officer for the purposes of Section 115 and 146 of the Local Government Act 1972.
- 4.4 The right to sign a certificate that a lease or contract does not constitute credit arrangements under Section 48 of the Local Government and Housing Act 1989.
- 4.5 The right to sign a certificate that contracts comply with the Local Government (Contracts) Act 1997.
- 4.6 To nominate benefit anti-fraud officers.
- 4.7 To authorise the write-off of debts up to the amounts noted in the Financial Procedure Rules.
- 4.8 To be the Authorising Officer for the purposes of the Regulation of Investigatory Powers Act 2000 and may authorise other officers within their service similarly to be an Authorised Officer.

**5, Head of Provider and Leisure Department**

*In the "Scheme of Delegation to Committees" in Part 3 of the Constitution, it is noted where functions that are not the responsibility of the Executive have been delegated to Chief Officers. Where no chief officer has been named in that document, the power has not been delegated rather it has been reserved by the committee.*

5.1 To act on a day to day basis and within the scheme in the following areas:-

- Home Care
- Residential and day services
- Catering
- Cleaning
- Carers
- Leisure centres
- Sports development

5.2 To act as a "responsible person" for the purposes of the Care Standards Act 2000.

## 6. Head of Democracy and Legal Department

*In the “Scheme of Delegation to Committees” in Part 3 of the Constitution, it is noted where functions that are not the responsibility of the Executive have been delegated to Chief Officers. Where no chief officer has been named in that document, the power has not been delegated rather it has been reserved by the committee.*

- 6.1 To act on a day to day basis and within the scheme in the following areas:-
- Legal
  - Complaints
  - Elections
  - Print room
  - Translation
  - Cabinet Support
  - Registration of births, deaths and marriages
  - Searches, land charges and common land
  - Coroner Support
- 6.2 To instigate, defend or settle legal proceedings (either in the name of the Council or in the name of a specific officer of the Council) under common law or under any legislation, secondary legislation, or the by-law which either grants functions to the Council or which relates to functions discharged by the Council and to appeal against any legal judgement. For the avoidance of doubt this authority includes the authority to take all procedural measures including the serving of statutory or non-statutory notices or counter notices and eviction notices.
- 6.3 To authorise a Council officer to act under paragraph 4.16.3 in the same manner as himself/herself and to prosecute, defend or appear in any legal proceedings under the provisions of Section 223 of the Local Government Act 1972 or any other relevant legislation that may be in force from time to time. The Head of Democracy and Legal Department must keep a list of all the authorisations granted when exercising powers under this sub-clause.
- 6.4 To be the proper officer for the purposes of the registrations of births, deaths and marriages.
- 6.5 To exercise the Council's powers under the Marriage Act 1994 and the Civil Partnership Act 2004.
- 6.6 To act as the Council's Monitoring Officer under Section 5 of the Local Government and Housing Act 1989.
- 6.7 To act as the Proper Officer of the Council except where the provisions of the law, this scheme or other parts of the Constitution specify that the function should be discharged by another officer.
- 6.8 Authority to sign a certificate for the purposes of Her Majesty's Land Registry and to register any land charge on behalf of the Council.
- 6.9 Authority to make orders under the Town Police Clauses Act 1847.

## PART 3 – SCHEME OF DELEGATION FOR OFFICERS

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- 6.10 Authority to affix the Common Seal of the Council to documents following a valid decision by the Council, Cabinet, Committee, Portfolio Leader or officer exercising delegated powers, and to authorise other officers to do likewise.
- 6.11 To exercise all the Council's powers as a common land registration authority.
- 6.12 Authority to give certificates regarding the political duties of posts under section 3 of the Housing and Local Government Act 1989.
- 6.13 To act on reports from the Public Services Ombudsman for Wales under Section 21 of the Public Services Ombudsman (Wales) Act 2005.
- 6.14 In consultation with the relevant head, to authorise payments in cases of maladministration, under Section 92 of the Local Government Act 2000 or in cases of complaints under Section 34 of the Public Services Ombudsman (Wales) Act 2005 (provided that there is also consultation with the Chairman of the Audit Committee in the case of any payment in excess of £10,000).
- 6.15 To give an opinion as a qualified person under Section 36 of the Freedom of Information Act 2000.
- 6.16 To implement trust functions.
- 6.17 To undertake reviews of freedom of information requests.
- 6.18 To determine stage 2 appeals under the dispute resolution procedure of the Local Government Pension Scheme.
- 6.19 To be the Authorising Officer for the purposes of the Regulation of Investigatory Powers Act 2000 and may authorise other officers within their service similarly to be an Authorised Officer.

## 7. Head of Economy and Community Department

*In the “Scheme of Delegation to Committees” in Part 3 of the Constitution, it is noted where functions that are not the responsibility of the Executive have been delegated to Chief Officers. Where no chief officer has been named in that document, the power has not been delegated rather it has been reserved by the committee.*

- 7.1 To act on a day to day basis and within the scheme in the following areas:-
- Europe
  - Objective 1
  - Regeneration programmes
  - Cwlwm Gwledig
  - Business services
  - Marketing
  - Tourism
  - Events Commission
  - Film Commission
  - Gwynedd Training
  - Communities First
  - Getting on in Gwynedd (*Llwyddo'n Lleol*)
  - Regeneration grants
  - Museums
  - Archives
  - Galleries
  - Theatres and cinemas
  - The Arts
  - Maritime
  - Village halls
  - Country parks
  - Youth services
- 7.2 To approve grants up to a maximum of £50,000 in any single case by an eligible applicant whose home or business is situated within Gwynedd.
- 7.3 To let industrial units and land and to take steps to safeguard them against unlawful occupation and to repossess them.
- 7.4 To issue a notice to quit to a tenant of an industrial unit or land and to seek possession through the courts.
- 7.5 To grant rent discounts on industrial units and land.
- 7.6 In consultation with the Portfolio Leader, the right to determine or vary entrance fees to the Council's museums and galleries where appropriate.
- 7.7 Authority to make applications for grant monies from different sources and implement programmes deriving from them.

## PART 3 – SCHEME OF DELEGATION FOR OFFICERS

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- 7.8 In consultation with the Portfolio Leader, allocate community grants from various community funds in accordance with programmes approved by the Cabinet.
- 7.9 In consultation with the Portfolio Leader, to decide on applications for financial assistance from the Welsh Church Fund.

## 8 Head of Customer Care Department

*In the “Scheme of Delegation to Committees” in Part 3 of the Constitution, it is noted where functions that are not the responsibility of the Executive have been delegated to Chief Officers. Where no chief officer has been named in that document, the power has not been delegated rather it has been reserved by the committee.*

- 8.1 To act on a day to day basis and within the scheme in the following areas:-
- Information Technology
  - Business Transformation
  - Customer Contact
  - Information Management
  - Property Asset Management Plan
  - Offices and reception areas
  - Communication and public consultation
  - Libraries
  - Lifelong Learning Centres
  - Emergency planning
  - Children and young people’s information service
- 8.2 The right, where terms cannot be agreed with landowners for the purchase of interest in land within six months of the commencement of negotiations, to purchase the same through a compulsory purchase order subject to the provision of the law.
- 8.3 To grant licences, easements and rights of way to, or by, the Council.
- 8.4 In appropriate cases, to pay compensation under the Compensation Act 1973, the Planning and Compensation Act 1991, the Landlord and Tenant Act 1954, or any claim of dilapidation or tenants’ claims.
- 8.5 To negotiate and pay any claims presented against the Council for damage or loss caused by work carried out under the Council’s statutory powers.
- 8.6 To authorise Council tenants to sub-let.
- 8.7 To publish a statutory notice of the intention to conduct a rent review on tenancies.
- 8.8 To commence possession proceedings through the Court against any tenant, licensee or trespasser.
- 8.9 To approve the terms for purchasing, procuring, selling or disposing of all the Council’s interest in land where a decision has been made by the Cabinet, Committee, Leader or Chief Officer exercising delegated powers so to buy, procure, sell or dispose.
- 8.10 To approve terms and conditions for and then grant the renewal of a lease.
- 8.11 To approve an extension of an existing lease.

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- 8.12 To give consent to assign a lease.
- 8.13 To waive or vary the levying of charges and fees in individual cases where circumstances so dictate.
- 8.14 Implement library by-laws.



## 9 Head of Highways and Municipal Department

*In the “Scheme of Delegation to Committees” in Part 3 of the Constitution, it is noted where functions that are not the responsibility of the Executive have been delegated to Chief Officers. Where no chief officer has been named in that document, the power has not been delegated rather it has been reserved by the committee.*

- 9.1 To act on a day to day basis and within the scheme in the following areas:-
- Refuse collection
  - Recycling/waste disposal
  - Public conveniences
  - Highway maintenance
  - Council’s fleet
  - Street cleaning
  - Crematorium/burial service
  - Playing fields
  - Land maintenance
  - Closed circuit television
- 9.2 The power to issue notices of temporary road closures.
- 9.3 The power to deal with any obstruction on a highway, including the issuing of notices.
- 9.4 The power to do anything that may be necessary in the management of the Council’s fleet.
- 9.5 The power to apply for an operator’s licence in connection with the Council's waste functions.
- 9.6 The power to exercise enforcement powers in relation to environmental offences arising under any one of the Acts listed below (including steps which may be deemed necessary to prevent offences, educate and issue Fixed Penalty Notices).
- Dogs (Fouling of Land) Act 1996
  - Environmental Protection Act 1990
  - Removal and Disposal of Vehicles Regulations 1986
  - Refuse Disposal (Amenity) Act 1978
  - Clean Neighbourhoods and Environment Act 2005
  - Anti-social Behaviour Act 2003
  - The Control of Pollution (Amendment) Act 1989
- 9.7 To be the Authorising Officer for the purposes of the Regulation of Investigatory Powers Act 2000 and may authorise other officers within their service similarly to be an Authorised Officer.

## 10 Head of Regulatory Department

*In the "Scheme of Delegation to Committees" in Part 3 of the Constitution, it is noted where functions that are not the responsibility of the Executive have been delegated to Chief Officers. Where no chief officer has been named in that document, the power has not been delegated rather it has been reserved by the committee.*

10.1 To act on a day to day basis and within the scheme in the following fields subject to any limitations noted in this Scheme or in the Scheme of Delegation to Committees:-

- Development Control
- Conservation
- Rights of way and countryside management
- Public transport
- Street improvements
- Transport grant matters
- Highways enforcement
- Road safety
- Snowdonia Green Key
- Car parks
- Markets and fairs
- Licensing
- Trading Standards
- Environmental Health

## 11 Planning / Development Control

11.1 To consider, give advice, report and implement policies and the Council and Committees' decisions on planning matters.

11.2 To establish and lead forums and groups to consider, give advice, report and implement policies and the Council and Committees' decisions on planning matters.

11.3 Provide all information required for local land charges.

11.4 Participate in working arrangements in national, regional, professional and other partnerships.

11.5 Give observations on consultation documents relating to planning policy where this corresponds to the Council's policy.

11.6 All functions related to town and country planning and as included in the following Acts as amended and including all secondary legislation:

- Planning and Compulsory Purchase Act 2004

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- Town and Country Planning Act 1990
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning (Hazardous Substances) Act 1990
- Caravan Site and Control of Development Acts 1960 and 1968
- Environment Act 1995
- Planning and Compensation Act 1991
- Land Compensation Act 1961
- Habitats Regulations 92/43/EEC
- Anti-social Behaviour Act 2003

**The above provides that the determination on any matters requiring decisions under the above acts is delegated to the Head of Regulatory Department, with the exception of the following, which will be the responsibility of the Planning Committee.**

- Applications where the Councillor in whose ward a proposed development is located, or any other two members, submit(s) a written request to Planning Managers within the established time scale so that the matter is referred for a decision to the Planning Committee. The written request should include clear planning reasons why a request is made for the application to be referred to Committee. A notification letter should be sent to all local members. The prescribed period for advertising shall be 16 calendar days from the date of the notification letter. A local member may discuss an application with officers before referring it to Committee.
- Applications submitted by serving Members of staff of the Planning Service.
- Applications submitted by, or on behalf of, the Council or applications involving land owned by the Council.
- Applications where an Environmental Impact Assessment is appended to them.
- An application for consent to erect power lines with a capacity of 132KV or more.
- Applications where three or more observations, which are contrary to the officers' recommendation, have been received within the consultation period.
- Applications which the Head of Regulatory Department considers should be referred to Committee.
- Applications for residential developments for five dwellings or more.
- Applications for a commercial industrial or retail development that is larger than 500 square metres.
- Applications for more than five caravans.

**12 Rights of Way and Transport Matters**

12.1 All functions related to public rights of way and as included in the following Acts as amended and including all secondary legislation are delegated to the Head of Regulatory Department:

National Parks and Access to Countryside Act 1949  
Countryside Act 1968  
Highways Act 1980  
Wildlife and Countryside Act 1981  
Road Traffic Regulations Act 1984  
Cycle Tracks Act 1984  
Countryside and Right of Way Act 2000  
Clean Neighbourhoods and Environment Act 2005 (gating orders)  
Natural Environment and Rural Communities Act 2006 – part 6

**The above provides that the determination of all orders and decisions to confirm orders, under the above acts is delegated to the Head of Regulatory Department, with the exception of the following, which will be the responsibility of the Planning Committee.**

- Applications submitted by serving Members and staff of the Regulatory Service.
- Applications involving land owned by the Council.
- Decisions to submit orders made under the Highways Act 1980, where objections are received to the order and are not withdrawn, to the Assembly for confirmation.
- Applications which the Head of Regulatory Department considers should be referred to Committee.
- Applications for orders made under the Highways Act 1980 where the Councillor in whose ward a proposed diversion is located submits a written request to the Head of Regulatory Department within the established time scale for the application to be referred to the Area Committee. The prescribed period for advertising shall be 16 calendar days from the date of the letter of consultation regarding the application.

12.2 To exercise the Council's powers under the Road Traffic Act 1988 and the Traffic Management Act 2004.

12.3 The power to enter into access agreements in respect of land under the Countryside and Rights of Way Act 2000 or any other act.

12.4 The power to issue notices of temporary road closures.

12.5 Powers to deal with any obstruction on a highway, including issuing notices.

**13 Public Protection**

13.1 To exercise the Council's powers in relation to high hedges under the Anti-social

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Behaviour Act 2003.

13.2 Authorisation to appoint inspectors under the Health and Safety at Work Act etc. 1974.

13.3 To exercise the Council's powers under the acts listed in **Appendix 1** (together with any other acts relating to Public Protection which will become the Council's responsibility and which will be included on the list in Appendix 1).

### 14 Licensing

14.1 To exercise the Council's powers under the **Licensing Act 2003** in accordance with the delegation scheme in the Council's Licensing Policy which has been reproduced below.

#### Delegation under the Licensing Act 2003

Matter to be dealt with	Full Committee	Sub-committee	Head of Regulatory Department
Application for a personal licence		If observations have been submitted by the police.	If no observations have been submitted.
Application for a personal licence with unspent convictions		All cases	
Application for Property Licence/ club property certificate		If observations have been submitted.	If no observations have been submitted.
Application for a Provisional Statement		If observations have been submitted.	If no observations have been submitted.
Application to vary a Premises Licence/ club premises certificate		If observations have been submitted.	If no observations have been submitted.
Application to vary a designated personal licensee		If observations have been submitted by the police.	In all other cases
Application to withdraw as a designated personal licensee			All cases
Application for a licence to transfer premises		If observations have been submitted by the police.	In all other cases
Application for Temporary Authority		If observations have been submitted by the police.	In all other cases

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Application to review a Premises Licence/ club premises certificate		In all cases	
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Decision on whether a complaint is irrelevant, frivolous, vexatious etc.			All cases
Decision to object when the local authority is a consultee and not the lead authority			All cases
Determination of a police representation to a temporary event notice		In all cases	All cases

14.2 To exercise the Council's powers under the Gambling Act 2005 in accordance with the delegation scheme in the Council's Licensing Policy which has been reproduced below.

**Delegation under the Gambling Act 2005**

<b>Matter for discussion</b>	<b>Full Council</b>	<b>Sub-committee or panel</b>	<b>Head of Regulatory Department</b>
Three-year licensing policy	X		
Policy not to allow casinos	X		
Set fees – when appropriate		Full Committee	
Application for premises licence		If representations made and are not withdrawn	If no representations made or are withdrawn
Application to vary licence		If representations made and are not withdrawn	If no representations made or are withdrawn
Application to transfer licence		If representations are made by the Commission	If no representations are made by the Commission
Application for interim licence		If representations made and are not withdrawn	If no representations made or are withdrawn
Review premises licence		X	

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Matter for discussion	Full Council	Sub-committee or panel	Head of Regulatory Department
Application for machine / gambling club permits		If representations made and are not withdrawn	If no representations made or are withdrawn
Abolish gambling machine / club permits		X	
Application for other permits			X
Abolish licensed premises gambling machine permit			X
Consider interim use notices			X
Decision to submit counter-notice to interim use notice		X	
Decision whether a person is an Interested Party			X
Decision whether representations are relevant			X
Decide whether representations are relevant, frivolous, vexatious or repetitive			X

- 14.3 To exercise the Council's powers in the field of **hackney and private hire vehicle licensing** except for the following matters which are the responsibility of the Sub-committee of the General Licensing Committee.
- (a) To determine an application for a hackney/private hire driver's licence when the report of the Criminal Records Bureau discloses a conviction or police caution.
  - (b) To determine an application for a hackney/private hire vehicle licence when the vehicle does not comply with the authority's policy.
  - (c) To determine an application for a private hire operator licence when the report of the Criminal Records Bureau discloses a conviction or police caution.
15. To be the Authorising Officer for the purposes of the Regulation of Investigatory Powers Act 2000 and may authorise other officers within their service similarly to be an Authorised Officer.



<b>LEGISLATION</b>
Administration of Justice Act 1970
Agriculture Act 1970
Agriculture (Miscellaneous Provisions) Act 1972
Agriculture Produce (Grading and Marking) Acts 1928 and 1931
Animal Health Act 1981
Animal Health Establishments Act 1963
Animal Welfare Act 2006
Anti-social Behaviour Act 2003
Breeding of Dogs Act 1973
Breeding of Dogs Act 1991
Building Act 1984
Cancer Act 1939
Caravan Site and Control of Development Act 1960
Children and Young People (Protection from Tobacco) Act 1991
Clean Air Act 1993
Clean Neighbourhoods and Environment Act 2005
Common Land Registration Act 1965
Companies Act 2006
Consumer Credit Act 1974
Consumer Protection Act 1987
Control of Pollution Act 1974
Control of Pollution (Amendment) Act 1989
Criminal Justice Act 1988
Criminal Justice and Public Order Act 1994
Copyright, Design and Patents Act 1988 as amended by the Broadcasting Act 1990
Dangerous Dogs Act 1991
Dangerous Wild Animals Act 1976
Development of Tourism Act 1969
Dogs (Fouling of Land) Act 1996
Education Reform Act 1988
Energy Act 1976
Energy Conservation Act 1981
Enterprise Act 2002
Environment Act 1995
Environmental and Safety Information Act 1988
Environmental Protection Act 1990
Estate Agents Act 1979
European Communities Act 1972
Explosives Acts 1875 and 1923
Explosives (Age of Purchase) Act 1976
Fair Trading Act 1973
Farm and Garden Chemicals Act 1967
Fire Safety and Places of Sport Act 1987
Fireworks Act 1951, 1964 and 2003
Food Act 1984

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<b>LEGISLATION</b>
Food and Environment Protection Act 1985
Food Safety Act 1990
Forgery and Counterfeiting Act 1981
Fraud Act 2006
Gambling Act 1968
Gambling Act 2005
Game Licences Act 1860
Hallmarking Act 1973
Health Act 2006
Health and Safety at Work etc. Act 1974
Home Safety Act 1961
House to House Collections Act
Housing Act 1996 and 2004
Insurance Brokers (Registration) Act 1977
Licensing Act 2003
Local Government Act 1972
Local Government Act 1992
Local Government and Housing Act 1989
Local Government (Miscellaneous Provisions) Act 1976
Local Government (Miscellaneous Provisions) Act 1982
Lotteries and Amusements Act 1976
Lotteries and Amusements (Amended) Act 1976
Medicines Act 1968
Merchant Shipping Act 1979
Mock Auctions Act 1961
Motor Cycle Noise Act 1987
Motor Vehicles (Safety Equipment for Children) Act 1991
Noise Act 1996
Noise and Statutory Nuisance Act 1993
Olympic Symbol etc. (Protection) Act 1995
Pet Animals Act 1951
Petroleum (Consolidation) Act 1928
Petroleum (Transfer of Licences) Act 1936
Poisons Act 1972
Police, Factories etc. (Miscellaneous Provisions) Act 1916
Pollution Prevention and Control Act 1999
Prevention of Damage by Pests Act 1949
Prices Acts 1974 and 1975
Property Misdescriptions Act 1991
Protection of Children (Tobacco) Act 1986
Public Health Act 1936
Public Health Act 1961 (Section 73)
Public Health (Control of Diseases) Act 1984
Rag Flock and Other Filling Materials Act 1951
Refuse Disposal (Amenity) Act 1978
Riding Establishments Act 1964
Road Traffic Act 1988 and 1991
Road Traffic (Consequential Provisions) Act 1988
Road Traffic Offenders Act 1988

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Road Traffic Offenders (Foreign Vehicles) Act 1972
<b>LEGISLATION</b>
Safety of Sports Grounds Act 1975
Scotch Whisky Act 1988
Scrap Metal Dealers Act 1964
Shops Act 1950
Slaughterhouses Act 1974
Small Holdings and Allotments Act 1908-1950
Solicitors Act 1974
Sunday Trading Act 1994
Telecommunications Act 1984
Theft Acts 1968 and 1978
Timeshare Act 1992
Tobacco Advertising and Promotions Act 2002
Town Police Clauses Act 1847
Trade Descriptions Act 1968
Trademarks Act 1994
Trading Representations (Disabled Persons) Acts 1958 and 1972
Trading Stamps Act 1964
Transport Act 1985
Unsolicited Goods and Services Act 1971 and 1975
Video Recording Acts 1984 and 1993
Water Industries Act 1991
Weights and Measures Act 1985
The Control of Dogs Order 1992
Animal and Animal Products (Import and Export) Regulations 1998
Animal By-products (Wales) Regulations 2003
BSE Offspring Slaughter Regulations 1998
Cattle Database Regulations 1998
Cattle Identification Regulations 1998
Energy Performance of Buildings (Certificates and Inspections)(England and Wales) Regulations 2007 (as amended)
Environmental Damage (Precaution and Remediation) Regulations 2009
Environmental Permitting (England and Wales) Regulations 2010
Food Health (General Food Hygiene) Regulations 1995
Food Hygiene (England, N.I., Wales, Scotland, etc.) Regulations 2005
General Food Regulations 2004
Private Water Supplies (Wales) Regulations 2010
Pollution Prevention and Control Regulations 2000
Public Health (Aeroplanes) Regulations 1979
Public Health (Shellfish) Regulations 1934
Public Health (Shipping) Regulations 1979
Public Health (TB Prevention) Regulations 1925
Removal and Disposal of Vehicles Regulations 1986
Smoke-free Premises etc. (Wales) Regulations 2007
The Products of Animal Origin (Third Country Imports) (Wales) Regulations 2004
The TSE (Wales) Regulations 2002
Waste Removal Regulations 1967

## 15 Head of Strategic and Improvement Department

*In the "Scheme of Delegation to Committees" in Part 3 of the Constitution, it is noted where functions that are not the responsibility of the Executive have been delegated to Chief Officers. Where no chief officer has been named in that document, the power has not been delegated rather it has been reserved by the committee.*

15.1 To act on a day to day basis and within the scheme in the following areas:-

- Improvement Programme
- Priorities
- Policy overview
- Community plan
- Procurement
- Scrutiny
- Research
- Community Safety
- Democratic service

15.2 The right to give consent under Section 30 of the Anti-social Behaviour Act 2003 (the use of dispersal orders).

15.3 To exercise the Council's powers under the Local Government Act 1972 and the Local Government and Housing Act 1989 in relation to appointing members to serve on committees.

## 16 Head of Housing and Social Services Department

*In the "Scheme of Delegation to Committees" in Part 3 of the Constitution, it is noted where functions that are not the responsibility of the Executive have been delegated to Chief Officers. Where no chief officer has been named in that document, the power has not been delegated rather it has been reserved by the committee.*

- 16.1 To act on a day to day basis and within the scheme in the following areas:-
- Director of Social Services
  - Elderly
  - Mental Health
  - Physical disabilities
  - Learning disabilities
  - Children
  - Welfare Rights Unit
  - Youth Offending Team
- 16.2 To act as the Statutory Director of Social Services.
- 16.3 To exercise powers under all the Acts listed in Schedule 1 of the Local Authorities (Social Services) Act 1970.
- 16.4 To exercise powers under section 47 of the National Assistance Act 1948.
- 16.5 To act on a day to day basis and within the scheme in the following areas:-
- Homelessness
  - Private sector housing enforcement
  - Housing and renovation grants
- 16.6 To exercise the Council's functions in relation to homelessness in accordance with Part 8 – Housing Act 1996.
- 16.7 To approve the sale of former Council Houses for people who meet the statutory conditions and accept or refuse an offer to re-purchase a former Council house under Section 157 of the Housing Act 1985.
- 16.8 To exercise the Council's functions in relation to unfit housing under the Housing Act 1985 and the Housing Grants, Construction and Regeneration Act 1996.
- 16.9 To exercise the Council's powers to issue notices and take enforcement steps in relation to houses in multiple occupation.
- 16.10 To exercise the Council's enforcement powers in the private housing sector.
- 16.11 To approve or refuse and administer grant applications under the Housing Grants, Construction and Regeneration Act 1996.
- 16.12 To operate a transferable discount scheme.

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- 16.13 To exercise the Council's functions relating to drainage, water supply and other environmental health matters under the Building Regulations Act 1984 and nuisance under the Environmental Protection Act 1990.
- 16.14 To exercise the Council's functions under the Housing Act 2004.
- 16.15 To serve property notices under the Law of Property Act 1925.

**17 Head of Gwynedd Consultancy Department**

*In the “Scheme of Delegation to Committees” in Part 3 of the Constitution, it is noted where functions that are not the responsibility of the Executive have been delegated to Chief Officers. Where no chief officer has been named in that document, the power has not been delegated rather it has been reserved by the committee.*

17.1 To act on a day to day basis and within the scheme in the following areas:-

- Environmental assessments
- Drafting, management and supervision of road works contracts
- Building control
- Traffic assessments
- Technical surveys, inspections and tests
- Coastal defence
- Building design and maintenance

17.2 To exercise all the Council's functions in relation to building control under the Building Act 1984 or otherwise.

**18 North Wales Trunk Road Agency Manager**

*In the "Scheme of Delegation to Committees" in Part 3 of the Constitution, it is noted where functions that are not the responsibility of the Executive have been delegated to Chief Officers. Where no chief officer has been named in that document, the power has not been delegated rather it has been reserved by the committee.*

- 18.1 To act on a day to day basis, within the scheme, and under the direction of the Agency Cabinet to carry out the functions of the North Wales Trunk Road Agency.
- 18.2 To appoint traffic officers under section 2 of the Traffic Management Act 2004.



**COUNCIL PROCEDURE RULES**

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**Definitions**

- (1) In these rules of procedure, unless the context otherwise demands, the following terms have the meaning assigned to them:

<b>“the 1972 Act” -</b>	the Local Government Act 1972
<b>“the 1989 Act” -</b>	the Local Government and Housing Act 1989;
<b>“the 1994 Act” -</b>	the Local Government (Wales) Act 1994;
<b>“the 2000 Act” -</b>	the Local Government Act 2000;
<b>“Council”</b>	Gwynedd Council acting by any means which it may lawfully adopt;
<b>“committee”-</b>	a committee of the Council, but not including an advisory committee or joint committee;
<b>“sub-committee” -</b>	a sub-committee of a committee;
<b>“meeting” -</b>	a meeting of the Council, a committee or a sub-committee as the case may be;
<b>“person presiding” -</b>	the person entitled, or appointed, to preside at any meeting;
<b>“member” -</b>	in relation to the Council, a member of the Council; in relation to any committee or sub-committee a person appointed as a member of that committee or sub-committee, whether or not entitled to vote;
<b>“the whole number of members”-</b>	in relation to the Council, the total number of persons who may become members of the Council, disregarding any person who is a member of the Council only by virtue of section 22(3) or section 24(2) of the 1972 Act as amended by the 1994 Act (chairman and vice-chairman to remain members until replaced);
<b>“number of members”-</b>	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 or sub-committee, the number of persons who may act at the time in question as voting members of that body;

<b>“political group” -</b>	a political group as defined in the Local Government (Committees and Political Groups) Regulations 1990 No.1553 (and amended by Amending Regulations);
<b>“majority group” -</b>	a political group to which belong either :- (i) more than half of the members of the Council; or ii) exactly half of the number of members of the Council, including the Chairman of the Council;
<b>“minority group” -</b>	a political group which, (i) is not the majority group; and (ii) is designated as such by a resolution of the Council;
<b>“leader of a political group” -</b>	the leader of a political group as defined in the Local Government (Committees and Political Groups) Regulations 1990 No.1553 (and amended by Amending Regulations).
<b>“leader of the Council” -</b>	such person as the Council shall so designate by resolution;
<b>“leader of the portfolio” -</b>	the leader of the relevant portfolio as designated by the Leader of the Council;
<b>“employee” -</b>	an employee of the Council or the holder of a paid office under the Council other than the chairman, vice-chairman and any local officer of dignity appointed by the Council under powers conferred by a royal charter;
<b>“chief officer” -</b>	a statutory or non-statutory chief officer, as defined in section 2 of the 1989 Act;
<b>“head of the authority’s paid service”</b>	the person designated as such under section 4 of the 1989 Act;
<b>“monitoring officer” -</b>	the person designated under section 5 of the 1989 Act (designation and reports of monitoring officer) or, if that person is unable to act owing to absence, illness or other good reason, the person nominated as his/her deputy under subsection (7) of that section;

**“chief finance officer” -** the person designated under section 151 of the 1972 Act (designation of an officer to be responsible for the administration of the Council’s financial affairs) or, if that person is unable to act owing to absence, illness or other good reason, the person nominated as his/her deputy under subsection 114(6) of the Local Government Finance Act 1988;

**“proper officer” -** the Head of Democratic Services except in relation to summonses for meetings of the Council, for which the Chief Executive is the proper officer.

**“without comment” -** in relation to the moving, seconding or putting of a motion, without any person speaking except to indicate the wording of the motion, the fact that it is being moved, seconded or put, or (in the case of the person presiding) the effect of adopting the motion;

- (2) Unless the context otherwise requires, the singular includes the plural and the plural includes the singular, and the masculine includes the feminine and the feminine the masculine.
- (3) Any reference in any rule of procedure to a numbered paragraph is, unless the context otherwise requires, a reference to the paragraph of that rule of procedure bearing that number.
- (4) Any reference in any rule of procedure to a “day” or “days” means a council working day, and does not include the day on which the notice was given or the day of the meeting to which the notice refers.

**1. ANNUAL MEETING OF THE COUNCIL**

**(1) Timing and Business**

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

The annual meeting will:

- (i) elect a person to preside if the chairperson is not present;
- (ii) elect the chairperson of the Council;
- (iii) elect the vice-chairperson of the Council;
- (iv) approve the minutes of the last meeting;
- (v) receive any announcements from the chairperson and/or head of the paid service;
- (vi) elect a Leader;
- (vii) be told by the Leader of the names of councillors he/she has chosen to be member of the Cabinet
- (viii) appoint at least one Scrutiny Committee, a Standards Committee, a Democratic Services Committee, an Audit Committee and such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in Part 3, Table 3 of this Constitution);
- (ix) agree such part of the scheme of delegation as the Constitution determines it is for the Council to agree (as set out in Part 3 of this Constitution)
- (x) approve a programme of ordinary meetings of the Council for the year; and
- (xi) consider any business set out in the notice convening the meeting.

**(2) Selection of Councillors on Committees and Outside Bodies**

At the annual meeting, the Council meeting will:

- (i) decide which committees to establish for the municipal year;
- (ii) decide the size and terms of reference for those committees;
- (iii) decide the allocation of seats to political groups in accordance with the political balance rules;
- (iv) decide the allocation of seats to outside bodies where political balance rules apply.

**2. ORDINARY MEETINGS OF THE COUNCIL**

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

- (i) elect a person to preside if the chairperson and vice-chairperson are not present;
- (ii) approve the minutes of the last meeting;
- (iii) receive any declarations of interest from members;
- (iv) receive any announcements from the chairperson, Leader, Cabinet members or head of paid service;
- (v) receive questions from, and provide answers to, the public in relation to matters which in the opinion of the person residing at the meeting are relevant to the business of the meeting;
- (vi) deal with any business from the last Council meeting;
- (vii) receive reports from the executive and the Council's committees, and receive questions and answers on any of those reports;
- (viii) receive annual reports from each member of the Cabinet in turn on his/her work (provided that no more than three such reports are submitted in any meeting) and receive questions and answers on the reports;
- (ix) once a year, receive a report from the Council Leader and hold a discussion on its content;
- (x) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (xi) consider motions;
- (xii) hold a discussion on a specific topic selected by a member/members in accordance with Rule 16.
- (xii) consider any other business specified in the summons to the meeting, including consideration of proposals from the executive in relation to the Council's budget and policy framework and reports of the scrutiny committee for debate.

**3. EXTRAORDINARY MEETINGS OF THE COUNCIL**

**Calling extraordinary meetings**

(1) Those listed below may request the proper officer to call Council meetings in addition to ordinary meetings;

- (i) the Council by resolution;
- (ii) the Chairperson of the Council;
- (iii) the Chief Executive;
- (iv) the Monitoring Officer; and
- (v) any five members of the Council if they have signed a requisition presented to the chairperson of the council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

(2) If any person decides to call an extraordinary meeting of the Council, he/she shall signify to the proper officer that he/she has done so, the business to be transacted and the date and time for which the meeting is called. The proper officer shall thereupon ensure that the notices and summonses required by paragraph 4(2) of Schedule 12 to the 1972 Act are published and sent to all members of the Council and all persons entitled to receive the papers.

(3) Any requisition under paragraph (2) may be presented by being left with the proper officer.

**4. EXTRAORDINARY MEETINGS OF COMMITTEES AND SUB-COMMITTEES**

**Calling extraordinary meetings.**

- (1) Those listed below may request the proper officer to call meetings of committees or sub-committees in addition to ordinary meetings;
  - (i) any three members or quarter of the total voting members of the committee (whichever is larger), if they have signed a requisition presented to the chairperson of the committee or sub-committee, and that he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.
- (2) If any person decides to call an extraordinary meeting of the committee or sub-committee, he/she shall signify to the proper officer without delay that he/she has done so to the proper officer, noting the intended business to be discussed; and the proper officer must issue a notice without delay to all members of the committee or sub-committee and everyone who is permitted to receive their papers.
- (3) (3) Any requisition under paragraph (2) may be presented by being left with the proper officer.

**5. APPOINTMENT OF MEMBERS (AND SUBSTITUTE MEMBERS) OF COMMITTEES AND SUB-COMMITTEES**

- (1) Whenever
  - (i) the Council is required to review the allocation of seats on committees between political groups, or
  - (ii) the Council resolves to carry out such a review, or
  - (iii) a committee is required to review the allocation of seats on a sub-committee between political groups, or
  - (iv) a committee resolves to carry out such a review,the proper officer must submit a report to the Council or committee (as the case may be), showing what allocation of seats would, in his/her opinion, best meet the requirements of section 15(4) of the 1989 Act.
- (2) In light of such a report, the Council or committee, as the case may be, shall determine the allocation of seats to political groups.
- (3) Whenever an appointment of a voting member of a committee or sub-committee falls to be made in accordance with the wishes of a political group to whom the seat has been allocated, and whenever such an appointment falls to be terminated in accordance with such wishes, then the proper officer shall make or terminate the appointment accordingly on receipt of a written request from or on behalf of the political group.

- (4) The Council may appoint one member from each Political Group represented on the Planning Committee to act as a substitute on that committee. Details of substitutes' rights are given in Rule 19.

**6. TIME AND PLACE OF MEETINGS**

- (1) The time and place of meetings will be determined by the proper officer and notified in summons.

**7. NOTICE OF AND SUMMONS TO MEETINGS**

- (1) The proper officer will give notice to the public of the time and place of any meeting in accordance with the Access to Committee Information Procedure Rules. At least five clear days before a meeting, the proper officer will send a summons signed by him or her by post to every member of the Council as agreed with the member or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

**8. ORDER OF BUSINESS – COMMITTEES AND SUB-COMMITTEES**

- (1) If the person presiding at a meeting of a committee or sub-committee, as appropriate, permits the discussion of an item of business which has not been included on the agenda for the meeting, because of its urgent nature, he/she should note it at the start of the meeting and it should be taken according to the direction of the person presiding.
- (2) Subject to any directions given by the person appointed to preside at the meeting of the committee or sub-committee, the items of business shall be arranged in such order as the proper officer thinks will best ensure the effective despatch of business.
- (3) In respect of each meeting of a committee or sub-committee, the proper officer shall consult the person appointed to preside at the meeting to ascertain whether he/she wishes to convene either of the following two meetings, i.e.:-
- (i) a meeting between him/her and the person appointed to preside at the meeting in his/her absence, the chief officers specified by such person, and the proper officer for the purpose of setting the agenda, and/or
  - (ii) a meeting with the same persons for a final briefing for the meeting.

**9. CHAIRING OF MEETING OF THE COUNCIL**

- (1) The person presiding at the meeting may exercise any power or duty of the chairman.
- (2) At a meeting of the Council the chairman, if present, shall preside.
- (3) No member shall be permitted to hold office as chairman for a period exceeding one year commencing with the annual Council, with the exception of a member who has been in office as a chairman during the period of one year since the previous annual Council.
- (4) If the chairman is absent from a meeting of the Council, then the vice-chairman of the



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Council, if present, shall preside.

- (5) If the chairman and vice-chairman of the Council are absent from a meeting of the Council then another member of the Council chosen by the members of the Council present shall preside.
- (6) If it is necessary to choose a member of the Council to preside in the absence of the chairman and vice-chairman, the proper officer shall call on a member of the Council to move that a member of the Council to be named by that member shall take the chair.
- (7) If discussion arises on that motion, the proper officer shall exercise and maintain order at the meeting.
- (8) The motion, and any amendments, shall be put to the meeting in accordance with rule 22(7) (voting on appointments).

### **10. CHAIRING OF COMMITTEES AND SUB-COMMITTEES**

- (1) Subject where appropriate to paragraphs (5) and (6) each committee and sub-committee at their first meeting after the annual meeting of the Council shall, from among their voting members who are members of the Council (but after its main committee meets first in respect of a sub-committee), appoint a person to preside at their meetings for the ensuing year, and shall, in the same way, appoint a person to preside in the absence of the first person.
  - (2) If the persons appointed under paragraph (1) are absent, a meeting of a committee or sub-committee shall appoint, from among the voting members present who are members of the Council, a person to preside at that meeting.
  - (3) Whenever it is necessary for the committee or sub-committee to appoint a person to preside, the proper officer shall exercise the powers of the person presiding to regulate that discussion, and to maintain order at the meeting.
  - (4) The motion, and any amendments, shall be put to the meeting in accordance with rule 22(8) (voting on appointments).
  - (5) No member shall serve as a chairman on more than one committee. This provision shall not prevent a member who is a chairman of a committee from taking the chair of a committee under paragraph (2).
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- (i) No member shall be permitted to hold office as chairman or vice-chairman of a committee for a period exceeding two years, with the exception of a member who has been in office as a chairman during the period of one year since the first meeting after the previous annual Council.
  - (ii) A member who has held the office of chairman of a particular committee for the period referred to under the previous sub-paragraph cannot hold the office of vice-chairman of that committee during the year following the termination of his/her office, unless such person has not held the office of Chairman for the

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maximum period permitted under paragraph 6(i) above. The Office may be held for a period of one year and will be limited to one exception only.

### **11. QUORUM**

- (1) The quorum of a meeting will be one quarter of the whole number of voting members. During any meeting if the chairman counts the number of members present and declares there is not a quorum present, the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.
- (2) No business shall be transacted at any meeting of a committee or sub-committee unless at least one quarter of the number of voting members of the committee or sub-committee, as the case may be, are present, provided that in no case shall any business be transacted unless at least three voting members are present except in the case of a sub-committee comprising less than five members, when the quorum shall be two voting members.

### **12. OPPOSITION PRIORITY BUSINESS**

- (1) This rule applies where there is a majority group among the members of the Council.
- (2) A minority group may require, by a notice in writing given to the proper officer no later than the latest time for the receipt of notices of motion for that meeting, that any one item of business to be placed on the agenda for any meeting of the Council shall be treated as opposition priority business.
- (3) Where the proper officer receives more than one such notice for any meeting, he/she shall decide which notice shall be effective so as to ensure that, as far as possible, each minority group's share of such notices which are effective fairly reflects the relative sizes of those groups in the period since the last annual meeting of the Council.
- (4) The proper officer must indicate on the agenda which (if any) item of business is to be treated as opposition priority business.
- (5) If an item of business is to be treated as opposition priority business, and if, after a period of two hours from the commencement of the meeting, consideration of that item has not begun, that item shall be taken next after the conclusion of the business then under discussion.

### **13. PRESENTATION OF PETITIONS**

#### **Meetings of the Council**

- (1) At a meeting of the Council, any member of the Council or member of the public may present a petition, signed by persons other than members of the Council, which is relevant to some matter in relation to which the Council have functions, or which affects the area of the Council, or part of it, or the inhabitants of that area, or some of them. The member presenting the petition shall satisfy himself/herself that the petition is proper to be received.

- (2) The petition must be presented to the proper officer 10 working days before the meeting and it must contain the signatures of at least 50 of the County's constituents.
- (3) The proper Officer shall note on the agenda for the meeting that a request to submit a petition has been received, and petitions shall be presented in the order in which notice of them was received.
- (4) The Chairman will invite the person responsible for arranging the petition (or the member representing him/her) to present the petition during the meeting. Three minutes are permitted to present the petition, and the person presenting it may summarise its purpose, indicate the number of signatories and make any supporting remarks that are relevant to its contents.
- (5) The Council Leader or relevant Portfolio Leader has the right to respond briefly to the presentation.
- (6) The petition shall be referred to the Cabinet or relevant Portfolio Leader or appropriate committee for consideration. The person responsible for arranging the petition will be invited to attend any committee or Cabinet meeting where the petition will be discussed.

#### **Meetings of committees and sub-committees**

- (7) At a meeting of a committee or sub-committee, any member of the Council may present a petition, signed by persons other than members of the Council, which is relevant to some matter in relation to which the Council have functions, or which affects the area of the Council, or part of it, or the inhabitants of that area, or some of them. The member presenting the petition shall satisfy himself/herself that the petition is proper to be received.
- (8) A member wishing to present a petition shall give notice of his/her intention to do so to the proper officer before the beginning of the meeting at which he/she wishes to present it.
- (9) The presentation of a petition shall be limited to not more than three minutes, and shall be confined to reading out, or summarising, the prayer of the petition, indicating the number and description of the signatories, and making such further supporting remarks relevant to the petition as the person presenting it shall think fit.
- (10) Petitions shall be presented in the order in which notice of them is received by the proper officer.

#### **14. QUESTIONS BY THE PUBLIC (MEETINGS OF THE COUNCIL)**

- (1) **General.**

Members of the public may ask questions of members of the Cabinet, the chairperson of the Council or the chairperson of any committee at ordinary

meetings of the Council.

**(2) Order of questions.**

Questions shall be asked in the order in which notice of them was received, but the Chairman may group together similar questions.

**(3) Notice of questions.**

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the proper officer no later than midday 10 working days before the date of the next meeting. Each question must give the name and address of the questioner and must name the member of the Council to whom it is to be put.

**(4) Number of questions.**

At any one meeting no person may submit more than one question and no more than one such question may be asked on behalf of one organisation. No more than two questions shall be heard at any one meeting.

**(5) Scope of questions.**

The proper officer may reject a question if it:-

- is not about a matter for which the local authority has a responsibility or which affects the County;
- is defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the Council in the past six months;
- necessitates disclosing confidential or exempt information;
- relates to a complaint (complaints should be presented through the Council's complaints procedure);
- relates to a specific application for permission, a licence, consent, approval or registration, or any enforcement action relating to such a matter;
- relates to a particular member, a member of Council staff or a member of the public;
- involves unreasonable costs and effort in order to provide an answer; or
- if it relates to a local matter that has no wider significance to the County.

**(6) Record of questions.**

The proper officer will enter each question in a book open to public inspection and will immediately send a copy of the question to the member to whom it is to be put. Rejected questions will include reasons for rejection.

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

**(7) Asking the question at the meeting.**

The Chairman will invite the questioner to put the question to the member named in the notice. If a questioner cannot be present at a meeting, he/she may ask the chairman to ask the question on his/her behalf. The chairman may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

**(8) Supplementary question.**

A questioner who has personally presented a question may ask one supplementary question without notice of the member who answered the original question by him/her. A supplementary question must rise directly from the original question or the reply. The Chairman may reject a supplementary question for any of the reasons noted in Rule 5 above.

**(9) Time**

The time available to the questioner is confined to two minutes initially and one minute for the supplementary question, with the person responding to have five minutes to reply initially, and two minutes for the supplementary question.

**(10) Written answers.**

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

**15. QUESTIONS BY MEMBERS**

**(1) Reports of the Cabinet or other committees**

A member of the Council may ask the Leader, the portfolio leader or the chairperson of a committee or sub-committee any question without notice upon an item of report of the Cabinet, a member of the Cabinet or other committee when that item is being received or under consideration by the Council.

**(2) Questions on notice at full Council**

Subject to Rule 15(4), a member of the Council may ask:

- the chairman of the Council;
- a member of the Cabinet;
- or
- the chairman of any committee or sub-committee

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

**(3) Questions on notice at committees and sub-committees**

Subject to Rule 15(4), a member of a committee or sub-committee may ask the chairman of it a question on any matter in relation to which the Council has powers or

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duties or which affect the area and which falls within the terms of reference of that committee or sub-committee.

### (4) **Notice of questions.**

A member may only ask a question under Rule 15(2) or 15(3) if either:

- (i) he/she has given at least two days notice in writing of the question to the proper officer; or
- (ii) the question relates to an urgent matter, they have the consent of the chairman to whom the question is to be put and the content of the question is given to the proper officer at least four hours before the meeting.

### (6) **Response**

An answer may take the form of:

- (i) a direct oral answer;
- (ii) with the consent of the member asking the question, a written answer;
- (iii) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (iv) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

### (7) **Supplementary question**

A member asking a question under Rule 15(2), 15(3) or 15(5) may ask one supplementary question without notice of the member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply.

### (8) **Time**

No more than 30 minutes may be spent on questions pursuant to Rule 12(2) at any one meeting of the Council. If questions remain unanswered at the expiration of that time, the questions and answers shall be circulated in written form to the members and press, and included in due course in the minutes of the meeting. In the case of committees or sub-committees, no more than 15 minutes may be spent on questions.

## **16. DISCUSSION ON A SPECIFIC SUBJECT (MEETINGS OF THE COUNCIL)**

- (1) At every ordinary meeting of the Council, a discussion on one specific subject proposed by one of the Council members may be had.
- (2) 30 minutes shall be allocated to the discussion. The member who proposed the subject will have an opportunity to explain the background to the matter and why he/she wishes for the Council to discuss it.

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- (3) A member must give a written warning to the proper Officer if he/she wishes to propose a subject for the next ordinary meeting of the Council. The notice should reach the proper Officer no later than 10 days before the day of the meeting.
- (4) The Chairman will decide whether a subject is appropriate for discussion or not, and should there be more than one proposal, which one will be discussed.
- (5) No formal proposal may be made in relation to the discussion. The results of the debate will be considered by the Leader when recommending the budget and policy framework to the Council.

### **16. MOTIONS ON NOTICE**

- (1) Any member of the Council may give notice of not more than one motion for consideration at any meeting of the Council, but may in addition give notice of a motion that there should be no automatic reference to committee.
- (2) The leader of the Council may give notice of more than one motion for consideration at any meeting of the Council.
- (3) Notice of every motion to be moved at a meeting of the Council other than a motion which, under rule 14, may be moved without notice shall be given in writing, signed by the member or the members of the Council giving the notice. The notice shall state for which meeting of the Council the notice is given.
- (4) Notice of every motion of which notice is required shall be delivered to the proper officer at least ten days before the day of the meeting for which the notice is given unless the person presiding at the meeting is of the opinion that a motion should be considered as a matter of urgency, in which case at least 24 hours notice of the motion shall be given.
- (5) The proper officer shall not accept any notice of motion which, by reason of any enactment or any provision in these rules of procedure other than paragraph (9) below, could not be considered at the meeting for which it is given.
- (6) The proper officer shall record the time and date at which every such notice is delivered to him. That record shall be open to the inspection of every member of the Council.
- (7) Every motion shall be relevant to some matter in relation to which the authority have functions, or which affects the area of the authority, or part of it or the inhabitants of that area, or some of them.
- (8) A motion shall only be moved by a member by whom notice has been given, or by a member authorised by such a member.
- (9) Where notice of motion has been given for any meeting, and that motion is neither moved (for whatever reason) nor deemed to have been referred to a committee, the notice shall lapse, and the motion shall not be moved without further notice.
- (10) Subject to paragraph (11) below, where a notice of motion has been given for any meeting, and that motion is within the terms of reference of any committee of the authority, the motion shall be deemed to have been referred by that meeting to the

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next meeting of the committee or committees within whose terms of reference it falls. A memorandum appended to the minutes of that meeting shall record the references that are deemed to have been so made. If any question arises as to the committee to which the motion is to be referred, it shall be determined by the chairman of the Council.

- (11) Where a motion has been referred, or is deemed to have been referred, to a meeting of a committee, that committee shall consider it at their next meeting and shall either report upon the motion to the next meeting of the Council, or include their views upon the motion in their next report to the Council.
- (12) Notwithstanding paragraph (10), a motion may be considered without first being referred to a committee if the Council so resolve on a motion, of which notice under paragraph (1) above has been given, but which shall be moved, seconded, and put without comment.
- (13) If notice is given under this standing order of any motion which, in the opinion of the proper officer, could properly be moved as an amendment to a motion for adoption of a recommendation of a committee which will be before the Council, it shall not be accepted or placed on the agenda without the consent of the chairman of the Council. In the event of non-acceptance the proper officer shall so inform the member giving the notice.

### **18. MOTIONS WITHOUT NOTICE**

The following motions may be moved without notice:

- (i) to appoint a chairman of the meeting at which the motion is moved;
- (ii) in relation to the accuracy of the minutes;
- (iii) to change the order of business in the agenda;
- (iv) to extend the time limit for speeches;
- (v) to refer something to an appropriate body or individual;
- (vi) to appoint a committee or member arising from an item on the summons for the meeting;
- (vii) to receive reports or adopt recommendations of committees or officers and any resolutions following from them;
- (viii) to withdraw a motion;
- (ix) to amend a motion;
- (x) to proceed to the next business;
- (xi) that the question be now put;
- (xii) to adjourn a debate;
- (xiii) to refer a petition which has been presented to the Council to a committee for consideration;
- (xiv) to adjourn a meeting;
- (xv) motions arising from correspondence or other items specifies in the summons to the meeting;
- (xvi) to suspend a particular Council procedure rule;
- (xvii) to exclude the public and press in accordance with the Access to Committee Information Procedure Rules;
- (xviii) to not hear further a member named under Rule 26(3) or to exclude him/her from the meeting under Rule 26(4); and
- (xix) to give the consent of the Council where its consent is required by this Constitution.



**19. RIGHTS TO SPEAK AT MEETINGS OF COMMITTEES AND SUB-COMMITTEES**

**Non-voting members**

- (1) The chairman and vice-chairman of the Council may attend and speak (but may not vote) at a meeting of a standing committee or sub-committee of which they are not voting members.
- (2) The person appointed to preside at the meetings of a committee, and his/her deputy, may attend and speak at a meeting of any sub-committee appointed by that committee, but may not vote unless appointed as a voting member.
- (3) Subject to paragraph (9) of this rule, a member of the Council who is not otherwise entitled to attend and speak at a committee or sub-committee or during a site visit shall be entitled to do so (but not to vote) at a meeting of the committee or sub-committee, or in the case of (iii) below, during a site visit (when he/she will be entitled to vote)
  - (i) during the consideration of any motion of which notice has been given which he/she has moved or seconded at a meeting of the Council and which has been referred to that committee or sub-committee; or
  - (ii) with the agreement of the person presiding at the meeting of the committee or sub-committee; or
  - (iii) during the consideration of any matter which affects his/her electoral division.
- (4) Paragraphs (1) (2) and (3) above shall not apply to meetings of any committee or sub-committee sitting to hear an appeal or complaint by any member of the public or staff or which is considering any case involving the disciplining of staff or which has been established solely to consider any specific matter.

**Substitutes**

- (5) A substitute member appointed under Rule 5 shall only have the right to speak and vote at the relevant meeting of the Committee or Sub-committee and no other function or appointment including appointments to Working Groups of the Committee or Sub-committee will be applicable to them when acting as a substitute.
- (6) A standing member may not attend the meeting if he/she has been substituted.
- (7) Substitute members may only attend meetings:
  - (i) to take the place of a standing member of the Committee or Sub-committee;
  - (ii) where the standing member is unable to attend the whole meeting and;
  - (iii) if the standing member has notified the Chairman in advance of the intention to substitute.

**Members of the public**

- (8) No member of the public, their representatives or representatives of outside bodies shall have the right to speak unless they have received an invitation to attend and participate from the person presiding at the meeting or in accordance with a procedure

adopted the Council or one of the Council's committees or sub-committees or in accordance with any statutory right.

**20. RULES OF DEBATE**

**(1) No speeches until motion seconded**

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

**(2) Right to require motion in writing**

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

**(3) Secunder's speech**

When seconding a motion or amendment, a member may reserve his/her speech until later in the debate.

**(4) Content and length of speeches**

- (i) Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed 10 minutes in the case of the mover of the motion, or five minutes in the case of any other speaker, without the consent of the chairman.
- (ii) The local member for the area which covers the establishment or the land under discussion shall have the right to speak for 10 minutes.

**(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:

- (i) to speak once on an amendment moved by another member;
- (ii) to move a further amendment if the motion has been amended since he/she last spoke;
- (iii) if his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (iv) in exercise of a right of reply;
- (v) on a point of order; or
- (vi) by way of personal explanation.

**(6) Amendments to motions**

- (i) An amendment to a motion must be relevant to the motion and will either be:
  - (a) to refer the matter to an appropriate body or individual for consideration or reconsideration;
  - (b) to leave out words;
  - (c) to leave out words and insert or add others; or
  - (ch) to insert or add words

as long as the effect of (b) to (ch) is not to negate the motion.

- (ii) Only one amendment may be moved and discussed at any one time. No further amendment shall be moved until the meeting shall have disposed of every amendment previously moved.
- (iii) If an amendment is not carried, other amendments to the original motion may be moved.
- (iv) 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.
- (v) After an amendment has been carried, the chairman will read out the amended motion before accepting any further amendments or, if there are none, put it to the vote.

**(7) Alteration of motion**

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

**(8) Withdrawal of motion**

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

**(9) Right of Reply**

- (i) 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.
- (ii) 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.

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

**(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:

- (i) to withdraw a motion;
- (ii) to amend a motion;
- (iii) to proceed to the next business;
- (iv) that the question be now put;
- (v) to adjourn the debate;
- (vi) to adjourn the meeting;
- (vii) to exclude the public and the press in accordance with the Access to Committee Information Procedures; and
- (viii) to not hear further a member named under Rule 26(3) or to exclude them from the meeting under Rule 26(4).

**(11) Closure motions**

- (i) A member may move, without comment, the following motions at the end of a speech of another member:
  - (a) to proceed to the next business;
  - (b) that the question be now put;
  - (c) to adjourn the debate; or
  - (ch) to adjourn the meeting.
- (ii) If a motion to proceed to the next business is seconded and the chairman thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right to reply for not more than 3 minutes and then put the procedural motion to the vote. If that motion is carried, the original motion shall lapse.
- (iii) If a motion that the question be now put is seconded and the chairman thinks the item has been sufficiently discussed, he / she will put the procedural motion to the vote. If it is passed, he / she will give the mover of the original motion a right of reply before putting his /her motion to the vote.
- (iv) If a motion to adjourn the debate or to adjourn the meeting is seconded and the chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he / she will put the procedural

motion to the vote without giving the mover of the original motion the right of reply.

**(12) Point of order**

A member may raise a point of order at any time. The chairman will hear him / her immediately. A point of order may only relate to an alleged breach of these Council's Rules of Procedure or the law. The member must indicate the rule of law and the way in which he / she considers that it has been broken. The ruling of the chairman will be final.

**(13) Personal explanation**

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

**(14) Language**

- (i) In all meetings, the Welsh language and the English language shall have the same status and validity.
- (ii) All persons shall have the right when speaking in any meeting to speak in either Welsh or English.
- (iii) The proper officer shall arrange for instantaneous translation from Welsh into English (and from English to Welsh when requested), to be provided at all meetings.
- (iv) In the absence of instantaneous translation, the business of the meeting may proceed, but the person presiding shall ensure, at the request of any member (including the speaker), that the exact words of any motion, amendment, question, answer or point of order and at least the substance of any speech or comment are translated provided that any inadvertent failure to comply with this rule, or any inadvertent error in translation, shall not invalidate any resolution.

**21. PREVIOUS DECISIONS AND MOTIONS**

**(1) Motion to rescind a previous decision**

It will not be possible to undertake the following:

- (a) a motion or amendment to rescind a decision made within the previous six months
- (b) a motion or amendment similar to the one which has been rejected within the previous six months cannot be moved unless it has been referred back for further consideration by the relevant Scrutiny Committee in accordance with its rules of procedure.

**22. VOTING**

(1) **Majority**

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

(2) **Chairman's Casting vote**

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

(3) **Equality of votes**

If there are an equal number of votes for and against, and the proper officer is presiding under Rule 10(3) or the chairman chooses not to use his / her second or casting vote, the matter will be decided by the drawing of lots.

(4) **Show of hands**

Unless a secret ballot or recorded vote is demanded under Rules 22(5) ac 22(6), the chairman will take the vote by show of hands or, if there is no dissent, by the affirmation of the meeting.

(5) **Secret Ballot**

The vote will take place by ballot if at least two thirds of the voting members present at the meeting demand it. The chairman will announce the results of the ballot immediately the result is known.

(6) **Recorded vote**

If at least one quarter of the voting members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a ballot will override a demand for a recorded vote.

(7) **Right to require individual vote to be recorded**

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

(8) **Voting on appointments**

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

**23. MINUTES**

**(1) Signing the minutes**

The chairman will sign the minutes of the proceedings at the next suitable meeting. The chairman 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.

**(2) No requirement to sign minutes of previous meeting at an extraordinary meeting**

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

**(3) Form of minutes**

Minutes will contain all decisions taken by the committee in the same form and order the chairman put them. All minutes will be in Welsh and English.

**24. 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.

**25. EXCLUSION OF PUBLIC**

Members of the press or public may only be excluded either in accordance with the Access to Committee Information Procedure Rules in Part 4 of this Constitution or Rule 25 (Disturbance by Public).

**26. MEMBERS' CONDUCT**

**(1) Standing to speak**

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

**(2) Chairman standing**

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

**(3) Member not to be heard further**

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

**(4) Member to leave the meeting**

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

**(5) General disturbance**

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

**27. DISTURBANCE BY THE PUBLIC**

**(1) Removal of member of the public**

If a member of the public interrupts proceedings, the chairman will warn the person concerned. If he / she continues to interrupt, the chairman will order his / her removal from the meeting room.

**(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 chairman may call for that part to be cleared.

**(3) Additional powers**

The powers conferred by this rule are in addition to any other powers which the person presiding may lawfully exercise.

**28. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**

**(1) Suspension**

All of these Council Procedure Rules, except Rules 11, 22(7) and 23(2), may be suspended by motion or notice or without notice if at least one half of the whole number of members of the Council or committee or sub-committee are present. Suspension can only be for the duration of the meeting.



**(2) Amendment**

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

**29. INTERPRETATION**

The ruling of the person presiding at meetings of the Council and any committees or sub-committees as to the interpretation or application of this Constitution or as to any proceedings of the Council, committees or sub-committees shall not be challenged at any meeting of the Council, committees or sub-committees. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

**30. PAPERS AND ADVICE**

- (1) A copy of every paper which is circulated to members for consideration at a meeting of a committee or sub-committee shall be sent to the chief officers or heads of service of the Council who are concerned in the work of that committee or sub-committee.
- (2) Any question as to which chief officers are concerned with the work of any committee or sub-committee shall be determined by the proper officer.
- (3) All agendas, reports, other documents and deliberations of committees and sub-committees shall remain confidential until they are made public under the Council's normal procedure.
- (4) Before they conclude their considerations, every committee and sub-committee shall, at his /her request, afford a chief officer who is entitled to receive papers under this standing order (or another officer nominated by him / her) an opportunity for him / her or his / her representative to advise on the question, either in writing or orally.
- (5) Where the Council considers a matter which has not previously been the subject of consideration by a committee or sub-committee and of a report by that body to the Council, the person presiding at the meeting at which the matter is considered shall ensure that the question is not put to the vote before any chief officer (including the head of the authority's paid service) whose responsibilities relate to the matter under consideration and who asks for such an opportunity to advise the Council on the matter.
- (6) Every agenda, report and other document produced by the Council itself for any meeting of the authority shall be in Welsh and English.

**31. APPLICATION TO COMMITTEES AND SUB-COMMITTEES**

All of the Council Procedure Rules apply to meetings of the Full Council. Only Rules 4-8, 10, 11, 13, 15, 18-20, 22-31 (but not Rule 24(1)) apply to meetings of committees and sub-committees. These rules do not apply to meetings of the Executive which has its own procedure rules.

## **EXECUTIVE PROCEDURE RULES (CABINET)**

### **1. HOW DOES THE EXECUTIVE OPERATE?**

#### **1.1 Who may make executive decisions?**

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

- i) the executive as a whole;
- ii) a committee of the executive;
- iii) an individual member of the executive;
- iv) an officer;
- v) an area committee;
- vi) joint arrangements; or
- vii) 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 him/her 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 executive functions in relation to the coming year:

- i) the names, addresses and electoral divisions of the people appointed to the executive by the leader;
- ii) the extent of any authority delegated to executive members individually, including details of the limitation on their authority;
- iii) the terms of reference and constitution of such executive committees as the leader appoints and the names of executive members appointed to them;
- iv) the nature and extent of any delegation of executive functions to area committees, any other authority or any joint arrangements and the names of those executive members appointed to any joint committee for the coming year; and
- v) 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 executive functions**

- (a) Where the executive, a committee of the executive or an individual member of the executive is responsible for an executive function, they may delegate further to an area committee, joint arrangements or an officer.
- (b) Unless the Council directs otherwise, if the leader delegates functions to the executive, then the executive may delegate further to a committee of the executive or to an officer.
- (c) Unless the leader directs otherwise, a committee of the executive to whom functions have been delegated by the leader may delegate further to an officer.
- (ch) Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

### **1.4 The Council's scheme of delegation and executive functions**

- (a) Subject to (b) below, the Council's scheme of delegation will be subject to adoption by the Council and may only be amended by the Council. It will contain the details required in Article 7 and set out in Part 3 of this Constitution.
- (b) If the leader is able to decide whether or not to delegate executive functions, he/she may amend the scheme of delegation relating to executive functions at any time during the year. To do so, the leader must give written notice to the proper officer and to the person, body or committee concerned.  
The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, committee or the executive as a whole. The proper officer will present a report to the next ordinary meeting of the Council setting out the changes made by the leader.
- (c) Where the leader seeks to withdraw delegation from a committee, notice will be deemed to be served on that committee when he/she has served it on its chair.

### **1.5 Conflicts of Interest**

- (a) Where the leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.
- (b) If any member of the executive has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

- (c) If the exercise of an executive function has been delegated to a committee of the executive, 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 Code of Conduct for Members in Part 5 of this Constitution. The Monitoring Officer's views should be sought in cases where there is doubt.

#### **1.6 Executive meetings – when and where?**

The executive will meet at times to be agreed by the leader. The executive shall meet at the Council's main offices or another location to be agreed by the leader.

#### **1.7 Public or private meetings of the executive?**

The Access to Information Rules in Part 4 of this Constitution set out the legal requirements covering public and private meetings. There is no specific requirement in relation to frequency or place, though schedule 1 to the Local Government Act 2000 allows authorities to make provision about the conduct of executive meetings. Any such provision should be set out in this part of the Constitution.

#### **1.8 Quorum**

The quorum for a meeting of the executive, or a committee of it, shall be one quarter of the total number of members of the executive (including the leader), or 3 including the leader, whichever is the larger.

#### **1.9 How are decisions to be taken by the executive?**

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

### **2. HOW ARE THE EXECUTIVE MEETINGS CONDUCTED?**

#### **2.1 Who presides?**

If the leader is present he/she will preside. In his/her absence, then a person appointed to do so by those present shall preside.

## **2.2 Who may attend?**

These details are set out in the Access to Information Rules in Part 4 of this Constitution. It is a matter for the executive to determine if these rules should be widened, for example to enable members of the public to attend meetings that would otherwise be private.

## **2.3 What business?**

The way executive meetings are run is a matter of local choice. The proceedings at meetings of the executive may take different forms.

At each meeting of the executive the following business will be conducted:-

- (i) consideration of the minutes of the last meeting;
- (ii) declarations of interest, if any;
- (iii) matters referred to the executive (whether by an overview and scrutiny committee or by the Council) for reconsideration by the executive in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- (iv) consideration of reports from overview and scrutiny committees; and
- (v) matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not, in accordance with the Access to Information Procedure Rules set out in Part 4 of this Constitution.

## **2.4 Consultation**

All reports to the executive from any member of the executive 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.

## **2.5 Who can put items on the Executive agenda?**

- (a) Subject to (b) and (c) below, the leader will decide upon the schedule for the meetings of the executive. He/she may put on the agenda of any executive meeting any matter which he/she wishes, whether or not authority has been delegated to the executive, 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.

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- (b) Any member of the executive may require the proper officer to make sure that an item is placed on the agenda of the next available meeting of the executive for consideration. If he/she receives such a request the proper officer will comply.
- (c) There will be a standing item on the agenda of each meeting of the executive for matters referred by the overview and scrutiny committees.

## OVERVIEW AND SCRUTINY PROCEDURE RULES

### 1. What will be the number and arrangements for scrutiny committee?

- (a) The Council will have the scrutiny committees set out in Article 6 and will appoint to them as it considers appropriate from time to time. Such committees may appoint sub-committees. Scrutiny committees may also be appointed for a fixed period, on the expiry of which they shall cease to exist.
- (b) Each scrutiny committee shall consist of 18 members, but no member of the Executive can be a member of the committee.

### 2. What will be their terms of reference?

The scrutiny committees will exercise those functions described in Article 6 of the Constitution.

### 3. Who may sit on scrutiny committees?

All councillors (except members of the Executive) may be members of a scrutiny committee. However, no member may be involved in scrutinising a decision in which he/she has been directly involved.

### 4. Co-optees

Each scrutiny committee or sub-committee shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees.

### 5. Education representatives

Each relevant scrutiny committee/sub-committee dealing with education matters shall include in its membership the following voting representatives:

- (a) 1 Church in Wales representative;
- (b) 1 Roman Catholic Church representative; and
- (c) 3 parent-governor representatives (one each to represent the areas of Arfon, Dwyfor and Meirionnydd);

A relevant scrutiny committee/sub-committee in this paragraph is a scrutiny committee or sub-committee of a local education authority, where the committee or sub-committee's functions relate wholly or in part to any education functions which are the responsibility of the Council. If the scrutiny committee/sub-committee deals with other matters, these representatives shall not vote on those other matters and may only attend as co-opted members of the committee for discussions of those matters if invited to do so.

### 6. Meetings of the scrutiny committees

The scrutiny committee will meet at least every 2 months. In addition, extraordinary

meetings may be called from time to time as and when appropriate. A scrutiny committee meeting may be called by the chair of the relevant scrutiny committee, or by the Head of Democratic Services if he/she considers it necessary or appropriate.

### 7. **Quorum**

The quorum for a scrutiny committee shall be as set out for committees in the Council's Procedure Rules in Part 4 of this Constitution.

### 8. **Who chairs scrutiny committee meetings?**

(a) The chairs of scrutiny committees/sub-committees will be drawn from among the councillors sitting on the committee/sub-committee.

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

### 9. **Work programme**

The scrutiny committees/sub-committees will be responsible for setting their own work programme and in doing so they shall take into account wishes of members of that committee who are not members of the largest political group on the Council.

### 10. **Agenda items**

- (a) Any member of a scrutiny committee or sub-committee shall be entitled to give notice to the proper officer that he/she wishes an item relevant to the functions of the committee or sub-committee to be included on the agenda and discussed at a meeting of the committee or sub-committee.
- (b) On receipt of such a request the proper officer will consult with the chairman of the committee regarding the inclusion of the item on the next available agenda.
- (c) The scrutiny committees shall also respond, as soon as their work programme permits, to requests from the Council and, if it considers it appropriate, the Executive to review particular areas of the Council's activity. Where they do so, the scrutiny committee shall report their findings and any recommendations to the Executive and/or Council.
- (ch) Any elected member of the authority is entitled to refer a matter to a scrutiny committee that relates to achieving any one or more of the Council's functions or which affects all or part of the electoral area the councillor represents.



- (d) When such referral as described in (ch) above is made, the committee must consider the matter (by ensuring that it is included on a meeting agenda of the committee and that it is discussed there) and report back to the member.

**11. Policy review and development**

- (a) In relation to the development of the Council's budget and policy framework scrutiny committees may make proposals to the Council on matters within their terms of reference. The functions of the scrutiny committees in relation to this are presented in the Policy and Budget Framework Procedure Rules.
- (b) In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, scrutiny committees or sub-committees may make proposals to the Executive for developments in so far as they relate to matters within their terms of reference. The functions of the scrutiny committees in relation to this are presented in the Budget and Policy Framework Procedure Rules.
- (c) Scrutiny committees may hold inquiries and investigate the available options for future direction in policy development and may appoint advisors and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisors, assessors and witnesses a reasonable fee and expenses for doing so.

**12. Reports from scrutiny committee**

- (a) Once it has formed recommendations for development, the scrutiny committee will prepare a formal report and submit it to the proper officer for consideration by the Executive (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework).
- (b) If a scrutiny committee cannot agree on one single final report to the Council or the Executive as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council or Executive with the majority report.

**13. Making sure that scrutiny reports are considered by the Executive**

- (a) Once a scrutiny committee has completed its deliberations on any matter it will forward a copy of its final report to the proper officer who will allocate it to either or both the Executive or Council for consideration, according to whether the contents of the report would have implications for the Council's budget and policy framework. If the proper officer refers the matter to Council, he/she will also serve a copy on the Leader with notice that the matter is to be referred to Council. The Executive will have eight weeks to respond to the scrutiny report, and the Council shall not consider it within that period. When the Council does meet to consider any referral from a scrutiny committee on a matter which would impact on the budget and policy framework, it shall also consider the response of the Executive to the scrutiny proposals.

- (b) The agenda for Executive meetings shall include an item entitled 'Issues arising from scrutiny'. The reports of scrutiny committees referred to the Executive shall be included at this point in the agenda (unless they have been considered in the context of the Board's deliberations on a substantive item on the agenda) within eight weeks of the scrutiny committee completing its report/recommendations.
- (c) Where a scrutiny committee or sub-committee prepares a report for consideration by the Executive in relation to a matter where the Leader or Council has delegated decision making power to an individual member of the Executive, then the scrutiny committee will submit a copy of their report to that individual for consideration. At the time of doing so, the scrutiny committee shall serve a copy on the proper officer and the Leader. If the member with delegated decision making power does not accept the recommendations of the scrutiny committee then he/she must then refer the matter to the next available meeting of the Executive for debate before exercising his/her decision making power and responding to the report in writing to the scrutiny committee. The member of the Executive to whom the decision making power has been delegated will respond to the scrutiny committee within eight weeks of receiving it. A copy of his/her written response to it shall be sent to the proper officer. The member will attend a future meeting of the scrutiny committee to respond.

**14. Rights of scrutiny committee members to documents**

- (a) In addition to their rights as councillors, members of scrutiny committees have the additional right to documents, and to notice of meetings as set out in the Access to Committee Information Procedure Rules in Part 4 of this Constitution.
- (b) Nothing in this paragraph prevents more detailed liaison between the Executive and scrutiny committees or sub-committees as appropriate depending on the particular matter under consideration.

**15. Members and officers giving account**

- (a) Any scrutiny committee or sub-committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Executive, the head of paid service and/or any senior officer to attend before it to explain in relation to matters within their remit:
  - (i) any particular decision or series of decisions; and/or
  - (ii) the extent to which the actions taken implement Council policy; and/or
  - (iii) their performance;

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

No officer need answer scrutiny committee questions which may lead to disciplinary action being taken against him/her.

- (b) Where any member or officer is required to attend a scrutiny committee under this provision, the chair of that committee will inform the proper officer. The proper officer shall inform the member or officer in writing giving at least 15 working days; notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend and give account and whether any papers are required to be produced for the committee. Where the account to be given to the committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.
- (c) Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the scrutiny committee shall in consultation with the member or officer arrange an alternative date for attendance.

**16. Attendance by others**

A scrutiny committee may invite people other than those people referred to in paragraph 15 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend.

**17. Call-in**

- (a) When a decision is made by the Executive, an individual member of the Executive, a committee of the Executive or under joint arrangements (the decision-taker), the decision shall be published, including where possible by electronic means, and shall be sent to all members of the Council normally within 5 days of being made.
- (b) That 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 five working days after the publication of the decision notice, unless the Scrutiny Committee objects to it and calls it in.
- (c) During that period, the proper officer shall call-in a decision for scrutiny by the Scrutiny Committee if so requested by the Chair (or in his/her absence, the vice-chair) and any two members of the Scrutiny Committee, and shall then notify the decision-taker of the call-in. The decision shall be considered at the next scheduled meeting. In the case of urgency the proper officer shall call a special meeting of the Scrutiny Committee on such date as he/she may determine, where possible after consultation with the chair of the committee.
- (ch) The request to call in a decision shall be made in writing and shall specify clearly the reasons for so doing. Those reasons may include:-
  - (i) A belief, on the basis of advice from the Monitoring Officer or the Chief Finance Officer, that the Executive's decision is outside the Council's policy framework or budget.
  - (ii) A belief that the Executive has not followed consultation arrangements agreed and contained in the Council's constitution before reaching its decision.

- (iii) A belief that the Executive did not pay sufficient attention to legal requirements or statutory guidance in making its decision.
- (d) The proper officer may, after consultation with the Chairman of the Council and any other person he may consider appropriate, refuse to call in a decision if he considers that the reasons given are unreasonable, insufficient, frivolous or vexatious.
- (dd) If, having considered the decision, the Scrutiny Committee is still concerned about it, then it may refer it back to the decision-taker for reconsideration, setting out in writing the nature of its concerns or refer the matter to Council. If referred to the decision-taker they shall then reconsider within a further 15 working days, amending the decision or not, before adopting a final decision.
- (e) If following an objection to the decision, the Scrutiny Committee does not refer the matter back to the decision-taker or the Council, the decision shall take effect on the date of the relevant committee meeting.
- (f) If the matter is referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object the Council will refer any decision to which it objects back to the decision-taker, together with the Council's views on the decision. The decision-taker shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Executive as a whole or a committee thereof, the decision will be reconsidered at the next meeting of the Executive. Where the decision was made by an individual, the individual will reconsider within 10 working days of the Council's request.
- (ff) The call-in procedure set out above shall not apply where the decision being taken is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests. The record of the decision shall state whether in the opinion of the decision-taker the decision is an urgent one, and therefore not subject to call-in. The Chairman of the relevant Scrutiny Committee or, in his/her absence, the Chairman of the Council must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chairman of the Council, the consent of the Vice-chairman of the Council shall be required. Decisions taken as a matter of urgency must be reported to the next meeting of the Council, together with the reasons for urgency.
- (g) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

**18. Procedure at scrutiny committee meetings**

- (a) Scrutiny committees and sub-committees shall consider the following business:
  - (i) minutes of the previous meeting;
  - (ii) declarations of interest;
  - (iii) consideration of any matter referred to the committee for a decision in relation to call-in of a decision;

- (iv) responses of the Executive to reports of the scrutiny committee; and
  - (v) the business otherwise set out on the agenda for the meeting.
- (b) Where the scrutiny committee conducts investigations (e.g. with a view to policy development), the committee may also ask people to attend to give evidence at committee meetings which are to be conducted in accordance with the following principles:
- (i) that the investigation be conducted fairly and all members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak;
  - (ii) that those assisting the committee by giving evidence be treated with respect and courtesy; and
  - (iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- (c) Following any investigation or review, the committee/sub-committee shall prepare a report, for submission to the Executive and/or Council as appropriate and shall make its report and findings public.

**19. Matters within the remit of more than one scrutiny committee**

- (a) Where a scrutiny committee conducts a review or scrutinises a matter which also falls (whether in whole or in part) within the remit of another scrutiny committee, before submitting its findings to the Executive and/or Council for consideration, the report of the reviewing scrutiny committee shall be considered by the other scrutiny committee for comment. Those comments shall be incorporated into the report which is then sent to that body for consideration. Alternatively, the reviewing scrutiny committee may invite the chair of the other committee (or his/her nominee) to attend its meetings when the matter is being reviewed.

**20. Party whips. (Section 78 of the Local Government (Wales) Measure 2011)**

- (a) A member of a scrutiny committee must not vote on a question at a meeting of the committee if, before the meeting, the member has been given a party whip relating to the question (a "prohibited party whip").
- (b) A vote that is given in breach of 20(a) must be disregarded.
- (c) Each member of the committee must declare any prohibited party whip which the member has been given in relation to the meeting.
- (ch) All such declarations made under 20(c) must be recorded in the minutes of the meeting.
- (d) It is for the person presiding over the meeting of the Scrutiny Committee to determine whether a member of the committee has been given a prohibited party whip in relation to the meeting.

## **ACCESS TO INFORMATION PROCEDURE RULES**

These rules are a summary of the rights of the public to attend meetings and the rights of the public and members of the Council to inspect and copy documents that are relevant to such meetings. Copies of these rules will be kept in the Council's Headquarters and the public will be entitled to inspect them at any reasonable time and to make a copy of them for a reasonable charge. Further guidance is given regarding the rights of members to information and the procedure for doing so in the 'Code of Practice on Rights to Access Information' and in sections 4, 5 and 7 of the Protocol on Member/Officer Relations in Part 5 of the Constitution.

### **1. Scope**

These rules apply to all meetings of the Council, the Executive, the scrutiny committees, the area committees, the standards committee, the regulatory committees and all other committees.

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

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

### **3. Rights of the Public to Attend Meetings**

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

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

The Council will give at least five clear days' notice of any meeting by posting details of the meeting at the Council's main office and on the Council's website.

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

The Council will make copies of the agenda and the reports (except exempt reports) open to the public for inspection at the main office and on the website at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed and sent to councillors) will be open to inspection from the time the item was added to the agenda.

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

The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection;

- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) if the Monitoring Officer thinks fit, copies of any other documents supplied to councillors in connection with an item to any person on payment of a charge for postage and any other costs.

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

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

- (a) the minutes of the meeting together with the record of decisions taken by the Executive, excluding any part of the minutes of proceedings when the meeting was not open to the public because exempt or confidential information was being considered;
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (ch) reports relating to items when the meeting was open to the public.

**8. Background Papers**

**8.1 List of background papers**

The author of the report will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- (a) disclose any facts or matters on which the report or important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report

but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10).

**8.2 Public inspection of background papers**

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

**9. Summary of Public's Rights**

A written summary of the public's rights to attend meetings and to inspect and copy documents at the main office must be kept at and available to the public there.

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

**10.1 Public and Private Meetings of the Executive**

10.1 The executive may only make decisions in relation to its functions and conduct formal business in a properly constituted meeting that complies with Article 13 and these procedure rules. This does not prevent the executive 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 a meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

**10.4 Meaning of confidential information**

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information the public disclosure of which is prohibited by an enactment or Court Order.

**10.5 Meaning of exempt information**

Exempt information means information falling within any of paragraphs 12 to 18 in the following table (subject to any condition):



PART 4 – RULES OF PROCEDURE

Paragraph	Condition
1 – 11	Only relevant to England.
12. Information relating to a particular individual.	The information is exempt provided that the public interest of keeping it exempt outweighs the public interest of its disclosure.
13. Information which is likely to reveal the identity of an individual.	The information is exempt provided that the public interest of keeping it exempt outweighs the public interest of its disclosure.
14. Information relating to the financial or business affairs of any particular person (including the authority holding that information).	<p>The information is not exempt if it must be registered under the Companies Act 1985, Friendly Societies Act 1974, Friendly Societies Act 1992, Industrial and Provident Societies Acts 1965 to 1978, Building Societies Act 1986 or the Charities Act 1993.</p> <p>Conditional on the above, the information is exempt provided that the public interest of keeping it exempt outweighs the public interest of its disclosure.</p>
15. Information relating to any consultations or negotiations or contemplated consultations or negotiations, in connection with any labour relations matters arising between the authority or a Minister of the Crown and employees of, or office holders under the authority.	The information is exempt provided that the public interest of keeping it exempt outweighs the public interest of its disclosure.
16. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	
17. Information which reveals that the authority proposes - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.	The information is exempt provided that the public interest of keeping it exempt outweighs the public interest of its disclosure.

PART 4 – RULES OF PROCEDURE

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18. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	The information is exempt provided that the public interest of keeping it exempt outweighs the public interest of its disclosure.
<i>(In relation to a meeting of the standards committee, or a sub-committee of the standards committee, which is convened to consider a matter referred to under the provisions of section 70(4) or (5) or 71(2) of the Local Government Act 2000):</i>	Exempt provided that the public interest of keeping it exempt outweighs the public interest of its disclosure.
18A. Information which is subject to any obligations of confidentiality.	
18B. Information which is relevant in anyway to matters concerning national security.	
18C. The deliberations of a standards committee, or sub-committee of a standards committee established under the provisions of part 3 of the Local Government Act 2000 in reaching any finding on a matter referred to it.	

Information falling within any of paragraphs 12 to 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.

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

If the Monitoring Officer thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked “Not for publication” together with the category of information likely to be disclosed.

**12 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**

The forward work programme will contain matters which the executive, overview and scrutiny committees and full Council are likely to consider. It will contain information on:

- (a) the timetable for considering the budget and any plans forming part of the policy framework and requiring Council approval, and which body is to consider them;
- (b) the timetable for considering any plans which are the responsibility of the executive;
- (c) any individual matters on which the executive intends to consult in advance of taking a decision, and the timetable for consultation and decision;
- (ch) the work programme of the overview and scrutiny committees, to the extent that it is known.

The forward work programme will be published at least 14 days before the start of the period covered. The proper officer will publish a notice on the Council's website, stating that the forward work programme has been published and giving details of where it can be seen.

**13 Consultation on proposals to be considered by the Executive**

At least 2 – 6 weeks should be permitted in the forward plan timetable for consultation with relevant overview and scrutiny committees and ward members where a matter is to be considered by the executive and is not urgent (as defined below), or confidential or exempt (as defined in paragraph 10).

A matter may be considered urgent where the events to which it is addressed were unforeseen at the time that the last forward work programme was produced and a decision is required within (the minimum time provided for consultation as noted above).

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

**14.1 The decision record**

- (a) A written record will be made of every executive decision made by the executive and its sub-committees (if any) and individual members of the Executive or individual members who are not members of the Executive but who have been authorised to make executive decisions under Section 56 of the Local Government (Wales) Measure 2011.

- (b) The decision record will include a statement, for each decision of:
  - (i) the decision made;
  - (ii) the date the decision was made;
  - (iii) the reasons for that decision;
  - (iv) any personal interest declared;
  - (v) any dispensation to speak granted by the Council's standards committee;
  - (vi) the consultation undertaken prior to the decision and, if such consultation has not taken place, the reason why.

#### 14.2 Preparing the decision record

- (a) The Monitoring Officer or his or her representative shall attend any meeting of the executive or a committee of the executive, and shall as soon as reasonably practicable after the meeting produce a decision record.
- (b) Where an individual member has made any executive decision,
  - (i) that member shall as soon as reasonably practicable instruct the proper officer to produce a decision record; and
  - (ii) the decision shall not be implemented until five working days have passed after the publication of that decision record, subject to (c) below.
- (c) Where the date by which an executive decision made by an individual member must be implemented makes compliance with (b)(ii) above impracticable, the decision may be implemented if the decision maker has the agreement of
  - (i) the chairperson of the relevant scrutiny committee, or
  - (ii) if there is no such person or that person is unable to act, the Chairperson of the Council, or
  - (iii) if there is no chairperson of the relevant scrutiny committee or the Council, the vice-chairperson of the Council

that the making of the decision is urgent and cannot reasonably be deferred.

### 15. Decisions by an Individual Member of the Executive

#### 15.1 Reports intended to be taken into account

Where an individual member of the executive receives a report which he/she intends to take into account in making any decision, then he/she will not make the decision until at least 3 clear days after receipt of that report.

**15.2 Provision of copies of reports to 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 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 paragraph 14 will apply.

**16. Scrutiny Committee Members' Access to Documents**

**16.1 Rights of access**

Subject to rule 16.2 below, a scrutiny committee (including its sub-committees) will be entitled to access any document which is in the possession or control of the executive or its sub-committees and which contains material relating to

- (a) any business transacted at a meeting of the executive or its committees, or
- (b) any decision taken by an individual member of the executive.

**16.2 Limitation on rights**

A scrutiny committee or sub-committee will not be entitled to any part of a document that contains:-

- (a) confidential information; or
- (b) advice provided by a political advisor or assistant,

unless that information is relevant to an action or decision that is being reviewed or scrutinised or any review contained in a programme of work of 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 the executive 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 the executive.

**17.2 Limitation on rights**

A member will not be entitled to any part of a document where

- (a) it would disclose confidential information, or
- (b) it would disclose advice of a political advisor or assistant.

**17.3 Access to Documents**

- (1) In addition to the rights of members of the Council under section 100F of the 1972 Act, but subject to paragraph (2) below, the following persons shall be entitled on application to the proper officer to inspect any documents or have access to other information of the following descriptions:
  - (i) any member of the Council or other member (whether voting or not) of any committee or sub-committee:
    - a) any document in the possession or under the control of the Council which relates to any matter in relation to which a committee or sub-committee of which he/she is a member may discharge a function of the Council or advise the body which appointed them.
    - b) any other recorded information, not in the form of a document, in the possession, or under the control, of the Council which is necessary for the proper discharge of his/her functions as a member of such a committee or sub-committee.
  - (ii) any member of the Council  
any other document or other recorded information in the possession, or under the control, of the Council access to which is necessary for the proper discharge of his/her functions as a member of the Council;  
provided that
    - a) no person shall be entitled to inspect any document or have access to any information relating to the matter in which he/she has a pecuniary interest;
    - b) a person may be refused the right to inspect a document within paragraph (a)(i) which is not necessary for him/her to inspect for the purposes of the proper discharge of his/her functions as a member of the committee or sub-committee in question, if there is good reason why such inspection should be refused;
    - c) access to information not in the form of a document need not be given where the cost of providing the access is unreasonably high, or during such period as the giving of access would unreasonably disrupt the work of the Council.

- (2) In the case of any document other than a document to which the rights under section 100F of the 1972 Act apply, and in any case of information which is not in the form of a document, if the proper officer considers that access to any document or other information is not necessary for the proper discharge of the functions (as a member of the Council or as a member of a committee or sub-committee, as the case may be) of the person requesting such access, and there is good reason why access should be refused, he/she may refuse the person concerned access to the document or information in question.
- (3) This rule shall not prevent the proper officer (or solicitor acting on behalf of the Council) from refusing permission to inspect any document which is, or which may be in a legal case, defined by a relationship of trust between a solicitor and his client.
- (4) Where a member inspects a document under the rights conferred by Section 100F of the 1972 Act or this rule, and the Council may lawfully make a copy of that document, he/she shall be entitled, on request, to be given a copy of that document; provided that
  - (i) a reasonable charge shall be made for the copy unless the proper officer otherwise directs;
  - (ii) a copy may be refused if the proper officer considers that it is impracticable to make a copy.
- (5) If any member of the Council or any other member of a committee or sub-committee is dissatisfied with any determination of a proper officer under Section 100F of the 1972 Act or under this rule, he/she may refer the question to the Board which will, after considering any representations that the person in question or the proper officer may wish to make, determine whether or not to uphold the proper officer's determination.

#### 17.4 Nature of rights

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