THE CONSTITUTION
OF
NEATH PORT TALBOT
COUNTY BOROUGH
COUNCIL

CYFANSODDIAD
CYNGOR
BWRDEISTREF SIROL
CASTELL-NEDD
PORT TALBOT

Version 14.01.17
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PART 1

Summary and Explanation

The Council's Constitution

The Neath Port Talbot County Borough 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 efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose. The Constitution is divided into 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 provide clear leadership to the community in partnership with citizens, business, the voluntary sector and other organisations, including Community Councils. 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 meeting (Article 4).
- Chairing the Council (Article 5).
- Overview and scrutiny of decisions (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).
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- Finance, contracts and legal matters (Article 13).
- Review and revision of the Constitution (Article 14).
- Suspension, interpretation and publication of the Constitution (Article 15).

Although the Executive, Overview and Scrutiny and Regulatory areas of activity might give the appearance of being in some way separate and differentiated from one another, they are, in reality, just aspects of the County Borough Council as a single statutory corporate body. Officers also serve the whole Authority as a single statutory body.

**How the Council operates**

The Council was formed in April 1996 as a result of local government reorganisation. The new unitary authority, which delivers a wide range of services to a population of 139,650, is an amalgamation of the former Neath Borough Council, Port Talbot Borough Council, and part of the former Lliw Valley Borough Council and West Glamorgan County Council.

The Council is composed of 64 Councillors (or Members) elected every four years. Councillors are democratically accountable to residents of their electoral divisions. 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. The Council’s role can be found in Article 4 of this Constitution.
How decisions are made

The Executive is the part of the Council which is responsible for taking most decisions. Other decisions are taken by the Council or its Committees. The Executive consists of the Executive Leader (a Councillor appointed annually by the Council) and 8 other Councillors (also appointed annually by the Council). This is known as the Leader and Cabinet Executive and those 9 Councillors comprise the Cabinet.

The Executive arrangements in this Constitution include arrangements by the Authority for the operation of a Leader and Cabinet Executive, and under which certain functions of the Authority are the responsibility of the Executive (which will include Cabinet Committees, commonly known as Cabinet Boards) – and where Executive decisions may be taken by the Cabinet; Cabinet Committees; any officers of the Authority; or by, or jointly with, another Authority or Authorities.

The business to be considered by the Executive, Overview and Scrutiny Committees and the Council as a whole is published in the forward work programme. Meetings of the Executive, Overview and Scrutiny Committees, the Council and other Committees are open for the public to attend except where personal or confidential 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 usually be referred to the Council as a whole.

Overview and Scrutiny

There are 5 Overview and Scrutiny Committees (commonly known as Scrutiny Committees) which monitor the performance and decisions of the Executive, and make reports and recommendations which advise the Executive and the Council as a whole on its policies, budget and service delivery.
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 officers working for it to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A code of practice governs the relationships between officers and 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 and in the Access to Information Procedure Rules in Part 4. 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 tenant, they have additional rights. These are not covered in this Constitution.

The Council welcomes participation by its citizens in its work.
PART 2

Article 1 – The Constitution

1.01 Powers of the Council

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

1.02 The Constitution

This Constitution, and all its appendices, is the Constitution of the Neath Port Talbot County Borough 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, including Town/Community Councils;

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 will comprise 64 members, otherwise called councillors, who will be elected by the voters of each electoral division in accordance with a scheme drawn up by the Local Government Boundary Commission for Wales and approved by the National Assembly.

(b) Eligibility. Only registered electors of the Neath Port Talbot County Borough 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 (the next elections being 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) participate in the governance and management of the Council;

   (iii) represent their communities and bring their views into the Council’s decision-making process, i.e. become the advocate of and for their communities;

   (iv) deal with individual casework and act as an advocate for constituents in seeking to resolve particular concerns or grievances;

   (v) balance different interests identified within the electoral division and represent the electoral division as a whole;
(vi) contribute to the continual improvement of council services

(vii) be involved in decision-making;

(viii) be available to represent the Council on other bodies; and

(ix) maintain the highest standards of conduct and ethics.

Note: role description for members (and as post holders) will more specifically set out their roles, and are subject to periodic review by the Council’s Modernisation Group.

(b) Rights and duties

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

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

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

2.04 Conduct

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

2.05 Allowances

Councillors will be entitled to receive allowances in accordance with the Members’ Allowances Scheme 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 Information Procedure Rules in Part 4 of this Constitution:

Citizens have the right to:

- vote at local elections if they are included in the Register of Electors;
- contact their local councillor about any matters of concern to them;
- obtain a copy of the Constitution, usually on payment of a reasonable fee;
- 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;
- find out, from the forward work programme, what business is to be considered by the executive, 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;
- make comments, compliments and complaints to the Council about any matters the responsibility of the Council. A complaint is one where someone feels that the Council has failed to do something or done something badly or if they feel they have been unfairly treated by the Council.
• complain to the Ombudsman if they think they have suffered injustice because the Council has not followed its procedures properly. However, they are encouraged only to do this 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.

• pursue appeals or other remedies outside the Council’s complaints procedure e.g. house lettings appeals, Council Tax/Housing Benefit appeals, Social Services complaints system, School Admission appeals, Licensing appeals to Magistrates Court, Planning appeals to the National Assembly.

3.02 Citizens’ responsibilities

Citizens must not be violent, abusive or threatening to councillors or officers and must not wilfully harm things owned by the council, councillors or officers.
Article 4 - The Full Council

4.01 Functions of the full Council.

The full Council will exercise the following functions:

(1) to adopt and change the Constitution;

(2)* to approve or adopt the policy framework, the budget and any application to the National Assembly for Wales in respect of any Housing Land Transfer. (Note: the meanings here are contained in the Appendix in Article 4; and proposals will be formulated by the executive)

(3) subject to the urgency procedures in Part 4 of this Constitution, to make 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;

(4) to appoint the Leader on an annual basis, with the reserve power to be able to remove and replace the Leader at any time.

(5) to appoint a Deputy Leader on an annual basis, with the reserve power to be able to remove and replace the Deputy Leader at any time.

(6) to determine the size of the Cabinet and Cabinet Committees, and annually appoint same, including the members thereto, with the reserve power to be able to remove and replace any members, individually or collectively, from the Cabinet or Cabinet Committees at any time.

(7) to determine the allocation of executive functions to be discharged by the Cabinet, Cabinet Committees, any Cabinet Members, and any Officers (and on the latter determining “Proper Officers” under statutes); and to make any changes or additions at any time.
(8) to appoint Overview and Scrutiny Committees; and also other Committees of the Council for the purpose of discharging functions which are not the responsibility of the executive; to appoint any Member Briefing or Advisory Groups; to determine Terms of Reference and delegation arrangements as appropriate (and also the delegation of functions by Officers, and the designation of “Proper Officers” under statutes); and to make any changes, or additions at any time.

(9)* to adopt a Members Allowances Scheme and determine members expenses arrangements.

(10)* to deal with the following matters

- make or confirm the appointment of the Head of Paid Service and other Chief Officers of the Council
- functions relating to elections
- functions as to name and status of areas and individuals
- make, amend, revoke or re-enact byelaws
- promote or oppose local or personal Bills
- consider reports from the Ombudsman under Section 19 of the Public Service Ombudsman (Wales) Act 2005
- make Standing Orders, Contract Standing Orders, and Financial Regulations (under Part 4)
- make an Order under section 13(2) of the Criminal Justice and Police Act 2001 (designated public place for purposes of police powers in relation to alcohol consumption)
- functions relating to pensions, allowances and gratuities (SI 2003 No. 2676)
- establishment of a Licensing Committee under Section 6 of the Licensing Act 2003
• appointment of Proper Officers (Section 270(3) of the Local Government Act 1972)
• designation of an Officer as the Head of the Authority’s paid service etc (Section 4(1) of the Local Government and Housing Act 1989)
• designation of an Officer as the Monitoring Officer etc (Section 5(1) of the Local Government and Housing Act 1989)
• to determine affordable borrowing limit (Section 3 of the Local Government Act 2003)
• approval of annual investment strategy in accordance with guidance (Section 15 of the Local Government Act 2003)
• duty to make arrangements for proper administration of financial affairs (Section 151 of the Local Government Act 1972)

(11)* to determine the allocation of Schedule 2 “local choice” functions including whether some are shared between the Council, Cabinet, Cabinet Committees and other Committees of the Council; and in particular:

(a) to reserve to full Council the following functions:-

• the making of appeal arrangements under the School Standards and Framework Act 1998 (items 5 and 6 refer in Schedule 2 of regulations referred to below)

• the making of arrangements as to questions on Police matters at Council meetings

• appointments to Police Authority

• to determine, pursuant to Section 92 of the Local Government Act 2000, any payment or other benefit arising from any maladministration determined by the Ombudsman under Section 19 of the Public Service Ombudsman (Wales) Act 2005
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- making of appeals arrangements under Section 52 of the Education Act 2002
- determination, review and revision of Statement of Licensing Policy (Section 5 of the Licensing Act 2003)
- determination, review and revision of a three year Gambling Policy under Section 349 of the Gambling Act 2005
- a resolution not to issue Casino licences under Section 166 of the Gambling Act 2005

(b) to deal with appointments to outside bodies (including where related to executive functions) as a shared arrangement with the Cabinet

(12) *to determine procedures for the appointment of staff

(13) to ensure there are clear lines of communication between the Council and the Cabinet about partnership plans

(14) to determine any arrangements for the discharge of functions directly by or jointly with another Authority or Authorities (unless being matters within the purview of the executive)

(15) to deal with matters referred to Council by the Cabinet or Overview/Scrutiny Committees

(16) to elect the Chairman of the Council on an annual basis, who will be known as the Mayor

(17) to appoint the Vice Chairman of the Council on an annual basis, who will be known as the Deputy Mayor

(18) to receive regular reports from the Leader and Cabinet members on executive issues.

(19) to make compulsory purchase orders where appropriate to functions which are not the responsibility of the Executive

(20) any matters which cannot be the responsibility of the executive, and which may otherwise be delegated to other Committees of the Council or Officers

2.10
(21) Following receipt of information under Regulation 34 (1) of the Family Absence for Members of Local Authorities (Wales) Regulations 2013 from the Head of Democratic Services, to consider whether to cancel a Member’s period of family absence before it begins or bring a period of family absence to an end.

(22) Where a Member has failed to return from a period of family absence on the date specified under Regulation 34 (3), to consider whether to withhold the Member’s remuneration

(23) To promote or oppose a private Bill in Parliament or in the National Assembly for Wales

(24) all other matters which, by law, must be reserved to the full Council.

(* these provisions relate to the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007)

4.02 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.

4.03 Responsibility for functions

The Council will set out in Part 3 of this Constitution the responsibilities for the Council’s functions which are not the responsibility of the executive.
Appendix

Meanings – Policy and Budget Framework

(a) Policy framework. The policy framework means the following plans and strategies:-

i) those required by The Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations (Schedule 3) to be adopted by the Council:

- Single Integrated Plan/Well-Being Plan
- Corporate Improvement Plan and Annual Report/Wellbeing Objectives and Wellbeing Statement;
- Regional Transport Plan;
- Unitary Development Plan;
- Local Development Plan;
- Welsh Language Scheme/Standards;
- Youth Justice Plan;

(ii) other documents to be adopted by the Council:-
- Strategic Housing Functions including Local Housing Strategy
- Regional Economic Strategy
- Environmental Strategy 2008-2026
- Asset Management Plans
- Municipal Waste Strategy
- Road Safety Strategy
- Flood Risk Strategy
- Access to Service Strategy/Digital by Choice
- Air Quality Strategy
- Equalities Strategies
- Welsh in Education Strategic Plan (WESP)
- Annual Council Reporting Framework (Social Services)
- Corporate Parenting Policy and Annual Report
- Freedom of Information Publication Scheme
- Families First Plan
• Communications Strategy
• Community Development Delivery Plan
• Communities First Delivery Plans and Performance Report
• Older Persons’ Strategy
• Licensing Policy
• Such plans, strategies or policies not listed in this Appendix which are otherwise for determination by the Executive, but which the Executive considers should be referred to the full Council for its decision on whether it should, pursuant to the Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2007 (as amended), adopt such plans, strategies or policies as part of the Policy and Budget Framework (this being without prejudice to the right of the Council at any time under the above Regulations to add any plans, strategies or policies, to this Appendix).

(b) **Budget.** The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, 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. Members to also take account of Forward Financial Planning, use of Reserves and Treasury Management.

(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.
Article 5 – Chairing The Council

5.01 Role and function of the Chairman of the Council

The Chairman of the Council will be known as the Mayor, who will be elected annually by the Council, and who will have the following roles and functions:

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 efficiently 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 also 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 civic and ceremonial functions as the first citizen of Neath Port Talbot County Borough.

7. To receive complaints (referred to her/him) by the Head of Democratic Services) regarding a decision made by the Council under Regulation 34 (2) of the Family Absence for Members of Local Authorities (Wales) Regulations 2013 and to refer such complaints to the Family Absence Appeal Panel.

8. To receive applications from a Member on maternity absence or parental absence under the Family Absence Regulations to attend particular meetings or descriptions of meetings, or to perform particular duties or duties of a particular description, and to determine those applications after informing the leaders of each political group of the Council.

9. To receive complaints (referred by the Head of Democratic Services) in respect of a decision by the Mayor regarding a refusal of permission under paragraph 8 for a referral to the Family Absence Appeals Panel.
5.02 The Vice Chairman of the Council

The Vice Chairman of the Council will be known as the Deputy Mayor, who will be appointed annually by the Council, and who will deputise for the Mayor when required.
Article 6 – Overview and Scrutiny Committees

6.01 General Roles

The Council will appoint Overview and Scrutiny Committees to discharge the following functions conferred by Section 21 of the Local Government Act 2000:

(a) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive;

(b) to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are the responsibility of the executive;

(c) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive;

(d) to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are not the responsibility of the executive;

(e) to make reports or recommendations to the authority or the executive on matters which affect the authority’s area or the inhabitants of that area.

The power of an Overview and Scrutiny Committee under (a) above, to review or scrutinise an executive decision made but not implemented, includes power to recommend that the decision be reconsidered by the person who made it, or to arrange for its function under (a) above so far as it relates to the decision, to be exercised by the authority. This is known as the “call-in” power, the details of which are covered in Part 4 under the Overview and Scrutiny Procedure Rules.
6.02 The Committees and Specific roles

In discharging the functions conferred by Section 21 of the Local Government Act 2000 and section 35 of the Well-being of Future Generations (Wales) Act 2015, the Council will appoint the Overview and Scrutiny Committees set out in Part 3 of this Constitution, with the specific roles and terms of reference as set out therein.

6.03 Proceedings of Overview and Scrutiny Committees

The Overview and Scrutiny Committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.
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Article 7 - The Executive: Leader and Cabinet

7.01 Role

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

7.02 Form and composition

The Executive consists of the Executive Leader (a Councillor appointed annually by the Council) and 8 other Councillors (also appointed annually by the Council). This is known as the Leader and Cabinet Executive and those 9 Councillors comprise the Cabinet. The Executive arrangements in this Constitution include arrangements by the Authority for the operation of a Leader and Cabinet Executive, and under which certain functions of the Authority are the responsibility of the Executive (which will include Cabinet Committees) – and where Executive decisions may be taken by the Cabinet; Cabinet Committees; any officers of the Authority; or by, or jointly with, another Authority or Authorities.

7.03 Leader

The Leader will be a councillor annually elected to the position of Leader by the Council at its Annual Meeting. The Leader will hold office until the next Annual Meeting, unless before then:-

(a) he/she resigns from the office; or

(b) he/she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or

(c) he/she is no longer a councillor; or

(d) he/she is removed from office by resolution of the Council; or

(e) there are ordinary elections to the Council in which case the office will run from the Annual Meeting to the date of the election.

7.04 Deputy Leader

The Deputy Leader will be a councillor annually elected to the position of Deputy Leader by the Council at its Annual Meeting. The Deputy Leader will hold office until the next Annual Meeting,
unless before then:—

(a) he/she resigns from the office; or

(b) he/she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or

(c) he/she is no longer a councillor; or

(d) he/she is removed from office by resolution of the Council

(e) there are ordinary elections to the Council in which case the office will run from the Annual Meeting to the date of the election

7.05 **Other Cabinet Members**

The Council will annually elect other Cabinet members at its Annual Meeting. They will hold office until the next Annual meeting, unless before then:—

(a) any member resigns from the office; or

(b) any member is suspended from being a councillor under Part III of the Local Government Act 2000 (although the member may resume office at the end of the period of suspension); or

(c) any member is no longer a councillor; or

(d) any members, either individually or collectively, are removed from office by resolution of the Council; or

(e) there are ordinary elections to the Council in which case the office will run from the Annual Meeting to the date of the election.

The Council may at any time determine that individual Cabinet Members can discharge executive functions. But in the absence of any such formal delegations, the Council will in any event determine “Cabinet Portfolios” for individual Cabinet members - a “Portfolio” being a range of issues apportioned to a Cabinet member (as set out in Part 3) but without authority to formally discharge executive functions individually, unless so authorised by Council in this Constitution.
7.06 Cabinet Committees

The Council will annually appoint Cabinet Committees at its Annual Meeting. The members appointed thereto will hold office until the next Annual meeting, unless before then:

- a) any member resigns from the office; or
- (b) any member is suspended from being a councillor under Part III of the Local Government Act 2000 (although the member may resume office at the end of the period of suspension); or
- (c) any member is no longer a councillor; or
- (d) any members, either individually or collectively, are removed from office by resolution of the Council, or the Council dissolves a Committee at any time; or
- (e) there are ordinary elections to the Council in which case the office will run from the Annual Meeting to the date of the election.

7.07 Deputy Cabinet Advisers

The Council may appoint members of the Authority as Deputy Cabinet Advisers with a role to advise and support the cabinet member in relation to matters which are the responsibility of that cabinet member or the cabinet collectively.

Deputy cabinet advisers may attend Cabinet and Cabinet Committee meetings, on invitation from the Leader in respect of the Cabinet or from Cabinet Committee members in respect of their meetings, including in private session, but may not speak unless invited to do so by the chair.

Deputy cabinet advisers cannot vote on any matters before the Cabinet, or Cabinet Committee, neither can they formally substitute for a cabinet member in an executive capacity, except that they can attend in the absence of a Cabinet member, but only in a non-voting advisory capacity.

The same principles as to attendance at executive meetings apply to any other members of Council.
7.08 **Proceedings of the executive**

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

7.09 **Responsibility for functions**

The Council will set out in Part 3 of this Constitution the allocation of executive functions to be discharged by the Cabinet; Cabinet Committees; any Cabinet members (if so determined by the Council); or any Officers of the Authority.
Article 8 – Regulatory and Other Committees

8.01 Regulatory and other committees

The Council will appoint the Committees set out in Part 3 of this Constitution to discharge the functions set out therein.

8.02 The Audit Committee

The Council will appoint an Audit Committee as set out in Part 3 of this Constitution to discharge the functions set out therein.

No members of the Executive will be members of the Committee.

8.03 Democratic Services Committee

The Council will appoint a Democratic Services Committee as set out in Part 3 of this Constitution to discharge the functions set out therein.

Committee to comprise elected Members only, with one Executive (Cabinet) Member (who is not the Leader).
Article 9 – The Standards Committee

9.01 Standards Committee

The Council will establish a Standards Committee.

9.02 Composition

(a) Membership. The Standards Committee will be composed of eight members. Its membership will include:

(i) Five ‘independent’ members, who are not either a councillor or an officer or the spouse of a councillor or an officer of this council or any other relevant authority as defined by the Act, appointed in accordance with the procedure set out in the Standards Committees (Wales) Regulations 2001 (as amended);

(ii) two Councillors (other than the leader and not more than one member of the executive) together with one substitute councillor

(iii) one member of a community council wholly or mainly in the Council’s area (a ‘community committee member’) together with two substitute members

(b) Term of office.

(i) That Independent Members be appointed for not less than four years, and no more than six years subject to one further consecutive term which cannot then exceed 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 1 further consecutive term.

(iii) That the Community Council Member and any substitute be appointed for no more than four years, or until the next election of the Community Council of which they
are a Member whichever is the shorter, subject to reappointment for one further consecutive term;

(c) **Quorum.** A meeting of the Standards Committee shall only be quorate when:

(i) at least three members, including the chairperson (or in absence, the Vice Chairperson), are present, and

(ii) at least half the members present (including the chairperson) are independent members

(d) **Voting.** Independent members and community committee members will be entitled to vote at meetings;

(e) **Community committee members.** A community committee member shall not take part in the proceedings of the standards committee when any matter relating to their community council is being considered;

(f) **Chairing the Committee.**

(i) Only an independent member of the Standards Committee may be the chairperson.

(ii) That the Chairman and Vice Chairman of the Standards Committee be elected by the Members of that Committee from its Independent Members for a period of not less than four years and no more than six years, or until the term of office of that person comes to an end, this would allow the Chairman or Vice Chairman to serve a second term as an Independent Member.

(iii) The election of a chairperson will be the first item of business for the Standards Committee.

9.03 **Role and Function**

The Standards Committee will have the roles and functions as set out in Part 3 of this Constitution
Article 10– Joint Arrangements

10.01 **Arrangements to promote well being**

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

(a) enter into arrangements or agreements with any person or body;

(b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and

(c) exercise on behalf of that person or body any functions of that person or body.

10.02 **Joint arrangements**

(a) The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions which are not executive functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a joint committee with those 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 joint committees with those other local authorities.

(c) The executive may appoint executive and/or non-executive members to a Joint Committee exercising executive functions, and political balance requirements shall not apply to the appointment of such Members.

(d) 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.
(e) Details of any joint arrangements including any delegations to joint committees will be found in the Council’s scheme of delegations in Part 3 of this Constitution.

10.03 Access to information

(a) The Access to 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.

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

10.04 Delegation to and from other local authorities

(a) The Council may delegate non-executive functions to another local authority or, in certain circumstances, the executive of another local authority.

(b) The executive may delegate executive functions to another local authority or the executive of another local authority in certain circumstances.

(c) The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting.

10.05 Contracting out

The Council and the Executive may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council’s agent under usual contracting principles, provided there is no delegation of the Council’s discretionary decision making.
**Article 11– Officers**

11.01 **Management structure**

(a) **General.** The full Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions. The use of the word “officers” in this constitution means all employees and staff engaged by the Council to carry out its functions, including where appropriate, those engaged under agency or other non-employed situations.

(b) **Chief Officers.** The full Council will engage persons for the following posts, who will be designated Chief Officers; their specific and Directorate responsibilities will be set out in their job descriptions:

<table>
<thead>
<tr>
<th>Post</th>
<th>Broad Functions and areas of responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief Executive (and Head of Paid Service)</td>
<td>• Overall corporate management and operational responsibility (including overall management responsibility for all officers);</td>
</tr>
<tr>
<td></td>
<td>• The provision of professional and impartial advice to all parties in the decision making process (the executive, overview and scrutiny committees, the full council and other committees);</td>
</tr>
<tr>
<td></td>
<td>• Responsibility for a system of record keeping for all the authority’s decisions (executive or otherwise);</td>
</tr>
<tr>
<td></td>
<td>• Representing the authority on partnership and external bodies (as required by statute or the council); and</td>
</tr>
<tr>
<td></td>
<td>• Service to the whole council, on a politically neutral basis.</td>
</tr>
<tr>
<td>Director of Finance and Corporate Services</td>
<td>Finance, Legal Governance support, ICT, Procurement, and Central Support Services</td>
</tr>
</tbody>
</table>
Director of Education Leisure and Lifelong Learning

Director of Education/School Improvement; Lifelong Education Leisure Learning; Leisure/Culture Services and Lifelong Learning

Director of Environment Development Control; Unitary Development Plan; Economic Development; Transportation/Highways; Engineering/Waste Management; Streetcare Services; Property Services.

Director of Social Services, Health and Housing Social and Welfare services, Child Protection, Housing Services; Environmental Health Services; Trading Standards

(c) Head of Paid Service, Chief Finance Officer and Monitoring Officer

The Council will designate the following posts as shown:

<table>
<thead>
<tr>
<th>Post</th>
<th>Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief Executive</td>
<td>Head of Paid Service</td>
</tr>
<tr>
<td>Director of Finance and Corporate Services</td>
<td>Chief Finance Officer</td>
</tr>
<tr>
<td>Head of Legal and Democratic Services</td>
<td>Monitoring Officer</td>
</tr>
</tbody>
</table>

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 at 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 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 but may hold the post of Chief Finance Officer if a qualified accountant.

**11.03 Functions of the Chief Finance officer**

(a) **Ensuring lawfulness and financial prudence of decision making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full Council or to the executive in relation to an executive function and the Council’s external auditor, if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

(b) **Administration of financial affairs.** The Chief Finance Officer will have responsibility for the proper financial administration and stewardship of the Council. The statutory duties arise from:-

- Section 151 Local government Act 1972
- Local Government and Finance Act 1988
- Local Government and Housing Act 1989
- Accounts and Audit Regulations 2005
(c) **Contributing to corporate management.** The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

(d) **Providing advice.** The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and will support and advise councillors and officers in their respective roles.

(e) **Advising whether decisions of the executive are within the budget and policy framework.** The Chief Finance Officer will advise whether decisions of the executive are in accordance with the budget and policy framework.

(f) **Give financial information.** The Chief Finance Officer will provide financial information to the media, members of the public and the community.

11.04 **Functions of the Monitoring Officer**

(a) **Ensuring lawfulness and fairness of decision making.** After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full Council or to the executive in relation to an executive function if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

(b) **Supporting the Standards Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.

(c) **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.

(e) **Advising whether decisions of the executive are within the budget and policy framework.** The Monitoring Officer will advise whether decisions of the executive are in accordance with 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.

(g) **Restrictions on posts.** The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

11.05 **Functions of the Deputy Monitoring Officer**

That Mr Iwan Davies, Principal Solicitor Litigation is delegated to act as the Authority’s Deputy Monitoring Officer in circumstances where the Monitoring Officer is unable to act due to his/her absence or illness pursuant to Section 5 of the Local Government and Housing Act 1989 and in respect of all other related functions.

11.06 **Duty to provide sufficient resources to the Head of Paid Service, Chief Finance Officer and the Monitoring Officer**

The Council will provide the Head of Paid Service, Chief Finance Officer and the Monitoring Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

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 Procedure 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 record 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) to have regard to all relevant considerations and ignore all irrelevant factors set out in Associated Picture Palaces v Wednesbury Corporation [1948] 1KB223.

(b) realistic evaluation of alternatives and due consultation through effective access for the public to decision making and decision makers.

(c) proportionality (i.e. the action must be proportionate to the desired outcome);

(d) the taking of professional advice from officers;

(e) respect for human rights

(f) a presumption in favour of openness; and

(g) clarity of aims and desired outcomes.

(h) explaining the reasons for executive decisions, providing a record of any personal interest declared and any dispensation to speak granted by the authority’s Standards Committee

12.03 Decisions reserved to full Council

Decisions relating to the functions listed in Article 4.01 will be made by the full Council and not delegated, unless the Council determines otherwise in accordance with any statutory provisions in force.
12.04 **Decision making by the full Council**

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

12.06 **Decision making by Overview and Scrutiny Committees**

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

12.07 **Decision making by Other Committees and Sub-Committees of the Council**

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

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

The Council, a councillor or an officer acting as a tribunal or in a quasi judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.
Article 13– Finance, Contracts and Legal Matters

13.01 Financial management

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

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 and other proceedings

The Head of Legal Services is authorised to institute, defend or participate in any legal proceedings: including court actions; those of Tribunals; Arbitrations and/or Forums involving dispute resolutions; he/she is also authorised to instruct Counsel, engage expert witnesses and to do all other things to facilitate the conduct of cases in the Council’s name; including, as deemed appropriate, to settle and otherwise compromise actions.

The Head of Legal Services is Solicitor to the Council, or any part of it, hence all proceedings and court actions are entered in his or her name and all representation organised through him/her.

The Head of Legal Services is also authorised to instruct Counsel to provide advice to the Authority on any matters relating to the carrying out of its functions and to represent the Authority at Inquiries (of whatever nature) where he/she deems it necessary in the Authority’s interests to do so.
13.04 **Authentication or Signature of documents**

Where it is necessary and proper that any document be authenticated or signed in respect of any matter on behalf of the Council, or any part of it, the Chief Executive or the Director of Finance and Corporate Services or the Head of Legal Services shall so authenticate or sign as the “Proper Officer”, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person, to also authenticate or sign any document.

Any contract with a value exceeding £25,000 entered into on behalf of the Council, or any part of it, shall be in writing and signed by a “Proper Officer” as designated above.

13.05 **Common Seal of the Council**

The Common Seal of the Council will be kept in a safe place in the custody of the Head of Legal and Democratic Services. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Head of Legal Services should be sealed. The affixing of the Common Seal will be attested by the Head of Legal Services or the Chief Executive, or Director of Finance or Corporate Services as “Proper Officer”, or such other Officer as may be authorised by the Council.

13.06 (1) Any references in this Constitution to the “Head of Legal Services” shall be construed for all purposes as being a reference to the “Head of Legal and Democratic Services”

(2) Any references in this Constitution to the “Head of Democratic Services” shall be construed for all purposes as being a reference to the “Head of Legal and Democratic Services”
Article 14 – Review and Revision of the Constitution

14.01 Duty to monitor and review the constitution

The Chief Executive, with the Monitoring Officer and the Head of Legal and Democratic Services, will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. They will also maintain an up-to-date version of the Constitution and will ensure that it is available for members, staff and the public.

14.02 Changes to the Constitution

(a) Approval. Subject to Paragraph 3 of Section 1 of Part 3, changes to the constitution will only be approved by the full Council, which may be at any time, after consideration of the proposal by the Chief Executive, with the Monitoring Officer and the Head of Legal and Democratic Services.

(b) Change from a Leader and Cabinet form of executive to alternative arrangements, or vice versa. The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals.
Article 15 – Suspension, Interpretation and Publication of the Constitution

15.01 Suspension of the Constitution

(a) Limit to suspension. The Articles of this Constitution may not be suspended. The Rules of Procedure in Part 4 may be suspended to the extent permitted within those Rules and the law.

(b) Procedure to suspend. A motion to suspend any of the Procedural Rules will not be moved without notice unless at least one half of the whole number of councillors for the relevant meeting are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

15.02 Interpretation

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

15.03 Publication

(a) The Chief Executive will provide a summary of this Constitution to each member of the authority upon delivery to him/her of that individual’s declaration of acceptance of office on the member first being elected to the Council. A full copy will also be made available on the Intranet or on request.

(b) The Chief Executive will ensure that copies are available for inspection at council offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.

(c) The Chief Executive will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.
Schedule 1: Description of Executive Arrangements

The following parts of this Constitution constitute the executive arrangements:

1. Article 6 (Overview and Scrutiny Committees) and the Overview and Scrutiny Procedure Rules in Part 4

2. Article 7 (The Executive) and the Executive Procedure Rules in Part 4

3. Article 10 (Joint arrangements)

4. Article 12 (Decision making) and the Access to Information Procedure Rules in Part 4

5. Part 3 (Responsibility for Functions).

6. Part 4 (Rules of Procedure) – those Rules of Procedure referred to above, together with the following insofar as they relate to executive functions
   - Budget and Policy Framework Procedure Rules
   - Financial Procedure Rules
   - Contracts Procedure Rules
PART 3
RESPONSIBILITY FOR FUNCTIONS

1. INTRODUCTION

1. This Part of the Constitution sets out the responsibility for the discharge of functions by:-

- The Council and Other Committees of the Council
- The Executive
  - Cabinet
  - Cabinet Committees
- Overview and Scrutiny Committees
- Officers
- Joint Arrangements

2. The functions will specify what are ‘local’ choice functions under Schedule 2 of the Local Authorities Executive Arrangements (Functions and Responsibilities)(Wales) Regulations 2007.

‘Council’ functions mean those functions which are not the responsibility of the Executive. Council functions may also be discharged by Committees, Sub Committees or Officers of the Authority pursuant to the Local Government Act 1972.

‘Executive’ functions will mean all of the local authority’s functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution. Such functions may be discharged by the Cabinet; Cabinet Committees; individual Cabinet Members (where the Council so determines); or by Officers of the Authority pursuant to the Local Government Act 2000.

Both ‘Council’ and ‘Executive’ functions may be discharged jointly with another Authority or by another Authority.
3. It is confirmed that:-

- The Council may grant delegated authority to the Cabinet, a Cabinet Committee, a Cabinet member, a Council Committee or Sub Committee, or an Officer of the Authority to discharge functions.

- The Cabinet may grant delegated authority to a Cabinet Committee or an Officer to discharge its functions.

- A Cabinet Committee may grant delegated authority to an Officer to discharge its functions.

- A Committee of the Council may grant delegated authority to a Sub Committee or an Officer to discharge its functions. A Sub Committee may grant delegated authority to an Officer to discharge its functions.

- None of the above precludes the delegating body from discharging or withdrawing the functions delegated, nor preclude referral of matters to the delegating body for a decision.

- The Terms of Reference and Delegation arrangements hereafter shall be deemed to incorporate all and any Public, General and Local Enactments and any Instruments or Regulations made thereunder relating to the functions in question, including any replacement, amendment or extension of same.
2. **THE COUNCIL**

   Article 4 of the Constitution sets out the functions reserved to the full Council.

3. **OTHER COMMITTEES OF THE COUNCIL**

   The Council will appoint the following Committees and each may appoint Sub Committees:-

   **Planning and Development Control Committee**
   (12 Members)

   To discharge with delegated authority the functions specified in Annex A.

   With regard to the Planning and Development Control Committee, a member who is not appointed as a voting member may as of right in respect of a particular item (or items) of interest/concern, attend a meeting of that Committee (with prior notification to the Chief Executive and Chair). Such member may then, subject to any provisions of the Members Code of Conduct or any other relevant Code, attend the Committee to speak, but not vote, nor move, second or amend a motion. The attendance here is not meant to relate to attendance and participation for all or most of the items on the agenda, and if such a request is made, the decision on attendance shall rest with the Committee (except that the Leader and Deputy Leader of the Council, and the relevant Cabinet member, if not otherwise voting members of the Committee, may attend for all items on the agenda).

   *Note: (1) The Cabinet UDP/LDP Member to be invited to attend as a non-voting Member.*

   **Registration and Licensing Committee**
   (15 Members)

   To discharge with delegated authority the functions specified in Annex B.

   **Appeals Panel**
   (5 Members together with 20 substitutes)
   *(Schedule 2 local choice function – 2007 Regulations)*
To discharge with delegated authority the function of determining any appeal against any decision made by or on behalf of the Authority in respect of the matters specified in Annex C

**Personnel Committee**
(12 Members)

To discharge with delegated authority the functions specified in Annex D

Councillors J. Rogers, P.D. Richards, M.L. James, A.J. Taylor and Mrs. S. Miller to attend as non-voting advisors as necessary.

**Special Appointments Committee**
(9/10 Members)
To discharge with delegated authority the function of shortlisting and appointing Heads of Service.

*Note: (1) the relevant Regulatory Chairs or relevant Scrutiny Chair to be invited to attend as a non-voting adviser as appropriate to the appointment*

**Audit Committee**
To discharge with delegated authority the functions specified in Annex E

(i) The Committee to comprise at least two-thirds elected Members with one Executive (Cabinet) Member (who is not the Leader), plus one voting lay member (a new appointee - this matter to be deferred to the next meeting of Council);

(ii) That the Committee comprises 12 Members plus one Lay Member subject to the arrangements as in (i) above;

(iii) The Chair and Vice-Chair, who are appointed by the Committee, must be Opposition Members - Resolution (b) refers.

(iv) The Committee may also recommend to Council the appointment of a number of people as voting co-optees.
Democratic Services Committee Annex E1

(i) The Committee to comprise elected Members only, with one Executive (Cabinet) Member (who is not the Leader);

(ii) That the Committee comprises 12 Members, reflecting the political balance of the Council and subject to the arrangements as in (i) above;

(iii) The Chair, who is appointed by Council, must be an Opposition Member, and it therefore be agreed that this Member be the same as the Opposition Chair of the Audit Committee - Resolution (b) refers.

Standards Committee
(5 Independent members, 2 Neath Port Talbot Council members (and 1 substitute) and 1 Community member (plus 2 community councillor substitutes) set out in Article 9

To discharge with delegated authority the functions specified in Annex F

Licensing and Gambling Acts Committee (15 Members)

Licensing and Gambling Acts Sub Committee (3 Members with substitutes)

To discharge with delegated authority the functions specified in Annex F(i)

Note: (1) Sub-committee will consist of the Chair and Vice-Chair of the Licensing and Gambling Act Committee plus one other Member drawn on a rota/availability basis from the remainder of the Members of that Committee.

(2) If the Chair or Vice-Chair are unavailable, then other Members of the Licensing and Gambling Act Committee may be utilised for the purpose of maintaining a quorum of three Members for each sub-committee meeting.

Family Absence Appeal Panel
(the Mayor to convene a Panel of 3 Members as and when required)

1. To exercise appeal functions under Regulation 36 (4) of the Family Absence for Members of Local Authorities (Wales) Regulations 2013
to either confirm a decision of Council to cancel a Member’s period of family absence before it begins (or bring it to an end) or to substitute its own decision.

2. To exercise appeal functions under Regulation 38 (7) of the Family Absence for Members of Local Authorities (Wales) Regulations 2013 to either confirm a decision of the Mayor to refuse an application by a Member on maternity absence or parental absence to attend particular meetings to descriptions of meetings (or to perform particular duties or duties of a particular description) or to substitute its own decision.
4. **THE EXECUTIVE**

1. The Executive consists of the Executive Leader (a Councillor appointed annually by the Council) and 8 other Councillors (also appointed annually by the Council). This is known as the Leader and Cabinet Executive and those 9 Councillors comprise the Cabinet. The Executive arrangements in this Constitution include arrangements by the Authority for the operation of a Leader and Cabinet Executive, and under which certain functions of the Authority are the responsibility of the Executive (which will include Cabinet Committees) – and where Executive decisions may be taken by the Cabinet; Cabinet Committees; any Officers of the Authority; or by, or jointly with, another Authority or Authorities.

2. **The Cabinet** may discharge all the local authority’s functions, including those in Annex G, except functions which, by statute, regulations or local choice, are not executive functions.

3. **The Cabinet Committees** set out in Annex G may discharge executive functions, with delegated authority, in relation to the matters specified therein.

4. **Cabinet Portfolios** The Council may determine at any time that individual Cabinet Members can discharge executive functions. But in the absence of any such formal delegations, the Council will in any event determine “Cabinet Portfolios” for individual Cabinet members - a “Portfolio” being a range of issues apportioned to a Cabinet member (as set out in Annex H) but without authority to formally discharge executive functions individually, unless so authorised by Council in this Constitution.
5. SCRUTINY COMMITTEES

The roles and functions of the Council’s Overview and Scrutiny Committees are set out in Annex I:

1. **Cabinet/Policy and Resources Scrutiny Committee**
   (16 members including the 4 chairs of the scrutiny committees below)

2. **Social Care, Health and Housing Scrutiny Committee**
   (13 members)

3. **Children, Young People and Education Scrutiny Committee**
   (15 members) (plus 4 voting co-optees and 4 non-voting co-optees)

4. **Economic and Community Regeneration Scrutiny Committee**
   (12 members)

5. **Environment and Highways Scrutiny Committee**
   (12 members)

Attendance at meetings of the Scrutiny Committees is covered in Part 4 of this Constitution – Overview and Scrutiny Procedure Rules

6. OFFICERS

The Annex J sets out delegated powers to the Officers specified therein to discharge the functions specified therein. The functions are either executive or non-executive functions and will be construed as to whether they are executive or non-executive functions by reference to the Council/Committee or Executive functions defined in Part 3 of this Constitution – Sections 2,3,4 and Annexes A to G.

Annex J also sets out Proper Officer provisions.

7. JOINT ARRANGEMENTS

The Annex K sets out the joint arrangements entered into by the Council or the Executive.
ANNEX A

PLANNING AND DEVELOPMENT CONTROL COMMITTEE

To discharge with delegated authority the following functions:-

(a) those below:-

<p>| | |</p>
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>1.</td>
<td>Power to determine applications for planning permission.</td>
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<td></td>
<td>Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 (c.8)</td>
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<tr>
<td>2.</td>
<td>Power to determine applications to develop land without compliance with conditions previously attached.</td>
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<td></td>
<td>Section 73 of the Town and Country Planning Act 1990.</td>
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<tr>
<td>3.</td>
<td>Power to grant planning permission for development already carried out.</td>
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<td></td>
<td>Section 73A of the Town and Country Planning Act 1990.</td>
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<tr>
<td>4.</td>
<td>Power to decline to determine applications for planning permission.</td>
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<td></td>
<td>Section 70A of the Town and Country Planning Act 1990.</td>
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<tr>
<td>5.</td>
<td>Duties relating to the making of determinations of planning applications.</td>
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<td></td>
<td>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.</td>
</tr>
<tr>
<td>6.</td>
<td>Power to determine applications for planning permission made by a local authority, alone or jointly with another person.</td>
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<tr>
<td>7.</td>
<td>Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.</td>
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<td></td>
<td>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).</td>
</tr>
<tr>
<td>8.</td>
<td>Power to enter into planning obligation regulating development or use of land.</td>
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<td></td>
<td>Section 106 of the Town and Country Planning Act 1990.</td>
</tr>
<tr>
<td>9.</td>
<td>Power to issue a certificate of existing or proposed lawful use or development.</td>
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<td></td>
<td>Sections 191(4) and 192(2) of the Town and Country Planning Act 1990.</td>
</tr>
<tr>
<td>10.</td>
<td>Power to serve a completion notice.</td>
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<td></td>
<td>Section 94(2) of the Town and Country Planning Act 1990.</td>
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<td></td>
<td>Power to grant consent for the display of advertisements.</td>
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<tr>
<td>17.</td>
<td>Power to determine applications for hazardous substances consent, and related powers.</td>
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<tr>
<td>18.</td>
<td>Duty to determine conditions to which old mining 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.</td>
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<tr>
<td>20.</td>
<td>Power to determine applications for listed building consent, and related powers.</td>
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<tr>
<td>21.</td>
<td>Power to determine applications for conservation area consent.</td>
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<tr>
<td><strong>23.</strong> Power to serve a building preservation notice, and related powers.</td>
<td>Sections 3(1) and 4(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.</td>
</tr>
<tr>
<td><strong>24.</strong> Power to issue a listed building enforcement notice</td>
<td>Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990.</td>
</tr>
<tr>
<td><strong>26.</strong> Power to apply for an injunction in relation to a listed building.</td>
<td>Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990.</td>
</tr>
<tr>
<td><strong>27.</strong> Power to execute urgent works.</td>
<td>Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990.</td>
</tr>
<tr>
<td><strong>28.</strong> Power related to footpaths and bridleways</td>
<td>Section 257 of the Town and Country Planning Act 1990.</td>
</tr>
<tr>
<td><strong>30.</strong> Power as to certification of appropriate alternative development.</td>
<td>Section 17 of the Land Compensation Act 1961</td>
</tr>
<tr>
<td><strong>31.</strong> Duties in relation to purchase notices</td>
<td>Sections 137 - 144 of the Town and Country Planning Act 1990.</td>
</tr>
<tr>
<td><strong>33.</strong> Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.</td>
<td>The Safety of Sports Grounds Act 1975</td>
</tr>
<tr>
<td><strong>34.</strong> Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.</td>
<td>Part III of the Fire Safety and Safety of Places of Sport Act 1987</td>
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</tbody>
</table>
### The Neath Port Talbot Constitution

<table>
<thead>
<tr>
<th>Section</th>
<th>Powers relating to the preservation of trees.</th>
<th>Powers relating to the protection of important hedgerows.</th>
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</table>

The provisions of the Local Authorities Executive Arrangements (Functions and Responsibilities)(Wales) Regulations 2007 apply to the above (and to the Local Act provision in paragraph (b) below), in particular the following:

(i) imposing any condition, limitation or other restriction on an approval, consent, licence, permission or registration granted;

(ii) determining any other terms to which any such approval, consent, licence, permission or registration is subject;

(iii) determining whether, and in what manner, to enforce:

   a) any failure to comply with an approval, consent, licence, permission or registration granted as in (i) above
   b) any failure to comply with a condition, limitation, term to which any such approval, consent, licence, permission or registration is subject, or
   c) any other contravention in relation to a matter with regard to the function of determining an application for approval, consent, licence, permission or registration.

(iv) amending, modifying or varying any such approval, consent, licence, permission or registration as in (i) or (ii) above, or any condition, limitation, restriction or term to which it is subject; or revoking any such approval, consent, licence, permission or registration,

(v) determining whether a charge should be made for any approval, consent, licence, permit or registration; and where a charge is made for any such approval, consent, licence, permit or registration, the amount of the charge.
The Committee may determine planning applications which are contrary to any policy within the Structure Plan, Local Plans, and/or the Unitary Development Plan except that where there is a major departure in the view of the Director, and the Committee is minded to approve notwithstanding a recommendation of refusal by the Director, then the views of the Cabinet must be obtained. If the Cabinet supports the Officers view, but the Committee is still minded to approve, then the application must be referred to full Council for determination.

(b) the functions below (*pursuant to Schedule 2 of the Regulations above*):-

- obtaining of information under Section 330 Town and Country Planning Act as to interests in land.
- obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976
- any local Act functions delegated by the Council, other than a function specified or referred to in Schedule 1 of the 2007 Regulations.

(c) institute or defend any legal proceedings, including those of Tribunals, Arbitrations and forums involving dispute resolutions in relation to the functions of the Committee.

(d) the Committee may discharge any functions delegated to officers which relate to the functions of the Committee.
### REGISTRATION AND LICENSING COMMITTEE

To discharge with delegated authority the following functions:-

(a) those below

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<tr>
<td><strong>1.</strong> Power to issue licences authorising the use of land as a caravan site (&quot;site licences&quot;).</td>
<td>Section 3(3) of the Caravan Sites and Control of Development Act 1960</td>
</tr>
<tr>
<td><strong>2.</strong> Power to license the use of moveable dwellings and camping sites.</td>
<td>Section 269(1) of the Public Health Act 1936</td>
</tr>
<tr>
<td><strong>3.</strong> Power to license hackney carriages and private hire vehicles.</td>
<td>(a) as to hackney carriages, the Town Police Clauses Act 1847 (10 &amp; 11 Vict. c. 89), as extended by section 171 of the Public Health Act 1875 (38 &amp; 39 Vict. c. 55), and section 15 of the Transport Act 1985 (c. 67); and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.</td>
</tr>
<tr>
<td><strong>6.</strong> Power to issue entertainments licences.</td>
<td>Section 12 of the Children and Young Persons Act 1933 (c. 12).</td>
</tr>
<tr>
<td><strong>8.</strong> Power to license performances of hypnotism.</td>
<td>The Hypnotism Act 1952</td>
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<td><strong>10.</strong> Power to license pleasure boats and pleasure vessels.</td>
<td>Section 94 of the Public Health Acts Amendment Act 1907</td>
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<td>Power</td>
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<td>12</td>
<td>Duty to keep list of persons entitled to sell non-medicinal poisons.</td>
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<td>13</td>
<td>Power to license dealers in game and the killing and selling of game.</td>
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<tr>
<td>14</td>
<td>Power of register and license premises for the preparation of food.</td>
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<td>15</td>
<td>Power to license scrap yards.</td>
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<tr>
<td>16</td>
<td>Power to license premises for the breeding of dogs.</td>
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<td>17</td>
<td>Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.</td>
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<td>18</td>
<td>Power to register animal trainers and exhibitors.</td>
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<td>19</td>
<td>Power to license zoos.</td>
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<td>20</td>
<td>Power to license dangerous wild animals.</td>
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<td>21</td>
<td>Power to enforce regulations in relation to animal by products</td>
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<tr>
<td><strong>22.</strong> Power to license the employment of children.</td>
<td>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</td>
</tr>
<tr>
<td><strong>23.</strong> Power to approve premises for the solemnisation of marriages (and the registration of civil partnerships)</td>
<td>Section 46A of the Marriage Act 1949 (c. 76) and Section 6A of the Civil Partnership Act 2004 (C33) and the Marriages and Civil partnerships (Approved Premises) Regulations 2005 (SI 2005/3168)</td>
</tr>
<tr>
<td><strong>24.</strong> Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to -</td>
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<td></td>
<td>(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)</td>
</tr>
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<td></td>
<td>(b) an order under section 147 of the Inclosure Act 1845 (c. 8 &amp; 9 Vict. c. 118).</td>
</tr>
<tr>
<td><strong>25.</strong> Power to register variation of rights of common.</td>
<td>Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471)</td>
</tr>
<tr>
<td><strong>26.</strong> Power to license persons to collect for charitable collections</td>
<td>Section 68 of the Charities Act 1992</td>
</tr>
<tr>
<td><strong>27.</strong> Power to grant consent for the operation of a loudspeaker.</td>
<td>Schedule 2 to the Noise and Statutory Nuisance Act 1993</td>
</tr>
<tr>
<td><strong>28.</strong> Duty to register the movement of pigs.</td>
<td>Regulation 21(3) and (4) of the Pigs (Records Identification and Movement)(Wales) Order 2004 (SI 2004/996)(W104)</td>
</tr>
<tr>
<td><strong>29.</strong> Power to enforce Regulations in relation to the movement of pigs.</td>
<td>Regulation 27(1) of the Pigs (Records Identification and Movement)(Wales) Order 2004/996 (W104)</td>
</tr>
<tr>
<td><strong>30.</strong> Power to issue a licence to move cattle from a market</td>
<td>Article 5(2) of the Cattle Identification Regulations 1998 (SI 1998/871)</td>
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<tr>
<td><strong>31.</strong> Power to sanction use of parts of buildings for storage of celluloid.</td>
<td>Section 1 of the Celluloid and Cinematograph Film Act 1922</td>
</tr>
<tr>
<td><strong>33.</strong> Functions under any of the &quot;relevant statutory provisions&quot; 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.</td>
<td>Part I of the Health and Safety at Work etc. Act 1974</td>
</tr>
<tr>
<td><strong>34.</strong> Functions relating to sea fisheries.</td>
<td>Sections 1, 2, 10 and 19 of the Sea Fisheries Regulation Act 1966</td>
</tr>
<tr>
<td><strong>35.</strong> Power to grant a street works licence.</td>
<td>Section 50 of the New Roads and Street Works Act 1991 (c. 22).</td>
</tr>
<tr>
<td><strong>36.</strong> Powers in respect of the Registration of Motor Salvage Operators</td>
<td>Vehicles (Crime) Act 2001 – Part 1</td>
</tr>
</tbody>
</table>

The provisions of the Local Authorities Executive Arrangements (Functions and Responsibilities)(Wales) Regulations 2007 apply to the above, (and to the Local Act provision in paragraph (b) below), in particular the following:–

(i) imposing any condition, limitation or other restriction on an approval, consent, licence, permission or registration granted;

(ii) determining any other terms to which any such approval, consent, licence, permission or registration is subject;

(iii) determining whether, and in what manner, to enforce -

(a) any failure to comply with an approval, consent, licence, permission or registration granted as in (i) above

(b) any failure to comply with a condition, limitation, term to which any such approval, consent, licence, permission or registration is subject, or
(c) any other contravention in relation to a matter with regard to the function of determining an application for approval, consent, licence, permission or registration.

(iv) amending, modifying or varying any such approval, consent, licence, permission or registration as in (i) or (ii) above, or any condition, limitation, restriction or term to which it is subject; or revoking any such approval, consent, licence, permission or registration,

(v) determining whether a charge should be made for any approval, consent, licence, permit or registration; and where a charge is made for any such approval, consent, licence, permit or registration, the amount of the charge.

(b) Functions below (pursuant to Schedule 2 of the above Regulations)

- obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976

- any local Act functions delegated by the Council, other than a function specified or referred to in Schedule 1 of the 2007 Regulations.

(c) institute or defend any legal proceedings, including those of Tribunals, Arbitrations and forums involving dispute resolutions in relation to the functions of the Committee.

(d) recommending to Council an Order under section 13(2) of the Criminal Justice and Police Act 2001 (designated public place for purposes of police powers in relation to alcohol consumption) (this being a Schedule 1 function)

(e) determination of the Health and Safety Enforcement Plan

(f) the Committee may discharge any functions delegated to officers which relate to the functions of the Committee
Annex C

Appeals Panel
(Schedule 2 local choice function – 2007 Regulations)

To discharge with delegated authority the function of determining any appeal against any decision made by or on behalf of the Authority in respect of the matters hereunder; and in this respect to confirm or amend earlier decisions in accordance with any prescribed procedures:

A. Review of Homeless Decisions

(a) an applicant’s eligibility for assistance (S.184);

(b) on what duty (if any) is owed under:

(i) ss.190 and 191 (intentional homelessness);
(ii) s.192 (no priority need and homeless unintentionally);
(iii) s.193 (priority need and homeless unintentionally);
(iv) s.195 (threatened with homelessness);
(v) s.196 (threatened with homelessness intentionally);

(c) to notify another authority that the conditions for referral are met (s.198(1));

(d) on whether the conditions for referral are met (s.198(5));

(e) as to the duty owed in the case of a referral (ss.200(3) and (4));

(f) on the suitability of accommodation offered under (b) or (e) above. In the case of s.193 (5) or s.193 (7), this is applicable whether or not the accommodation has been accepted;

B. Staffing Appeals

All employee issues which involve a right of appeal by an individual employee to elected members.
C. **Marriage Act Appeals**

Determination of appeals not being incompatible with the requirements of the Marriage Act and Regulations.

The use of substitutes as determined by Council will allow a member to withdraw from a specific Appeals Hearing if it would be appropriate to do so, having regard to any previous involvement with the case in question.

On Tenancy cases, members shall not sit on an appeal where it relates to an applicant from their own electoral division, or the allocation of a property within their own electoral division.

No Member or Officer who was involved in the original decision will be involved in the determination of the Appeal.
PERSONNEL COMMITTEE

To discharge with delegated authority the functions specified below:-

(a) Personnel and related matters where a non-executive function
under Schedule 1 of the 2007 Regulations i.e.

- Regulations under Superannuation Act 1972 – relating to staff pensions
- Section 112 of Local Government Act 1972 – including relating to staff terms and conditions (consequent on appointments under the Employment Procedure rules) i.e. related matters such as job evaluation strategies; national/local pay negotiations; operational conditions of service policies e.g. sickness; Directorate structural/staffing changes, incl. ER/VR policies; industrial disputes

Note: the executive is able to discuss issues above for comment to the Committee; it will also have statutory responsibility for health & safety as employer; and for other personnel related policies/issues which fall to the executive e.g. personnel work programmes/business plans/performance; IIP accreditation

(b) Institute or defend any legal proceedings, including those of Tribunals, Arbitrations and forums involving dispute resolutions in relation to the functions of the Committee

(c) the Committee may discharge any functions delegated to officers which relate to the functions of the Committee
ANNEX E

AUDIT COMMITTEE

To discharge with delegated authority the following functions:-

- review and scrutinise the authority's financial affairs, including approval of the Annual Statement of Accounts,

- make reports and recommendations in relation to the authority's financial affairs,

- review and assess the risk management, internal control and corporate governance arrangements of the authority,

- make reports and recommendations to the authority on the adequacy and effectiveness of those arrangements,

- oversee the authority's internal and external audit arrangements, including internal and external audit work plans, receive, review and make reports on audit work and performance,

- review the financial statements prepared by the authority.
DEMOCRATIC SERVICES COMMITTEE

- The functions of the Democratic Services Committee are:-

- To exercise the functions of the Council under Section 8 (1) (a) Local Government (Wales) Measure 2011 (designation of Head of Democratic Services)

- To review the adequacy of provision by the Council of staff, accommodation and other resources to discharge democratic services functions.

- To make reports and recommendations to the Council in relation to such provision.

- The Democratic Services Committee may not exercise any functions other than the functions set out above.
STANDARDS COMMITTEE

To discharge with delegated authority the following functions:-

1. *To promote and maintain high standards of conduct by the Members and co-opted Members of the Authority.

2. *To assist members and co-opted Members of the Authority to observe the Members Code of Conduct.

3. *To advise the Council on the adoption or revision of the Members Code of Conduct (and relevant protocols relating to Member/Officer relationships).

4. *To monitor the operation of the Council’s adopted Members Code of Conduct throughout the Authority.

5. *To advise, train, or arrange to train Members and co-opted Members on matters relating to the Members Code of Conduct.

6. *Where statutes so permit, to arrange dispensation to speak and/or vote where a Member or co-opted Member has an interest in any matters.

7. *To receive Local Commissioner reports following investigations, or part investigations, in relation to allegations of breach of the Members Code of Conduct and/or

(a) to receive and consider reports and recommendations made with regard to same, from the Monitoring Officer (when such matters are referred to that Officer) including provision with respect to the procedure to be followed by the Standards Committee; and

(b) following its consideration of any such reports or recommendations, to take any action prescribed by statute or regulations made thereunder (including action against any Member or co-opted Member (or former Member or co-opted Member) of the Authority who is the subject of any such report or recommendation) and to give publicity to such report, recommendation or action.
8. To receive, consider and implement general advice from the Local Commissioner and the Council’s Monitoring Officer.

9. *To receive from the Adjudication Panel, Interim Case Tribunals or Case Tribunals –

(a) notices issued by them to Council;

(b) recommendations about matters relating to the exercise of the Authority’s function, the Code of Conduct and the Standards Committee and make such recommendations as it thinks fit to Council relating thereto.

10. To be responsible for liaison between the Council and external agencies, in particular the National Assembly of Wales, the District Auditor and the local Ombudsman in connection with any matter within the Committee’s terms of reference, under the provisions of the 2000 Act and Regulations made thereafter.

11. To make representations to the National Assembly and the Welsh Local Government Association about any matter relating to the General Principles of Conduct for Members of the Council.

12. To consider and recommend procedures for complaints to be dealt with by the Standards Committee and to propose amendments as may be appropriate from time to time in accordance with statute etc.

13. To oversee the whistle-blowing regime in particular in this respect to consider and recommend procedures in respect of the following:

- Whistle-blowing arrangements
- Anti-Fraud/Corruption or malpractice strategy

14. To examine any Code(s) of Conduct for Employees of the Authority and to make recommendations as may be considered appropriate.

15. To receive progress reports from the Monitoring Officer from time to time on such matters within the purview of the Standards Committee, and to make such recommendations to Council as may be deemed appropriate.
16. To exercise such powers or duties as may be given to or imposed on Standards Committees from time to time by legislation.

17. *To exercise in relation to Community Councils and their Members within the County Borough area such of the foregoing matters as are referred to in Section 56 of the Local Government Act 2000.

* statutory provisions
ANNEX F1

LICENSING AND GAMBLING ACTS COMMITTEE

To discharge with delegated authority:

(a) licensing functions in accordance with Part 2* of the Licensing Act 2003 (except Sections 5 and 6 which are reserved to the full Council), including the hearing and determination of any applications (where there are police objections or relevant representations) which are deemed appropriate by the Licensing and Gambling Acts Sub Committee to be referred to the Licensing and Gambling Acts Committee.

(b) the functions of the Gambling Act 2005, including functions in respect of:

The setting of fees*
Making a recommendation not to issue casino licences*
Making an order dis-applying Section 279 or Section 282(1) in accordance with Section 284*
Authorised persons in accordance with Section 304*
Prosecutions in accordance with Section 346*
Register pools promoters
Grant track betting licences
Licence inter-track betting schemes
Grant permits in respect of premises with amusement machines and premises where amusements with prizes are provided
Register societies wishing to promote lotteries
Licensing authority information Section 29*;
Other exchange of information Section 30*;
Exchange of information Section 350*;
Registration with local authority Part 5 of Schedule 11*

(* “local choice” functions under 2007 regulations)
LICENSING AND GAMBLING ACTS SUB COMMITTEE

To discharge with delegated authority

(a) the functions of the Licensing (2003 Act) Committee under Part 2 of the Licensing Act 2003, including in particular, the following (where Hearings may be held by the Sub Committee):

**(i) application for personal licence

(ii) application for premises licence/club premises certificate

(iii) application for provisional statement

(iv) application to vary premises licence/club premises certificate

**(v) application to vary designated premises supervisor

**(vi) application for transfer of premises licence

**(vii) application for interim authorities

(viii) application for personal licence with unspent convictions

(ix) application to review premises licence/club premises certificate

(x) decision to object when the authority is a consultee and not the relevant authority considering the application

(xi) determination of a police objection to a temporary event notice

(xii) such applications under Officer delegation which are deemed appropriate to be referred to the Sub Committee

(** these only in respect of applications where there are Police objections)

(# these only in respect of applications where there are relevant representations made)
(b) the functions of the Gambling Act 2005 in respect of the following (where Hearings may be held by the Sub-Committee)

*(i)* Application for a premises licence

*(ii)* Application for a variation to a licence

*(iii)* Application for a transfer of a licence

*(iv)* Application for a provisional statement

(v) Application to review premises licence/club premises certificate

#(iv) Application for club gaming/club machine permits

(vii) Cancellation of club gaming/club machine permits

(viii) Decision to give a counter notice to a temporary use notice

(* these only in respect of where representations have been received and not withdrawn)

(# where objections have been made and not withdrawn)
ANNEX G

**CABINET FUNCTIONS**

To discharge with delegated authority the following functions:-

**General**

(1) strategic leadership and direction; responsibility for the economic, social and environmental well-being of the area within the Council’s policy and budgetary framework, and the three guiding principles of sustainability, social inclusion and equalities.

(2) developing and proposing to the full Council, those plans and strategies which are set out under the Council’s terms of reference as the policy and budget framework (2007 Regulations) or approving such other executive plans or strategies which are for the executive to determine.

(3) proposing the annual budget to the full Council for approval, including the allocations to different services and projects, proposed taxation levels and contingency funds (2007 Regulations).

(4) consulting the relevant Overview and Scrutiny Committees in the development of the policy and budget framework, and such other matters as deemed appropriate.

(5) leading the Community Planning process (particularly the implementation of the Council’s contribution); and the search for Improvement and receiving the outcome of reviews from Overview and Scrutiny Committees.

(6) taking in-year decisions on resources and priorities (together with other stakeholders and partners in the local community as appropriate) to deliver the budget and policies decided by the full Council i.e. implementing the policies and spending the budget in accordance with the policy framework and the Council’s financial rules and regulations. The Executive will then be accountable to the Council and the public for its decisions – and it will be able to take decisions within a virement limit set out in financial procedure rules of the requisite budget if the decisions are in line with the policy and budget framework.

(7) dealing with emerging issues.
(8) dealing with unexpected events (e.g. civil contingencies/emergencies).

(9) continuing to develop partnerships with other public, private, voluntary and community sector organisations to address local needs.

(10) delivering services in line with the adopted policies and budgets, including electronic service delivery

(11) consulting other relevant Committees of the Council in other matters e.g. Planning and Development Control Committee in the case of the Unitary Development Plan and Local Development Plan.

(12) responding to any recommendations of Overview and Scrutiny Committees

(13) compulsory purchase orders where appropriate to executive functions.

(14) to determine any arrangements for the discharge of executive functions directly by or jointly with another Authority or Authorities (unless being matters within the purview of the Council)

(15) to deal with the following functions on a “local choice basis” (Schedule 2 of 2007 Regulations) :-

- receive and approve the outcome of Reviews from Overview and Scrutiny Committees or from Officers

- any local Act functions delegated by the Council other than a function specified or referred to in Schedule 1 of the 2007 Regulations.

- make appointments to outside bodies if relevant to executive functions

- control of pollution (air, water, land), related statutory nuisances and other environmental protection functions, incorporating in particular the functions 10-15 of schedule 2 of the “local choice” Regulations 2007.

- making of agreements for execution of highway works – Section 278 Highways Act 1980.
obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976

functions in respect of Council Tax base as specified in the Regulations

functions in relation to the revision of decisions made in connection with claims for Housing Benefit or Council Tax Benefits (note: appeals under Section 68 and Schedule 7 to the Child Support Pensions & Security Act 2000 are to an independent tribunal)

mal-administration issues under Section 92 of the Local Government Act 2000 (except for Section 19 Ombudsman reports under the 2005 Act) – and also under Sections 21 & 34 of the Public Services Ombudsman (Wales) Act 2005.

(16) draft the Corporate Improvement Plan, including the identification of the Council’s priorities for improvement during the plan period; consult the Cabinet Overview and Scrutiny Committee and any other Scrutiny Committee as deemed appropriate and recommend to Council.

“draft the Annual Report, accounting for the extent to which the Council has delivered the improvement identified in the Corporate Improvement Plan”

(17) executive overview (a) of implementation and monitoring of Improvement and action plans that respond to recommendations made by the Council’s external regulators (b) of Wales Audit Office Reports (c) of executive performance management; and to receive any recommendations in this respect from Cabinet Committees or the “principal” Overview and Scrutiny Committee

(18) health and safety as employer and other personnel related policies/issues the responsibility of the executive (note: also to be able to discuss personnel related issues which are non-executive functions and to comment to the Personnel Committee responsible for such matters)

(19) initiate planning applications as appropriate to executive functions

(20) institute or defend any legal proceedings, including those of Tribunals, Arbitrations and forums involving dispute resolutions in relation to matters which are the responsibility of the executive.
(21) all of the local authority’s functions including those hereafter (except functions which by statute, regulations or local choice are not executive functions); and to be able to deal with any executive matters which are otherwise delegated to Cabinet Committees or Officers.

CABINET FUNCTIONS
(Specific)

The following are some specific executive functions for Cabinet to discharge with delegated authority but these are not exhaustive and must be construed in the context that the Cabinet may discharge with delegated authority all of the Authority’s functions, except functions which by statute, regulations or local choice are not executive functions.

A. POLICY AND RESOURCES

(a) Community and Strategic Leadership

- Policy and Strategic Resource Planning (incl. annual budget/Council Tax)
- Democratic Services/Leadership
- Wellbeing Plan/Single Integrated Plan Overview/Coordination
- Communications/Active Citizenship/Marketing
- Voluntary Sector/external Partnerships Overview
- Corporate Governance
- Transformation, Change Management and Innovation
- Anti-Poverty/Welfare Reform
- Public Services Board matters

(b) Finance and Performance Management

- Budget Monitoring/Controls Overview
- Operational Finance and Revenues (incl. miscellaneous grants, Welsh Church Act Fund and Council Tax/Housing Benefits)
- Performance Management/Business Planning
- Performance Analysis/VFM
- Procurement
- Legal Services (incl. Coroners/Registration Service)
- Welfare Reform
- Debt Write Off
(c) Corporate Services

- Executive Personnel policy/issues
- Occupational Health and Safety as Employer
- Equalities (all aspects)
- Customer Services
- CCTV
- E-Government/ICT
- Risk Management (in conjunction with Local Government Wales Measure 2009)
- Business Continuity Planning
- Civil Contingencies/Emergency Planning

(d) Related Strategies/Single Integrated Plan Theme

- Single Integrated Plan/Wellbeing Plan
- Communications Strategy
- Freedom of Information
- Corporate Improvement Plan/Wellbeing Objectives and Wellbeing Statement
- Procurement Strategy
- People Management Strategy
- Strategic Equality Plan (Service delivery/employment; Race; Disability)
- Welsh Language Scheme/Standards
- Digital by Choice Single Integrated Plan Theme – Community Safety

(e) Other

- NPT Waste Management Company Ltd. (as Shareholder)
- Functions in respect of calculation of Council Tax base as specified in Schedule 2 of the 2007 Regulations
- Education Trust Fund/BP Scholarship
- Monitor quarterly budgets and performance in securing continuous improvement of all the functions listed above
- Any overview issues relative to the corporate management of the Chief Executive’s Directorate and the Finance and Corporate Services Directorate as a whole
• Community Safety and Related Community Safety Partnership Matters, including Drug and Alcohol Misuse, Anti-Social Behaviour Orders

B. SOCIAL CARE, HEALTH AND HOUSING

(a) Social Care, Health and Housing

• Adult Community Care Services, incl. Older and Disabled People (Direct Services and Care Management); Learning Disability Services; Mental Health Services; Welfare Rights
• Older Persons generally
• Health Partnerships/promotion
• Private Sector Renewal
• Homelessness
• Supporting People
• Registered Social Landlord
• Housing Association Partnerships
• Community Meals

(Cabinet Member is also the Older Persons and Carers Champion and Supporting People Champion)

(b) Related Strategies/Community Plan Theme

• Single Integrated Plan/Wellbeing Plan
• Older Persons Strategy
• Retained Strategic Housing responsibilities
• Local Housing Strategy and relevant sub-strategies
• Single Integrated Plan Theme – Better Health and Wellbeing

(c) Other

• Adult Social Care Services functions under the Local Authorities Social Services Act 1970
• Social Services Wellbeing Act 2014
• Monitor quarterly budgets and performance in securing continuous improvement of all the functions listed above
• Any overview issues relative to the corporate management of the Social Services, Health and Housing Directorate as a whole.
C. CHILDREN, YOUNG PEOPLE AND EDUCATION

(a) Children and Young People

- Integrated commissioning/planning of Children Services – Children Act 2004 (*Cabinet Member is also Lead Member under the Act*)
- Think Families Partnership
- Children in Need and Families
- Children’s Rights
- Children’s Play Schemes
- Youth Service
- Youth Council
- Youth Offending Team
- Hillside Secure Unit
- Local Authority Partnership Agreement (LAPA) with Sports Council for Wales

(b) Education and Lifelong Learning

- School Improvement and Inclusion/SEN
- Lifelong Learning/Adult Education/Post 16 Provision
- School Governors
- Adult Community Learning Delivery Plan
- School Reorganisation

(c) Related Strategies/Community Plan Theme

- Single Integrated Plan/Wellbeing Plan
- NPT Youth Strategy
- Play Strategy
- Childcare Strategy
- Youth Justice Plan
- Welsh in Education Strategic Plan (WESP)
- Single Integrated Plan Theme – Education and Lifelong Learning
- Youth Engagement and Progression Framework
(d) Other

- As Local Education Authority
- Any Social Services Children’s functions under the Local Authorities Social Services Act 1970
- Responsibility for the statutory delivery of services for children and young people rests with the Director of Education, Leisure and Lifelong Learning and the Director of Social Services, Health and Housing as appropriate to their respective functions, and arising from delivery decisions which are taken by the executive under the “Children, Young People and Education” functions
- Monitor quarterly budgets and performance in securing continuous improvement of all the functions listed above
- Any overview issues relative to the corporate management of the Education, Leisure and Lifelong Learning Directorate as a whole (Note: Cabinet Member No. 7 may also attend when such issues are being considered by the Cabinet Committee).

D. ECONOMIC AND COMMUNITY REGENERATION

(a) Community and Leisure Services

- Communities First
- Community Development
- Community Centres
- Cultural Services
- Libraries
- Margam Park
- Sports Development/Leisure Services (incl. Leisure Trust relationships)
- Local Authority Partnership Agreement (LAPA) with Sports Council for Wales (Lead Member)

(b) Economic Development and Property Services

- Economic Development/Regeneration
- Business Services and grants/loans
- Industrial Estates
- Baglan Energy Park
- Coed Darcy
- Aberavon Seafront Strategy
- Town Centre Strategies
The Neath Port Talbot Constitution

- Employment/Workways
- Europe and European Funding
- UDP/Local Development Plan and any associated matters
- High Hedges
- Promotion of high quality design
- Architectural Design
- Construction Project Management
- Asset Management
- Estate Management of non-housing/non-operational property
- Estates and Valuation (incl. acquisition/disposal of land/property)
- Facilities Management (including Catering/Cleaning)
- Energy Management
- Enterprise Zone

(c) Related Strategies/Single Integrated Plan Themes

- Community Development Delivery Plan
- Leisure and Cultural Strategy
- Regional Economic Development Strategy/City Region
- Unitary Development Plan/Local Development Plan and Associated matters
- Asset Management Plan
- Single Integrated Plan Theme – Economic Prosperity

(d) Other

- Residual planning functions, e.g. preparation of supplementary planning guidance, designation of conservation areas, areas of archaeological interest and nature reserves, removal of permitted development rights through Article 4 Directions
- obtaining particulars of persons interested in land (Section 16 Local Government (Miscellaneous Provisions) Act 1976)
- Monitor quarterly budgets and performance in securing continuous improvement of all the functions listed above
- Obtaining of information under Section 330 Town and Country Planning Act 1990 as to interests in land.
E. ENVIRONMENT AND HIGHWAYS

(a) Environment

- Sustainability
- Environmental Stewardship/Quality
- Countryside Access
- Gnoll/Afan Argoed Country Parks
- Canals
- Playgrounds/Parks/Sportsfields/Bowling Greens, etc.
- Grounds Maintenance/Arboricultural Services
- Cemeteries
- Waste Management (Collection/Disposal)
- Regional Waste Plan
- Pollution Control/Contaminated Land
- Scientific Services
- Dog and Animal Impounding
- Animal Welfare
- Environmental Health including Housing Enforcement, Food Safety, Health and Safety, Private Drains and Sewers
- Trading Standards
- Pest Control
- Litter/Waste Enforcement
- Tobacco Protection

(b) Streetcare and Highways

- Engineering/Highways etc. Project Design
- Trunk Road Agency
- Coastal Protection
- Road Safety
- Highways Development Control
- Traffic Orders
- Transport Policy
- Concessionary Fares
- Passenger/Community Transport
- Cycleways
- Land Drainage
- Flood Defence
- Fleet Management/Maintenance
- Highways Maintenance and operations
- Public Lighting
• Neighbourhood Services/Management
• Grass Verges/associated landscaping
• On/Off Street Parking
• Highways Asset Management
• Footpaths, Bridleways, Public Paths, Rights of Way, Definitive Map

(c) Related Strategies/Single Integrated Plan Themes

• Environmental Strategy
• Air Quality Strategy
• Biodiversity Plan
• Local Transport Plan
• Single Integrated Plan Themes – Environment and Transport
• Trading Standards Performance Plan
• Food Law Enforcement Plan
• Tobacco Protection Plan

(d) Other

• Functions of Schedule 2 of the “Local Choice” Regulations 2007 as below:-

  - control of pollution (air, water, land), related statutory nuisances and other environmental protection functions, incorporating in particular the functions 10-15 of Schedule 2 of the “local choice” Regulations 2007
  - obtaining particulars of persons interested in land (Section 16 Local Government (Miscellaneous Provisions) Act 1976)
  - the making of agreements for the execution of highway works under Section 278 of the Highways Act 1980 substituted by the New Roads and Streetworks Act 1991
  - resolution to apply Schedule 2 Noise and Statutory Nuisance Act 1993 (Section 8 of the Act)
  - inspections to detect statutory nuisances (Section 79 Environmental Protection Act 1990)
  - investigate complaints as to statutory nuisances (Sect79 Environmental Protection Act 1990)

• Monitor quarterly budgets and performance in securing continuous improvement of all the functions listed above
- Any overview issues relative to the corporate management of the Environment Directorate as a whole (Note: Cabinet Member No. 8 may also attend when such issues are being considered by the Cabinet Committee).

**CABINET COMMITTEE FUNCTIONS**

The Cabinet Committees hereunder are delegated to discharge any executive functions in relation to the matters listed under the respective headings, namely:

**Policy and Resources Cabinet Committee**
(2 members holding Cabinet Portfolios 1, and 2)

All matters under A above and any other related matters not so listed. If deemed urgent by the Leader, or in absence the Deputy Leader, any matter under B, C, D and E, or any related matter not listed; this with the agreement also of the relevant Cabinet Member who may attend the meeting for the item as a non-voting Member (unless substituting as a voting Member under the Executive Procedure Rules).

Crime and Disorder matters. Cabinet Portfolio holder 7 to attend and vote on Crime and Disorder matters when these are being considered by Policy and Resources Cabinet Committee.

**Social Care, Health and Housing Cabinet Committee**
(2 members holding Cabinet Portfolios 3 and 4)

All matters under B above and any other related matters not so listed.

**Children, Young People and Education Cabinet Committee**
(2 members holding Cabinet Portfolios 4 and 5)

All matters under C above and any other related matters not so listed.

**Economic and Community Regeneration Cabinet Committee**
(2 members holding Cabinet Portfolios 6 and 7)

All matters under D above and any other related matters not so listed.
Environment and Highways Cabinet Committee
(2 members holding Cabinet Portfolios 8 and 9)

All matters under E above and any other related matters not so listed.

The Cabinet Committees are also delegated to discharge executive functions as follows in relation to the matters referred to above:-

(a) deal with any matters referred from Cabinet

(b) work closely with the relevant Overview and Scrutiny Committees, particularly in pre-scrutiny.

(c)
- Monitor the performance of services, paying particular attention to the priorities for improvement set out in the Corporate Improvement Plan;
- Compare the performance of the Council’s services over time and with other authorities who provide similar services;
- From time to time consider whether to exercise the power to collaborate

(d) implement and monitor improvement actions following improvement or efficiency reviews

(e) implement and monitor recommendations arising from the Wales Audit Office Reports.

(f) implement and monitor service related requirements arising from the Wales Audit Annual Improvement Report

(g) manage operational land and property

(h) authorise expenditure from approved budget limits on matters within their purview, and recommending any virements where appropriate to Cabinet or Council

(i) any executive matters which are otherwise delegated to officers which relate to the functions of the Committee

(j) the other general matters specified for the Cabinet in Annex G as they relate to the functions of the Cabinet Committees.
Note:

(1) If any Cabinet Board Member is unable to attend, any other Cabinet Member may substitute as a voting Member on the Cabinet Board.

(2) Leader and Deputy Leader, as of right, may attend any Cabinet Board; other Cabinet Members may also be invited to attend other Cabinet Boards depending on the issues.

CABINET PORTFOLIOS

The Council may determine at any time that individual Cabinet Members can discharge executive functions. But in the absence of any such formal delegations, the Council will in any event determine “Cabinet Portfolios” for individual Cabinet Members - a “Portfolio” being a range of issues apportioned to a Cabinet Member but without authority to formally discharge executive functions individually, unless so authorised by Council in this Constitution. Such delegated authority is not currently given under this constitution to Cabinet Members to discharge executive functions individually. The broad range of Cabinet portfolio issues are set out below.

Cabinet Member Portfolio 1

Community and Strategic Leadership

(Leader of Council)

- Policy and Strategic Resource Planning (incl. annual budget/Council Tax)
- Democratic Services/Leadership
- Single Integrated Plan/Wellbeing Plan overview/co-ordination
- Communications/Active Citizenship/Marketing
- Voluntary Sector/external Partnerships overview
- Corporate Governance
- Single Integrated Plan – Confident Communities (in conjunction with all Cabinet Members)
- Related Strategies as under Policy and Resources (A) (see Annex G)
- Transformation, Change Management and Innovation
Cabinet Member Portfolio 2
Finance and Corporate Services

- Budget Monitoring/Controls overview
- Operational Finance and Revenues (incl. miscellaneous grants and Welsh Church Act Fund)
- Performance Management/Business Planning
- Performance Analysis/VFM
- Procurement
- Legal Services (incl. Coroners/Registration Service)
- Related Strategies as under Policy and Resources (A)
- Executive Personnel policy/issues
- Occupational Health and Safety as Employer
- Equalities (all aspects)
- Customer Services and CCTV
- ICT/Digital by Choice
- Risk Management
- Business Continuity Planning
- Civil Contingencies/Emergency Planning
- Community Cohesion
- Related Strategies as under Policy and Resources (A)

(see Annex G)

Cabinet Member Portfolio 3
Social Care, Health and Housing

- Adult Community Care Services, incl. Older and Disabled People (Direct Services and Care Management); Learning Disability Services; Mental Health Services; Welfare Rights
- Older Persons generally
- Health Partnerships/promotion
- Private Sector Renewal
- Homelessness
- Supporting People
- Housing Association Partnerships
- Single Integrated Plan – Better Health and Wellbeing (in conjunction with Cabinet Member No. 5)
- Related Strategies as under Social Care, Health and Housing (B)

(see Annex G)

(Cabinet Member is also the Older Persons and Carers Champion and Supporting People Champion)
Cabinet Member Portfolio 4
Children and Young People

- Integrated commissioning/planning of Children Services – Children Act 2004 (*Cabinet Member is Lead Member under the Act*)
- Children in Need and Families
- Children’s Rights
- Children’s Play Schemes
- Youth Service
- Youth Council
- Youth Offending Team
- Hillside Secure Unit
- Local Authority Partnership Agreement (LAPA) with Sports Council for Wales
- Related Strategies as under Children, Young People and Education (C) (*see Annex G*)
- Think Families Partnership
- Single Integrated Plan – All matters concerned with children and young people

Cabinet Member Portfolio 5
Education and Lifelong Learning

- School Improvement and Inclusion/SEN
- Lifelong Learning/Adult Education
- Training Centres (Milland Road; ITEC; Tawe Terrace)
- School Governors
- Local Authority Partnership Agreement (LAPA) with Sports Council for Wales
- Single Integrated Plan – Education and Lifelong Learning (in conjunction with Cabinet Members No. 5 and 7)
- Related Strategies as under Children, Young People and Education (C) (*see Annex G*)
- School Re-organisation
- Anti-Poverty Champion
- School Catering
- Home to School Transport
Cabinet Member Portfolio 6
Community and Leisure Services

- Communities First
- Social Inclusion
- Single Integrated Plan/Wellbeing Plan
- Community Development
- Community Centres
- Cultural Services
- Libraries
- Margam Park
- Sports Development/Leisure Services (incl. Leisure Trust relationships)
- Local Authority Partnership Agreement (LAPA) with Sports Council for Wales (Lead Member)
- Single Integrated Plan – Community Safety (in conjunction with Cabinet Member No. 4)
- Related Strategies as under Economic and Community Regeneration (D) (see Annex G)
- Violence Against Women, Domestic Abuse and Sexual Violence Strategy
- Counter Terrorism and Extremism

Cabinet Member Portfolio 7
Economic Development and Property Services

- Economic Development/Regeneration
- Business Services and grants/loans
- Industrial Estates
- Baglan Energy Park
- Coed Darcy
- Tourism/Business Support
- Aberavon Seafront Strategy
- Town Centre Strategies
- Employment/Workways
- Europe/European Funding
- UDP/Local Development Plan and any associated matters
- High Hedges
- Property and Architectural (incl. design and project management)
- Promotion of high quality design
- Asset Management
• Estate Management of non-housing/non-operational property
• Energy Management
• Estates and Valuation (incl. acquisition/disposal of land/property)
• Facilities Management, incl. Catering/Cleaning
• Single Integrated Plan – Economic Prosperity
• Related Strategies as under Economic and Community Regeneration (D) (see Annex G)
• Street naming
• Energy Management

**Cabinet Member Portfolio 8**

**Environment**

• Sustainability
• Non-Housing Building Maintenance
• Environmental Stewardship/Quality
• Countryside Access
• Gnoll/Afan Argoed Country Parks
• Canals
• Playgrounds/Parks/Sportsfields/Bowling Greens, etc.
• Grounds Maintenance/Arboricultural Services
• Cemeteries
• Dog and Animal Impounding
• Litter/Waste Enforcement
• Animal Welfare
• Pest Control
• Trading Standards
• Environmental Health including Housing Enforcement, Food Safety, Health and Safety, Private Drains and Sewers
• Waste Management (Collection/Disposal)
• Pollution Control/Contaminated Land
• Scientific Services
• Single Integrated Plan – Environment and Transport (in conjunction with Cabinet Member No. 9)
• Related Strategies as under Environment and Highways (E) (see Annex G)
• Footpaths, Bridleways, Public Paths, Rights of Way, Definitive Map
• Waste Strategy
Cabinet Member Portfolio 9
Streetcare and Highways

- Engineering/Highways etc. Project Design
- Trunk Road Agency
- Coastal Protection
- Road Safety
- Highways Development control
- Traffic Orders
- Transport Policy
- Concessionary Fares
- Passenger/Community Transport
- Cycleways
- Land Drainage
- Flood Defence
- Fleet Management/Maintenance
- Highways Maintenance and operations
- Public Lighting
- Neighbourhood Services/Management
- Grass Verges/associated landscaping
- On/Off Street Parking
- Highways Asset Management
- Bus Shelters
The Neath Port Talbot Constitution

ANNEX I

SCRUTINY COMMITTEES

Specific roles

In discharging the functions conferred by Section 21 of the Local Government Act 2000, as set out in Article 6, the Overview and Scrutiny Committees will have the following specific roles and terms of reference:-

1. Performance scrutiny of the Executive

Performance scrutiny of the Executive – the extent to which the Council has appropriate arrangements in place to secure the continuous improvement of its functions.

Policy and Resources Overview and Scrutiny Committee

1.1. Scrutiny of the processes the Council has gone through to discharge its duty to improve;
1.2. Scrutiny of the functions of the Council to discharge its duty to improve;
1.3. Scrutiny of the processes the Council has gone through to determine its improvement priorities;
1.4. Monitor progress on the delivery of the Council’s improvement priorities;
1.5. The Policy and Resources Scrutiny Committee is the scrutiny committee designated to scrutinise the work of the Neath Port Talbot Public Services Board (hereinafter “the Board”) in accordance with section 35 of the Well-being of Future Generations (Wales) Act 2015 (the Act) and will have the following specific roles –
   1.5.1. review or scrutinise decisions made, or other action taken, by the Board for the local authority area in the exercise of its functions;
   1.5.2. review or scrutinise the Board’s governance arrangements;
   1.5.3. make reports or recommendations to the Board with respect to it’s functions or governance arrangements;
   1.5.4. consider such matters relating to the Board as the Welsh Ministers may refer to it and to report to the Welsh Ministers accordingly;
The Neath Port Talbot Constitution

1.5.5. carry out such other functions in relation to the Board as are imposed on it by the Act

1.6. It may, for the purpose of the roles specified in points 1.5.1 to 1.5.5 above, require one or more of the persons who may attend a meeting of the Board\(^1\), or anyone designated by such a person, to attend a meeting of the committee and provide it with explanations of such matters as it may specify\(^2\).

1.7. It must send a copy of any report or recommendation made under item 3 above to the Welsh Ministers, the Future Generations Commissioner and the Auditor General for Wales

1.8. In addition it will:

1.8.1. Formally receive the Wellbeing Assessment and Wellbeing Plan from the Board;

1.8.2. Act a statutory consultee for the draft Wellbeing Assessment and draft Wellbeing Plan

1.8.3. Formally receive the Board’s annual report

1.9. Review the Wellbeing Plan if directed to by the Welsh Ministers

All Overview and Scrutiny Committees

1.10. Will have a remit to specifically examine the performance of all services within its portfolio and the extent to which services are continuously improving, including ensuring performance measures reflect what matters to citizens.

2. Conduct Improvement reviews - *(Schedule 2 ‘local choice’ 2007 Regulations)* through appropriate mechanisms; in particular

Policy and Resources Overview and Scrutiny Committee

\(^1\) The Leader and Chief Executive of the Council; either the Chairman, Chief Executive or both of Abertawe Bro Morgannwg University Health Board; either the Chairman, Chief Officer or both of the Mid and West Wales Fire and Rescue Service and the Chief Executive of Natural Resources Wales.

\(^2\) Section 35(3) Well-being of Future Generations (Wales) Act 2015
2.1. The Committee will:

2.1.1. consider the draft Corporate Plan prepared by the Cabinet and comment upon it and the methods that have been used to produce it

2.1.2. monitor overall progress made in response to the annual Improvement Report

2.1.3. comment on the draft Annual Report prior to publication each year

2.2. All Overview and Scrutiny Committees

2.2.1. receive service-specific contents of the Corporate Plan (the service issues being those under the purview of the “equivalent” Cabinet committee; 

2.2.2. Commission and participate in improvement reviews through appropriate mechanisms and recommend onwards to the Executive (the Executive being accountable for improvement, for drafting the Corporate Plan, for determining improvement priorities and for ensuring executive performance management). Note: while a committee will conduct reviews in relation to the areas covered by the Committee, the Committee may agree that a particular review normally in its remit shall be undertaken by another Committee if for example a Committee had too many reviews in a particular year but in such cases the Chair of the relevant Committee may be present throughout the review process;

2.2.3. Monitor implementation by the Executive of the appropriate improvement actions and responses to the Council’s external regulators;

2.2.4. Promote innovation by challenging the status quo and encourage different ways of thinking and options for delivery;

2.2.5. Monitor implementation by the Executive of business plans

3. Scrutiny of Executive systems – which deliver functions to see whether they are robust and are being observed.

4. Pre-decision scrutiny - through consultation by/dialogue with the Executive on policy, budget or other forthcoming issues, with attendance by relevant Cabinet Members as a standing arrangement, in order to
provide evidence and information for the Overview and Scrutiny Committee, and to ensure the “executive” and “scrutiny” work constructively and inclusively together in the best interests of the Council and its communities. The pre-decision scrutiny of Cabinet and Cabinet Committee proposals may involve ensuring that policy and procedure has been complied with; assessing the likely impact or risk of a course of action; or questioning the values behind a recommendation. The process of scrutiny can also bring into question whether stakeholders have been adequately involved and whether their views have been properly taken into account. The pre-scrutiny should be on selective issues, both operational and financial.

5. **Post-decision scrutiny** - of Executive decisions or actions, with power also to “call-in” decisions not yet implemented under relevant procedures.

6. **Scrutiny of Executive policies** – evaluating existing Council policies and strategies as to their effectiveness/outcomes and community needs, recommending any proposals to the Executive; and also assisting the Executive in the development of new policies (as appropriate through specific member/officer groups). The foregoing in conjunction with the specialist Directorate Officers.

7. **General Overview and Scrutiny role** - to report as appropriate on matters of more general concern (including external issues) and which might link to the authority’s powers to promote economic, social and environmental well-being

8. **Scrutinise Outside Bodies** – particularly those upon which the Council is represented.

9. To seek such views, both internally and externally, as may be deemed appropriate to assist in the above roles.
The Overview and Scrutiny Committees

The Committees set out in the left hand column of the Table below will discharge their functions and roles in relation to the matters which are respectively the responsibility of the Executive or of the Council/Council Committees set out in the right hand column; the other roles set out in the preceding pages will also apply:

<table>
<thead>
<tr>
<th>Overview and Scrutiny Committee</th>
<th>Matters to be covered by the Committee</th>
</tr>
</thead>
<tbody>
<tr>
<td>CABINET/ POLICY AND RESOURCES</td>
<td>Any matters which are for the consideration of and/or decision by the full Cabinet</td>
</tr>
<tr>
<td></td>
<td>The powers conferred by section 35 of the Well-being of Future Generations (Wales) Act 2015</td>
</tr>
<tr>
<td></td>
<td>(a) Executive</td>
</tr>
<tr>
<td></td>
<td>(1) Matters for consideration and/or decision by the Policy and Resources Cabinet Committee including related plans/strategies and budget i.e.:</td>
</tr>
<tr>
<td></td>
<td>Cabinet Portfolio 1</td>
</tr>
<tr>
<td></td>
<td>Cabinet Portfolio 2</td>
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<td></td>
<td>Cabinet Portfolio 3</td>
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<tr>
<td></td>
<td>(2) Crime and Disorder matters (including those matters within Section 19 of the Police and Justice Act 2006)</td>
</tr>
<tr>
<td></td>
<td>(b) Non-Executive</td>
</tr>
<tr>
<td></td>
<td>Personnel Committee matters</td>
</tr>
<tr>
<td></td>
<td>Licensing (2003 Act) Committee matters</td>
</tr>
<tr>
<td></td>
<td>Registration/Licensing Committee matters (as appropriate to DFCS functions)</td>
</tr>
</tbody>
</table>
| SOCIAL CARE, HEALTH AND HOUSING | (a) **Executive**  
Matters for consideration and/or decision by the Social Care, Health and Housing Cabinet Committee including related plans/strategies and budget i.e.:--  
Cabinet Portfolio 3  
(b) **Non-Executive**  
Registration/Licensing Committee (as appropriate to DSSHH functions) |
|---|---|
| CHILDREN, YOUNG PEOPLE AND EDUCATION | (a) **Executive**  
Matters for consideration and/or decision by the Children, Young People and Education Cabinet Committee including related plans/strategies and budget i.e.:--  
Cabinet Portfolio 4  
Cabinet Portfolio 5  
(Note: Voting co-optees can only vote in relation to School Education matters)  
(Note: Cabinet Member for Community Safety to be invited to attend the Cabinet Board/Scrutiny Committee for Community Safety Matters, in a non-voting capacity) |
| ECONOMIC AND COMMUNITY REGENERATION | (a) **Executive**  
Matters for consideration and/or decision by the Economic and Community Regeneration Cabinet Committee including related plans/strategies and budget i.e.:--  
Cabinet Portfolio 6  
Cabinet Portfolio 7  
Note: When CEX; ELLL; ENV Corporate Management matters in relation to the Directorates’ as a whole are being considered by the other relevant Scrutiny Committees, the Chair or Vice Chair of the ECR Scrutiny Committee may attend those meetings for such matters). |
| ENVIRONMENT AND HIGHWAYS | (a) **Executive**  
Matters FOR consideration and/or decision by the Environment and Highways Cabinet Committee including related plans/strategies and budget i.e.:-  
Cabinet Portfolio 8  
Cabinet Portfolio 9  
(b) **Non-Executive**  
Planning and Development Control Committee matters  
Registration/Licensing/Highways Regulatory Committee matters (as appropriate to DENV functions) |
|---|---|
| CHILDRENS SERVICES SUB COMMITTEE (7 Members) | To consider the reports of visits to Children’s Homes pursuant to Regulation 32 of the Children’s Homes Regulations.  
To consider comprehensive performance information on Children’s Services activity.  
To consider reviews of cases inspected by Senior Managers.  
To consider reports on staffing levels.  
To consider reports on identified shortfalls in services and on unallocated cases.  
To consider reports on the operation of Hillside Secure Centre.  
To consider specific issues referred by the Director of Social Services, Health and Housing, or the Head of Children and Young People Services. |
ANNEX J

PROPER OFFICER PROVISIONS
AND
OFFICER DELEGATION ARRANGEMENTS

Officers of the Council

Chief Executive

Director of Education, Leisure and Lifelong Learning

Director of Finance and Corporate Services

Director of Social Services, Health and Housing

Director of Environment
OFFICERS OF THE COUNCIL

Proper Officer Provisions

1. Appropriate Officers of the Council

Section 234 Local Government Act 1972
Authentication of documents - that the Officer in each case to which the Council (or any Committee or Sub Committee) or the Cabinet or Cabinet Committee duly authorised in that behalf has delegated the power to give, make or issue any Notice, Order or other document which the Council is authorised or required by or under any enactment to give, make or issue - or to whom any other delegated powers have been granted, and whereby the decisions thereunder require any notice, order or other document to be authenticated - is hereby designated the Proper Officer in relation to Section 234 of the Local Government Act 1972 (Authentication of Documents) and in relation to any similar provision contained in any other enactment.


(a) for the purpose of Section 100B (2) and (7) (c) of the Local Government Act 1972 and Regulations 5(2) and 5(7)(c) of the Local Authorities (Executive Arrangements) (Decisions; Documents; and Meetings)(Wales) Regulations 2001 - determination of "not for publication" reports and of supply to the press of copies of documents other than reports - each Director is designated as "Proper Officer" i.e. in the case of Corporate Director Group reports/documents, the Chief Executive; in the case of joint reports/documents, the Co-ordinating Director; in the case of other reports/documents, the relevant Director. (N.B. the relevant Heads of Service are also designated as “Proper Officer” for the above purposes).
(b) for the purpose of Section 100C(2) of the Local Government Act 1972- to provide written summaries of proceedings dealt with in private - the Chief Executive is designated as "Proper Officer".

(c) for the purpose of Regulation 6 of the above Regulations – attendance and recording of decisions taken at meetings of local authority executives and their committees – the Chief Executive is designated as “Proper Officer”.

(d) for the purpose of Regulation 7 of the above Regulations – recording of executive decisions made by individuals – the Chief Executive is designated as “Proper Officer”.

(e) for the purpose of Regulation 8 of the above Regulations – arrangements for inspection of documents following executive decisions – the Chief Executive is designated as “Proper Officer”.

(f) for the purpose of Section 100D(1)(a) and (5)(a) of the Local Government Act 1972 and Regulations 9(a) and 2 of the above Regulations - compilation of lists of background papers to public report items and identification of relevant documents therein for inspection - each Director is designated as "Proper Officer" i.e. in the case of public Corporate Director Group reports, the Chief Executive; in the case of public joint reports, the Co-ordinating Director; in the case of other public reports, the relevant Director. (N.B. the relevant Heads of Service are also designated as "Proper Officer" for the above purposes).

(g) for the purpose of Section 100F(2) of the Local Government Act 1972 and Regulations 10 and 11 of the above Regulations - determining documents disclosing exempt information which are not open to inspection by members - the Chief Executive, the Director of Finance and Corporate Services, and the Head of Legal Services are designated as "Proper Officer".
OFFICERS OF THE COUNCIL

Delegation Arrangements

1. General Delegation and Urgency Action

That in respect of matters within their Directorate's functions which Directors deem to require urgent action (where any delay would prejudice the Council’s or the public’s interests) and which do not warrant the holding of a special meeting of the Council (or a Committee or Sub Committee) or a Cabinet or Cabinet Committee, such Officers shall have delegated power to authorise any action as a matter of urgency on any such matters within the terms of reference and delegation arrangements of Council (its Committees and Sub Committees) or Cabinet and Cabinet Committees; and in connection herewith:-

(a) the urgency provisions in Part 4 of this Constitution (Budget and Policy Framework Rules, and Overview and Scrutiny Procedure Rules) must be observed, particularly the member consultation arrangements.

(b) that in respect of an urgent decision to be taken by a Director in respect of a non-executive function, there shall be consultation with the Chairman and Vice Chairman of the relevant Committee (or in their absence any two members of the relevant Committee)

(c) a Director shall not make an urgent decision with which he/she does not agree – the decision must always be that of the Director notwithstanding consultation with relevant members

(d) the above is in addition to such other powers expressly delegated to Directors;

(e) a Director's decision under the urgency provisions above, and under any other expressly delegated powers, shall be deemed to be a resolution of the Council or of the Committee/Sub Committee, or of the Cabinet or Cabinet Committee as the case may be, and shall be sufficient
authority for sealing any documents necessary to give effect to such decision;

(f) (i) the reference to Directors under the urgency provisions above, and under any other powers expressly delegated to them, shall be deemed also to include their Heads of Service who shall be empowered to take decisions, whether urgent or otherwise, in those matters delegated to their Director.

Generally, such decisions by Heads of Service should only be taken in respect of those matters which are applicable to their own functional responsibilities, unless the absence of the Head of Service for a particular functional responsibility (and the absence of the Director) necessitates a decision being taken by another of that Directorate’s Head of Service;

(ii) any powers or duties delegated to a Director or Head of Service may be exercised by any other person duly authorised by him/her in writing from time to time;

(iii) a record shall be kept in each Directorate of all such authorisations which have been made by the Director or Head of Service as in (ii) above; and a central register of same shall be kept by the Head of Legal and Democratic Services.

(g) Directors cannot take decisions in matters which can only be statutorily discharged by the full Council

(h) Directors are authorised, notwithstanding any other provisions in this constitution, to rescind at any time, any earlier decision taken under their delegated powers (and where such earlier decision may have required member consultation, there shall be further consultation with those members in the rescission process).

(i) No delegation shall preclude the referral of matters to the delegating body for a decision.

(j) Officers decisions under urgency delegated arrangements will be reported back to the relevant Executive or Council Committee meeting with the reasons for the urgency action. Other Officer decisions under delegated arrangements will be recorded within Directorates and available on request to Overview and Scrutiny Committees and to individual
Councillors (subject to the limitations on rights as described under the Access to Information Procedure Rules); and also to the public, except that no information which is confidential or exempt under the Access to Information Procedure Rules need be disclosed.

(k) Any reference under any Officer delegation powers as to authorisation, initiation, institution, instruction or commencement of legal proceedings, prosecutions or possessions, must be in conjunction with the Head of Legal Services or such other Solicitor/Barrister in his/her Division as he/she may authorise from time to time.

(l) The Chief Executive shall also be construed as reference to a Director for the purposes of Annex J, or elsewhere in this Constitution where the context is relevant.

2. **Emergency Planning**

Notwithstanding any other requirements of this Constitution, that in the event of an emergency incident occurring which in the opinion of any Director, necessitates any urgent decisions to be taken, each Director is granted delegated authority to take such decisions, without any consultation requirements; and without competition requirements where expenditure is to be incurred on purchases or repairs (including materials or goods required in connection therewith) or in relation to any other requirements considered necessary; and whether or not specific budgetary provision exists - subject in all cases to detailed records being kept of the action taken and expenditure incurred, with a briefing at the earliest opportunity to the Leader, Cabinet and Council.
3. **Early Retirement/Voluntary Redundancy**  
**Mechanism for Dealing with Individual Cases**

(a) Each Director is given delegated authority to determine ER/VR applications following consultation with and following the approval of the Director of Finance and Corporate Services and either the Chief Executive or the Head of Strategic Personnel. Consultation also to take place with the Personnel Committee Chair.

(b) A formal record of the decision is to be made and subsequently reported to the Personnel Committee at an appropriate time.

4. **Criminal Records Bureau**  
 *(Page 127 Council February 2002 - Minute No. 5)*

(a) That Lead Directorate Personnel Services Officers identify all regulated positions within individual Directorates, carry out a risk assessment and determine the level of disclosure for regulated position by 1st March 2002;

(b) That Lead Directorate Personnel Services Officers be designated as Lead Counter Signatories and Corporate Directors be authorised to designate other appropriate officers as counter signatories and certification officers.


The following are authorised to act as Authorising Officers pursuant to The Regulation of Investigatory Powers Act 2000, for the purposes of authorising directed surveillance, the use of covert human intelligence sources and access to communications data, provided that the Monitoring Officer has certified that the named Officers have attended an appropriate RIPA Training Course:
The Neath Port Talbot Constitution

D. Rees – Head of Financial Services;  
K. Jones – Head of Corporate Strategy and Democratic Services  
M. Roberts – Head of Streetcare  
K. Davies – Principal Benefits Officer;  
N. Pearce – Head of Planning and Public Protection

3. Maladministration Issues

Each Director (in consultation with the relevant Cabinet Member) is authorised:

(a) to deal with reports from the Ombudsman under Section 21 of the Public Service Ombudsman (Wales) Act 2005 and in consequence to determine any payment or other benefit arising from any maladministration or service failure pursuant to Section 34 of the 2005 Act above

(b) to determine any payment or other benefit arising from any maladministration or anything which may amount to maladministration in cases where a person has been adversely affected and the Ombudsman is not involved, such action being pursuant to *Section 92 of the Local Government Act 2000 (* “local choice” function)

4. Setting of Fees and Charges Executive Functions

That the determination of the following matters be delegated to the appropriate Corporate Director following consultation with the Council Leader, the relevant Cabinet Member and Chairman of the relevant Overview and Scrutiny Committee:

(a) Fees and charges applicable in the financial year 2016/17;

(b) Fees and charges which are applicable in any subsequent financial year and which, in the opinion of the relevant Corporate Director, need to be set in advance of that financial year for operational reasons;
5. **Setting of Fees and Charges Non-Executive Functions**

That the determination of the following matters be delegated to the appropriate Corporate Director following consultation with the Council Leader, the Deputy Leader and Chairman of the relevant Non-Executive Committee:

(a) Fees and charges applicable in the financial year 2016/17;

(b) Fees and charges which are applicable in any subsequent financial year and which, in the opinion of the relevant Corporate Director, need to be set in advance of that financial year for operational reasons;
CHIEF EXECUTIVE

Proper Officer Provisions

1. **Proper Officer Appointments**

   (a) Any reference in any enactment passed before or during the 1971/72 Session of Parliament other than the Local Government Act 1972 or any instrument made before 26 October 1972, to the Clerk of a Council or the Town Clerk of a Borough which, is to be construed as a reference to the Proper Officer of the Council;

   (b) **Local Government Act 1972**

       Section 83(1-4) - witness and receipt of declaration of acceptance of office.

       Section 84 - receipt of declaration of resignation of office.

       Section 88(2) - convening of meeting of Council to fill a casual vacancy in office of Mayor.

       Section 89(1)(b) - receipt of notice from 2 local government electors requesting an election to fill a casual vacancy in the office of County Borough Councillor.

       Section 225(1) - receipt of documents.

       *Section 229(5) - certification of photographic copies of documents.

       *Section 234(1) & (2) - authentication of any notices orders or other documents.
The Neath Port Talbot Constitution

*Section 238 - certification of byelaws. Section 248 - keeping of Roll of Freemen.

Schedule 12 Para 4(2)(b) - signature of summonses to Council meetings.

Schedule 12 Para 4(3) - receipt of notices regarding address to which summons to meetings is to be sent.

Schedule 14 Para 25(7) - certification of resolutions under Para 25 of Schedule 14.

Schedule 29 Paras 4(1)(a) and (c) - reference to Proper Officer in connection with general adaptation of enactments.

(c) *Local Government (Miscellaneous Provisions) Act 1976 - Section 41 - certifications

(d) Local Government (Committees and Political Groups) Regulations 1990

(*Also applicable to the Director of Finance and Corporate Services; the Head of Legal and Democratic Services; and Mr. Iwan. Davies, Principal Solicitor - Litigation).

(e) The Local Elections (Parishes and Communities) Rules 1986 - receipt of notice from ten persons requesting an election to fill a casual vacancy in the office of Community Councillor.

2. Returning Officer and Electoral Registration Officer

That under Section 35 (1A) of the Representation of the People Act 1983, the Chief Executive be designated the Returning Officer for County Borough Council and Community Council purposes.

The Chief Executive is appointed the Electoral Registration Officer for the Parliamentary Constituencies of Aberavon and Neath, in accordance with Section 8 of the Representation of the People Act 1983.
CHIEF EXECUTIVE

Delegation Arrangements

1. **Polling District Reviews**

   In consultation with relevant Members for the Electoral Division being reviewed, to conduct, determine and implement Polling District Reviews under the Representation of the People Acts.

2. **Coed Darcy Limited**

   Mr. Steven Phillips, Mr. John Flower and Mr. William Watson are designated to act as Directors of Coed Darcy Limited

3. **Neath Port Talbot Waste Management Company Limited**

   The Chief Executive and the Head of Legal Services are nominated as shareholder representatives to Neath Port Talbot Waste Management Company Limited.

4. **Baglan Bay Company Limited**

   Mr. Steven Phillips is designated to act as a Director of the Baglan Bay Company Limited.
HEAD OF STRATEGIC PERSONNEL

Delegation Arrangements

1. Local Government Pension Scheme - Claims for Retroactive Membership
   (Page 94, Strategic Resources Board - January 2001 - Minute 23)

   That the Director of Finance & Corporate Services and the Head of Strategic Personnel be granted delegated powers to deal with claims for retroactive membership of the Local Government Pension Scheme, as detailed in the private circulated report.

2. Appointment Procedures
   (Page 129 Council February 2002 - Minute No. 6)

   That an appropriate appointment process for all appointments at Principal Officer level which are subject to partnership arrangements be determined by the Head of Strategic Personnel, in consultation with the Chairman or Vice Chairman of the Personnel Committee.

HEAD OF CORPORATE STRATEGY AND DEMOCRATIC SERVICES

Delegation Arrangements

1. Representation of the People Act 1983

   For the purpose of Section 52(2) of the Representation of the People Act 1983, the Head of Corporate Strategy and Democratic Services is appointed Deputy to the Electoral Registration Officer.

2. Functions of the Head of Democratic Services Section 9 Local Government (Wales) Measure 2011

   To exercise the functions of Head of Democratic Services under Section 9 of the Local Government (Wales) Measure 2011 and in particular to make recommendations under Section 9 (1) (h) of the Measure regarding the number, grades, appointment
The Neath Port Talbot Constitution

and organisation (together with the proper management) of staff required for discharging Democratic Services functions.
DIRECTOR OF EDUCATION,
LEISURE AND LIFELONG LEARNING

Proper Officer Provisions

Local Government Act 1972 - Section 234(1) and (2) authentication of all Notices, Orders or Documents for the purpose of approved delegated powers.

Children’s Act 2004 – Sections 25 and 26. The Director of Education, Leisure and Lifelong Learning is appointed as the “Lead Director for Children and Young People’s Services”, to have as his special care the discharge of the Authority’s functions under Sections 25 and 26 Children’s Act 2004
DIRECTOR OF EDUCATION,
LEISURE AND LIFELONG LEARNING

Delegation Arrangements

Education

1. **Authority to Prosecute for non-attendance, School Attendance Order and Education Supervision Order**

   (i) That the Head of Support Services and Commissioning Development together with the Manager, School and Family Support Team, be authorised to serve Notices and/or institute proceedings under Section 437, 443 and 444 of the Education Act 1996 and Section 36 and Schedule 3 of the Children’s Act 1989;

   (ii) That under the terms of Section 223 of the Local Government Act 1972, the Principal Education Welfare Officer be authorised to represent the Authority at the Magistrates’ Court in any of the proceedings referred to in (i) above.

2. **Discretionary Awards Policy**

   (i) to make payable such sums as appropriate to students having to repeat periods of study either because of a serious, personal illness or some other extenuating circumstances resulting from factors beyond the student's control - such applications to be considered on their individual merits.

   (ii) to make payable such sums as appropriate to extend by one academic year the mandatory award entitlement to students who were eligible to receive a modified award, with requests which fall outside this arrangement being referred to the executive for determination

   (iii) to approve funding so as to extend the mandatory award entitlement of students who
are eligible for a modified award by one or more years in cases where the course structure does not provide for exemption from the first or subsequent years of study.

3. **Proposed Discretionary Awards Policy**

   To make payable such sums, as appropriate, to extend by one academic year the Mandatory Award entitlement of students who are eligible for a modified award, and for more than one year where the course structure necessitates a longer period of attendance. Requests which fall outside this arrangement being referred to the executive for determination.

4. **Area Child Protection Committee**

   To take decisions on behalf of the Directorate relating to policy, planning and resourcing of the Area Child Protection Committee.

5. **Regional Integrated School Improvement Service**

   To implement the Regional School Improvement Model, in consultation with the Leader and the Cabinet Portfolio Holder, giving proper consideration to the outcomes of the consultation.

**Leisure Services and Community Services**

1. **Fees and Charges**

   In relation to the Passport to Leisure Scheme, to deal with problematic individual applications. (with managers also having authority to show discretion and flexibility to vary prices - yet avoiding the creation of precedents - in order to maximise income levels whilst also meeting the Council's social objectives)
2. **Community Recreation Facilities**

(i) to grant access to Community Centres when it is deemed appropriate or necessary outside the official hours during which hirings of Community Centres can be made.

Monday - Saturday 9.00am - 10.00pm
Sunday Closed

(ii) at unstaffed centres, and wherever else it is deemed necessary by the Officers, responsible user group representatives be issued with keys and an accurate record of keyholder information be kept by the Community Recreation Section.

(iii) the licence holder for Public Entertainments Licences for community recreation facilities be Philip Southard, Manager – Community Development and Projects.

3. **Events at Margam Park**

That authority be given to the Margam Park Manager to negotiate the detailed financial arrangements in respect of those situations as described in the report to Council on 6th July 2000 (Minute 17).

4. **Transfer of Licences - The Princess Royal Theatre and Pontardawe Arts Centre**

That authority be granted to Mr. Lloyd Ellis, Co-ordinator of Cultural Services and Mrs. Angie Dickinson, Manager of the Pontardawe Arts Centre to make application for the transfer of all licences in respect of Pontardawe Arts Centre to their names, and that similarly for the Princess Royal Theatre, the licensees be Mr. Lloyd Ellis, Co-ordinator of Cultural Services and Mr. Terry Doyle, Theatre Manager of the Princess Royal Theatre.
5. **Applications for use of Council Facilities**  
(Minute No. 8 – 11.6.02)

That approval of future applications for the use of Council facilities be delegated to the Director of Education, Leisure and Lifelong Learning. However, should any applications be refused, a process of appeal to the Cabinet Committee be made available.

6. **Grants to Voluntary Organisations**

That the Head of Lifelong Learning, Culture and Leisure be delegated to deal with future grant applications from Voluntary Organisations – with a report on decisions being submitted to the relevant Cabinet Board for information on a quarterly basis.

7. **Deeds of Gift**

That the Director of Education, Leisure and Lifelong Learning be authorised to accept Deeds of Gift.

8. **Core Funding to Third Sector Bodies”**

The Head of Partnership and Community Development is granted delegated authority, to allocate and administer the budget in relation to core funding provided to the Neath Port Talbot Credit Union.

9. **Selar Opencast and Mynydd Y Betws Wind Farm Community Benefit Funds**

1. That the Selar funds for Glynneath and Blaengwrach be disbursed under delegated powers and the decision on the funding of projects to be delegated to the Head of Partnership and Community Development taking full note of the recommendations of the local Panels;

2. That the Project Development & Funding Manager from Education, Leisure and Lifelong Learning be present at each local Panel meeting with voting rights at the Mynydd Y Betws Steering Panel and attending
on an advisory capacity at the Selar Opencast meetings.

10. **Energy Sites and Community Benefit Funds**

   The Head of Partnership and Community Development be authorised to administer the Council Managed Energy Sites and Community Benefit Funds, in accordance with details outlined in the report to the Economic and Community Regeneration Cabinet Board of 20th December 2012.

11. **Authorisation for Lease and Tenancy Arrangements with regard to the Communities First Programme**

   The Head of Partnership and Community Development, in consultation with the Head of Property and Regeneration are granted delegated authority to agree leases or tenancies with regards to the Communities First Programme.
DIRECTOR OF FINANCE AND CORPORATE SERVICES

Proper Officer Provisions

1. Proper Officer Appointments

(a) any reference in any enactment passed before or during the 1971-1972 Session of Parliament other than the Local Government 1972 or in any instrument made before 26th October 1972 to the Treasurer of a Council or the Chief Financial Officer of a Council which, is to be construed as a reference to the Proper Officer of the Council;

(b) Local Government Act 1972

Section 115(2) - receipt of money from officers

Section 146(1)(a) & (b) - declarations and certificates with regard to securities

Section 151 - administration of the Council's financial affairs

Section 204(3) - receipt of applications for licences under Schedule 2 Licensing Act 1964

Section 210 - for the purpose of certain charities

Section 228(3) - holders of accounts

*Section 229(5) - certification of photographic copies of documents

*Section 234(1) & (2) - authentication of any notices orders or other documents

*Section 238 - Certification of Byelaws
(c) Local Government - (Miscellaneous Provisions) Act 1982, Section 41(3) - Property found on premises owned by the Council

(d) Local Government Act 1988

   Section 113 - As to Professional qualification

   Section 114 - as to reporting under that Section

(e) *Local Government (Miscellaneous Provisions) Act 1976 (Section 41) - Certifications

(f) Local Government Act 1974 - Section 30(5) - Giving of public notice of report of Local Commissioner (Ombudsman)

(g) Authorised signatory for the purpose of the Local Government (Contracts) Act 1987 and associated Regulations

   *Also applicable to the Chief Executive, the Head of Legal Services and Mr. Iwan Davies, Principal Solicitor-Litigation

(h) Proper Officer for the purposes of the Local Authorities (Allowances for Members of County and County Borough Councils and National Park Authorities) (Wales) Regulations 2002.


(j) Town Police Clauses Act 1847 - Issue of Licences.
2. **Grants to Outside Bodies**  
**Voluntary Organisations etc.**

That pursuant to Section 137A of the Local Government Act 1972, all voluntary organisations receiving financial assistance to the value of £2,000 or more, be required to provide a written statement of the use to which the amount has been put e.g. annual report or accounts, and that the Proper Officer for the deposit of this information be the Director of Finance and Corporate Services.
DIRECTOR OF FINANCE AND CORPORATE SERVICES

Delegation Arrangements


The delegation arrangements set out in the Directors report (extract hereunder - Minute 4 Page 591 May 1996) be approved as follows:-

Report

With regard to collection and recovery issues for non-domestic rates, the only practical way in which the legislation can be implemented is for the authority to delegate day to day functions to the Director of Finance & Corporate Services. Accordingly, in Appendix 1. I list all the powers conferred on the billing authority which should be delegated to the Director of Finance & Corporate Services.

The administration of Council Tax is governed by the Local Government Finance Act 1992, which places responsibility for the various functions on the billing authority. As with Non-Domestic Rates, the only practical way in which these responsibilities can be fulfilled is by delegating all day to day functions to the Director of Finance & Corporate Services.

Appendix 2 lists all the powers of the billing authority which should be delegated to the Director of Finance & Corporate Services. These powers relate to the area summarised in the following paragraphs.

Discounts

The power to determine discounts - ie. reductions to the amount of council tax payable (single person households etc) is delegated to the Director.
Reduced Amounts

Section 13 of the Act provides that a reduced amount of Council Tax may be payable in certain circumstances (eg. where there is a disabled person in the household). The power to determine reduced amounts is delegated to the Director.

Administration

The provision in respect of the administration of Council Tax are contained in Schedule 2 (administration), Schedule 3 (penalties in respect of failure to supply information), and Schedule 4 (recovery). The billing authority's powers under these schedules, as set out in Appendix 2, are delegated to the Director.

Valuation List Matters

Although the completion and maintenance of the Valuation List is the responsibility of the Listing Officer (who is independent of the local authority), the billing authority does have certain powers in respect of Valuation Lists. These powers are delegated to the Director.
APPENDIX 1

LOCAL GOVERNMENT FINANCE ACT 1988
POWERS DELEGATED TO THE DIRECTOR OF
FINANCE AND CORPORATE SERVICES

1. To collect and recover the National Non-Domestic Rate - Schedule 9

2. To make agreements with ratepayers with regard to schedules of payments - Schedule 9(2).

3. To serve notices on ratepayers stating the amount payable and the payments which are due - Schedule 9(2).

4. To supply prescribed information to the ratepayers when serving notices - Schedule 9(2).

5. To supply information to the Valuation Officer - Schedule 9(6).

6. To enter into agreements with persons with regard to charging their interest in a property with amounts which are liable - Schedule 9(4A).

7. To give access to information regarding the Rating List - Schedule 9(8).

8. To serve completion notices in respect of new buildings - Schedule 4A(1).

9. To supply copies of the Valuation Officer of any completion notices served - Schedule 4A(7).
APPENDIX 2

LOCAL GOVERNMENT FINANCE ACT 1992
POWERS DELEGATED TO THE
DIRECTOR OF FINANCE AND CORPORATE SERVICES

Discounts

1. To determine discounts - Section 11/Schedule 1

Reduced Amounts

2. To determine reduced amounts of Council Tax - Section 13

Administration

3. To administer and collect Council Tax - Schedule 2
4. To determine the liable person - Schedule 2, Para 2(1)(a)
5. To make agreements with liable persons with regard to payments - Schedule 2, Para 2(2)(b)
6. To request information - Schedule 2, Para 2(3)
7. To serve notices in respect of chargeable amounts - Schedule 2, Para 2(4)
8. To take reasonable steps to ascertain whether any chargeable amount is subject to any discount - Schedule 2, Para 4(2)
9. To grant discounts - Schedule 2, Para 4(2)
10. To inform liable persons about any assumptions made in respect of the granting or otherwise of discounts - Schedule 2, Para 4(4)
11. To notify persons in respect of exempt dwellings etc - Schedule 2, Para 8
12. To determine the liability of owners - Schedule 2, Para 8(3)
13. To take reasonable steps to ascertain whether any dwellings are exempt dwellings - Schedule 2, Para 9(1)
14. To determine exempt dwellings - Schedule 2, Para 9(2)
15. To inform relevant persons about any assumptions made in determining that a dwelling is exempt or otherwise - Schedule 2, Para 9(3)
16. To request information - Schedule 2, Para 9(5)
17. To request information - Schedule 2, Para 11
18. To supply information - Schedule 2, Para 14
19. To supply information to another authority - Schedule 2, Para 16
20. To supply information to any person - Schedule 2, Para 17
21. To serve demand notices - Council Tax (Admin and Enforcement) Regs. 1992
22. To serve adjustment notices - Council Tax (Admin and Enforcement) Regs. 1992
23. To serve reminder notices - Council Tax (Admin and Enforcement) Regs. 1992
24. To serve final notices - Council Tax (Admin and Enforcement) Regs. 1992

Penalties

25. To impose penalties in respect of non-compliance with an information request, or in respect of the supply of inaccurate information - Schedule 3, Paragraph 1.
26. To quash any penalties imposed - Schedule 3, Paragraph 1(6)

Recovery

27. To apply for Liability orders - Schedule 4, Paragraph 3(1)
28. To request relevant information when a liability order is made - Schedule 4, Paragraph 4.
29. To make an Order for an attachment of earnings and to serve a copy of the Order on a debtor's employer - Schedule 4, Paragraph 5.
30. To apply to the Secretary of State for deductions from Income Support - Schedule 4, Paragraph 6.
31. To levy distress - Schedule 4, Paragraph 7
32. To decide if there are insufficient goods on which to levy distress, and to apply for a Committal Warrant - Schedule 4, Paragraph 8
33. To apply for a Charging Order - Schedule 4, Paragraph 11.

Valuation Lists

34. To make proposals for the alteration of the Valuation List - Council Tax (Alteration of Lists and Appeals Regulations), 1993 - Regulation 5.

35. To withdraw any proposal made - Council Tax (Alteration of Lists and Appeals Regulations) 1993 - Regulation 11.

36. To agree alterations to the Valuation List with the Listing Officer - Council Tax (Alteration of Lists and Appeals Regulation), 1993 - Regulation 12.

37. To represent the authority at hearings of Valuation Tribunals - Council Tax (Alteration of Lists and Appeals Regulations), 1993 - Regulation 24.

-end of Appendix 2 –

2. Authorisation of Officers to Represent the Council for Recovery Proceedings

In accordance with Section 223 of the Local Government Act 1972, the following Officers are authorised to represent the Authority in proceedings before a Magistrate Court for the purpose of the recovery of Council Tax, Non-Domestic Rates and Residual Community Charge:

*Mrs. S. Macfarlane – Senior Recovery Officer
*Mr. A. Macfarlane - Senior Recovery Officer
*Ms. V. Edwards - Team Leader – Council Tax
*Lesley Lewis –Team Leader – Council Tax
*Ms. A. Hinder - Principal Officer - Council Tax/Income
Mrs. P. Roberts - Council Tax Control Officer.
Mrs. I. Smith - Council Tax Control officer.
Mrs. R. Stanbury - Team Leader Rating
Mrs. A. Greenway - Senior Council Tax Officer
Mrs. P. Hill – Senior Rating Officer

*These Officers are also authorised to represent the Authority for the purpose of prosecutions for non-provision of information following receipt of a liability order for unpaid Council Tax.
3. National Agreements - Pay and Conditions of Service

In consultation with the Head of Strategic Personnel, to implement all relevant national agreements insofar as they are applicable to the Authority's employees.


Mr. Derek Davies and Mr. William Watson are designated to act as Directors of Neath Port Talbot Waste Management Company Limited and Neath Port Talbot Recycling Limited.

5. Leasing

To deal with leasing issues as set out in the Director's report (Minute 24 Page 539 July 1996).

6. Accounts and Audit Regulations 1996

Responsibility for monitoring an adequate and effective system of internal audit is delegated to the Director as "Responsible Financial Officer."

7. Determinations To Be Made By Local Authorities

The Director being the Officer to whom the function is delegated under Section 101 of the Local Government Act 1972, is given delegated authority to deal with those determinations, as outlined in the report (Minute 11 Page 1552 March 1997), under Part IV of the Local Government and Housing Act 1989.

8. Leasing

That the Director and Head of Financial Services be authorised to sign lease agreements on behalf of Neath Port Talbot County Borough Council.
The Neath Port Talbot Constitution

9. **LGPS Regulations 1997 - Discretionary Powers**

That the discretionary powers contained within the Local Government Pension Scheme Regulations 1997 be exercised by the Authority as below:

<table>
<thead>
<tr>
<th>Regulation</th>
<th>Description</th>
<th>Discretionary Powers</th>
</tr>
</thead>
<tbody>
<tr>
<td>34(1)(b)</td>
<td>If the Member has double entitlement to benefit, in respect of the same service, under the Regulations, the employing authority to choose which benefit is payable if the member does not do so within 3 months</td>
<td>Allow and delegate authority to the Director of Finance and Corporate Services</td>
</tr>
<tr>
<td>88</td>
<td>Exclusion of right of return of contributions-members with less than 2 years service. The employing authority may direct a payment from the fund of a sum equal to all or part of the contributions, where an employee ceases employment due to fraud.</td>
<td>Allow and delegate authority to the Director of Finance and Corporate Services</td>
</tr>
<tr>
<td>113</td>
<td>Forfeiture of pension rights. The employing Authority may apply to the Secretary of State for the forfeiture of pension benefits if the member is convicted of an offence gravely injurious to the State.</td>
<td>Allow and delegate authority to the Director of Finance and Corporate Services</td>
</tr>
<tr>
<td>113</td>
<td>Recovery of monetary obligation. The employing authority may recover monies out of the employee’s pension benefits if the employment ceases due to fraud.</td>
<td>Allow and delegate authority to the Director of Finance and Corporate Services</td>
</tr>
</tbody>
</table>
10. Authority for Named Persons to Conduct Legal Proceedings on Behalf of the Local Authority

(i) that the following persons be authorised to represent the Council in the Magistrates’ Court pursuant to section 223(1) of the Local Government Act 1972:

Nigel Jones
Maxine Stevenson
Lin Budina
Joanna Stevens

(ii) that the following persons be authorised to represent the Council in Child Care proceedings in the Magistrates’ Court only pursuant to section 223(1) of the Local Government Act 1972:

Christopher Michael Jones
Karen Louise Davies
Karen Moxham
Suzanna Louise Edwards
Harpeet Singh Sidhu
Joanna Power
Charlotte Davies

(iii) that the following persons be authorised to represent the Council in the cases within section 60(2) of the County Courts Act 1984 in the County Court:

Nigel Jones
Maxine Stevenson

(iv) The Head of Legal Services is authorized to authorise Officers to appear in relevant Courts pursuant to Section 223(1) of the Local Government Act 1972 and Section 60 of the County Courts Act 1985

11. Debt Collection and Addition of Interest Charges

That in the ordinary course of business, interest will be added to debts pursued by Court at the statutory Court rate, current from time to time, subject to delegated authority being given to the Director of Finance and Corporate
Services and in his stead to the Head of Legal and Democratic Services, to determine that such interest be not applied in cases where it is deemed it would be inequitable to do so or where undue hardship would result.

12. **Vehicle Acquisition Procedure**

Within the procedure for vehicle acquisition in Minute 3 Page 799 October 1996, the Director of Finance and Corporate Services to procure vehicles pursuant to the Fleet Management function of the Director of Environment.

13. **South Wales Magistrates Court Committee**

To accept this Authority’s share of the 20% related costs by way of supplementary credit approval.

14. **Housing Benefits**

(i) the following officers be authorised to determine the appropriate action to be taken in cases of benefit fraud, taking into account the recommendations of the Prosecution Panel:
   - Director of Finance & Corporate Services
   - Principal Benefits Officer

(ii) the following officers be authorised in the absence of the officers named at (i) above to determine the appropriate action to be taken in cases of benefit fraud, taking into account the recommendations of the Prosecution Panel:
   - Chief Internal Auditor
   - Principal Solicitor Litigation

(iii) the following officers be authorised to issue Home Office formal cautions and to issue financial penalties in accordance with the Social Security Administration Act 1992 in cases of proven fraud:
   - Director of Finance & Corporate Services
   - Principal Benefits Officer
(iv) the following officer be authorised in the absence of the officers named at (iii) above to issue Home Office formal cautions and to issue financial penalties in accordance with the Social Security Administration Act 1992 in cases of proven fraud:

- Senior Fraud Officer

(v) the Director of Finance and Corporate Services and the Principal Benefits Officer be granted delegated authority:

- To instigate County Court action for the recovery of Housing Benefits overpayments;

- To determine and instigate the relevant recovery action following the issue by the County Court of the Order to enforce an award.

15. **Housing/Council Tax Benefit – Prevention and Investigation of Fraud**

That, pursuant to the Social Security Fraud Act 2001, the following be designated as authorised Officers to obtain information relating to fraudulent claims for housing benefit and/or council tax benefit:

- (a) K. Davies - Principal Benefits Officer
- (b) S. Vaughan - Senior Fraud Officer

16. **Statutory Demands for non-payment of debt**

To initiate bankruptcy and liquidation proceedings, including the issuing of statutory demands in respect of council tax, business rates and sundry debtors.
17. **Housing Benefit Fraud – Prosecution Panel**

To give the appropriate certification under Section 116 of the Social Security Act 1992, where offences of obtaining housing benefit and council tax benefit by making fraudulent representations come to light more than twelve months after the offence has been committed. (Also applicable to the Principal Benefits Officer).

18. **Recovery of Estates Rentals**

The following are authorised to instruct bailiffs to act for the Authority in the recovery of unpaid estate rentals:

D. W. Davies, Director of Finance and Corporate Services;
K. Davies, Principal Benefits Officer.

19. **Treasury Management**

(i) To vary the limits set out in the Treasury Management practices document if necessary by way of urgency action provisions (PRB – 28.7.05).

(ii) That the Director of Finance and Corporate Services be granted delegated authority to utilise any changes in relation to debt repayment in line with the Welsh Assembly Government Guidance.
20. **Relief Delegations**

(i) to determine applications for relief of partly occupied properties (Local Government Act 1988 Section 44A);

(ii) to determine applications for discretionary relief for charities and non-profit making organisations (Local Government Act 1988 Section 47) which meet the criteria set out in the circulated report of 30.11.06;

(iii) to determine applications for discretionary relief for small businesses in rural areas (Local Government Act 1988 Section 47) which meet the criteria set out in the circulated report of 30.11.06.

21. **Welsh Church Act Fund**

To determine applications under the above fund which do not meet the criteria.

22. **Housing & Council Tax Benefit**

To administer the Housing and Council Tax Benefit Schemes (including revision of the claim decisions), through the Director of Finance & Corporate Services and his Directorate Officers.

23. **Write offs - Insolvencies**

That the Director of Finance and Corporate Services be granted delegated authority to write off Council Tax, Business Rates, Sundry Debtor and Housing Benefits overpayments debts over £1,000 which are caused by insolvency.
**Licensing**

(i) **Schedule 1** sets out legislation relevant to the licensing function of the Authority and delegated to the Director of Finance and Corporate Services, the Head of Legal Services and the Principal Licensing Officer.

These Officers are also delegated (i) to authorise individual competent and qualified Officers to act under the items of legislation listed and (ii) to institute legal proceedings thereunder, including the signing of any cautions in accordance with Home Office Guidelines.

Further, that the appropriate officers who are authorised officers under the Health and Safety at Work Etc. Act 1974 be indemnified by the Council under Section 26 of the 1974 Act.

(ii) To be authorised to serve Notice or take such actions as described in **Schedule 2** (ie the Director of Finance and Corporate Services, the Head of Legal Services and the Principal Licensing Officer).

(iii) That the Director of Finance and Corporate Services, Head of Legal Services and the Principal Licensing Officer be each given delegated authority to authorise individual competent and qualified officers to serve notice or take such actions in respect of serving Notices under the Statutory Provisions set out in Schedule 2.

(iv) **Licensing Authorisations**

The Director of Finance and Corporate Services, the Head of Legal Services and the Licensing Manager have delegated authority as set out below:

**1.0 Hackney Carriage & Private Hire Licensing**

1.1 **Issue and Renewal**

Issue and renewal of all hackney carriage and private hire vehicle, driver and operator licences except:

**Driver & Operator Licences**

(1) where the driver/applicant has a major traffic conviction in the previous five years and or
(2) where the driver/applicant has a criminal conviction (excluding motoring convictions) within the previous five years;

Where it is considered appropriate, an application which falls within the terms of (1) or (2) above, may be dealt with by the Licensing Manager under delegated powers, after consultation with the Chairman and Legal Officer.

The above delegations do not preclude the Licensing Manager where it is considered appropriate to refer any driver or application to the Registration & Licensing Committee.

2.0 Other Licence/Registrations

2.1 Issue and Renewal

(1) Street Trading Consents
(2) Street Collection Permits & House to House Collection Licences
(3) Poisons Registration
(4) Pleasure Boats & Boatman Licences
(5) Scrap Metal Dealers Registration
(6) Motor Salvage Operators Registration

2.2 Renewal Only

(1) Animal Welfare Licences
(2) Petroleum Licences

2.3 Issue Only

(1) Acupuncture, Tattooing, Electrolysis, Cosmetic Piercing Registration
(2) Hairdresser Registration

2.4 Transfer, Renewal & Variation

(1) Sex Establishments Licences including Sex Entertainment Venues
The delegated powers in respect of paragraphs 1-2 above are subject to the following:-

(1) All new licence applications that are premises based to be notified to local members.

(2) Consultation on licence applications to be sought in accordance with legal or policy requirements.

(3) That there are no objections to the application.

(4) All licensing/policy requirements are met.

(v) Licensing Act 2003

(a) The Senior Licensing Officer shall act as the “Responsible Authority” for the purposes of the Licensing Act 2003;

(b) that, as an interim measure, until a Senior Licensing Officer is appointed, the Licensing Manager shall divide the Local Authority area into three sub-areas, and assign a Licensing Officer to each to act as the “Responsible Authority” for his/her area.

To deal, with delegated authority, with the following functions under the Licensing Act 2003:-

*(i) application for personal licence

#(ii) application for premises licence/club premises certificate

#(iii) application for provisional statement

#(iv) application to vary premises licence/club premises certificate

*(v) application to vary designated premises supervisor

*(vi) application for transfer of premises licence

*(vii) application for interim authorities
(viii) request to be removed as designated premises supervisor

(ix) decision on whether a complaint is irrelevant, frivolous, vexatious, etc.

(* provided there are no police objections)

(# provided there are no relevant representations made)

(vi) **Gambling Act 2005**

To deal, with delegated authority, with the following functions under the Gambling Act 2005:-

*(i) Application for a premises licence

*(ii) Application for a variation to a licence

*(iii) Application for a transfer of a licence

*(vi) Application for a provisional statement

#(v) Application for club gaming/club machine permits

(vi) Applications for other permits

(vii) Cancellation of licensed premises gaming machine Permits

(viii) Consideration of temporary use notice

(ix) Decision on whether a complaint is irrelevant frivolous vexatious etc

(x) Decision as Responsible Authority to call for a Review of a Premises Licence

(* these only in respect of where no representations received or representations have been withdrawn)

(# this where no objections have been made or objections have been withdrawn)

(xi) grant and renewal of small society lottery registrations
Note:
(1) All new licence applications that are premises based to be the subject of consultation/notification with local members.
(2) Consultation on licence applications be sought in accordance with legal or policy requirements.
(3) The issue/renewal of licences under delegated powers to be subject to full consultation; no objections; all licensing requirements satisfied; compliance with any policy requirements.
(4) The power to issue a licence in the circumstances referred to in respect of Street Trading consents be applied to all licences.
(5) All delegations in (iii) (iv) (v) above also applicable to the Principal Licensing Officer

(vii) Veterinary Surgeons

The Director of Finance and Corporate Services, the Head of Legal Services and the Licensing Manager may authorise suitably qualified veterinary surgeons to make the necessary inspections and reports, where appropriate, under the following legislation:

- Animal Boarding Establishments Act 1963
- Dangerous Dogs Act 1991
- Dangerous Wild Animals Act 1976
- Deer Act 1991
- Pet Animals Act 1951
- Performing Animals (Regulations) Act 1925
- Protection of Animals Acts 1911 & 1964
- Riding Establishments Acts 1964 & 1973
- Zoo Licensing Act 1981
- Animal Welfare Act 2006

(viii) Sale of Intoxicating Liquor
(Page 42 Council October 2001 - Minute No. 8)

On satisfaction as to the use of unlicensed premises for the sale of intoxicating liquor, to serve closure notices in accordance with S19(2) of the Criminal Justices and Police
Act 2001 to apply for a closure order in accordance with S.20 of the Act.

(ix) **Suspension of Hackney Carriage & Private Hire Driver Licence**

The Director of Finance and Corporate Services, the Head of Legal Services and the Licensing Manager:

(i) May in the interests of public safety, suspend with immediate effect Hackney Carriage & Private Hire Driver Licences under the provisions of Section 61 Local Government (Miscellaneous Provisions) Act 1976, as amended by Section 52 of the Road Safety Act 2006;

(ii) Prior to implementing this course of action, there must be consultation with the Legal Officer and, where possible, the Chairman and/or Vice Chairman of the Registration & Licensing Committee;

(iii) Any actions/decisions taken under the above delegated authority shall be reported to the Registration & Licensing Committee, for Members endorsement.

(x) **Exhibition of Films”**

(i) Applications for authorisation of films already classified by the BBFC shall be referred to the Licensing and Gambling Acts Sub-Committee who shall have delegated authority to determine such applications on behalf of the Licensing Authority;

(ii) The authorisation of films which have not been classified by the BBFC or Neath Port Talbot County Borough Council shall be delegated to the Director of Finance and Corporate Services and/or the Head of Legal Services and/or the Licensing Manager. (At their discretion any request to classify a film be referred to the Licensing and Gambling Acts Sub Committee
Scrap Metal Dealers Act 2013

Until such time as the Welsh Government resolves the question of whether these matters are an executive or Council function the powers set below are delegated to the Head of Legal Services and the Licensing Manager:

- Power to grant licence
- Power to issue a notice proposing that a licence be refused
- Power to refuse licence
- Power to revoke licence
- Power to vary licence from one type to the other
- Power to vary licence to add conditions
- Power to issue a closure notice
### SCHEDULE 1

<table>
<thead>
<tr>
<th>LEGISLATION</th>
<th>EFFECT OF LEGISLATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal Boarding Establishments Act 1963</td>
<td>Requires licensing of animal boarding establishments</td>
</tr>
<tr>
<td>Animal Welfare Act 2006</td>
<td>Animal welfare licences</td>
</tr>
<tr>
<td>Breeding of Dogs Act 1973 and 1991</td>
<td>Licenses dog breeders</td>
</tr>
<tr>
<td>Breeding &amp; Sale of Dogs (Welfare) Act 1999</td>
<td>As above</td>
</tr>
<tr>
<td>Celluloid &amp; Cinematograph Film Act 1922</td>
<td>Control of storage of film</td>
</tr>
<tr>
<td>Charities Act 2006</td>
<td>Charity collections</td>
</tr>
<tr>
<td>Children and Young Persons Act 1933</td>
<td>In relation to street trading</td>
</tr>
<tr>
<td>Criminal Justice &amp; Police Act 2001</td>
<td>Alcohol Licensed Premises</td>
</tr>
<tr>
<td>Dangerous Wild Animals Act 1976</td>
<td>Controls keeping of specified animals</td>
</tr>
<tr>
<td>Deer Act 1991</td>
<td>Controls sale of venison</td>
</tr>
<tr>
<td>Disability Discrimination Act 1995</td>
<td>Facilities in taxis for the disabled</td>
</tr>
<tr>
<td>Equalities Act 2010</td>
<td>As above</td>
</tr>
<tr>
<td>Explosives Act 1875 &amp; 1923</td>
<td>Registration of explosive stores</td>
</tr>
<tr>
<td>Fireworks Act 2003</td>
<td>Licensing of suppliers and displays</td>
</tr>
<tr>
<td>Gambling Act 2005</td>
<td>Regulates gambling</td>
</tr>
<tr>
<td>Health &amp; Safety at Work etc Act 1974</td>
<td>In relation to explosives &amp; petroleum stores</td>
</tr>
<tr>
<td>House to House Collections Act 1939</td>
<td>Controls charity collections</td>
</tr>
<tr>
<td>Hypnotism Act 1952</td>
<td>Controls public performances of hypnotism</td>
</tr>
<tr>
<td>Licensing Act 2003</td>
<td>Regulates sale of alcohol, provision of entertainment and late night refreshment</td>
</tr>
<tr>
<td>Local Government (Miscellaneous Provisions) Act 1976</td>
<td>Taxi Licensing</td>
</tr>
<tr>
<td>Local Government (Miscellaneous Provisions) Act 1982</td>
<td>Public entertainment licensing; sex shops licences; street trading</td>
</tr>
<tr>
<td>Performing Animals (Regulation) Act 1925</td>
<td>Registration of animals which perform or are exhibited</td>
</tr>
<tr>
<td>Pet Animals Act 1951</td>
<td>Licensing of pet shops</td>
</tr>
<tr>
<td>Petroleum (Consolidation) Act 1928</td>
<td>Requires business storing petroleum spirit to hold a licence and to comply with stringent safety rules</td>
</tr>
<tr>
<td>Petroleum (Transfer of Licences) Act 1936</td>
<td>An act to permit the transfer of petroleum spirit licences granted under Petroleum Consolidation Act</td>
</tr>
</tbody>
</table>

3.99
<table>
<thead>
<tr>
<th>Act/Amendment</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Poisons Act 1972</td>
<td>Provides for registration of the sellers of poisons and controls the sale of poisons</td>
</tr>
<tr>
<td>Police Factories etc (Miscellaneous Provisions) Act 1916</td>
<td>Control of street collections</td>
</tr>
<tr>
<td>Policing &amp; Crime Act 2009</td>
<td>Sex Entertainment Venues, Alcohol Licences</td>
</tr>
<tr>
<td>Private Security Industry Act 2001</td>
<td>Door supervisors registration</td>
</tr>
<tr>
<td>Public Health Acts Amendment Act 1907</td>
<td>Licensing Pleasure boats</td>
</tr>
<tr>
<td>Riding Establishments Acts 1964 and 1970</td>
<td>Licensing of trekking centres etc where horses are hired out</td>
</tr>
<tr>
<td>Road Traffic Offenders Act 1988</td>
<td>Enforcement provisions in relation to taxi drivers</td>
</tr>
<tr>
<td>Scrap Metal Dealers Act 1964</td>
<td>Registration of scrap dealers</td>
</tr>
<tr>
<td>Sunday Trading Act 1994</td>
<td>Controls hours of operation of large shops</td>
</tr>
<tr>
<td>Tattooing Minors Act 1969</td>
<td>Prohibits tattooing of under 18’s except as a medical procedure</td>
</tr>
<tr>
<td>Theft Acts 1968 and 1978</td>
<td>Obtaining money by deception</td>
</tr>
<tr>
<td>Town Police Clauses Act 1847</td>
<td>Licensing of taxis</td>
</tr>
<tr>
<td>Transport Act 1985</td>
<td>Regulation of taxis</td>
</tr>
<tr>
<td>Vehicles (Crime) Act 2001</td>
<td>Regulates motor salvage operators and registration plate suppliers</td>
</tr>
<tr>
<td>West Glamorgan Act 1987</td>
<td>Registration of hairdressers</td>
</tr>
<tr>
<td>Zoo Licensing Act 1981</td>
<td>Licensing of Zoos</td>
</tr>
</tbody>
</table>
SCHEDULE 2:


b. Authority to serve notice under Section 58 of the Local Government (Miscellaneous Provisions) Act 1976 requiring return of the licence plate or disc within seven days.

Head of Legal and Democratic Services

Proper Officer Provisions

1. Registration Purposes

The Head of Legal Services is Proper Officer for the following matters and to undertake such duties as are necessary to discharge this Council's local government reorganisation responsibilities for the transfer of the service:

Proper Officer for Registration purposes set out in the Registration Service Act 1953, the Registration of Births, Deaths and Marriages Regulations 1968 onwards and by the Local Registration Scheme; together with Civil Partnerships.

In addition to these statutory functions, the Proper Officer is to act on Council's behalf in the discharge of their duties in respect of the following:

Marriage Act 1949

- reimbursing superintendent registrars the fees paid to incumbents and authorised persons for quarterly certified copies of marriage entries (Section 57(4)).

Registration Service Act 1953

- appointment of registration officers (section 6(1));

- payment of registration officers and receipt of registration fees (section 6(3));

- provision and maintenance of district register offices (section 10(1));

- preparation and submission of a local registration scheme (section 14(1));
Local Registration Scheme

- provision, of assistance to registration officers (article 5(1) (b));

- provision, equipment and maintenance of registration offices (article 6).

Delegated Authority is also granted to the Head of Legal Services as the Proper Officer for Registration Matters, to approve or refuse applications for Certificates of Approval for the use of premises as venues for the solemnisation of civil marriage ceremonies, subject to the proviso that if any objections are received in response to the statutory advertisement for a particular application, then that application be referred to the Registration and Licensing Committee for a decision.

**Time of Marriages and Civil Partnership Ceremonies**

The Head of Legal Services is granted delegated authority to introduce a scheme for the availability of the service, setting appropriate fees and other conditions considering each application as it arises, in line with staff availability and other conditions and operational issues, as detailed in the circulated report.

2. **Other Proper Officer Appointments**

(a) Local Government Act 1972

*Section 100F(2) and Regulations 10 and 11 of the Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) (Wales) Regulations 2001 – determining documents disclosing exempt information which are not open to inspection by Members*

*Section 229(5) - certification of photographic copies of documents.*
*Section 234(1) & 2 - authentication of any notices orders or other documents

*Section 238 - certification of byelaws

Section 236(9)(10) - to send copies of byelaws.

(b) *Local Government (Miscellaneous Provisions) Act 1976 - Section 41 - Certifications

(*Also applicable to Chief Executive, the Director of Finance and Corporate Services and Mr. Iwan Davies, Principal Solicitor-Litigation, Mr John Hodges -Service Manager Legal Services Child Care Team and Mr Aled Roderick - Principal Solicitor Property and Corporate).

(c) The Head of Legal Services is designated under Section 3 of the Local Land Charges Act 1975 - to maintain Local Land Charges Register; and in absence, the Principal Solicitor-Litigation.

3. **Legal and Other proceedings**

The Head of Legal Services is authorised to institute, defend or participate in any legal proceedings: including court actions; those of Tribunals; Arbitrations and/or Forums involving dispute resolutions. He/she is also authorised to instruct Counsel, engage expert witnesses and to do all other things to facilitate the conduct of cases in the Council’s name; including, as deemed appropriate, to settle and otherwise compromise actions.
The Head of Legal Services is Solicitor to the Council, hence all proceedings and court actions are entered in his or her name and all representation organised through him/her.

The Head of Legal Services is also authorised to instruct Counsel to provide advice to the Authority on any matters relating to the carrying out of its functions and to represent the Authority at Inquiries (of whatever nature) where he/she deems it necessary in the Authority’s interests to do so.

4. Local Government Act 2000 and NAFW Regulations Made Thereunder - Standards Committee (Page 119 Council February 2002 - Minute No. 16)

That the Proper Officer for all purposes relevant to the functioning of the Committee shall be the Monitoring Officer of the Council (for the time being) and in his absence, the Proper Officer shall be the Deputy Monitoring Officer of the Council (for the time being).

5. Neath Port Talbot Waste Management Company Limited

The Chief Executive and the Head of Legal Services are nominated as shareholder representatives to the Neath Port Talbot Waste Management Company Limited.


That the Head of Legal Services be appointed as the ‘qualified person’ for the purposes of the ‘prejudice to effective conduct of public affairs’ exemption.
7. Freedom of Information/Environmental Information Regulations Appeals

That Mr. Iwan Davies – Principal Solicitor Litigation and Deputy Monitoring Officer and Mr John Hodges – Legal Services Child Care Manager, be granted delegated authority to deal with appeals against Freedom of Information/Environmental Information Regulations decisions.

8. Deputy Monitoring Officer

That Mr Iwan Davies, Principal Solicitor Litigation is delegated to act as the Authority’s Deputy Monitoring Officer in circumstances where the Monitoring Officer is unable to act due to his/her absence or illness pursuant to Section 5 of the Local Government and Housing Act 1989 and in respect of all other related functions.

9. Mr. Iwan Davies, Principal Solicitor – Litigation and Mr. Aled Roderick – Principal Solicitor Property and Corporate; Mr. John Hodges – Child Care Legal Services Manager

Authorised Signatories and Proper Officers

Articles 13.04 and 13.05 cite the Chief Executive, the Director of Finance and Corporate Services, and the Head of Legal Services as Proper Officer for the purposes specified therein.

In addition, the aforementioned have also been designated as "Proper Officers" under the following statutes:-

(i) Section 100F (2) of the Local Government Act 1972 and Regulations 10 and 11 of the Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings)(Wales) Regulations 2001 - determining documents disclosing exempt information which are not open to inspection by Members.
(ii) Section 229(5) of the Local Government Act 1972 - Certification of Photographic Copies of Documents;

(iii) Section 234(1) and (2) of the Local Government Act 1972 - Authentication of any Notices, Orders or other Documents;

(iv) Section 238 of the Local Government Act 1972 - Certification of Byelaws;


Mr. Iwan Davies (Principal Solicitor - Litigation) and Mr. Aled Roderick (Principal Solicitor Property and Corporate) are authorised to act under the aforementioned Articles and under the statutory provisions, as Proper Officer.

10 Deputising for Head of Legal Services

That Mr Iwan Davies, Principal Solicitor Litigation, Mr Aled Roderick, Principal Solicitor Property and Corporate and Mr John Hodges, Service Manager, Legal Services Childcare Team all be authorised to exercise the functions of the Head of Legal Services in relation to the institution, defence or participation in any legal proceedings as set out at length in Section 3 of the Proper Officer provisions in relation to the Head of Legal Services.

Delegation Arrangements

1. Local Authority Property Search Services

That the Head of Legal Services be granted delegated authority to vary the Scheme of Charges for Local Authority Property Search Services, as appropriate.
2. **Local Government Act 2000 and the Local Authorities (Indemnities for Members and Officers) (Wales) Order 2006**

   (1) Any indemnity to a Member covering the cost of defending a breach of the Members’ Code of Conduct is subject to a ceiling of £20,000 and the Head of Legal Services is given delegated authority to approve costs up to that level; it is particularly noted that the Head of Legal Services as Monitoring Officer, would in practice delegate this function.

   (2) The Head of Legal Services is delegated to approve costs up to that ceiling. In practice the Head of Legal Services will delegate this decision to one of his Officers where he is involved in the issue in his capacity as the Monitoring Officer.
DIRECTOR OF SOCIAL SERVICES, HEALTH
AND HOUSING

Proper Officer Provisions

1. Proper Officer Appointments

*(i) Signing of Notices to Quit

(ii) Signing of Licenses and Tenancy Agreements issued in accordance with the Discharge of Homeless duties

(iii) Public Health Act 1936 Section 79 - removal of noxious matter.

(iv) Clean Air Acts - authentication of notices thereunder.

(v) Food Safety Act 1990 Section 19 - registration of premises used as a food business.

(vi) Public Health (Control of Disease) Act 1984 Section 46 - Burial and Cremation.

(vii) Local Government Act 1972 - Section 234(1) and (2) authentication of all Notices, Orders or Documents for the purpose of approved delegated powers.

(*also applicable to the Head of Community Care and Housing)
DIRECTOR OF SOCIAL SERVICES, HEALTH AND HOUSING

Delegation Arrangements

(a) Social Services

1. Adoption Panel and Foster Parent Approval

(Note: An Adoption Panel and Foster Carer Approval Panel has been jointly established with a remit to make recommendations upon those issues that fall within the scope of the Adoption Agency Regulations 1993, and the Foster Parent (Children) Regulations 1991).

To take decisions upon recommendations made by the Panel.

2. Discretionary Expenditure Upon Children and Families

(i) To authorise discretionary expenditure in relation to children in need and their families, children who are being looked after, and young people formally looked after, up to a limit of £1,000.

(ii) For sums over the limit of £1,000 to consult with the relevant Cabinet member before taking a decision.

3. Monitoring and Review of Children's Cases

Authorised to establish a system ensuring the planning and review process is effectively monitored by Senior Officers in Children's Services.
4. **Authority to Institute Legal Proceedings**

To authorise the institution of legal proceedings and the issue of warrants, on behalf of the Authority, under the following statutes:

(i) the Children Act 1989,
(ii) the Children and Young Persons Act 1969,
(iii) the Mental Health Act 1983, and
(iv) the Registered Homes Act 1984

5. **Memorandum of Understanding between South Wales Police and Partner Agencies in pursuance of the Sex Offenders Act 1997**

That the Head of Childrens’ Services be appointed as the Senior Designated Officer and point of contact with the Police in relation to the arrangements contained within the proposed Protocol.

6. **South Wales Fostering & Residential Placements Framework Agreement**

When the Framework is unable to meet the needs of its placements, and after following the Framework protocols the Head of Children & Young Peoples Services be authorised to obtain the necessary provision internally or through the CSSR database.

(b) **Housing Services**

1. **Grants**

The administration of all aspects of the Neath Port Talbot County Borough Council Private Sector Housing Renewal Strategy and Policy, including:

(i) approval of grant;
(ii) approval of interim payment;
(iii) approval of final payment;
(iv) approval of variation of grant for unforeseen works;
(v) redetermination of grant in the event of works not being possible for the sum originally approved;

(vi) administration of Mandatory Disabled Facilities Grants under the strategy above and the Housing Grant Construction and Regeneration Act 1996 as amended by the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002.

2. **Homelessness**

   (i) receipt of enquiry and related investigation of cases;

   (ii) all initial decisions relating to homelessness status and discharge of duties and referrals to other Authorities, required by the Housing Act, 1996 (as amended by the Homelessness Act 2002);

   (iii) to authorise legal proceedings for the recovery of rent arrears and/or recovery of possession of premises for non-payment of rent.

   (iv) to authorise legal proceedings to recover other debts arising from charges levied by the Council for its services or for the services of other organisations and businesses for which the Council acts as agent.

**Reviews to the Appeals Committee**

3. **Notices to Quit (under homeless but no review)**

To serve Notices to Quit where there is no secure tenancy.

4. **Anti-Social Behaviour**

   (a) that in respect of applications for Anti Social Behaviour Orders, including Interim Orders
(i) to consider under the Crime and Disorder Act 1998, with the Police and other appropriate agencies, whether such Orders should be applied for, and

(ii) following consultation as in (i) above to issue the requisite Certificate under the Act to allow the Police and other bodies falling within Section 1 (1A) of the Crime and Disorder Act 1998 to institute proceedings for an Order, and where the Authority is to institute proceedings, to take those proceedings.

(iii) where there has been a breach of an Anti Social Behaviour Order, the terms of which apply in the Neath Port Talbot County Borough, to prosecute the respondent for the breaches of that Order.

(b) that with regard to Injunctions against Nuisance and in respect of unlawful use of premises and Anti-Social Behaviour, to apply for and enforce an Injunction to prevent such Behaviour, including seeking an Exclusion Order and/or power of arrest where appropriate.

(c) Crack Houses - to consider under the Anti Social Behaviour Act 2003 (“ASB Act”) with the police and, except in urgent cases, other appropriate agencies whether a closure notice under Section 1 of that Act be issued and to provide to the Police a certificate that the statutory consultation has taken place. Where the Police are considering applying for an extension of a closure order issued under the ASB Act, to respond to the consultation that the Police must make with the Council under Section 5 of the ASB Act.

If appropriate, and after the necessary consultation with the Police and any other relevant agencies have taken place:
The Neath Port Talbot Constitution

- to apply to the Magistrates Court for a discharge of a closure order under Section 5(6) of the ASB Act;
- to lodge an appeal pursuant to Section 6 of the ASB Act against a decision of the Magistrates Court not to make a closure order or extend a closure order;
- pursuant to Sections 8 or 10 of the ASB Act to make an application for re-imbursement of costs or losses incurred by the Council in connection with a closure order.
(d) Dispersal Orders – that in respect of authorisations for the exercise of powers under Section 30 of the Anti Social Behaviour Act 2003 (Dispersal of groups, etc.) to consider with the Police (and, where appropriate the British Transport Police – BTP) and other appropriate agencies, whether such authorisations should be issued and following such consultation to consent, or otherwise, on behalf of the Council to the giving of such authorisation, and following consultation as above, to provide to the Police or BTP, a certificate that the statutory consultation under Section 31(7) for the withdrawal of an authorisation has taken place.

5. Provision of Lists of External Agency Services to Grant Applicants

(a) That where requested by a grant applicant, a list of external agencies is provided on the understanding that the authority accepts no liability or responsibility whatsoever for the levels of service provided by such private agents.

(b) There is no vetting process of such agents/agencies undertaken by the authority save that the agent/agency has submitted formal applications on behalf of grant applicants within the previous twelve months, and officers have discretion to remove agents/agencies from such a list should they not perform to a satisfactory standard.

6. The Housing Grants, Construction and Regeneration Act 1996 (as amended by the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002

That where an applicant ceases to be entitled to a grant, repayment of grant monies is recovered in line with the adopted Private Sector Housing Renewal Strategy and Policy.
7. **Renovation Grant - Maximum Amount**

To approve renovation grants in excess of £24,000 subject to an assessment by an appropriate officer of the Council that repair of the premises in question is the best option.

8. **Schedule of Rates - Amendments**

To approve amendments to the grant schedule of rates used when considering applications for grant aid.

9. **Section 12 Anti Social Behaviour Act 2003**

To prepare and publish the procedures and policies and the summaries and statements thereof regarding anti social behaviour which are required by Section 12 of the Anti Social Behaviour Act 2003.

(The Housing Services delegations above are also specifically applicable to the Head of Housing)
(c) **Environmental Health and Trading Standards**

(i) **Schedule 1** sets out legislation relevant to the Environmental Health and Trading Standards functions of the Authority and delegated to the Director of Social Services, Health and Housing; the Head of Business Strategy and Public Protection; the Principal Officer – Environmental Health and Trading Standards.

These Officers are also delegated to authorise individual competent and qualified Officers to act under the items of legislation listed.

These Officers are also delegated to institute legal proceedings thereunder in conjunction with the Head of Legal Services including the signing of any cautions in accordance with Home Office Guidelines; and where an alleged offender is being held in custody in relation to an offence, to institute proceedings by way of charge:

Further:

(a) that appropriately qualified officers authorised to enforce the Health and Safety at Work Etc. Act 1974 be appointed as Inspector under Section 19 of that Act and be confirmed as authorised to exercise the powers set out in sections 20, 21, 22, 23, 24, 25, 39 and schedule 1 of the said Act.

(b) that appropriately qualified officers appointed as authorised officers under Section 5(6) of the Food Safety Act 1990 be authorised to execute the powers set out in sections 9, 10, 12 and 32 of that Act.

(c) that the appropriate officers who are authorised officers under the Health and Safety at Work Etc. Act 1974 and the Food Safety Act 1990 be indemnified by the Council under Section 26 of the 1974 Act and Section 44 of the 1990 Act.
(ii) To be authorised for the following purposes for all of the items specified in Schedule 2 (including the Principal Officer – Environmental Health and Trading Standards

(a) to serve notice or take such actions as described in Schedule 2;

(b) to authorise works in default to be undertaken where the recipient of a notice referred to in (a) fails to comply with the notice requirements, and to accept quotations for the carrying out of emergency works;

(c) where necessary, to authorise officers to obtain a warrant to enter premises in relation to matters identified in the Schedule 2 including entry to undertake works in default;

(d) to authorise such additional officers to undertake these functions in relation to the actions specified in numbers 15, 18, 20, 21 and 22 of Schedule 2, where he is satisfied that they possess the necessary qualification, training and experience to undertake these actions on behalf of the Council.

(iii) The Housing (Maximum Charge for Enforcement) Order 1996

Under Section 87 of the Housing Grants, Construction and Renovation Act 1996, a Housing Authority may make a reasonable charge to recover certain expenses in relation to housing which was unfit or in a state of disrepair to a maximum of £300 (such amount remaining a charge on the premises concerned until full recovery has been made).

To make and collect the charges, as outlined above, on behalf of the Authority.
(iv) **The Housing (Fitness Enforcement Procedures) Order 1996**

To issue notices under the Housing (Fitness Enforcement Procedures) Order 1996, and also to receive personal representations from recipients of such notices.

(v) **Houses in Multiple Occupation**

(a) to commence the introduction of a regulatory and control scheme taking the form shown in Annex 2 to the report under Minute 5 on Page 1629 (April 1997);

(b) to charge the maximum fees upon adoption of the new registration and control scheme;

(c) to make and collect the charges outlined above on behalf of the Authority;

(d) to issue notices relevant to the Order and be appointed to receive personal representations from recipients of such notices.

(vi) **Housing Act 1985**

(a) to serve Notice of Entry on behalf of the Council under the provisions below:-

(b) to authorise such additional Officers to enter specified premises in order to perform these functions where he is satisfied they possess the necessary qualification, training and experience to undertake these actions on behalf of the Council.

Part II Section 54 - Provision of housing accommodation main powers and duties of Local Housing Authorities.

Part VI Section 197 - Repair Notices

Part IX Section 319 - Slum Clearance, demolition or closing of premises
Part X Section 340 - Overcrowding

Part XI Section 395 - Housing in Multiple Occupation.

(vii) **The Health and Safety (Enforcing Authority) Regulations 1998**

To agree transfers of enforcement responsibility under regulation 5 of the Health and Safety (Enforcing Responsibility) Regulations 1998.

(viii) The Director is authorised to make statutory appointments as follows:

Proper Officer and Medical Adviser in relation to Section 47 of the National Assistance Act 1948 (as amended by the Act of 1951), Sections 11 and 20 of the Public Health (Control of Diseases) Act 1984 and Section 24, 29, 30 and 48 of the Public Health (Control of Diseases) Act 1984.

Proper Officers for the purposes of Part 2A of the Public Health (Control of Disease) Act 1984 as amended.

Public Analyst under the Food Safety Act 1990.

Agricultural Analyst under the Agriculture Act 1970.


(ix) **Defective Private Sewers and Drains**:

The relevant Officers are authorised to act under the Council’s policy (29/03/07).

(x) **Duty Officer Delegations**

The Director of Social Services, Health and Housing, the Head of Business Strategy and Public Protection and the
Principal Officer for Environmental Health and Trading Standards are authorised to delegate the power to authenticate Notices and undertake work in default, to Officers of the Environmental Health Section, when acting in the capacity of Duty Officer, for the following purposes:-

(i) Environmental Protection Act 1990:
   (a) Statutory nuisances including noise in the street by virtue of the Noise and Statutory Nuisance Act 1993;

(ii) Clean Neighbourhoods and Environmental Act 2005:
   (a) Intruder Alarms;

(iii) Noise Act 1996:
   (a) Issue of fixed Penalty Notices including Licensed Premises

(xii) Trading Standards – Home Improvement Packs

1. The functions under Part 5 of the Housing Act 2004 are delegated to the Director of Social Services, Health and Housing, the Head of Business Strategy and Public Protection, and the Principal Officer Environmental Health and Trading Standards.

2. The Director of Social Services, Health and Housing, the Head of Business Strategy and Public Protection, and the Principal Officer Environmental Health and Trading Standards are granted delegated authority to institute legal proceedings and/or serve Statutory Notices under Part 5 of the Housing Act 2004 in conjunction with the Head of Legal and Democratic Services.

3. The Director of Social Services, Health and Housing, the Head of Business Strategy and Public Protection, and the Principal Officer Environmental Health and Trading Standards are granted delegated authority to serve penalty charge Notices under Section 168 of the Housing Act 2004 for breaches of the duties under Sections 155 to
159 and 167(4) or 172(1) of the Housing Act 2004 relating to Home Information Packs and Estate Agents Redress Scheme.

(xii) **Trading Standards – Fraud Act (2006)**

1. Cabinet delegates its functions under the Fraud Act (2006) to the Director of Social Services, Health and Housing, the Head of Business Strategy and Public Protection and the Principal Officer Environmental Health and Trading Standards.

2. The above mentioned Officers are authorised to delegate to individual, competent and qualified Officers within the Directorate of Social Services, Health and Housing their power to act under this legislation on behalf of the Council.

3. The Director of Social Services, Health and Housing, Head of Business Strategy and Public Protection and Principal Officer Environmental Health and Trading Standards are also delegated to institute legal proceedings under the above referred to legislation in conjunction with the Head of Legal and Democratic Services, including the signing of any cautions in accordance with Home Office guidelines; and where an alleged offender is being held in custody in relation to an offence to institute proceedings by way of a charge.

(xiii) **Discharge of Trading Standards Functions by other Councils**

1. The Director of Social Services, Health and Housing and the Head of Business Strategy and Public Protection are authorised to make arrangements for the discharge by other Councils of the functions of investigating and instituting proceedings on trading standards matters in the Neath Port Talbot area under Section 19 of the Local Government Act 2000, regulations made thereunder and any other enabling power.
(xiv) **Sunbeds (Regulation) Act 2010**

1. That the Sunbeds (Regulation) Act 2010, and any Regulation made under it, be added to the list of Legislation relevant to the Environmental Health and Trading Standards functions of the Authority and delegated authority be granted to the Director of Social Services, Health and Housing, Head of Business Strategy and Public Protection, the Principal Officer – Environmental Health and Trading Standards

2. That the above mentioned Officers be also granted delegated authority to authorise individual competent and qualified Officers to act under this Legislation for the purposes of entry, inspection and enforcement;

3. That the above mentioned Officers be also granted delegated authority to institute legal proceedings, in conjunction with the Head of Legal and Democratic Services, including the signing of any cautions in accordance with Home Office Guidelines.

(xv) **Protection from Eviction Act 1977**

1. That the Protection from Eviction Act 1977 is added to the list of legislation relevant to the Environmental Health and Trading Standards function of the Authority and delegated to the Director of Social Services, Health and Housing, Head of Business Strategy and Public Protection, the Principal Officer Environmental Health and Trading Standards;

2. That, in accordance with the current arrangements, the Officers identified in 1 above be authorised to institute legal proceedings in conjunction with the Head of Legal Democratic Services including the signing of any Cautions.
(xvi) Chargeable Single Use Carrier Bags

1. Cabinet Board delegates its functions under Section 77 and 90 and Schedule 6 of the Climate Change Act 2008 to the Director of Social Services, Health and Housing, the Head of Business Strategy and Public Protection and the Principal Officer Environmental Health and Trading Standards;

2. The Director of Social Services, Health and Housing, the Head of Business Strategy and Public Protection and the Principal Officer Environmental Health and Trading Standards be also granted delegated authority to institute legal proceedings under the above referred to legislation in conjunction with the Head of Legal and Democratic Services, including the signing of any Cautions in accordance with Home Office Guidelines, and where an alleged offender is being held in custody in relation to an offence to institute proceedings by way of a Charge;

3. The Director of Social Services, Health and Housing, the Head of Business Strategy and Public Protection and the Principal Officer Environmental Health and Trading Standards be also granted delegated authority to serve Fixed Monetary Penalty Notices, Variable Monetary Penalty Notices and Non-Financial Penalty Discretionary Requirements and to authorise other individual, competent and qualified officers within Social Services, Health and Housing to act under this legislation, to include the serving of such Notices on behalf of the Council.
# Environmental Health and Trading Standards

<table>
<thead>
<tr>
<th>LEGISLATION</th>
<th>EFFECT OF LEGISLATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accommodation Agencies Act 1953</td>
<td>Controls the taking of money for providing services in connection with the finding of property to let</td>
</tr>
<tr>
<td>Administration of Justice Act 1970 and 1985</td>
<td>Allows a court to award compensation following conviction for a criminal offence. Creates an offence for the harassment of debtors or alleged debtors</td>
</tr>
<tr>
<td>Agricultural Produce (Grading and Marking) Act 1928-1931</td>
<td>Provides for the grading and marking of agricultural produce</td>
</tr>
<tr>
<td>Agriculture Act 1970</td>
<td>Requires the appointment of an agricultural analyst and the provision by seller of information regarding the composition of fertilisers and the feeding stuffs. Provides for controls on the labelling of fertilisers and animal feeding stuffs. Prevents supply of unfit animal feeding stuffs/pet food, eg dog food, cat food. Agricultural feeding stuffs</td>
</tr>
<tr>
<td>Agriculture (Miscellaneous Provisions) Act 1968</td>
<td>Welfare of livestock and prevention of unnecessary pain to livestock</td>
</tr>
<tr>
<td>Animal Health Act 1981 and 2002</td>
<td>Regulates movement of farm animals and provides for measures to deal with animal diseases. Provides for the control of animal diseases (that can be caught by humans) and for the welfare of animals on the farm in transit and at market</td>
</tr>
<tr>
<td>Animal Health and Welfare Act 1984</td>
<td>Allows an officer to seize things that may prevent disease and to make declarations as to places infected with a disease</td>
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<tr>
<td>Animal Welfare Act 2006</td>
<td>Protection of welfare of farmed, domestic and captive animals</td>
</tr>
<tr>
<td>Building Act 1984</td>
<td>Dealing with ruined and dilapidated properties, defective drainage etc</td>
</tr>
<tr>
<td>Cancer Act 1939</td>
<td>Prohibits the advertisement of cures for cancer</td>
</tr>
<tr>
<td>Caravan Sites and Control of Development Act 1960</td>
<td>Licenses caravan sites. Conditions for spacing of caravans, fire control measures etc</td>
</tr>
<tr>
<td>Caravan Sites Act 1968</td>
<td>Protection of occupiers of residential caravans from eviction and harassment</td>
</tr>
<tr>
<td>Children and Young Persons Act 1933</td>
<td>See below</td>
</tr>
<tr>
<td>Children and Young Persons (Protection from Tobacco) Act 1991</td>
<td>Amends the Children and Young Persons Act to require display of notices in shops and on vending machines that it is illegal to sell tobacco to under 16s; makes those sales illegal; requires annual plan for implementation to be agreed by local authority. Prohibits the sale of tobacco to children. Controls the siting of cigarette vending machines. Controls tobacco advertising</td>
</tr>
<tr>
<td>Clean Air Acts 1968 &amp; 1993</td>
<td>Restricts the lead content of petrol and the sulphur of diesel fuel in order to reduce atmospheric pollution. Smoke control in relation to domestic coal. Control of smoke, grit and dust from furnaces and chimney heights.</td>
</tr>
<tr>
<td>Clean Neighbourhoods and Environment Act 2005</td>
<td>Noise, statutory nuisances from light and insects. Duty to consider on an annual basis, underage sales of spray paints.</td>
</tr>
<tr>
<td>Companies Act 1985</td>
<td>Requires limited companies to state their trading details on business premises and in documents</td>
</tr>
<tr>
<td>Legislation</td>
<td>Description</td>
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<tr>
<td>Companies Act 2006</td>
<td>Disclosure of company information and name on business premises and documentation.</td>
</tr>
<tr>
<td>Consumer Credit Act 1974</td>
<td>Provides for control of consumer credit and hire. Requires licensing of credit and hire traders. Controls credit and hire advertising; debt collecting and credit reference agencies. Controls credit and hire documentation and format used to indicate credit charges. Provides powers to revoke licences of traders offering credit or hire charges. Provides safeguards to consumers who purchased goods and services on credit.</td>
</tr>
<tr>
<td>Consumer Protection Act 1987</td>
<td>Prohibits the supply of goods not in accordance with the general safety requirement or are unsafe. Provides for the safety and protection of consumers by enabling Regulations or Orders to be made controlling consumer goods. Provides for approved safety standards to enable compliance with general safety requirements. Provides powers for seizing and forfeiture and the powers to suspend the sale of suspected unsafe goods. Provisions as to the requirement for persons to publish notices warning of unsafe goods previously supplied. Provides for liability for damage caused by defective products.</td>
</tr>
<tr>
<td>Control of Pollution Act 1974</td>
<td>Controls the sale of anti-fouling paints. Control of construction site noise, Noise in street, Approved codes of practice (noise), Noise abatement zones.</td>
</tr>
<tr>
<td>Control of Smoke (Pollution) Act 1989</td>
<td>Removes exemptions relating to smoke emission, extends offences relating to “dark smoke”.</td>
</tr>
<tr>
<td>Copyright Designs and Patents Act 1988</td>
<td>The law of copyright, rights of provisions as to the right of performers and others in performances.</td>
</tr>
<tr>
<td>Copyright etc and Trademarks (Offences and Enforcement) Act 2002</td>
<td>Revises penalties and allows forfeiture of offending items.</td>
</tr>
<tr>
<td>Courts and Legal Services Act 1990 (Section 104)</td>
<td>Prohibits “tying in” arrangements in connection with residential property loans.</td>
</tr>
<tr>
<td>Criminal Attempts Act 1981</td>
<td>Allows for enforcement action to be taken in relation to indictable offences where preparatory acts with intent have been committed.</td>
</tr>
<tr>
<td>Criminal Justice and Police Act 2001 (Chapter 2)</td>
<td>Allows the designation of areas of land in which public drinking is prohibited, disclosure orders and prohibits sale of alcohol to under 18s.</td>
</tr>
<tr>
<td>Criminal Justice and Public Order Act 1994</td>
<td>Control of ticket touting at designated public events and touting for private car hire. Controls the sale of tickets at prestige sporting events at prices far beyond the face value of the ticket offered. Plus soliciting persons to hire vehicles to carry them as passengers.</td>
</tr>
<tr>
<td>Criminal Justice Act 1988 ss 141 and 141A</td>
<td>Amends Licensing Act 1964 in relation to sales of alcohol to under 18s.</td>
</tr>
<tr>
<td>Criminal Law Act 1977</td>
<td>Allows enforcement action to be taken in relation to a conspiracy to commit offences.</td>
</tr>
<tr>
<td>Deer Act 1991</td>
<td>Controls sale of venison.</td>
</tr>
<tr>
<td>Development of Tourism Act 1969</td>
<td>Requires the price of accommodation to be displayed in hotels.</td>
</tr>
<tr>
<td>Act Title</td>
<td>Description</td>
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<tr>
<td>Dogs Act 1906 and 1928</td>
<td>Deals with unburied animal carcasses, seizure of stray dogs, owner burying of cattle carcasses to that no dog may find them. Liability of owners of dogs re. Injuries to cattle</td>
</tr>
<tr>
<td>Dogs Amendment Act 1920</td>
<td>Liability of owners of dogs regarding injuries to poultry. Controllers of cattle must bury carcasses so that no dog can find them.</td>
</tr>
<tr>
<td>Education Reform Act 1988 (Sections 214 and 215)</td>
<td>Restricts the ability to award degrees to certain authorised bodies. Controls the use of terms “Bachelor, Master or Doctor”</td>
</tr>
<tr>
<td>Energy Act 1976</td>
<td>Requires the publication of data relating to passenger car fuel consumption</td>
</tr>
<tr>
<td>Energy Conservation Act 1981</td>
<td>Provides for the making of regulations requiring the labelling of certain domestic appliances as to their fuel efficiency</td>
</tr>
<tr>
<td>Environment Act 1995</td>
<td>Provides for air quality management including review and assessment. Provides for amendment of Environmental Protection Act to insert powers regarding contaminated land. Provides for powers of entry regarding pollution control functions.</td>
</tr>
<tr>
<td>Environmental Protection Act 1990</td>
<td>Provides for the authorisation of industrial processes. Provides for the inspection, designation and remediation of contaminated land. Provides the provisions for dealing with statutory nuisances. Provides the provisions for dealing with litter. Requirement to appoint officers to deal with stray dogs.</td>
</tr>
<tr>
<td>Estate Agents Act 1979</td>
<td>Governs accounts in respect of client’s money. Controls certain activities in connection with disposal and acquisition of interest in land by Estate Agents. Provides powers to ban “unfit” persons from estate agency work.</td>
</tr>
<tr>
<td>European Communities Act 1972</td>
<td>Implements into domestic law, community directives and legislation. Relevant regulations apply to the service</td>
</tr>
<tr>
<td>Factories Act 1875 and 1923</td>
<td>Governs Health and Safety in factories</td>
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<tr>
<td>Farm and Garden Chemicals Act 1967</td>
<td>Controls labelling and marking of pesticides, herbicides and other farm and garden chemicals. Prohibits transactions in certain unlabelled products.</td>
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<tr>
<td>Fireworks Act 2003</td>
<td>Prohibits sale of fireworks to those below specified age. Prohibition or control of supply of certain fireworks. Licensing of supplies and displays</td>
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<tr>
<td>Food and Environment Protection Act 1985</td>
<td>Protects the public from food rendered unsafe as a result of the escape of harmful substances, such as radioactive fall-out. Protects the public from the misuse of pesticides.</td>
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<tr>
<td>Food Hygiene Rating (Wales) Act 2013</td>
<td>Food Hygiene ratings</td>
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<td>Act</td>
<td>Description</td>
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<tr>
<td>Food Safety Act 1990</td>
<td>Regulates food premises with respect to food safety.</td>
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<td>Requires the registration or licensing of food premises and an inspection</td>
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<td>regime. Prohibits sale of unfit or adulterated food.</td>
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<td></td>
<td>Controls its description, advertising and labelling.</td>
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<tr>
<td>Hallmarking Act 1973</td>
<td>Provides for the protection of purchasers of precious metals in relation to</td>
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<td>the composition, assaying, marking and description. Provides for recognition</td>
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<td>of international markings on gold, silver and platinum.</td>
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<tr>
<td>Health Act 2006 and Regulations</td>
<td>Smoke free public places and work places.</td>
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<tr>
<td>Health and Safety at Work etc Act 1974 – appointed as inspector</td>
<td>Protects the health and safety of employees and other people affected by</td>
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<td>the operation of a business. Controls the classification, packaging, labelling,</td>
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<td>carriage and storage of dangerous substances.</td>
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<tr>
<td>Housing Act 1985</td>
<td>Fitness of housing, conditions of houses in multiple occupation</td>
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<tr>
<td>Housing Act 1996</td>
<td>Updates provisions of 1985 Act</td>
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<td>Housing Act 2004</td>
<td>Duties and powers to take enforcement action in respect of housing conditions</td>
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<td>Housing Grants, Construction and Regeneration Act 1996</td>
<td>Fitness provisions in relation to renovation and group repair schemes.</td>
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<td></td>
<td>Power to issue deferred action notices and to charge for enforcement action</td>
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<td>Insurance Brokers (Registration) Act 1977</td>
<td>Offence of pretending to be registered as an insurance broker. Registration</td>
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<td></td>
<td>of insurance brokers and regulation of their professional standards.</td>
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<tr>
<td>Intoxicating Substances (Supply) Act 1985</td>
<td>Prevents the sale of young persons of intoxicating substances and equipment</td>
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<tr>
<td></td>
<td>to aid misuse of such substances.</td>
</tr>
<tr>
<td>Knives Act 1997</td>
<td>Prevents the marketing of dangerous knives and prohibits their sale to minors</td>
</tr>
<tr>
<td>Land Compensation Act 1973</td>
<td>Matters relating to demolition orders</td>
</tr>
<tr>
<td>Land Drainage Act 1991</td>
<td>Drainage of surface water from land</td>
</tr>
<tr>
<td>Landlord and Tenant Act 1985</td>
<td>Deals with illegal eviction and harassment</td>
</tr>
<tr>
<td>Licensing (Young Persons) Act 2000</td>
<td>Makes provision in connection with the sale and consumption of intoxicating</td>
</tr>
<tr>
<td></td>
<td>liquor in cases involving young persons under 18</td>
</tr>
<tr>
<td>Licensing Act 2003</td>
<td>Regulates sale of alcohol, provision of entertainment and late night</td>
</tr>
<tr>
<td></td>
<td>refreshments</td>
</tr>
<tr>
<td>Local Government and Housing Act 1989</td>
<td>Matters relating to housing fitness and regeneration</td>
</tr>
<tr>
<td>Malicious Communications Act 1988</td>
<td>Makes provisions for the punishment of persons who send or deliver letters</td>
</tr>
<tr>
<td></td>
<td>or other articles for the purpose of causing distress or anxiety</td>
</tr>
<tr>
<td>Medicines Act 1968 – Section 111</td>
<td>Provides control for medicinal products in production, composition, labelling,</td>
</tr>
<tr>
<td></td>
<td>advertising. Controls the incorporation of medicinal products in animal</td>
</tr>
<tr>
<td></td>
<td>feeding stuffs</td>
</tr>
<tr>
<td>Merchant Shipping Act 1979</td>
<td>Safety and welfare of ships</td>
</tr>
<tr>
<td>Motor Cycle (Noise) Act 1987</td>
<td>Regulates the sale of exhaust systems for motor cycles</td>
</tr>
<tr>
<td>Motor Vehicles (Safety Equipment for Children) Act 1991</td>
<td>Regulates the construction, sale or supply of safety equipment for children</td>
</tr>
<tr>
<td></td>
<td>used in motor vehicles</td>
</tr>
<tr>
<td>National Assistance Act 1948</td>
<td>Allowing people in need of care and attention to be removed to suitable</td>
</tr>
<tr>
<td></td>
<td>premises</td>
</tr>
<tr>
<td>National Assistance (Amendment) Act 1951</td>
<td>Amends the above</td>
</tr>
<tr>
<td>National Lottery Act 1993</td>
<td>Prohibits the sale of lottery tickets to persons under the legal age</td>
</tr>
<tr>
<td>Act Title</td>
<td>Description</td>
</tr>
<tr>
<td>-----------</td>
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</tr>
<tr>
<td>Noise and Statutory Nuisance Act 1993</td>
<td>Made noise in streets a statutory nuisance. Amended COPA re. Loudspeakers</td>
</tr>
<tr>
<td>Noise Act 1996</td>
<td>Night time noise offence</td>
</tr>
<tr>
<td>Offensive Weapons Act 1996 (Section 6)</td>
<td>Prohibits the sale of such (knives, axes and blades) to a person under the age of 16</td>
</tr>
<tr>
<td>Offices, Shops and Railway Premises Act 1963</td>
<td>Enforces health and safety requirements in offices, shops and railway premises</td>
</tr>
<tr>
<td>Olympic Symbol etc (Protection) Act 1995</td>
<td>Prevents unauthorised use of the Olympic Games symbols and similar labels</td>
</tr>
<tr>
<td>Pesticides (Fees and Enforcement) Act 1989</td>
<td>Confers enforcement powers in relation to pesticides on local authorities</td>
</tr>
<tr>
<td>Petroleum (Consolidation) Acts 1928-1936</td>
<td>Requires business storing petroleum spirit to hold a licence and to comply with stringent safety rules</td>
</tr>
<tr>
<td>Petroleum (Transfer of Licences) Act 1936</td>
<td>An act to permit the transfer of petroleum spirit licences granted under Petroleum Consolidation Act</td>
</tr>
<tr>
<td>Poisons Act 1972</td>
<td>Provides for registration of the sellers of poisons and controls the sale poisons</td>
</tr>
<tr>
<td>Prevention of Damage by Pests Act 1949</td>
<td>Allows the clearance of overgrown land that can harbour rodents and to bait for rats</td>
</tr>
<tr>
<td>Prices Acts 1974 and 1975</td>
<td>Provides power to regulate the price display of certain goods and provides protection and price information for consumers</td>
</tr>
<tr>
<td>Private Water Supplies (Wales) Regulations 2010</td>
<td>Sampling analysing entry inspection and enforcement relating to private water supplies.</td>
</tr>
<tr>
<td>Proceeds of Crime Act 2002</td>
<td>Proceeds of crime</td>
</tr>
<tr>
<td>Property Misdescriptions Act 1991</td>
<td>Prohibits false or misleading statements about property by estate agents or builders</td>
</tr>
<tr>
<td>Protection of Animals Act 1911, 1954 and 1958</td>
<td>Prohibits cruelty against farm animals. Enables a court to disqualify a person from having custody of an animal on a first conviction of cruelty; and to increase the penalties for offences relating to animal fights; and to make further provision with respect to attendance of same fights</td>
</tr>
<tr>
<td>Public Entertainment Licences (Drug Misuse) Act 1997</td>
<td>Power to revoke public entertainment licence due to drug misuse on premises</td>
</tr>
<tr>
<td>Public Health Act 1875</td>
<td>Pollution of water by gas washings; byelaws for public</td>
</tr>
<tr>
<td>Public Health Acts Amendment Act 1907</td>
<td>Licensing pleasure boats, control of animals driven in street</td>
</tr>
<tr>
<td>Public Health Act 1936</td>
<td>Deals with drainage and sewers; filthy and verminous premises, statutory nuisance</td>
</tr>
<tr>
<td>Public Health Act 1961</td>
<td>Drainage problems</td>
</tr>
<tr>
<td>Public Health (Control of Disease) Act 1984</td>
<td>To control disease to establish port health authorities and to regulate lodging-houses and canal boats</td>
</tr>
<tr>
<td>Public Health (Drainage of Trade Premises) Act 1937</td>
<td>To control the discharge of trade effluents onto public sewers</td>
</tr>
<tr>
<td>Public Health (Recurring Nuisances) Act 1969</td>
<td>Additional powers to deal with recurring statutory nuisances</td>
</tr>
<tr>
<td>Registered Designs Act 1949</td>
<td>Provides protection against copying for registered designs</td>
</tr>
<tr>
<td>Radioactive Substances Act 1993</td>
<td>To control radioactive substances</td>
</tr>
<tr>
<td>Road Traffic Acts 1974 and 1988 as amended by the Motor Vehicle (Safety Equipment for Children) Act 1991</td>
<td>Grants powers to prohibit the driving of overloaded vehicles. Also to prohibit driving of unroadworthy vehicles</td>
</tr>
<tr>
<td>Road Traffic Act 1991</td>
<td>Makes amendments to enforcement provisions of Road Traffic Act</td>
</tr>
<tr>
<td>Road Traffic (Foreign Vehicles) Act 1972</td>
<td>Makes provisions for offences under the Road Traffic Act in relation to foreign vehicles</td>
</tr>
<tr>
<td>Road Traffic Offenders Act 1988</td>
<td>Makes enforcement provisions relating to Road Traffic Act 1988</td>
</tr>
<tr>
<td>Act</td>
<td>Description</td>
</tr>
<tr>
<td>------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Scotch Whisky Act 1988</td>
<td>Makes provision for the definition of Scotch whisky and its production and sale of whisky and for connected purposes.</td>
</tr>
<tr>
<td>Slaughterhouse Act 1974</td>
<td>Makes provision for the licensing of slaughter houses and knackery yards.</td>
</tr>
<tr>
<td>Slaughter of Poultry Act 1967</td>
<td>Provides for the humane slaughter of certain commercial purposes of poultry.</td>
</tr>
<tr>
<td>Sunday Trading Act 1994</td>
<td>Controls hours of operation of large shops.</td>
</tr>
<tr>
<td>Tattooing Minors Act 1969</td>
<td>Prohibits tattooing of under 18s except as a medical procedure.</td>
</tr>
<tr>
<td>Telecommunications Act 1984</td>
<td>Makes provisions on the labelling and advertising of telecommunications apparatus.</td>
</tr>
<tr>
<td>Theft Acts 1968 and 1978</td>
<td>Prohibits the obtaining of property (i.e., the price of the goods or money by deception.</td>
</tr>
<tr>
<td>Timeshare Act 1992</td>
<td>Regulates the conduct of the sale of timeshare properties.</td>
</tr>
<tr>
<td>Tobacco Advertising and Promotion Act 2002</td>
<td>Prohibits tobacco advertising in the print media, billboards and direct mail. Controls advertising at point of sale.</td>
</tr>
<tr>
<td>Trade Descriptions Act 1968</td>
<td>Prohibits a wide range of misdescriptions of goods when supplied. Prohibits false claims for services, accommodation and facilities.</td>
</tr>
<tr>
<td>Trade Marks Act 1994</td>
<td>Trade Marks Act makes it an offence to sell or offer to supply any goods bearing a mark or logo identical to or likely to be taken for a Registered Trade Mark, unless the owner of the trade mark has given permission for it to be used on the goods in question.</td>
</tr>
<tr>
<td>Trading Stamps Act 1964</td>
<td>Regulates the issue and advertising of trading stamps.</td>
</tr>
<tr>
<td>Vehicles (Crime) Act 2001</td>
<td>Regulates motor salvage operators and registration plate suppliers and makes further provision for preventing or detecting vehicle crime.</td>
</tr>
<tr>
<td>Video Recordings Act 2010</td>
<td>Requires the classification and labelling of videos.</td>
</tr>
<tr>
<td>Welfare of Animals at Slaughter Act 1991</td>
<td>An Act to make further provision for the welfare of animals at slaughter.</td>
</tr>
<tr>
<td>West Glamorgan Act 1987</td>
<td>Regulation of hairdressers.</td>
</tr>
</tbody>
</table>
SCHEDULE 2:

1. Authority to serve notices under Section 59 of the Building Act 1984 to make satisfactory provision for the drainage of buildings.

2. Authority to serve notices under Section 79 of the Building Act 1984 to deal with ruinous and dilapidated buildings and neglected sites.

3. Authority to serve notices under Section 81 of the Building Act 1984 to serve notice about demolition.

4. Authority to serve notices under Section 189 of the Housing Act 1985 to repair unfit houses.

5. Authority to serve notices under Section 190 of the Housing Act 1985 to repair houses in a state of disrepair but not unfit.

6. Authority to serve notices under Section 352 of the Housing Act 1985 to require execution of works to remedy a house in multiple occupation fit for the number of occupants.

7. Authority to serve notices under Section 354 of the Housing Act 1985 to limit the number of occupants of a house.

8. Authority to require information under Section 356 of the Housing Act 1985 about occupation of a house.

9. Authority to revoke or vary under Section 357 of the Housing Act 1985 Directions made under Section 354 of the Housing Act 1985.

10. Authority to serve notices under Section 358 of the Housing Act 1985 regarding overcrowding of a house in multiple occupation.
11. Authority to revoke or vary under Section 363 of the Housing Act 1985 overcrowding notices made under Section 358 of the Housing Act 1985.

12. Authority to accept an undertaking under Section 368 of the Housing Act 1985 to secure that part of a house is not used for human habitation.

13. Authority to serve notices under Section 372 of the Housing Act 1985 requiring execution of works to remedy neglect of management.

14. Authority to make a control order under Section 379 of the Housing Act 1985 in relation to a house in multiple occupation.

15. Authority to serve notices and undertake works under Section 29 of the Local Government (Miscellaneous Provisions) Act 1982 to protect buildings against unauthorised entry.

16. Authority to serve notices under Section 4 of the Prevention of Damage by Pests Act 1949 to eradicate rats and mice on land and/or carry out related structural works.

17. Authority to serve notices under Section 93 of the Control of Pollution Act 1974 to obtain information.

18. Authority to serve notices under Section 60 of the Control of Pollution Act 1974 to limit noise from construction sites.

19. Authority to serve notices under Section 71 of the Environmental Protection Act 1990 requiring information reasonably necessary.

20. Authority to serve notices under Section 80 of the Environmental Protection Act 1990 to abate a statutory nuisance.
21. Authority to serve notices under Section 80A of the Environmental Protection Act 1990 to abate a noise in a street.

22. Authority to serve notices under Section 25 of the Land Drainage Act 1991 to maintain the flow of water in a watercourse.

23. Authority to serve notices under Section 80 of the Water Industry Act 1991 to rectify an unwholesome private water supply.


25. Authority to serve notices under Section 10 of the Clean Air Act 1993 to require compliance with the provisions of the Act with respect to grit and dust.

26. Authority to serve notices under Section 12 of the Clean Air Act 1993 requiring information about furnaces and fuel consumed.

27. Authority to serve notices under Section 15 of the Clean Air Act 1993 specifying the minimum acceptable height of chimneys and emission standards required for approval under the Act.

28. Authority to serve notices under Section 36 of the Clean Air Act 1993 requiring information about air pollution.

29. Authority to serve notices under Section 58 of the Clean Air Act 1993 requiring information.

30. Authority to serve notices under Section 83 of the Public Health Act 1936 to remedy the condition of filthy or verminous premises or articles.
31. Authority to serve notices under Section 36 of the Public Health Act 1961 requiring the vacation of premises during fumigation.


33. Authority to serve notices relating to remedying stopped up drains or repair of drains, private sewers etc. pursuant to the provisions of Section 17 of the Public Health Act 1961 and Section 35 of the Local Government (Miscellaneous Provisions) Act 1976.

34. Authority to serve notice under Section 77 Criminal Justice and Public Order Act 1994 to direct unauthorised campers to leave land and remove their vehicles and property.
DIRECTOR OF ENVIRONMENT

Proper Officer Provisions

1. **Proper Officer Appointments**

   (a) Any reference in any enactment passed before or during the 1971/1972 Session of Parliament other than the Local Government Act 1972 or in any instrument made before 26th October 1972, to the Surveyor of the Council, which, by virtue of any provision of the said Act, is to be construed as a reference to the Proper Officer of the Council

   (b) Public Health Act 1961 Section 191 - stopped up drains.

   (c) Local Government Act 1972 Section 191 - functions with respect to Ordnance Survey.

   (d) Section 234(1) and (2) authentication of all Notices, Orders or Documents for the purpose of approved delegated powers.

   (e) Sections 59 - 68 of the Transport Act 1968.

   (f) Authorised signatory for the purpose of the Local Government (Contracts) Act 1987 and associated Regulations

   (g) Environmental Protection Act 1990 Section 149 - control of straying dogs.

(i) Town and Country Planning (Control of Advertisements) Regulations 1992 - issuing decisions on applications for express consents.

(j) Planning (Hazardous Substances Act 1990 and Planning (Hazardous Substances) Regulations 1992

(k) Building Act 1984 Section 78(8) - dangerous building.


(m) Town and Country Planning (Trees) Regulations 1999 - issuing of decisions on applications made under any Tree Preservation Order for consent to the cutting down, topping, lopping or uprooting of any tree

(Provisions (h) – (m) also to apply to the Head of Planning)
DIRECTOR OF ENVIRONMENT

Delegation Arrangements

1. Contracts

   the "Engineer for the Works" and the Director's contractual responsibilities be approved (Minute 10 Page 316 November 1995) viz:- responsibilities relative to contract and tender preparation, invitation, award and subsequent management.

2. Other Delegations to the Director

   (a) Delegations Prior to 1996

   - Easements for Signals/Pelican Crossings
   - Temporary Traffic Orders/Notices
   - Accelerated Unmade Street Procedure
   - Road Traffic Act 1988 Authorisation of Car Rallies
   - Rights of Way obstruction prosecutions
   - Residents Parking Scheme - minor variations
   - Noise Insulation Regulations Appeals

   (b) Highways Act 1980

   Under Section 37 to agree adoption of dedicating of highway, including notice and agreement issues.

   Under Section 38, 39 and 40 to agree adoption of highways and streets subject to completion to specification.

   To serve Defect Notices and invoke bonds under legal arrangements entered into under Sections 38 and 278
Under Section 44 to make agreements with person liable to maintain highway to maintain publicly maintainable highway.

Under Section 47 to go to Magistrate's Court to declare unnecessary highway to be not maintainable at the public expense.

Under Section 59 to recover expenses caused by extraordinary traffic.

Under Section 62 - general power of improvement.

Under Sections 65 & 66 of the Highways Act, Section 3 of the Cycle Track Act 1984 and the procedures contained in the Cycle Track Regulations 1984 to introduce cycle tracks along existing public footpaths and/or public footways

Under Section 72 to agree dedication of land to be part of the highway as part of widening any highway for which we are Highway Authority.

Under Section 82 to 90 to undertake various duties in connection with provision of cattle grids and by-passes.

Under Section 94 to enter into agreements with bridge owners concerning maintenance and the interests of the Highway Authority.

Under Section 96 to consent to a Parish Council planting trees, laying out the grass verges, etc., in a highway.

Under Section 115 (B) and 115 E (1) (b) to process the advertising of Notices and issuing of Licenses.

Under Section 115 E (1) (a) and (b) to issue permits in relation to the Council’s policy for licensing of refreshments facilities (Street Cafes) on pavements and pedestrianised areas.

Under Section 116, 117 to ask Magistrate's Court to authorise stopping up or diversion of highway.
Under Sections 118 to 122 to stop up or divert footpaths and bridleways.

Under Section 131 to seek redress for damage to highways etc.

Under Section 132 to remove unauthorised marks on highway.

Under Section 133 to seek redress for damage to footways by excavations.

Under Sections 134 to 136 to control ploughing of footpath or bridleway.

Under Section 135 to order the temporary diversion of a path or way for a period not exceeding 3 months.

Under Section 139 to grant permission to deposit a skip on the highway subject to such conditions, if any, as may be appropriate.

Under Section 140 to require the removal of a skip deposited on the highway and to arrange for its removal by the Authority.

Under Section 142 to grant a licence to plant and maintain, or to retain and maintain, trees, shrubs, plants or grass in a highway, and to determine a reasonable sum in respect of legal or other expenses on the grant of a licence and a reasonable annual charge for administering any such licence. To serve notice withdrawing a licence granted pursuant to the section.

Under Section 143 to serve notice requiring the removal of a structure erected or set upon a highway without lawful authority and in default to remove the structure and recover the costs incurred in so doing.

Under Section 144 to consent to a Parish Council erecting flag poles etc., on a highway.
Under Section 145 to serve notice requiring the enlargement of a gate across a highway or its removal.

Under Section 146 to serve notice of intention to take all necessary steps for repairing and making good any stile, gate or similar structure across a footpath or bridleway and to take all necessary steps to recover the expenses incurred in executing such works.

Under Section 147 to authorise the erection of stiles etc. on footpath or bridleway.

Under Section 149 to serve notice in respect of anything so deposited on a highway as to constitute a nuisance. To remove forthwith anything unlawfully deposited on the highway which constitutes a danger.

Under Section 151 to serve notice requiring the execution of works to prevent soil or refuse from land falling, or being washed or carried onto a street or into any sewer or gulley in it.

Under Section 152 to serve notice requiring the removal or alteration of projections from buildings which are an obstruction to safe or convenient passage along a street. In the case of a failure to comply with a notice under the Section to remove the obstruction or projection to which the notice relates and to recover the reasonable expenses incurred in so doing.

Under Section 153 to consent to a door, gate or bar on premises opening outwards onto a street. To serve notice requiring the alteration of a door, gate or bar or premises which opens outwards onto a street.

Under Section 154, powers to act in all matters including, but not limited to the following: to serve notice requiring that any hedge, tree or shrub which overhangs a highway, road or footpath open to the public, so as to endanger or obstruct the passage of vehicles or pedestrians, or obstructs or interferes with the view of drivers or the light from a public lamp to be lopped or cut to remove the danger, obstruction or interference. To serve notice requiring that any hedge, tree or shrub which is diseased, dead, damaged or insecurely
rooted and that is likely to cause danger by falling on a highway, road or footpath be cut or felled to remove the danger. In the case of a failure to comply with a notice served under this Section to carry out the works required by the notice and to recover the expenses reasonably incurred in so doing. That the powers be also delegated to the posts of Arboricultural Officer, Parks and Outdoor Services Manager, Neighbourhood Services Manager, and Neighbourhood Surveyor.

Under Section 163 to serve notice requiring the construction or erection and thereafter maintenance of channels, gutters or downpipes to prevent water draining from any building or surface water there from falling upon persons using the highway or flowing onto or over the footway of a highway.

Under Section 164 to serve notice requiring the abatement of a nuisance caused by a barbed wire fence adjacent to a highway.

Under Section 165 to serve notice requiring works of repair, protection, removal or enclosure to an unfenced or inadequately fenced source of danger on land adjoining a street.

Under Section 166 to serve notice requiring the fencing of a forecourt or such steps as are necessary to obviate danger, obstruction or inconvenience to the public. To serve notice requiring alterations to a stall or erection in a forecourt which is injurious to the amenities of the street. In the case of a failure to comply with notices served under this Section to carry out the works required by the notice and to recover the expenses reasonably incurred in so doing.

Under Section 167 to serve notice requiring the execution of works to a retaining wall liable to endanger persons using the street. In the case of a failure to comply with a notice served under this Section to carry out the works required by the notice and to recover the expenses reasonably incurred in so doing.

Under Section 169 to issue a licence to erect or retain on or over a highway any scaffolding or other structure on such terms as may be necessary.
Under Section 171 to consent to the temporary deposit of building materials, rubbish or other things in a street and the making of temporary excavations therein.

Under Section 172 to impose the requirements relating to hoarding or fencing contained in the section as may be appropriate. To consent to the requirement of a hoarding or fence being erected during building operations on a building in a street or court being dispensed with.

Under Section 176 to grant a licence to construct a bridge over a highway on such terms and conditions as may be appropriate. To require the removal or alteration of a bridge constructed in pursuance of a licence granted under the Section.

Under Section 177 to grant a licence to construct a building over a highway on such terms and conditions as may be appropriate, and to determine a reasonable sum in respect of legal or other expenses on the grant of a licence and a reasonable annual charge for administering any such licence.

Under Section 178 to consent to the fixing or placing of any overhead beam, rail, pipe, cable, wire or other apparatus over, along or across a highway on such terms and conditions as may be appropriate.

Under Section 179 to consent to the construction of works under any part of a street. To serve notice requiring works constructed in contravention of the Section to be removed, altered or dealt with as specified in such notice. To cause works constructed in contravention of the Section not to be removed, altered or otherwise dealt with and to recover the expenses reasonably incurred in so doing.

Under Section 180 to consent to the making of an opening in the footway of a street as an entrance to a cellar or vault on such terms as may be appropriate. To consent to the carrying out of works in a street to provide means of access for air and light to premises under or abutting a street on such terms as may be appropriate. To serve notice of intention to execute works in default relating to the repair or condition of items listed in Sub-Section (6), and to execute
such works and recover the expenses reasonably incurred in so doing.

Under Section 184 to serve notice under Sub-Section (1) that the Authority intend to construct a vehicle crossing over a footway or verge on such conditions as may be reasonable where a kerbed footway or verge in the highway is habitually crossed with a mechanically propelled vehicle. To serve notice under Sub-Section (3) where land is being developed in accordance with a planning permission of their intention to execute works for the construction or alteration of a vehicle crossing. In a case where a notice under the Section has become operative to execute the work specified in any notice and to recover the expenses reasonably incurred in so doing. To authorise the person carrying out development to execute the works specified in a notice under Sub-Section (3) and in default to execute those works and recover the expenses of so doing. To determine a request to construct a vehicle crossing under Sub-Section (11) and serve notice of their decision and if appropriate a quotation of the cost of the works.

Under Section 185 to install refuse or storage bins in streets.

Under Part X, Sections 186 to 199 to establish or declare New Streets, approvals of new street plans, imposition of requirements and conditions, and variations, structures, widenings, enforcement, and handling of plans.

Under Part X1, Sections 203 to 237, the making up of private streets, apportionments, recovery of expenses and charges, determination of liabilities, variations, implementation and agreements.

Under Section 278 to recommend and conclude contents of agreements for contributions towards highway works by persons deriving special benefit from them (as amended by New Roads and Streetworks Act 1991).

Under Section 296 to permit works to be undertaken on behalf of another person subject to suitable cost recovery arrangements.
(c) **Other Legislation**

Under Section 14 Public Health Act 1925 to consent subject to such conditions as may be necessary, to the erection and maintenance of seats, drinking fountains for the public and troughs for watering horses and cattle in any street or public place.

Under New Roads and Streetworks Act, 1991 to serve a notice of objection to works carried out without the submission of a plan and section thereof and failing an agreement to the objection to refer the matter to arbitration.

Under Road Traffic Acts, as amended, in relation to the weighing of motor vehicles and the institution of legal proceedings for offences relating to overloading.


Under Road Traffic Acts, Road Traffic Regulations Act, and Transport Acts with relation to temporary road closures, operators licences (HGV, PSV) and public building road signing.

To rationalise the list of "inherited" New Street Orders to those in reasonable prospect of being actioned.


3. **Acquisition of Land for Highway Purposes**

(a) To instigate, where necessary, CPO and associated procedures for any scheme prepared by the Department, whether financed by Council's Revenue or Capital
programmes, or by external finance of any type, or any work undertaken for third parties.

(a) That the results of the procedures be reported back to the executive

4. Rural Bus Subsidy Grant

To award contracts, in consultation with the relevant cabinet member

5. Charges for Services

That the Road Traffic Regulations 1998 and Guidance Notes be adopted and the Director be authorised to draw up a scale of fees, in consultation with neighbouring Authorities, the purpose of which is to cover the Authority's reasonable costs only.

6. Vehicle Acquisition

Within the procedure for vehicle acquisition in Minute 3 Page 799, the Director of Finance and Corporate Services to procure vehicles pursuant to the Fleet Management function of the Director of Environment.

7. Naming of New Developments

To name new developments - however, where there is disagreement or dispute with a local Member, a report be submitted to the Environment and Highways Cabinet Committee for determination.

8. Bus Services

To determine bus service registrations, charges and new services - however, where there is disagreement or dispute with a local Member, a report be submitted to the Environment and Highways Cabinet Committee for determination.
9. **Land Drainage Issues**

The Director and his Officers are authorised (based on a professional judgement of the incident) to undertake emergency works on private land, as necessary, to alleviate flooding or potential flooding to properties, with a minimum of works being undertaken to alleviate the emergency.

That following on from above, in the event of a culvert collapse on private land necessary legal notices be served on riparian owners to undertake the necessary works and that in default the Authority undertakes the works on a rechargeable basis.

That the Director of Environment be granted delegated authority to serve Notices under Section 25 of the Land Drainage Act 1991 to maintain the flow of water in a watercourse.

The Head of Streetcare be granted delegated authority to exercise the powers available under Section 64 of the Land Drainage Act 1991, if deemed necessary.

That the Director of Environment be given Delegated Authority to issue consent and undertake any Enforcement Action using the Land Drainage Act 1991 or subsequent Acts, as set out in the Joint Report of the Head of Engineering & Transport, Head of Planning and the Head of Streetcare to the Environment & Highways Cabinet Board on the 15th March, 2012

10. **Decriminalised Parking**

The Officers below are authorised to determine representations made to Council with regard to the Decriminalised Parking Notices in accordance with Council policies:-

Director of Environment

Head of Engineering and Transport

Parking Manager
11. **Provision of Works or Services to Outside Organisations**

   (i) To sign tender documents on behalf of the Authority for the provision of works or services to individuals, companies or organisations not part of the Neath Port Talbot County Borough Council

   (ii) Contracts for the provision of works or services to outside organisations shall be executed under the signature of the Director (subject to the following):

        Such contracts the value of which exceed £25,000 shall be executed by a Proper Officer. Such contracts, the value of which exceed £100,000 shall be executed by a Proper officer under seal.

   (iii) that the Director report back to the executive on all such contracts entered into which exceed £25,000 in value.

12. **Burials/Exhumations**

    That the powers to act in all matters associated with Burials/Exhumations be delegated to the following Officers:

    The Director of Environment, the Head of Streetcare, the Parks and Neighbourhood Services Manager, the Street Scene Manager, the Principal Development Support Officer and the Principal Country Parks and Grants Officer.

13(A) **Neath Port Talbot Waste Management Company Limited and Neath Port Talbot Recycling Limited**

    Mr. William Watson and Mr. Derek Davies and Mr. Gareth Nutt are designated to act as Directors of Neath Port Talbot Waste Management Company Limited and Neath Port Talbot Recycling Limited.

13(B) **Coed Darcy Limited**

    Mr. William Watson and Mr. Steven Phillips and Mr. John Flower are designated to act as Directors of Coed Darcy Limited.
14. **Mines and Quarries (Tips) Act 1969**

To administer the duties conferred on the Authority by the above Act.

15. **South Wales Trunk Road Agency**

To make all necessary personnel decisions for the continued establishment and management of the Agency.

16. **Estates Delegated Powers**

1. To determine applications for the payment of:

   (a) Home Loss Payments
   (b) Well maintained payments
   (c) Reimbursement of removal expenses relating to properties affected by Closing/Demolition Orders and/or included in Clearance Areas on C.P.O.
   (d) Residential Disturbance Claims up to £10,000.
   (e) Disturbance claims and injurious affection/severance up to £20,000.
   (f) Agricultural disturbance claims up to £5,000.
   (g) Land Compensation Act 1973 - Part 1 Claims up to £2,500
   (h) Landlord and Tenant compensation on quitting. No limit.
   (i) Dilapidation up to £15,000.

2. Statutory Agricultural Compensation payments on quitting. No limit.

3. To negotiate rents and allocate industrial units including licences to: assign, underlet, mortgage, change of use, alterations to premises and changing of leases.

4. To negotiate rents and grant tenancies of shops and any other premises on Council owned land including change of use, waiving of covenants or assignments thereof, together with any other related consents as may be sought.
5. To negotiate freehold disposals up to £20,000.

6. To negotiate freehold and leasehold acquisition up to £20,000.

7. Dilapidations claims up to £15,000.

8. To negotiate Leases to the County Borough Council (where principle already approved) up to a rental of £10,000 per annum.

9. Grant of Annual Tenancy including existing grazing rights (where principle already approved) up to a rental of £2,500 per annum.

10. Appropriations.

11. Grant/Acquisition of sundry easements, wayleaves and similar agreements including applications from Telecommunication Companies, Statutory Undertakers, other similar bodies and private individuals. No limit.

12. To accept Valuers Reports subject to provision in estimates, where relevant.

13. Authorising the service of Notices to Quit.

14. Lettings of dwelling houses on tenancy - with no limits on rental levels.

15. To formally approve or otherwise applications made under the Leasehold Reform Act 1967 (as amended).

16. To formally approve or otherwise, assignments together with other related requests of leasehold interests in dwelling houses.

17. To grant revocable annual licences for applications received to cross over garage compounds.

18. To determine applications from the Open Air Market Operators to vary the days of trading at Christmas and other times.
19. To offer the Council's freehold reversionary interests for sale to the tenants of houses held on long leases from the Council and that the lessees be approached in batches of approximately 50 at a time. These cases would be dealt with in addition to any other requests made in the normal way.

20. Forfeiture or other legal proceedings for breach of lease conditions and rent arrears.

21. Removal/modification of restrictive covenants up to a value of £10,000.

22. To regularise site boundary issues.

23. To approve exchanges of land involving considerations of less than £15,000.

24. To negotiate and agree amendments to the rating list with the District Valuer.

25. To liaise with the National Gypsy Council and sanction the granting of licences for the occupation of the plots on the official gypsy sites

26. To institute legal proceedings for any unauthorised occupations on Council owned land (in consultation with the Head of Legal and Democratic Services) - this to include all land or property owned or occupied by Neath Port Talbot County Borough Council (other than that occupied under the Housing Acts) where any unauthorised occupation takes place or where there are or have been breaches of agreements in relation to authorised occupation.

27. To negotiate Deeds of Variation and Surrender of Leases/Tenancies.

28. The Head of Property and Regeneration is granted delegated authority, following any necessary consultation with the Leader, Cabinet Members and the Trade Unions, to determine and implement the Accommodation Strategy
17. **Planning**

(i) **General Planning Delegation**

A. **Determination of Applications / matters by the Planning and Development Committee**

The Planning & Development Committee will determine all applications / matters which fall within the following criteria:

1. Where an application is considered to be of strategic importance, or where it is considered by Officers to be appropriate to be determined by Members, taking into account the views of Members where they have requested an application to be considered at Committee (*note: the member process agreed is set out in the Appendix*).

2. Where an application is to be recommended for approval, and where it is considered by Officers that the proposals would materially depart from Policies within the Development Plan.

3. Where an application has been submitted by a Member of the Council or close relative of a Member.

4. Where an application has been submitted by an employee of the Council who is directly involved in the Development Management process or in a post identified below: -
   - **Director of Environment**
   - **Head of Planning**
     - All posts under the direct responsibility of the Head of Planning
   - **Head of Engineering and Transportation**
     - Highways Development Control Officers
     - Drainage Officers
   - **Head of Regeneration**
   - **Head of Streetcare**
   - **Head of Democratic Services**
     - Committee Clerk (Planning)
     - Principal Solicitor (Planning)

Except as listed above, the Director of Environment and the Head of Planning are granted Delegated Powers for the determination of all planning and other related matters / applications, including the
preparation of screening and scoping opinions, discharge of conditions, tree preservation orders, hedgerow and high hedges applications, appeals and enforcement matters, in accordance with the following procedures: -

B. ‘Delegated Panel’ Procedure

To determine applications relating to the following matters and following agreement with local Ward Members and subject to the provisions of the Planning Code of Conduct: -

- Refusal of Applications
- Developments in excess of 5 dwellings (including approval of reserved matters and/or the discharge of conditions in respect of the same);
- Developments creating new floorspace in excess of 500 sq.m. in respect of industrial, agricultural, commercial or non-commercial buildings (including approval of reserved matters and/or the discharge of conditions in respect of the same)
- Submission of all responses in respect of Nationally Significant Infrastructure Projects (NSIPs), unless considered to be strategically important in which case it shall be reported to Committee
- Deeds of Variation, seeking to vary the terms of an existing Section 106 legal agreement
- Planning Enforcement Procedures, including: -

  (a) To serve a Planning Contravention Notice;
  (b) To serve a Breach of Condition Notice;
  (c) To serve an Enforcement Notice;
  (d) To serve a Stop Notice
  (e) To serve a Notice under s215 (Amenity of Land) of the 1990 Act (as amended)
  (f) To initiate prosecution action or injunctions
  (g) To withdraw or amend any formal Notice under points (a) – (e)

- Felling of trees covered by Tree Preservation Order
C. ‘Normal’ Delegated Matters (subject to no objections being received)

(i) to approve (but not to refuse) with or without conditions in respect of all other planning applications or matters not covered by point (i) above, subject to there being no objections, including (but not limited to):

- Development of up to 5 dwellings (including approval of reserved matters and/or the discharge of conditions);
- Developments creating new floorspace up to 500 sq.m. in respect of industrial, agricultural, commercial or non-commercial buildings (including approval of reserved matters and/or the discharge of conditions);
- Applications to determine whether or not an Environmental Statement is required on any submitted or proposed planning application (“Screening Opinion”)
- Applications to determine the scope of an Environmental Statement (“Scoping Opinion”) on any submitted or proposed planning application.
- Applications for a Certificate of Lawful Use of Development (Existing and Proposed)
- Decisions on applications made under section 73 to develop land without compliance with conditions previously attached to a consent.
- Discharge of conditions imposed on a planning consent.
- The topping, lopping or carrying out of other works, excluding felling, of trees the subject of tree preservation orders or of planning conditions.
- Determination of ‘Prior Approval’ (“Prior Notification”) applications, including determination of subsequent applications for such prior approval.
- Making of Tree Preservation Orders
- To approve Hedgerow Removal Notices, under the Hedgerow Regulations 1997 where a hedgerow is not "important"
- Applications under the Planning (Hazardous Substances) Act 1990 and Planning (Hazardous Substances) Regulations 1992 including: - determination of applications for hazardous substances consent (HSC) (s9); deemed HSC: established presence (s11); applications for removal of conditions attached to HSC (s13); general
power by order to revoke or modify HSC (s14) and determination of applications for continuation of HSC (s18).

(ii) Section 106 Agreements: To authorise the entering into of Section 106 Agreements under the Town and Country Planning Act 1990

(iii) to determine all applications in respect of the Building Regulations.

(iv) to authorise the issue of infringement notices and any enforcement action with respect to Building Regulations.

(v) Building Act 1984
(a) Delegated powers for the elements of the Planning Service covered by legislation under the Building Act 1984.
(b) To authorise individual Officers to act as Inspectors/Authorised Officers/Enforcement Officers under legislation contained in the Building Act 1984.
(c) In consultation with the Director of Finance and Corporate Services, to approve legal proceedings on behalf of the Council in respect of any offence under the above Act. (This delegation also applicable to the Principal Officer (Building Control)).

(vi) Safety at Sports Ground Act 1975: To issue and sign the relevant Safety Certificates under the Safety at Sports Ground Act 1975 (as amended) and to take any enforcement action (the latter to be reported to the Planning Committee for information)

(vii) Forestry Authority - Consultations on Felling Proposals
(a) where there are no objections, the response to the Forestry Authority is delegated to the Director;
(b) where objections are raised by local Members, relevant Community Councils, or by Officers that the Director be delegated the power to request that this Authority be granted an extension of time, or to submit an objection to the Forestry Authority. The matter would then be reported to the next available Planning Committee for consideration and that Committee be given plenary powers to resolve the Authority's formal decision. Relevant local Members would be invited to attend the Committee and any site visits, but would not be entitled to vote, in the same manner as in the determination of planning applications;

(viii) Neath and Port Talbot Local Access Forum
To determine future changes to the membership of the forum in consultation with either the Leader or Deputy Leader.

(ix) Rights of Entry
To authorise rights of entry to relevant Officers in respect of the
following legislation:
(a) Town and Country Planning Act 1990 (as amended) – Section 324;
(b) Wildlife and Countryside Act 1981 (as amended) – Section 51;
(c) Planning (Listed Building and Conservation Areas) Act 1990 (as amended) – Sections 88 – 88B;
(d) Planning (Hazardous Substances) Act 1990 (as amended) – Sections 36-36B;
(e) Highways Act 1980 – Section 293;
(f) Road Traffic Regulation Act 1984 – Section 71.
(g) Anti Social Behaviour Act 2003 (High Hedges) – Section 74
(x) Developer Contributions (Supplementary Planning Guidance)
To determine issues of arbitration between different needs prior to any form of decision by the Planning and Development Control Committee (this in consultation with the relevant Cabinet Member).
(xi) Affordable Housing Contribution
The Head of Planning is granted delegated authority to review and make any necessary amendments to the charge levied for the negotiation of the Affordable Housing Contribution
(xii) Safety of Stands for Spectators – Section 42 West Glamorgan Act 1987
The powers to the Authority under Section 42 are delegated to the Director of Environment and the Head of Planning.
(xiii) Retaining Walls – Section 26 West Glamorgan Act 1987
The powers of the Authority under Section 26 are delegated to the Director of Environment and the Head of Planning

D. ‘Normal’ Delegated Matters

(i) Nationally Significant Infrastructure Projects (NSIPs)
Submission of all responses in respect of Nationally Significant Infrastructure Projects (NSIPs), with the exception of the Authority’s Local Impact Report and initial Written Representations, which shall be reported to Committee
APPENDIX

Delegation Process (Development Management Matters / Applications)
1. To maintain accountability and transparency, detailed reports will be prepared for all delegated matters / applications outlining the material issues for consideration together with a recommendation.
2. In the case of ‘Normal’ Delegated Matters (para 17 (i) C of Annex J), each report is to be signed by the Case Officer and Development Control Manager / Team Leader or in their absence the Head of Planning, prior to issuing the decision notice.
3. Where applications are being dealt with under the ‘Delegated Panel’ procedure (para. 17 (i) B. of Annex J), a panel of Officers (a minimum of three, including the Head of Planning and/or the Development Control Manager) will consider and sign off the report and its recommendation, in addition to which the following additional process will apply:
   (a) Where following consultation with officers the relevant Ward Member(s) have agreed that the application can be determined the delegated decision can be made.
   (b) if any Ward Member considers that it would be more appropriate to report the application to Committee for decision, Officers will put the matter before Committee provided a valid planning reason has been given by the Ward Member (such reason to be clearly indicated within the subsequent report to Committee);
   (c) In the absence of any agreement under (a) or representation under (b) that the relevant Ward Member(s) be advised of the proposed decision via e-mail, giving 7 days to respond to a named officer(s) within the Department. Responses will be dealt with in accordance with (a) or (b), but if no response is received, it will be assumed that the relevant Members are satisfied that the application can be continued to be dealt with under delegated powers and the decision notice will be issued.
18. Economic Development

(i) to let industrial units and any other land within the administration of Economic Development Services in accordance with approved policies, procedures and guidelines.

(ii) In accordance with the letting policy set out in the agreed Business Plan for the Sandfields Young Business Centre, to approve individual letting at the Centre.

(iii) To approve recommendations made for Loan and Grant applications up to a maximum value of £40,000 per project.

19. Waste Enforcement & Animal Impounding

(i) Schedule 1 sets out legislation relevant to the Waste Enforcement and Animal Impounding functions of the Authority and delegated to the Director of Environment; the Head of Street Care Services and the Neighbourhood Services Manager.

These Officers are also delegated (i) to authorise individual competent and qualified Officers to act under the items of legislation listed and (ii) to institute legal proceedings thereunder in conjunction with the Head of Legal Services including the signing of any cautions in accordance with Home Office Guidelines.

(ii) To be authorised for the following purposes for all of the items specified in Schedule 2 (including the Neighbourhood Services Manager).

(a) to serve notice or take such actions as described in Schedule 2;

(b) to authorise works in default to be undertaken where the recipient of a notice referred to in (a) fails to comply with the notice requirements, and to accept quotations for the carrying out of emergency works;

(c) where necessary, to authorise officers to obtain a warrant to enter premises in relation to matters identified in the Schedule 2 including entry to undertake works in default;
(d) to authorise such additional officers to undertake these functions in relation to the actions specified in number 2 of Schedule 2, where he is satisfied that they possess the necessary qualification, training and experience to undertake these actions on behalf of the Council.

(iii) **Abandoned Vehicles**

To seek tenders for the removal of abandoned vehicles and to accept the lowest suitable tender.

(iv) **Removal and Disposal of Abandoned Vehicles**

To be authorised, subject to Police checks, to remove abandoned vehicles within 24 hours of notification in circumstances where a vehicle is burned out or likely to be burnt or otherwise poses a risk to the safety of the public.

(v) **Clean Neighbourhood and Environment Act 2005**

The Director of Environment and the Head of Streetcare are granted delegated authority to designate authorised officers for the purposes of issuing on behalf of the Authority fixed penalty notices to deal with the offences set out in Schedule 3.
### Waste Enforcement Legislation

<table>
<thead>
<tr>
<th>LEGISLATION</th>
<th>EFFECT OF LEGISLATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anti Social Behaviour Act 2003</td>
<td>A range of measures which include the protection of the local environment, littering, graffiti and fly posting</td>
</tr>
<tr>
<td>Control of Pollution (Amendment) Act 1989</td>
<td>Transport of controlled waste</td>
</tr>
<tr>
<td>Dogs Act 1906 and 1928</td>
<td>Deals with unburied animal carcasses, seizure of stray dogs, owner burying of cattle carcasses to that no dog may find them. Liability of owners of dogs re. Injuries to cattle</td>
</tr>
<tr>
<td>Dogs (Fouling of Land) Act 1996</td>
<td>Allows authority to designate areas of land where fouling is prohibited</td>
</tr>
<tr>
<td>Environmental Protection Act 1990</td>
<td>Provides for the authorisation of industrial processes. Provides for the inspection, designation and remediation of contaminated land. Provides the provisions for dealing with statutory nuisances. Provides the provisions for dealing with litter. Requirement to appoint officers to deal with stray dogs.</td>
</tr>
<tr>
<td>Litter Act 1983</td>
<td>Prohibits littering. Power to create litter control areas</td>
</tr>
<tr>
<td>Local Government (Miscellaneous Provisions) Act 1976</td>
<td>Requisitions of information</td>
</tr>
<tr>
<td>Prevention of Damage by Pests Act 1949</td>
<td>Allows the clearance of overgrown land that can harbour rodents and to bait for rats</td>
</tr>
<tr>
<td>Refuse Disposal Amenity Act 1978</td>
<td>Flytipping; abandoned vehicles</td>
</tr>
<tr>
<td>Road Traffic Regulation Act 1984</td>
<td>Abandoned vehicles</td>
</tr>
</tbody>
</table>

### Dog Wardens

<table>
<thead>
<tr>
<th>LEGISLATION</th>
<th>EFFECT OF LEGISLATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dangerous Dogs Act 1991</td>
<td>Requires certain dogs to be muzzled; powers to deal with dogs which attack people</td>
</tr>
<tr>
<td>Dogs Act 1906 and 1928</td>
<td>Deals with unburied animal carcasses, seizure of stray dogs, owner burying of cattle carcasses to that no dog may find them. Liability of owners of dogs re. Injuries to cattle</td>
</tr>
<tr>
<td>Dogs (Fouling of Land) Act 1996</td>
<td>Allows authority to designate areas of land where fouling is prohibited</td>
</tr>
<tr>
<td>Environmental Protection Act 1990 section 149</td>
<td>Seizure of stray dogs; requirement to appoint officers to deal with stray dogs.</td>
</tr>
<tr>
<td>Town Police Clauses Act 1847</td>
<td>Discretionary power to impound large animals</td>
</tr>
</tbody>
</table>
SCHEDULE 2:

1. Authority to serve notices under Section 4 of the Prevention of Damage by Pests Act 1949 to eradicate rats and mice on land and/or carry out related structural works.

2. Authority to serve notices under Section 59 of the Environmental Protection Act 1990 to require the removal of waste unlawfully deposited.

3. Authority to serve notices under Section 71 of the Environmental Protection Act 1990 requiring information reasonably necessary.

4. Authority to serve notice under Section 92 of the Environmental Protection Act 1990 to clear and prohibit the recurrence of litter or refuse on relevant land (litter abatement notice).

5. Authority to serve notice under Section 93 of the Environmental Protection Act 1990 to prevent accumulations of litter or refuse in and around any street or open land adjacent to any street. (Street litter control notice).


8. Authority to serve notices and to have vehicles removed under Section 3 of the Refuse Disposal (Amenity) Act 1978 relating to abandoned vehicles.

9. Authority to issue a fixed penalty notice under Section 88 of the Environmental Protection Act 1990.
### SCHEDULE 3

<table>
<thead>
<tr>
<th>Description of Offence</th>
<th>Legislation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leaving two or more vehicles for sale on a road</td>
<td>Sections 3, 4 &amp; 6 Clean Neighbourhoods &amp; Environment Act 2005.</td>
</tr>
<tr>
<td>Abandoned Vehicle</td>
<td>Sections 2 (1) (a) &amp; Section 2A Refuse Disposal (Amenity) Act 1978.</td>
</tr>
<tr>
<td>Littering</td>
<td>Sections 87 &amp; 88 Environmental Protection Act 1990.</td>
</tr>
<tr>
<td>Failure to comply with a Street Litter Control Notice</td>
<td>Sections 94 &amp; 94A Environmental Protection Act 1990.</td>
</tr>
<tr>
<td>Failure to comply with a Street Litter Clearing Notice</td>
<td>Sections 92C &amp; 94A Environmental Protection Act 1990.</td>
</tr>
<tr>
<td>Graffiti and Flyposting</td>
<td>Section 43 Anti-social Behaviour Act 2003.</td>
</tr>
<tr>
<td>Failure to produce waste carrier documents and/or waste transfer documents</td>
<td>Sections 34(5) &amp; 34A Environmental Protection Act 1990 and Sections 5 &amp; 5B Control of Pollution (Amendment) Act 1989.</td>
</tr>
<tr>
<td>Failure to comply with a Waste Receptacle Notice.</td>
<td>Sections 46, 47 &amp; 47ZA Environmental Protection Act 1990.</td>
</tr>
</tbody>
</table>
20. **Air Quality and Contaminated Land**

(i) **Schedule 1** sets out legislation relevant to the Air Quality & Contaminated Land functions of the Authority and delegated to the Director of Environment and the Head of Planning and the Climate Change Manager.

These Officers are also delegated (i) to authorise individual competent and qualified Officers to act under the items of legislation listed and (ii) to institute legal proceedings thereunder in conjunction with the Head of Legal Services including the signing of any cautions in accordance with Home Office Guidelines.

Further, to make minor variations to authorisations under Part 1 of the Environmental Protection Act 1990. (Minute 6 Page 204 July 1997).

(ii) To be authorised for the following purposes for all of the items specified in Schedule 2 (including the Climate Change Manager).

(a) to serve notice or take such actions as described in Schedule 2;

(b) to authorise works in default to be undertaken where the recipient of a notice referred to in (a) fails to comply with the notice requirements, and to accept quotations for the carrying out of emergency works;

(c) where necessary, to authorise officers to obtain a warrant to enter premises in relation to matters identified in the Schedule 2 including entry to undertake works in default;

(d) to authorise such additional officers to undertake these functions in relation to the actions specified in number 3 of Schedule 2, where he is satisfied that they possess the necessary qualification, training and experience to undertake these actions on behalf of the Council.
(iii) Air Quality – Local Air Pollution Control

To determine applications for authorisation for petrol service stations and small waste oil burners.

SCHEDULE 1

<table>
<thead>
<tr>
<th>LEGISLATION</th>
<th>EFFECT OF LEGISLATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clean Air Act 1993</td>
<td>Control of smoke grit and dust from furnaces; prior approval of furnaces; chimney heights; smoke control in relation to domestic coal</td>
</tr>
<tr>
<td>Environment Act 1995</td>
<td>Provides for air quality management including review and assessment. Provides for amendment of Environmental Protection Act to insert powers regarding contaminated land. Provides for powers of entry regarding pollution control functions.</td>
</tr>
<tr>
<td>Environmental Protection Act 1990</td>
<td>In relation to the authorisation of industrial processes. Provides for the inspection, designation and remediation of contaminated land. Requirement for statutory registers.</td>
</tr>
<tr>
<td>Pollution Prevention and Control Regulations 2000</td>
<td></td>
</tr>
<tr>
<td>Road Traffic Act 1988</td>
<td>Provision by way of regulations for the testing of vehicle emissions, eg The Road Traffic (Vehicle Emissions) (Fixed Penalty) (Wales) Regs 2003</td>
</tr>
</tbody>
</table>

SCHEDULE 2: -

1. Authority to serve notices under Section 10 of the Environmental Protection Act 1990 to vary the conditions of an authorisation granted by the Authority under Section 6 of the Act.

2. Authority to serve notices under Section 13 of the Environmental Protection Act 1990 requiring compliance with authorisation conditions.

3. Authority to serve notices under Section 14 of the Environmental Protection Act 1990 prohibiting the continuance of a process carried out in a particular licence where there is believed to be an imminent risk of serious pollution.

4. Authority to serve notices under Section 19 of the Environment Protection Act 1990 requiring information necessary to discharge the Authority's functions.
5. Authority to serve notices under Section 78 of the Environmental Protection Act 1990 requiring the remediation of contaminated land.

6. Authority to serve notices under Section 10 of the Clean Air Act 1993 to require compliance with the provisions of the Act with respect to grit and dust.

7. Authority to serve notices under Section 12 of the Clean Air Act 1993 requiring information about furnaces and fuel consumed.

8. Authority to serve notices under Section 15 of the Clean Air Act 1993 specifying the minimum acceptable height of chimneys and emission standards required for approval under the Act.

9. Authority to serve notices under Section 36 of the Clean Air Act 1993 requiring information about air pollution.

10. Authority to serve notices under Section 58 of the Clean Air Act 1993 requiring information.


21. **Rural Development Plan: Y Gronfa Wledig and Accommodation Provider’s Grant Scheme**

   That the Director of Environment be granted delegated authority to determine grant applications for the Rural Development Plan funded Y Gronfa Wledig, and the Accommodation Provider’s Grant Scheme.

22. **Proposed Policy for Strategic Property Acquisitions**

   That the Director of Environment, in consultation with the relevant Cabinet Member and the Director of Finance and Corporate Services, be granted Delegated Authority to make strategic acquisitions within the County Borough.
23. **Maesgwyn Wind Farm Community Fund**

The Head of Planning is granted delegated authority to approve use of monies by the Community and Town Councils – the criteria for approval being compliance with the aims and objectives of the scheme.

24. **Selar Opencast Coal Site Community Funds**

That the funding of projects from the two Selar funds for Glynneath and Blaengwrach be disbursed under delegated authority by the Director of Environment and the Head of Economic Development, and, following the transfer of functions, to the Director of Education Leisure and Lifelong Learning and the Head of Partnerships and Community Development for the purposes of Recreation, Education, Health, Environment, Culture and Local Economy, taking full notice of the recommendations of the Local Panels.
ANNEX K

JOINT ARRANGEMENTS

Both Council and its Executive are able to establish joint arrangements for the discharge of any of their functions (with the exceptions of those functions which must be discharged by the full Council) and which may involve delegation to other Councils, or their Executive, or the establishment of Joint Committees or any other means of achieving joint arrangements or contracting out.

The constitutions and responsibilities of Joint Committees, etc. will be set out in formal documents agreed by Neath Port Talbot County Borough Council and the other parties.

The Authority has made arrangements under Section 101 of the Local Government Act 1972 and Sections 19 and 20 of The Local Government Act 2000 with the Local Authorities indicated in the tables below for the functions shown therein.

The Committees are administered by and operative under the Standing Orders of the Council denoted by an asterisk. Where no such notation occurs the Committee operates under other working arrangements or protocols which are held by the Clerk, or Proper Officer of the Lead Authority, of the respective Committee.
## Table 1 – Joint Committees (Section 101 L.G.A. 1972 and Section 20 L.G.A. 2000)

<table>
<thead>
<tr>
<th>Committee</th>
<th>Other Local Authorities</th>
<th>Membership for Each Authority</th>
<th>Function/Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Joint Resilience Committee</td>
<td>City &amp; County of Swansea</td>
<td>5 Members</td>
<td>Executive</td>
</tr>
<tr>
<td>Joint Archives Committee</td>
<td>City &amp; County of Swansea</td>
<td>5 Members</td>
<td>Executive</td>
</tr>
<tr>
<td>Margam Joint Crematorium Committee</td>
<td>Bridgend County Borough Council</td>
<td>5 Members - NPT</td>
<td>Executive</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2 Members - Bridgend</td>
<td></td>
</tr>
<tr>
<td>South West Wales Regional Waste Management Committee</td>
<td>City and County of Swansea; Carmarthenshire County Council</td>
<td>3 Members (1 voting, 2 non-</td>
<td>Executive</td>
</tr>
<tr>
<td></td>
<td>Pembrokeshire County Council</td>
<td>voting)</td>
<td></td>
</tr>
<tr>
<td>Welsh Purchasing Consortium Joint Committee</td>
<td>Blaenau Gwent County Borough Council; Bridgend County Borough Council; Caerphilly County Borough Council; Council of the City and County of Cardiff; Council of the City and County of Swansea; Merthyr Tydfil County Borough Council; Newport County Borough Council; Rhondda Cynon Taff County Borough Council; Torfaen County Borough Council; Vale of Glamorgan County Borough Council</td>
<td>1 Executive</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Table 2 – Joint Arrangements for Discharge of Functions by the Authority on behalf of other Authorities (Section 101 L.G.A. 1972 and Section 19L.G.A 2000)

<table>
<thead>
<tr>
<th>Function</th>
<th>Other Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provision of Waste Recycling and Disposal Services</td>
<td>Bridgend County Borough Council</td>
</tr>
</tbody>
</table>

The Neath Port Talbot Constitution
PART 4 – RULES OF PROCEDURE

Council Procedure Rules

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Rule

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2. Ordinary meetings
3. Extraordinary meetings
4. Appointment of substitute members of committees and sub-committees
5. Time and place of meetings
6. Notice of and summons to meetings
7. Chair of meeting
8. Quorum
9. Questions by members
10. Motions on notice
11. Motions without notice
12. Rules of debate
13. Previous decisions and motions
14. Voting
15. Minutes
16. Record of attendance
17. Exclusion of public
18. Members’ conduct
19. Disturbance by public
20. Other Rules
21. Suspension and amendment of Council Procedure Rules
22. Application to committees and sub-committees
1. ANNUAL MEETING OF THE COUNCIL

1.1 Timing and business

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

The annual meeting will:

(i) elect a person to preside if the chairman of Council is not present; but no member of the executive can preside, or be chairman or vice chairman of the Council.

(ii) elect the chairman of Council (who will be entitled “Mayor”).

(v) appoint the vice chairman of Council (who will be entitled “Deputy Mayor”).

(vi) receive any announcements from the chairman and/or Chief Executive;

(vii) elect the Leader and Deputy Leader of the Council.

(viii) agree the number of members to be appointed to the executive and appoint those members of the cabinet

(ix) appoint Overview and Scrutiny Committees, a Standards Committee and such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in Part 3 of this Constitution);

(x) agree such delegations as the Constitution determines it is for the Council to agree (as set out in Part 3 of this Constitution);

(xi) approve a programme of ordinary meetings of the Council and its Committees for the year; and

(xii) consider any business set out in the notice convening the meeting.
1.2 **Selection of Councillors on Committees and Outside Bodies**

At the annual meeting, the council meeting shall:

(i) decide which committees to establish for the civic year (being the period from one Annual Meeting to the next, except in the year when there are ordinary elections to the Council, in which case the Committees – and postholders and outside body appointees (in (v) below) – will run from the Annual Meeting to the date of the election);

(ii) decide the size of, and terms of reference for, those committees;

(iii) decide the allocation of seats, and substitutes where appropriate, to political groups in accordance with the political balance rules;

(iv) receive nominations of councillors to serve on each committee and outside body; and

(v) appoint to those committees (including chairs and vice chairs unless referred to those committees to appoint); and also to appoint to outside bodies as appropriate.

2. **ORDINARY MEETINGS**

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

(i) elect a person to preside if the chairman and vice chairman 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 Chairman, Leader, members of the Cabinet or the Chief Executive;

(v) deal with any business from the last Council meeting;

(vi) receive reports/proposals from the Executive and the Council’s committees and receive questions and answers on any of those reports/proposals;
(vii) consider motions; and
(viii) consider any other business specified in the summons to the meeting.

The chairman may vary the order of business.

3. EXTRAORDINARY MEETINGS

3.1 Calling extraordinary meetings.

Those listed below may request the Chief Executive to call Council meetings in addition to ordinary meetings:

i) the Council by resolution;
ii) the chairman of the Council;
iii) the head of paid service, the chief financial officer or monitoring officer; and
iv) any five members of the Council if they have signed a requisition presented to the chairman 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.

4. APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES

4.1 Allocation

As well as allocating seats on committees, the Council may allocate seats in the same manner for substitute members.

4.2 Number

If it does this, the Council will appoint the same number of substitutes in respect of each political group as that group holds ordinary seats on that committee unless the committee is not subject to political balance rules (as for example in the case of the Standards Committee). Substitutions shall otherwise be on the basis that in the absence of any member from a particular group, the substitute member shall be from the same political group, except however that the council may also resolve unanimously that the political balance requirements of Sections 15 and 16 of the Local Government and Housing Act 1989 do not apply to a particular
Committee, including insofar as any subsequent use of appointed substitutes are concerned under this rule.

4.3 **Powers and duties**

Substitute members will have all the powers and duties of any ordinary member of the committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

4.4 **Substitution**

Substitute members may attend meetings in that capacity only:

(i) to take the place of the ordinary member for whom they substitute;

(ii) where the ordinary member will be absent for the whole of the meeting; and

(iii) after notifying the Chief Executive by the start of the meeting of the intended substitution.

5. **TIME AND PLACE OF MEETINGS**

The time and place of meetings will be determined by the Chief Executive and notified in the summons.

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

The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules. At least three clear days before a meeting, the Chief Executive will send a summons signed by him or her by post to every member of the Council 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.

7. **CHAIR OF MEETING**

The person presiding at the meeting may exercise any power or duty of the chairman. Where these rules apply to committee and sub-committee meetings, references to the chairman also include the chairman of committees and sub-committees.
8. QUORUM

8.1. Subject to the provision set out in paragraph 8.3. below the quorum of a meeting will be one quarter of the whole number of members. During any meeting if the chairman counts the number of members present and declares there is not a quorum present, then 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. In no case will the quorum of a Council Committee or Sub Committee be less than 3 members entitled to vote.

8.2. Where the Council have made provision for remote attendance at a meeting in conformity with Section 4(4) of the Local Government (Wales) Measure 2011 that there is deemed to be no quorum at any time where the number of Members in remote attendance is equal to, or greater than, the number of Members in actual attendance.

8.3. The quorum for a meeting of the Authority’s Planning Committee will be ½ (50%) over the whole number of members of that Committee.

9. QUESTIONS BY MEMBERS

9.1 On reports of the Executive or Committees

A member of the Council may ask the Leader or the chairman of a Council committee any question without notice upon an item of the report of the Executive or a committee when that item is being received or under consideration by the Council.

9.2 Questions on notice at full Council

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

- the chairman of the council
- a member of the Executive
- the chairman of any committee
The Neath Port Talbot Constitution

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

9.3 Questions on notice at committees

Subject to Rule 9.4, a member of a committee may ask the chairman of it a question on any matter in relation to which the Council has powers or duties or which affect the area and which falls within the terms of reference of that committee.

9.4 Notice of questions

A member may only ask a question under Rule 9.2 or 9.3 if either: (a) they have given at least 1 working days notice in writing of the question to Chief Executive or

(b) the question relates to urgent matters, 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 Chief Executive not later than 2 hours before the start of the meeting.

9.5 Response

An answer may take the form of:

(a) a direct oral answer;

(b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or

(c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

9.6 Supplementary question

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

10. MOTIONS ON NOTICE
10.1 Notice

Except for motions which can be moved without notice under Rule 11, written notice of every motion, signed by at least 2 members, must be delivered to the Chief Executive not later than eight clear days before the date of the meeting. These will be entered in a book open to public inspection.

10.2 Motion set out in agenda

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

10.3 Scope

Motions must be about matters for which the Council has a responsibility or which affect the area.

10.4 Honorary Freemen/Women

No motion proposing that a decision be made under Section 249 (5) of the Local Government Act 1972 (Honorary Freeman or Honorary Freewoman) may be submitted to full Council except by a Motion on Notice under Rule 10.1 above to be considered at a meeting of Council convened for that purpose”.

11. MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

(a) to appoint a chairman of the meeting at which the motion is moved;

(b) in relation to the accuracy of the minutes;

(c) to change the order of business in the agenda;

(d) to refer something to an appropriate body or individual;

(e) to appoint a committee or member arising from an item
on the summons for the meeting;

(f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;

(g) to withdraw a motion;

(h) to amend a motion;

(i) to proceed to the next business;

(j) that the question be now put;

(k) to adjourn a debate;

(l) to adjourn a meeting;

(m) to suspend a particular council procedure rule, or other rule where so permitted

(n) to exclude the public and press in accordance with the Access to Information Procedure Rules;

(o) to not hear further a member named under Rule 18.2 or to exclude them from the meeting under Rule 18.3; and

(p) to give the consent of the Council where its consent is required by this Constitution.

12. RULES OF DEBATE

12.1 No speeches until motion seconded

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

12.2 Right to require motion in writing

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

12.3 Seconder’s speech

When seconding a motion or amendment, a member may reserve their speech until later in the debate.
12.4 **Content and length of speeches**

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed 5 minutes without the consent of the chairman.

12.5 **When a member may speak again**

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

(a) to speak once on an amendment moved by another member;

(b) to move a further amendment if the motion has been amended since he/she last spoke;

(c) if his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);

(d) in exercise of a right of reply;

(e) on a point of order; and

(f) by way of personal explanation.

12.6 **Amendments to motions**

(a) An amendment to a motion must be relevant to the motion and will either be:

   (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;

   (ii) to leave out words;

   (iii) to leave out words and insert or add others; or

   (iv) to insert or add words.

   as long as the effect of (ii) to (iv) is not to negate the motion.

(b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.

(c) If an amendment is not carried, other amendments to the original motion may be moved.
(d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

(e) After an amendment has been carried, the chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

(f) No amendment may be made to a motion submitted under Rule 10.4. the purpose of which is to admit any person as an honorary freeman or honorary freewoman other than the person named in a Motion on Notice submitted under that rule.

12.7 Alteration of motion

(a) A member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting’s consent will be signified without discussion.

(b) A member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting’s consent will be signified without discussion.

(c) Only alterations which could be made as an amendment may be made.

12.8 Withdrawal of motion

A member may withdraw a motion which he/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.

12.9 Right of reply

(a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.

(b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
(c) The mover of the amendment has no right of reply to the debate on his or her amendment.

12.10 **Motions which may be moved during debate**

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

(a) to withdraw a motion;

(b) to amend a motion;

(c) to proceed to the next business;

(d) that the question be now put;

(e) to adjourn a debate;

(f) to adjourn a meeting;

(g) to exclude the public and press in accordance with the Access to Information Procedure Rules; and

(h) to not hear further a member named under Rule 18.2 or to exclude them from the meeting under Rule 18.3.

12.11 **Closure motions**

(a) A member may move, without comment, the following motions at the end of a speech of another member:

   (i) to proceed to the next business;

   (ii) that the question be now put;

   (iii) to adjourn a debate; or

   (iv) to adjourn a meeting.

(b) If a motion to proceed to next business is seconded and the chairman thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

(c) If a motion that the question be now put is seconded and the 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.
(d) 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.

12.12 **Point of order**

A member may raise a point of order at any time. The chairman will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. It is not concerned with the arguments or principles or correctness or incorrectness of statements made in the course of debate. The member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the chairman on the matter will be final.

12.13 **Personal explanation**

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

13. **PREVIOUS DECISIONS AND MOTIONS**

13.1 **Motion to rescind a previous decision**

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 2 members.
13.2 **Motion similar to one previously rejected**

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 2 members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

14. **VOTING**

14.1 **Majority**

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

14.2 **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.

14.3 **Show of hands**

Unless a ballot or recorded vote is demanded under Rules 14.4 and 14.5, the chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

14.4 **Ballots**

The vote will take place by ballot if a simple majority of members present at the meeting demand it. The chairman will announce the numerical result of the ballot immediately the result is known.

14.5 **Recorded vote**

If one-sixth of the 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 recorded vote will override a demand for a ballot.
14.6 Right to require individual vote to be recorded

(Mandatory provision under the Local Authorities (Standing Orders) (Wales) Regulations 2006).

Where, immediately after a vote is taken at a meeting, any member so requires, there must be recorded in the minutes of the proceedings of that meeting whether that person cast a vote for the question or against the question or whether that person abstained from voting. In this paragraph, a meeting means of the Council, a committee or sub-committee of the Council or a relevant joint committee or sub-committee of such a committee.

14.7 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.

14.8 – Promote or oppose private bills in Parliament

Any decision to promote or oppose a private bill in Parliament or in the National Assembly for Wales must be made in accordance with Sections 52 and 53 of the Local Government (Democracy) (Wales) Act 2013.

15. MINUTES

15.1 Signing the minutes

The chairman will sign the minutes of the proceedings at the next suitable meeting. The only part of the minutes that can be discussed is their accuracy.

15.2 Signing minutes - extraordinary meetings

(Mandatory provision under the Local Authorities (Standing Orders) (Wales) Regulations 2006).

Where in relation to any meeting, the next such meeting is a meeting called under paragraph 3 (extraordinary meetings) of Schedule 12 to the Local Government Act 1972, the next following meeting of the Council (being a meeting called otherwise than under that paragraph) must be treated as a
suitable meeting for the purposes of paragraph 41(1) and (2) of that Schedule.

16. RECORD OF ATTENDANCE

All members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

17. EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Part 4 of this Constitution or Rule 19 (Disturbance by Public).

18. MEMBERS' CONDUCT

18.1 Chairman standing

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

18.2 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.

18.3 Member to leave the meeting

If the 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 specified period. If seconded, the motion will be voted on without discussion.

18.4 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.
19. DISTURBANCE BY PUBLIC

19.1 Removal of member of the public

If a member of the public interrupts proceedings, the chairman will warn the person concerned. If they continue to interrupt, the chairman will order their removal from the meeting room.

19.2 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.

20. OTHER RULES

20.1 Welsh Language

In all proceedings of the Council, the Welsh Language and English language shall have the same status and validity, with appropriate advance notification being required for simultaneous translation facility requirements.

20.2 Recording of Proceedings

With the exception of the Annual Meeting, or otherwise resolved by the Council, the taking of photographs or the oral recording of proceedings whilst they are taking place of any meeting of the Council shall be prohibited.

20.3 Petitions

Any public petitions must be delivered by the organisers, or any members, to the relevant Directorate; delivery of same must not take place during the actual meeting of the Council, or a Committee.

20.4 Interpretation of Council Rules.

The ruling of the chairman as to the construction or application of any of the Council rules, or as to any proceedings of the Council, shall not be challenged at any meeting of the Council.
21. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

21.1 Suspension

All of these Council Rules of Procedure except Rule 14.6 and 15.2 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

21.2 Amendment

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

22. PUBLIC SPEAKING AT PLANNING COMMITTEE MEETINGS

Members of the public attending Planning Committee meetings shall be entitled to address the Committee in accordance with the Council’s Protocol for speaking at meetings of its Planning Committee.

23. APPLICATION TO COMMITTEES AND SUB-COMMITTEES

Rules 4 to 21 inclusive apply to the meetings of non-executive Council Committees and Sub-Committees (including the Audit, Standards and Scrutiny Committees).

Rules 16 to 20 inclusive also apply to meetings of the Cabinet and Cabinet Committees
Access to Information Procedure Rules

1. SCOPE

These rules apply to all meetings of the Council, the Cabinet, Cabinet Committees, Overview and Scrutiny Committees, the Standards Committee, and Regulatory/Other Committees (including Sub Committees)

2. ADDITIONAL RIGHTS TO INFORMATION

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

3. RIGHTS TO ATTEND MEETINGS

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

4. NOTICES OF MEETING

The Council will give at least three clear days notice of any meeting by posting details of the meeting at the Civic Centre, Port Talbot (or if a committee meeting is called at shorter notice, for urgent special reasons, then at the time it is convened).

5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

The Council will make copies of the agenda and reports (except reports which are determined to be private “not for publication/exempt” reports) open to public inspection at the Chief Executive’s Directorate, Port Talbot Civic Centre during normal office hours at least three clear days before the meeting (or if a committee meeting is called at shorter notice, for urgent special reasons, that at the time it is convened). If an item is added to the agenda of any meeting, for urgent special reasons, copies of the item (or of the revised agenda) and copies of any public (not private) reports relating to the item will be open to inspection from the time the item was added to the agenda (where public reports are prepared after the summons has been sent out, the Chief Executive shall make each such report available to the public as soon as the report is completed and sent to councillors).
6. SUPPLY OF COPIES

The Council will supply copies of:

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

(b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and

(c) if the proper officer thinks fit, copies of any other documents supplied to Councillors in connection with an item to any person on payment of a charge for postage and any other 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, or record of decisions taken by the executive, excluding any part of the minutes, or record, 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, or record, open to inspection would not provide a reasonably fair and coherent record;

(c) the agenda for the meeting; and

(d) reports relating to items when the meeting was open to the public.

8. BACKGROUND PAPERS

8.1 List of background papers

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

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

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

8.2 Public inspection of background papers

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

9. PUBLICATION OF ADDITIONAL INFORMATION

(a) The Council will maintain a register stating the name and address of every member of the Council and the Electoral Division he/she represents, and the name and address of every member of the Executive and each Committee or Sub Committee of the Council. This register is open to inspection by the public at the Chief Executive's Directorate in Port Talbot Civic Centre during normal office hours.

(b) The Council will maintain a list in Part 3 specifying powers delegated to its officers, and stating the title of the officer by whom each of those powers is exercisable. The list excludes short term delegations of less than six months duration.

(c) Any local government elector for the area may inspect an Order for the payment of money made by the Council at the offices of the Director of Finance and Corporate Services during normal office hours.

(d) Documents may be required to be deposited with an appointed officer either by an Act of Parliament or statutory instrument, or pursuant to the Standing Orders of either House of Parliament. A person interested in any such document may inspect it. Requests should be made to the Chief Executive's Directorate.

(e) A copy of any byelaws made by a local authority must be open to inspection by the public at its offices, and any person may purchase a copy. Requests should be made to the Director of Finance and Corporate Services.

(f) A summary of other Rights of Inspection of Documents pursuant to the Local Government
The Neath Port Talbot Constitution

(Inspection of Documents) (Summary of Rights)
Order 1986 – Statutory Instrument 1986 No.854, is also open to inspection at the Chief Executive’s Directorate, Port Talbot Civic Centre during normal office hours.

10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

10.1 Public and private meetings of the executive

The executive may only make decisions in relation to its functions and conduct formal business in a properly constituted meeting that complies with Article 12 and these procedure rules. This does not prevent the executive from holding informal deliberations in private, with or without officers present, but these deliberations shall not take decisions, and neither do the provisions of these rules apply to such deliberations.

10.2 Confidential information – requirement to exclude public

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

10.3 Exempt information – discretion to exclude public

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

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

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

10.5 **Meaning of exempt information**

10.5.1. Exempt information means those categories of exempt information which are contained in paragraphs 12 to 18 of Part 4 of Schedule 12A to the Local Government Act 1972 (as amended) set out in the left hand column below subject to the qualifications in respect thereof set out in the right hand column below:

<table>
<thead>
<tr>
<th>Exempt Information</th>
<th>Qualification</th>
</tr>
</thead>
<tbody>
<tr>
<td>12. Information relating to a particular individual.</td>
<td>Public interest test applies (see below)</td>
</tr>
<tr>
<td>13. Information which is likely to reveal the identity of an individual.</td>
<td>Public interest test applies (see below)</td>
</tr>
<tr>
<td>14. Information relating to the financial or business affairs of any particular person (including the authority holding that information).</td>
<td>Information falling within paragraph 14 is not exempt information by virtue of that paragraph if it is required to be registered under — the Companies Act 1985; the Friendly Societies Act 1974; the Friendly Societies Act 1992; the Industrial and Provident Societies Acts 1965 to 1978; the Building Societies Act 1986; or the Charities Act 1993. Public interest test applies (see below)</td>
</tr>
<tr>
<td>15. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.</td>
<td>Public interest test applies (see below)</td>
</tr>
<tr>
<td>16. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</td>
<td>Public interest test applies (see below)</td>
</tr>
</tbody>
</table>
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<table>
<thead>
<tr>
<th>Exempt Information</th>
<th>Qualification</th>
</tr>
</thead>
<tbody>
<tr>
<td>17. Information which reveals that the authority proposes:</td>
<td>Public interest test applies (see below)</td>
</tr>
<tr>
<td>(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</td>
<td></td>
</tr>
<tr>
<td>(b) to make an order or direction under any enactment.</td>
<td></td>
</tr>
</tbody>
</table>

18. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime. | Public interest test applies (see below) |

10.5.2. In relation to a meeting of a Standards Committee, or a sub-committee of Standards Committee, which is convened to consider a matter referred under the provisions of Section 70(4), 70(5) or 71(2) of the Local Government Act 2000, “Exempt Information” will also include those categories of exempt information which are contained in paragraphs 18A to 18C of Part 4 of Schedule 12A to the Local Government Act 1972 (as amended) set out in the left hand column below subject to the qualifications in respect thereof set out in the right hand column below:

<table>
<thead>
<tr>
<th>Exempt Information</th>
<th>Qualification</th>
</tr>
</thead>
<tbody>
<tr>
<td>18A. Information which is subject to any obligations of confidentiality.</td>
<td>Public interest test applies (see below)</td>
</tr>
<tr>
<td>18B. Information which relates in anyway to matters concerning national security.</td>
<td></td>
</tr>
<tr>
<td>18C. The deliberations of a standards committee or of a sub-committee of a standards committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred to it.”.</td>
<td></td>
</tr>
</tbody>
</table>

Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992
10.5.3. **Public Interest Test:**

Information which —

(a) falls within any of paragraphs 12 to 15, 17 and 18 above; and

(b) is not prevented from being exempt by virtue of the ‘qualifications’ above,

is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

10.5.4. **Interpretation**

For the purposes of the interpretation of the categories of exempt information and qualifications set out in items 10.5.1 and 10.5.2 above the following applies:-

(1) In the left hand and right hand columns -

“employee” means a person employed under a contract of service;

“financial or business affairs” includes contemplated, as well as past or current, activities;

“labour relations matter” means —

(a) any of the matters specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act); or

(b) any dispute about a matter falling within paragraph (a) above;

and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority;

“office-holder”, in relation to the authority, means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority;

“registered” in relation to information required to be registered under the Building Societies Act 1986, means recorded in the public file of any building society (within the meaning of that Act).

(2) Any reference to “the authority” is a reference to the principal council or, as the case may be, the committee or sub-committee in relation to whose proceedings or documents the question whether
information is exempt or not falls to be determined and includes a reference —

(a) in the case of a principal council, to any committee or sub-committee of the council; and

(b) in the case of a committee, to —

(i) any constituent principal council;

(ii) any other principal council by which appointments are made to the committee or whose functions the committee discharges; and

(iii) any other committee or sub-committee of a principal council falling within sub-paragraph (i) or (ii) above; and

(c) in the case of a sub-committee, to —

(i) the committee, or any of the committees, of which it is a sub-committee; and

(ii) any principal council which falls within paragraph (b) above in relation to that committee.”

11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

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

12. CONSULTATION UNDER THE FORWARD WORK PROGRAMME

12.1 Period of forward work programme

A forward work programme will be published by the Chief Executive before the start of the period covered. The programme will cover a period of four months and will be updated at least quarterly.
12.2 Contents of forward work programme

The executive forward work programme will contain matters which the executive is likely to consider. It will contain information on:

Policy and Budget Framework

The timetable for considering the budget and any plans forming part of the policy and budget framework which will require Council approval, and which body within the executive is to consider them.

Other Plans/Matters

The timetable for considering any plans which are the responsibility of the executive and any other individual matters, on which the executive intends to consult in advance of taking a decision. The issues here to be included in the programme are for each Corporate Director to determine having regard to the consequential impact, resources or otherwise, on people or organisations in one or more wards.

The following are other requirements associated with the forward work programme under the constitution:

(a) the level of consultation will be appropriate to the matter under consideration; matters not required to be included under the constitution may however be included in the programme

(b) specific consultees may or may not be identified in the programme, but if there are any principal consultees these should be included

(c) anyone – besides any named consultees - who wishes to make representations to the Executive on any issues in the programme may do so by writing to the named contact.

(d) notwithstanding the inclusion of matters in the forward work programme, no information which is confidential or exempt need be disclosed as a result of the publication of that programme. A matter which is confidential or exempt need not automatically be included in the
programme, notwithstanding the requirements above, this being at the discretion of the Chief Officer.

(e) the Executive forward work programme should also be provided to the members of Overview and Scrutiny Committees and other Members of Council, to facilitate forthcoming pre-decision scrutiny/consultation where appropriate (Article 6 refers).

(f) where a matter may ordinarily be one for inclusion in a forward work programme, but was not included, whether unforeseen or otherwise, yet needs to be considered and determined by the Executive in the interests of the Council and the public, the matter may be dealt with by the Executive without inclusion in a forward work programme – but in this respect, advance notice of the proposal will be given to the public and the relevant Overview and Scrutiny Committee members by way of the public notice and agenda for the relevant Executive meeting, (unless the item is deemed necessary to be dealt with outside of a meeting under the urgency and other Rules in the Constitution). The report to any executive meeting will need to state, in cases where there is ordinarily a requirement for consultation, but where this has not been able to take place, the reasons why not. The aim where practicable in such cases would also be to ensure consultation with an Overview and Scrutiny Committee before implementation of any executive decision. The Overview and Scrutiny call-in powers may also be invoked in relation to the above if deemed appropriate (except for those cases not subject to call-in under the urgency and other Rules in this Constitution). A matter may not also have been included in the forward work programme because it has been the subject of a separate and specific consultation exercise, the outcome of which will be reported to the Executive, and hence there will have been no requirement under this Constitution for such a matter to have been included in the programme.

Forward work programmes should also be prepared for matters which the Council and Overview and Scrutiny Committees are likely to consider.
Any non-compliance with paragraph 12 provisions shall not invalidate any decisions otherwise properly taken under statutory provisions.

13. RECORD OF DECISIONS OF THE EXECUTIVE

13.1 The decision record

(a) A written statement (or decision record) will be made by the Chief Executive or his representative of every executive decision made by the executive and its committees, and any individual members (if authorised), and of joint committees and joint sub-committees whose members are all members of a local authority executive.

(b) This statement will include :-

- a record of the decision, including the date it was made
- a record of the reasons for the decision;
- a record of any personal interest declared;
- a note of any dispensation to speak granted by the authority’s Standards Committee;
- details of any consultation undertaken in accordance with the Authority’s Constitution and where such consultation is required but has not taken place, the reason why that is the case.

The statement will also specify if a decision has been taken as an urgent one under the provisions of this Constitution which is not subject to the call-in procedure.

13.2 Preparing the decision record

(a) The Chief Executive or his representative shall attend any meeting of the executive, a committee of the executive or a joint committee or joint sub-committee where all its members are members of a local authority executive, and shall as soon as reasonably practicable after the meeting produce a decision
(b) Where an individual member has made any executive decision (where the Council has delegated functions):-

i. that member shall as soon as reasonably practicable instruct the Chief Executive to produce a decision record; and

ii. the decision shall not be implemented until that decision record has been produced, subject to (c) below.

(c) Where the date by which an executive decision made by an individual 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 local authority, or

iii. if there is no chairperson of the relevant scrutiny committee or the local authority, the vice-chairperson of the local authority that the making of the decision is urgent and cannot reasonably be deferred.

(d) The Chief Executive will ensure that executive decisions, together with the reasons for those decisions and relevant officer reports are made publicly available as soon as is reasonably practicable.
14. DECISIONS BY AN INDIVIDUAL MEMBER OF THE EXECUTIVE (WHERE THE COUNCIL HAS DELEGATED FUNCTIONS)

14.1 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.

14.2 Provision of copies of reports to overview and Scrutiny Committees

On giving of such a report to an individual decision maker, the person who prepared the report will give a copy of it to the chair of every relevant Overview and Scrutiny Committee as soon as reasonably practicable, and make it publicly available at the same time (other than if it contains confidential or exempt information)

14.3 Record of individual decision

The decision recording rules in para. 13 will apply.

15. OVERVIEW AND SCRUTINY COMMITTEE MEMBERS’ ACCESS TO DOCUMENTS

15.1 Rights of access

Subject to Rule 15.2 below, and the provisions of the Local Authorities (Executive Arrangements)(Decisions,Documents and Meetings)(Wales) Regulations 2001 No.2290, an Overview and Scrutiny Committee (including its sub-committees) will be entitled to access to any document which is in the possession or control of the executive or its committees and which contains material relating to

(a) any business transacted at a formal meeting of the executive or its committees; or

(b) any decision taken by an individual member of the executive.
15.2 Limit on rights
An Overview and Scrutiny Committee or sub-committee will not be entitled to any part of a document that contains:

- confidential or exempt information, or
- advice provided by a political adviser 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.

16. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS
16.1 Rights of access
Subject to the provisions of the Local Authorities (Executive Arrangements)(Decisions, Documents and Meetings)(Wales) Regulations 2001 No.2290, 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 formal meeting of a decision making body of that authority or by an individual member of the executive.

16.2 Limitation on rights
A member will not be entitled to any part of a document where it appears to the Proper Officer that:-

(a) it would disclose exempt information of a description falling within Part 4 of Schedule 12A to the Local Government Act 1972 (Description of Exempt Information : Wales) – except that the document is to be available for inspection if the information is information of a description for the time being falling within:

- paragraph 14 of Schedule 12A to the 1972 Act (except to the extent that the information relates to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract), or

- paragraph 17 of Schedule 12A to the 1972 Act.

(b) it would disclose advice of a political adviser or assistant.
16.3 **Nature of rights**

These rights of a member are additional to any other right he/she may have (including under Section 100F (1) of the Local Government Act 1972 with regard to Council and Committee/Sub Committee meetings, but subject to the provisions of sub section (2) thereof).
Budget and Policy Framework Procedure
Rules

1. The framework for executive decisions

The Council will be responsible for the adoption of its policy framework and budget as set out in Article 4. The policy framework and budget adopted by the Council will be based on that proposed by the executive. Once a budget or a policy framework is in place, it will be the responsibility of the executive to implement it.

2. Process for developing the framework

The process by which the policy framework and budget shall be developed is:

(a) The executive will publicise a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework, and its arrangements for consultation after publication of any initial proposals where available. The relevant Overview and Scrutiny Committees will also be notified. If a relevant Overview and Scrutiny Committee wishes to respond to the executive in that consultation process then it may do so.

(b) The executive will draw up proposals having regard to the responses to that consultation. There will then be formal consultation with the relevant Overview and Scrutiny Committee which may wish to undertake further external consultation and/or make policy recommendations. The executive will take any response from an Overview and Scrutiny Committee into account in drawing up final proposals for submission to the Council, and its report to Council will reflect the comments made by consultees. Consultation on the Unitary Development Plan preparation should also be undertaken with the Planning and Development Control Committee.

(c) Once the executive has approved the final proposals, the Chief Executive or relevant director will refer them at the earliest opportunity to the Council for decision.
(d) In reaching a decision, the Council may adopt the executive’s proposals, amend them, refer them back to the executive for further consideration, or in principle, substitute its own proposals in their place.

(e) If it accepts the recommendation of the executive without amendment, the Council may make a decision which has immediate effect. Otherwise, it may only make an in-principle decision. In either case, the decision will be made on the basis of a simple majority of votes cast at the meeting.

(f) A copy of the decision will be given to the Leader.

(g) An in-principle decision will automatically become effective after the expiry of 5 working days from the date of the Council’s decision, unless the Leader informs the Chief Executive in writing within that period that he/she objects to the decision becoming effective and provides reasons why.

(h) In that case, the Chief Executive will call a Council meeting within a further 10 working days to re-consider its decision and the Leader’s submission. The Council may

   i) approve the executive’s recommendation by a simple majority of votes cast at the meeting; or

   ii) approve a different decision which does not accord with the recommendation of the executive by a simple majority

(i) The decision shall then be made public, and shall be implemented immediately;

(j) In approving the budget and policy framework, the Council may also specify the extent of virement within the budget and degree of in-year changes to the policy framework which may be undertaken by the executive, in accordance with paragraphs 5 and 6 of these Rules (virement and in-year adjustments). Any other changes to the policy and budgetary framework are reserved to the Council.

3. Decisions outside the budget or policy framework

(a) Subject to the provisions of paragraph 5 (virement) the executive, a committee of the executive an individual member of the executive and any officers, or joint arrangements discharging executive functions may only take
decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by full council, then that decision may only be taken by the Council, subject to paragraph 4 below.

(b) If the executive, a committee of the executive an individual member of the executive and any officers, or joint arrangements discharging executive functions want to make such a decision, they shall take advice from the Monitoring Officer and/or the Chief Financial Officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 4 (urgent decisions outside the budget and policy framework) shall apply.

4. Urgent decisions outside the budget or policy framework

(a) The executive, a committee of the executive, an individual member of the executive or officers of the Authority, or joint arrangements discharging executive functions may take a decision which is contrary to the Council’s policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. A decision will be urgent if any delay likely to be caused by the call-in process would prejudice the Council’s or the public’s interests. However, the decision may only be taken:

(i) if it is not practical to convene a quorate meeting of the full Council; and

(ii) if the chair of the relevant Overview and Scrutiny committee (or in his/her absence the Mayor or Deputy Mayor) decide to allow the decision to proceed for implementation as a matter of urgency.
Where an Officer takes a decision here under his delegated urgency powers, there shall be consultation in respect of the decision with the Leader and relevant Cabinet member (or in the absence of either or both, any other two Cabinet members)

The reasons why it is not practical to convene a quorate meeting of full Council and the agreement to allow the decision to proceed for implementation as a matter of urgency must be noted on the record of the decision.

(b) Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

5. **Virement**

The provisions in the Financial Procedure Rules shall apply in respect of budget virements.

6. **In-year changes to policy framework**

The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by the executive, a committee of the executive an individual member of the executive or officers of the Authority or joint arrangements discharging executive functions must be in line with it. No changes to any policy and strategy which makes up the policy framework may be made by those bodies or individuals except those changes:

(a) necessary to ensure compliance with the law, ministerial direction or government guidance;

(b) in relation to the policy framework in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration.

But a report shall be made by the executive to Council with respect to those changes. It is also open to the executive to recommend such changes to the Council rather than take decisions on those changes.
7. **Call-in of decisions outside the budget or policy framework**

(a) Where an Overview and Scrutiny Committee, or three members of the committee and the chair (or in absence vice chair) are of the opinion that an executive decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council’s budget, then advice shall be sought from the Monitoring Officer and/or Chief Financial Officer.

(b) In respect of functions which are the responsibility of the executive, the Monitoring Officer’s report and/or Chief Financial Officer’s report shall be to the executive with a copy to every member of the Council. Regardless of whether the decision is delegated or not, the executive must meet to decide what action to take in respect of the Monitoring Officer’s report and to prepare a report to Council in the event that the monitoring officer or the Chief Financial Officer conclude that the decision was a departure, and to the Overview and Scrutiny Committee if the Monitoring Officer or the Chief Financial Officer conclude that the decision was not a departure.

(c) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the Chief Financial Officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the Overview and Scrutiny Committee, or three members of the committee and the chair (or in absence vice chair), may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 10 working days of the request. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Financial Officer.
The Council may either:

i) endorse a decision or proposal of the executive decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all councillors in the normal way;

Or

ii) amend the council’s budget or policy concerned to encompass the decision or proposal of the body or individual responsible for that executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all councillors in the normal way;

Or

iii) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the executive to reconsider the matter in accordance with the advice of either the Monitoring Officer/Chief Financial Officer.
Executive Procedure Rules

1. HOW DOES THE EXECUTIVE OPERATE?

1.1 Who may make executive decisions?

The arrangements for the discharge of executive functions are set out in the executive arrangements adopted by the Council.

Those arrangements provide that the Cabinet may discharge all the local authority’s functions which are not the responsibility of any other part of the local authority whether by law or under this Constitution.

Executive functions may also be discharged by Cabinet Committees and Officers of the Authority, or under joint arrangements and the details are set out in Part 3.

The Council has also determined that:

- The Cabinet may grant delegated authority to a Cabinet Committee or an Officer to discharge its functions.

- A Cabinet Committee may grant delegated authority to an Officer to discharge its functions

- None of the above precludes the delegating body from discharging or withdrawing the functions delegated, nor preclude referral of matters to the delegating body for a decision.

1.2 Conflicts of Interest

(a) 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.

(b) 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’s Code of Conduct for Members in Part 5 of this Constitution.
1.3 Executive meetings – when and where?

Executive meetings mean meetings of the Cabinet or Cabinet Committees.

Executive meetings will be held as and when required, and at the Council’s offices or another location to be agreed by the Leader.

1.4 Public or private meetings of the executive?

Executive meetings will comply with the Access to Information Procedure Rules in this Constitution.

1.5 Quorum

The quorum for a meeting of the Cabinet shall be 3 members.

The quorum for a meeting of a Cabinet Committee shall be 2 members.

1.6 How are decisions to be taken by the executive?

(a) Executive decisions which have been delegated to the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.

(b) Where executive decisions are delegated to a Cabinet 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.

(c) Any Cabinet decisions may be rescinded at any time by the Cabinet, while any Cabinet Committee decisions may be rescinded at any time by the Cabinet or the Cabinet Committee which made the earlier decision.

(d) The Executive may take urgency decisions on the basis of the provisions in this Constitution.

(e) Where a Member requests it immediately after a vote is taken, their vote will be recorded in the Minutes to show whether they voted for or against the motion, or abstained from voting.
2. **HOW ARE THE EXECUTIVE MEETINGS CONDUCTED?**

2.1 **Who presides?**

(a) Cabinet - if the leader is present he/she will preside. In the absence of the leader, the deputy leader will preside. In the absence of both then a person appointed to do so by those present shall preside. The person presiding shall have a casting vote.

(b) Cabinet Committees – the members present will appoint someone from the Committee to preside at the meeting. The person presiding shall have a casting vote, except in the circumstances in 2.2 (d) below.

(c) The person presiding will be responsible for running the meeting and the order of business.

2.2 **Other provisions**

(a) each Cabinet member to be a voting substitute for any Cabinet Committee member in the absence of a Committee member at such a meeting, but if the appointed member of a Cabinet Committee is unable to attend a meeting and considers that a particular issue within his/her portfolio which is due to be determined at the meeting should be deferred to the Cabinet or a later Cabinet Committee, then this should be acceded to by the Cabinet Committee.

(b) the Leader and Deputy Leader may attend any Cabinet Committee meeting as non-voting members - unless they are formally substituting for a Cabinet Committee member, in which case either or both shall be voting members.

(c) The Cabinet Committee may invite any other Cabinet members to be present as non-voting members - unless they are formally substituting for a Cabinet Committee member, in which case they shall be voting members.

(d) if the voting Cabinet Committee members are unable to agree (or one declines to exercise a vote) on a particular matter where there are only two voting members present, the matter in question shall be referred to the Cabinet
(e) The provisions in Article 7.07 as to other members attending meetings shall also apply.

2.3 Reports and Consultation

All reports to the executive on proposals relating to the budget and policy framework must contain details of consultation undertaken in accordance with this Constitution, and the outcome of that consultation. Reports about other matters will also set out the details and outcome of consultation as may be required by the constitution. Where consultation required under the constitution has not taken place, the reason why that is the case must also be included in the report. Reports to the executive must also include:

- the reasons for a proposed decision
- a list of background papers and any other requirements under the Access to Information Rules
- such compliance testing statements as will be appropriate from time to time.

2.4 Who can put items on the executive agenda?

The leader 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.

Any member of the executive may request inclusion of an item on the agenda of the next available meeting of the executive for consideration. Officers of the Authority will also identify and report on items for meetings of the executive.

The Chief Executive will make sure that an item is placed on the agenda of the next available meeting of the executive where a relevant overview and scrutiny committee or the full Council have resolved that an item be considered by the executive. The meeting here may be either the Cabinet or a Cabinet Committee.
The Monitoring Officer and/or the Chief Financial Officer may include an item for consideration on the agenda of an executive meeting and may require the Chief executive to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the head of paid service, chief financial officer and monitoring officer are of the opinion that a meeting of the executive needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of an executive meeting. If there is no meeting of the executive soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.
Scrutiny Procedure Rules

1. The number and arrangements for Overview and Scrutiny Committees

1.1. The Council will have the Overview and Scrutiny Committees set out in Part 3 with the roles and terms of reference as set out therein and will appoint to them as it considers appropriate from time to time. Such Committees may appoint sub-committees.

1.2. One Committee shall be the “principal” Committee, and shall include the Chairs of the other four Committees. That “principal” Committee shall be known as the “Policy and Resources Overview and Scrutiny Committee” and has a number of overview functions as set out in Part 3, as well as being responsible for any matters not otherwise falling under the purview of the other Committees.

1.3. References in these procedure rules to an Overview and Scrutiny Committee include sub-committees of such Committees.

2. Membership of Overview and Scrutiny Committees

2.1. Full Council shall appoint all Members of Overview and Scrutiny Committees in accordance with the wishes of political groups under Part I of the Local Government and Housing Act 1989.

2.2. No members of the executive may be members of an Overview and Scrutiny Committee.

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3 Section 21 (1) Local Government Act 2000 (“LGA 2000”)
4 Section 21 (6) Local Government Act 2000 (“LGA 2000”)

4.45
2.3. If there are any Deputy Cabinet Advisers they will not be members of the Overview and Scrutiny Committee which is responsible for their areas of activity.

2.4. **Co-optees**

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

2.5. **Education representatives**

2.5.1. The Overview and Scrutiny Committee dealing with education matters shall include in its membership the following voting representatives:

2.5.1.1. 1 Church in Wales representative
2.5.1.2. 1 Roman Catholic Church representative;
2.5.1.3. 2 Parent Governor representatives

2.5.2. The Overview and Scrutiny Committee in this paragraph is one where the Committee’s functions relate wholly or in part to any education functions which are the responsibility of the authority’s executive. If the Committee deals with non-education matters, representatives may only attend as co-opted members of the committee for discussion of those other matters if invited to do so by the Chair and shall not vote.

2.5.3. The Committee shall also include as non-voting co-optees for education functions, 4 Teacher Trade Union representatives. They may only attend for discussion of non-education matters if invited to do so by the Chair.
3. **Meetings of the Overview and Scrutiny Committees**

3.1. Unless otherwise agreed by the Chair and Vice Chair there shall be at least 8 ordinary meetings of each Overview and Scrutiny committee in each year. In addition, extraordinary meetings may be called from time to time by the Chief Executive in consultation with the Chair.

3.2. An extraordinary meeting of the Overview and Scrutiny Committee meeting may be called by the Chair of the Committee, by any 5 members of the Committee giving written notice of a requisition to the Chief Executive or by the Chief Executive if he considers it necessary or appropriate.

4. **Quorum**

The quorum for an Overview and Scrutiny Committee shall be as set out for Committees in the Council Procedure Rules in Part 4 of this Constitution

5. **Appointment of Chairs of Overview and Scrutiny Committees**

5.1. The Chair of an Overview and Scrutiny Committee shall be appointed to that Committee subject to the rules set out in Annex A.

5.2. Where the Chair is appointed by the Chairman and Scrutiny Committee itself the appointment shall be made by simple resolution of the Committee.
5.3. Where there has been a failure to make appointment of Committee Chairs under Section 70 of the Local Government (Wales) Measure 2011 the appointment falls to be made by the Overview and Scrutiny Committee under Section 71(5) and (6) of the Measure.

6. **Functions of Overview and Scrutiny Committees**

6.1. The functions of Overview and Scrutiny Committees are:-

6.1.1. To review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive,

6.1.2. To make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are the responsibility of the executive,

6.1.3. To review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive,

6.1.4. To make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are not the responsibility of the executive,

6.1.5. To make reports or recommendations to the authority or the executive on matters which affect the authority’s area or the inhabitants of that area (insofar as the committee is not, or committees are not, under a duty to do those things by virtue of section 22A of the Local Government Act 2000,
In the case of the overview and scrutiny committee or committees of an authority to which section 224 of the National Health Service Act 2006 or section 184 of the National Health Service (Wales) Act 2006 applies, to review and scrutinise, in accordance with regulations under whether of those sections, matters relating to the health service (within the meaning given by the Act concerned, and as extended by the section concerned) in the authority’s area, and to make reports and recommendations on such matters in accordance with the regulations.

To make reports or recommendations on matters which relate to Designated Persons and affect the Council’s area or the inhabitants of that area.  

A Designated Person is a person:
- Who is designated by the Welsh Ministers in accordance with Section 21G of the Local Government Act 2000 or
- Who falls within a category of person so designated.

The functions of the Overview and Scrutiny Committee designated with the powers contained in section 35 of the Well-being of Future Generations (Wales) Act 2015 (the Act) are:

- to review or scrutinise decisions made, or other action taken, by the Public Services Board (hereinafter “the Board”) for the local authority area in the exercise of its functions
- to review or scrutinise the Board’s governance arrangements

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5 Section 21 (2ZA) LGA 2000  
6 Section 21 (18) LGA 2000  
8 Section 35(1)(b) WFGWA 2015
6.1.8.4. to make reports or recommendations to the Board with respect to the Board’s functions or governance arrangements.\(^9\)

6.1.8.5. to consider such matters relating to the Board as the Welsh Ministers may refer to it and to report to the Welsh Ministers accordingly.\(^10\)

6.1.8.6. to carry out such other functions in relation to the Board as are imposed on it by the Act.\(^11\)

6.1.8.7. send a copy of any report or recommendation made under 6.2.3. above to the Welsh Ministers; the Future Generations Commissioner and the Auditor General for Wales.\(^12\)

6.1.8.8. In addition the Committee will:

6.1.8.9. Formally receive the Wellbeing Assessment and Wellbeing Plan from the Board.

6.1.8.10. Act as statutory consultee for the draft Wellbeing Assessment and draft Wellbeing Plan.

6.1.8.11. Formally receive the board’s annual report.

6.1.8.12. Review the Wellbeing Plan if directed to by the Welsh Minister.

6.2. In exercising its functions an Overview and Scrutiny Committee must take into account any views brought to its attention under paragraph 14.1.4.\(^13\)

6.3. An Overview and Scrutiny Committee must take account of guidance issued by the Welsh Ministers.\(^14\)

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\(^9\) Section 35(1)(c) WFGWA 2015
\(^10\) Section 35(1)(d) WFGWA 2015
\(^11\) Section 35(1)(e) WFGWA 2015
\(^12\) Section 35(2) WFGWA 2015
\(^13\) Section 62(3) Local Government Act 2000 (“LGA 2000”)
\(^14\) Section 62(5) Local Government (Wales) Measure 2011
7.1. **Forward Plan and other Information**

The Overview and Scrutiny Committees/Sub-Committees will be responsible for setting its own work programme and in doing so it shall take into account the wishes of members on that Committee who are not members of the largest political group on the Council.

7.2. The Overview and Scrutiny Committees shall comply with regulations made by the Welsh Ministers in relation to the provision of prescribed information about the exercise of Overview and Scrutiny functions.\(^{15}\)

8. **Agenda items**

8.1. Any member of an Overview and Scrutiny Committee or Sub-Committee shall be entitled to give 8 clear working days written notice before the date of the next meeting to the Chief Executive that he/she wishes an item relevant to the functions of the Committee or Sub-Committee to be included on the agenda for, and be discussed at, a meeting of the Committee or Sub-Committee.\(^{16}\)

8.2. On receipt of such a request, the Chief Executive shall ensure that it is included on the agenda for the next or subsequent meeting (the determination as to which meeting to rest with the Committee chair).

8.3.1. Any member of the Council who is not a member of an Overview and Scrutiny Committee may give 8 working days written notice before the date of the next meeting to the Chief Executive that he/she wishes a local government matter which is relevant to the

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\(^{15}\) Section 77 Local Government (Wales) Measure 2011

\(^{16}\) Section 21A (1) (a) and (b) and Section 21A (2) Local Government Act 2000 (“LGA 2000”)
functions of the committee to be included on the agenda of the relevant Overview and Scrutiny Committee.\textsuperscript{17} If the Chief Executive receives such a notification, then he will include the item on the agenda for the next or a subsequent meeting (the determination as to which meeting to rest with the Committee Chair). Such member may then attend the Committee to speak, but not vote, nor move, second or amend any motion on that item.

8.3.2. In exercising his or her power to give notice requiring an item to be placed on an agenda under paragraph 8.3.1, the Member must have regard to any guidance issued by the Welsh Ministers.\textsuperscript{18}

8.3.3. A “local government” matter means a matter:-

8.3.3.1. Which relates to the discharge of any function of the Council or

8.3.3.2. Affects all or part of the electoral area for which the Member is elected or any person who lives or works in that area.

8.3.3.3. and in either case is not an “excluded matter”.\textsuperscript{19}

8.3.4. An “excluded matter” is a matter which comes under Section 19 Police and Justice Act 2006 or a matter of a description specified by order of the Welsh Ministers

8.3.5. When an overview and Scrutiny Committee has considered a requisition to place an item on the agenda of a Committee under this Paragraph of these procedure rules the requisition or request shall be advised of the Member or Members who submitted the Committee’s consideration and the reason for such outcome.\textsuperscript{20}

8.4. Any non-Committee Member may also as of right (subject to any relevant Code provisions) attend in respect of a particular item (or items) of interest/concern with prior notification to the Chief Executive and Chair. The Member may speak, but not move second or amend a motion. The attendance in the latter context is not meant to relate to attendance and participation for all or most of the items on the agenda, and if such a request is made, the decision on attendance shall rest with the Committee.

8.5. The agenda of an Overview and Scrutiny Committee may include a schedule of forthcoming or other executive issues, and any member of the Committee is entitled to raise any of those issues at the meeting.

8.6. The Overview and Scrutiny Committees shall also respond, as their work programme permits, to requests from the Council and if it considers it appropriate the executive, to review particular areas of Council activity. Where they do so, the Overview and Scrutiny Committee shall report their findings and any recommendations back to the Council and/or executive.

9. **Policy review and development**

9.1. The executive has the responsibility for proposing the annual budget, and the policies under the policy framework to the full Council - and the role of the Overview and Scrutiny Committees in relation to the development of the Council’s budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.

9.2. In relation to the development of other matters not forming part of its policy and budget framework, Overview and Scrutiny Committee or Sub-Committees may make proposals to the executive for developments in so far as they
relate to matters within their terms of reference, but there shall be consultation with the executive to avoid any duplication of work.

9.3. Overview and Scrutiny Committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

9.4. Once it has formed proposals for development, the Overview and Scrutiny Committee shall submit these 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). These recommendations shall be considered at the next available meeting of the executive or the Council, or at such later meeting with the agreement of the Chairman and Vice Chairman of the Committee, or Council, as the case may be.

9.5. If an overview and scrutiny committee cannot agree on one single proposal to the Council or executive as appropriate, then up to one minority proposal may be prepared and submitted for consideration by the Council or executive with the majority proposal.

9.6. Overview and scrutiny committees will have access to the executive’s forward work programme for decisions and intentions for
consultation. Even where an item is not the subject of detailed proposals from an overview and scrutiny committee following a consideration of possible policy/service developments, the committee will be able to respond in the course of the executive’s consultation process.

9.7. Both the Executive and Overview and Scrutiny Committees shall draw up co-ordinated work programmes where:-

9.7.1. An Overview and Scrutiny Committee will consider appropriate draft policies or plans being drawn up by the Executive under the policy framework.

9.7.2. An Overview and Scrutiny Committee will have a direct involvement in a review of existing policies/procedures and make recommendations to the executive.

9.7.3. An Overview and Scrutiny Committee may be asked by the Executive to join with it in a policy development task, which may not form part of the policy and budget framework.

9.8. Those in 9.7.1 and 9.7.2 above would be expected to fall within the Overview and Scrutiny Committee Forum itself, whereas that in 9.7.3 may require an ad hoc “Policy Development Group”, led by a Cabinet Member but involving other Cabinet and Overview and Scrutiny Committee members as well.

10. **Rights of overview and scrutiny committee members to gain access to documents**

10.1.1. In addition to their rights as councillors, members of overview and scrutiny committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.

10.1.2. Nothing in this paragraph prevents more
detailed liaison between the executive and overview and scrutiny committee as appropriate depending on the particular matter under consideration.

11. **Members and officers giving account**

11.1. Any Overview and Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation in fulfilling the scrutiny role, it may require any other member of the executive or Officers of the Authority to attend before it to explain in relation to matters within their remit: 21

11.1.1. Any particular decision or proposed decisions or series of decisions; and/or

11.1.2. The extent to which the actions taken implement Council policy; and/or

11.1.3. their performance.

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

It is expected that Officers asked to attend for the above purposes will be at Chief Officer, Head of Service or Accountable Manager level.

11.2. Where any member or officer is required to attend an overview and scrutiny committee under this provision, the chair of that committee will inform the Chief Executive who shall inform the member or officer in writing giving at least 8 clear working days notice of the meeting at which he/she is

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21 Section 21 (13) (a) Local Government Act 2000 (“LGA 2000”)
required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the committee. Where the account to be given to the committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

11.3. Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the overview and scrutiny committee shall in consultation with the member or officer arrange an alternative date for attendance.

11.4. It is ultimately the elected executive which will be required to answer questions about its policies and decisions. Officers contributions should as far as possible be confined to questions of fact and explanation relating to policies and decisions, though they can be asked to explain and give reasons for decisions they themselves have taken under delegated authority.

11.5.1. Attendance by members of the Neath Port Talbot Public Services Board (the Board)

11.5.2. The Committee designated with the powers contained in section 35 of the Well-being of Future Generations Act 2015 (the Act) can require any statutory member of the Board to give evidence, but only in respect of the exercise of joint functions conferred on them as a statutory member of the Board under the Act. This includes any person that has accepted an invitation to participate in the activity of the Board.
11.5.3. The statutory members of the Board are:

11.5.3.1. Neath Port Talbot County Borough Council (Leader and Chief Executive)

11.5.3.2. Abertawe Bro Morgannwg University Health Board (Either the Chairman, Chief Executive or both)

11.5.3.3. Mid and West Wales Fire and Rescue Service (Either the Chairman, Chief Officer or both)

11.5.3.4. Natural Resources Wales (Chief Executive)

12. Attendance by Cabinet Members

12.1. There would also be attendance by the relevant Cabinet Members as a standing arrangement on policy, budget or other forthcoming issues, in order to provide evidence and information for the Overview and Scrutiny Committee, and to ensure the “executive” and “scrutiny” work constructively and inclusively together in the best interests of the Council and its communities.

12.2. In particular Cabinet Members may attend any meeting of an Overview and Scrutiny Committee which is undertaking pre-scrutiny of any proposed executive decision.

13. Attendance by others

13.1. An Overview and Scrutiny Committee may invite people other than those people referred to in paragraph 11 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. Attendance is entirely voluntary.
13.1.2. An Overview and Scrutiny Committee shall make arrangements to enable all persons who live or work in the area of the Council to bring to the attention of the Committee their views on any matter under consideration by the Committee.

13.1.3. These arrangements shall include the publication on the Council’s website of the forward work programme of the Committee and any agenda for a meeting of the Committee and or the publication of the agenda in accordance with the statutory rules contained in the Local Government Act 1972.

13.1.4. Persons who live or work in the Council’s area may submit written representations on any matter under consideration by the Committee by submission to the Chief Executive up until one clear day before any relevant meeting of the Committee and these representations shall be reported to the Committee either in full or in summary at the discretion of the Chair.

13.1.5. In making any report or recommendations the Committee shall comply with Section 21F of the Local Government Act 2000.

13.2. **Scrutiny of Designated Persons**

13.2.1. An Overview and Scrutiny Committee may (in connection with the making of a report or recommendations of a kind referred to in paragraph 6.1.7.):-

13.2.2. require a Designated Person to provide the committee with information except information that relates to an excluded matter.

13.2.3. require an officer, employee or other representative of a Designated Person to attend
meetings of the Committee except in relation to an excluded matter.\textsuperscript{22}

13.2.4. For the definition of Designated Person see paragraph 6.1.7.1.

13.2.5. An excluded matter is (for the purposes of Paragraphs 13.2.2. and 13.2.3.) any matter with respect to which a Crime and Disorder Committee (being the Policy and Resources Committee of the Council) could make a report or recommendations under Section 19 (1) (b) and (3) (a) of the Police and Justice Act 2006.

13.2.6. Paragraphs 13.2.2. and 13.2.3. do not require a Designated Person to provide any information which is not reasonably required in connection with the making of the report or recommendation.\textsuperscript{23}

14. \textbf{Call-in}

14.1. When a decision is made by the executive, a committee of the executive or an individual member of the executive, a summary of the decision shall be circulated by the Chief Executive (normally within 2 days of the decision being made and where possible by electronic means) to all members of the relevant Overview and Scrutiny Committee (with copies also to all other members of Council).

14.2. That notice containing the decision summary will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of 3 days after the publication of the decision, unless an overview and scrutiny committee, or the requisite number of members thereof (referred to in paragraph

\textsuperscript{22} Section 21 (13) (c) LGA 2000

\textsuperscript{23} Section 21 (15A) Local Government Act 2000 (“LGA 2000”)
14.3. Except as provided in Paragraph 14.11 if the Chief Executive shall receive during the call in period a request:-

14.3.1. by virtue of a decision of a relevant Overview and Scrutiny Committee, or

14.3.2. by three or more members of a relevant Overview and Scrutiny Committee together with the Chair (or in the absence of the Chair the Vice Chair), or

14.3.3. by one third or more of the Members of a relevant Overview and Scrutiny Committee

the Chief Executive shall convene a meeting of the relevant Overview and Scrutiny Committee on such date as is agreed with the Chair (or Vice Chair in the absence of the Chair)(but in any case not later than seven working days of the decision or request for call in.

14.4. Where it is not possible in the time available for the requisite number of members to call-in the decision, the Chair (or in absence the Vice Chair) may allow the call-in if it is considered that the circumstances so warrant a call-in.

14.5. For the purposes of Paragraph 14.3. a member for the above purposes shall be a voting member of the Committee and an Overview and Scrutiny Committee will be the relevant Committee where the proposed decision comes within its terms of reference.

14.6. Having considered the decision, the overview and scrutiny committee may refer it back to the decision making body or person for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council under the provisions of Article 6.01. If referred to the decision maker, that body or person shall then reconsider within a further 10 working days (or such other time as may be
agreed by the decision-maker with the Chair – or in absence Vice Chair - of the Overview and Scrutiny Committee) amending the decision or not, before adopting a final decision.

14.7. If following the call in, the overview and scrutiny committee decides not to refer the matter back to the decision making body or person, the decision shall take effect on the date of the overview and scrutiny meeting.

14.8. If the matter was referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, the Council will refer any decision to which it objects back to the decision making person or body, together with the Council’s views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the executive as a whole or a committee of it, a meeting will be convened to reconsider within 10 working days of the Council request. Ultimately, a decision which is within the definition of executive functions, and which is in accordance with the policy and financial framework agreed by the Council, will be one for the executive to take.

14.9. If the Council does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting.

14.10. There can only be one call-in of the particular executive decision. If the decision is reconsidered by the decision maker under the
procedures above, the decision then made after reconsideration shall be final and may be implemented immediately.

14.11. Exceptions to call in

14.11.1. The call in procedures above shall not apply in the following cases:-

14.11.1.1. Where the decision being taken by the Cabinet or a Cabinet Committee is urgent. A decision will be urgent if any delay likely to be caused by the call in process would prejudice the interests of the Council or the public interest. The formal record of the decision, and the summary sent to Overview and Scrutiny members, shall state the opinion of the decision making body that the decision is an urgent one, and therefore not subject to call-in. The other provisions in 13.1 of the Access to Information Rules shall apply to the decision record. However, the decision may only be taken if the chair of the relevant overview and scrutiny committee (or in absence the vice chair) decides to allow the decision to proceed for implementation as a matter of urgency. Decisions taken as a matter of urgency must be reported to the next available meeting of the relevant Overview and Scrutiny Committee.

14.11.1.2. In respect of Officers executive decisions under their delegated urgency powers (Part 3 of this Constitution). A decision will be urgent if any delay likely to be caused by the call in process would prejudice the interests of the Council or the public interest. The formal record of the decision shall state the opinion of the officer that the decision is an urgent one, and therefore not subject to call-in. The other provisions in 13.1 of the Access to Information Rules shall apply to the decision record.
However, the decision may only be taken if the chair of the relevant overview and scrutiny committee (or in absence the vice chair) decides to allow the decision to proceed for implementation as a matter of urgency. Where an Officer takes a decision under his delegated urgency powers, there shall be consultation in respect of the decision with the Leader and relevant Cabinet member (or in the absence of either or both, any other two Cabinet members). Decisions taken as a matter of urgency must be reported to the next available meeting of the Cabinet or Cabinet Committee and relevant Overview and Scrutiny Committee. The urgency action shall include the standard compliance statement.

14.11.1.3. In respect of other (non-urgency) Officer executive or non-executive decisions under delegated powers.

14.11.1.4. Where Cabinet or Cabinet Committees take an executive decision, implementation of which is deferred pending consultation with the relevant Overview and Scrutiny Committee and whereby subsequently there are no objections or alternative proposals raised at the Committee under that consultation process by a majority of the Committee members present. On this basis, the call-in procedure will not apply to the executive decision which can be implemented immediately following the Overview and Scrutiny meeting. However, if there are any objections or alternative proposals by a majority of the Committee members present, the matter will be referred back to Cabinet or Cabinet Committee to consider those views.

14.11.1.5. Where the Cabinet, a Cabinet committee or an officer take an executive decision which is contrary to the Council’s policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. A decision will be urgent if any delay likely to be caused by the call in process would prejudice the Council’s or
the public’s interests. However, the decision may only be taken if it is not practical to convene a quorate meeting of the full Council; and if the chair of the relevant overview and scrutiny committee (or in his/her absence the Mayor or Deputy Mayor) decides to allow the decision to proceed for implementation as a matter of urgency. Where an Officer takes a decision here under his delegated urgency powers, there shall be consultation in respect of the decision with the Leader and relevant Cabinet member (or in the absence of either or both, any other two Cabinet members). The reasons why it is not practical to convene a quorate meeting of full Council and the agreement to allow the decision to proceed for implementation as a matter of urgency must be noted on the record of the decision. Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

14.12. Members who have requested that a decision be called in shall be advised of the outcome of that call in.

14.13 The operation of the provisions relating to call-in and urgency shall be monitored, and a report submitted to Council with proposals for review if necessary.

15. The party whip

15.1. Section 78 (1) of the local Government (Wales) Measure 2011 provides that a Member of an Overview and Scrutiny Committee must not vote on a question at a meeting of that Committee if before the meeting the Member has been given a party whip relating to the question. (known as a prohibited party whip).

15.2. The statutory definition of a party whip is
reproduced at paragraph 15.6.

15.3. Any vote that is given in breach of the rule declared in paragraph 15.1. must be disregarded.

15.4. It is for the person chairing the meeting of an Overview and Scrutiny to determine whether a member of the Committee has been given a prohibited party whip in relation to the meeting.

15.5. At each meeting of an overview and Scrutiny Committee each Member must declare any prohibited party whip which the Member has been given in relation to the meeting and the minutes of the meeting shall record all such declarations.

15.6. The definition of party whip in Section 81 (10) of the Local Government (Wales) Measure 2011 is:- “party whip” means an instruction (however expressed) which—

(a) is given on behalf of a political group on a local authority;

(b) is given to a person (P) who is—

(i) a member of the political group, and

(ii) a member of an overview and scrutiny committee of the local authority;

(c) is an instruction as to how P should vote on a question falling to be decided by the committee; and

(d) if not complied with by P, would be likely to make P liable to disciplinary action by the political group which gives the instruction;

“political group” means a group of members of a local authority that is a political group for the purposes of Part 1 of the Local Government and Housing Act 1989;”
16. **Procedure at Overview and Scrutiny Committee meetings**

16.1. Overview and scrutiny committees and sub-committees shall consider the following business:

16.1.1. Minutes of the last meeting;

16.1.2. Consideration of any matter referred to the committee for a decision in relation to call in of a decision;

16.1.3. Responses of the executive to proposals of the overview and scrutiny committee; and, in the case of the committee designated with the powers contained in section 35 of the Well-being of Future Generations (Wales) Act 2015, responses of Board to the Committee’s reports and/or recommendations and

16.1.4. The business otherwise set out on the agenda for the meeting.

16.2. Where the overview and 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:

16.2.1. That the investigation is conducted fairly and all members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak;

16.2.2. That those assisting the committee by giving evidence be treated with respect and courtesy; and

16.2.3. That the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

16.3. Following any investigation or review, the committee/sub-committee shall prepare a proposal for submission to the executive and/or
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Council as appropriate, and shall make its proposal and findings public.

16.4. No member may be involved in scrutinising a decision in which he/she has been directly involved.

17. Matters within the remit of more than one Overview and Scrutiny committee

Where an overview and scrutiny committee conducts a review or scrutinises a matter which also falls (whether in whole or in part) within the remit of another overview and scrutiny committee, then the committee conducting the review may invite the chair of the other committee (or his/her nominee), to attend its meetings when the matter is being reviewed or joint sessions of the Committee may be arranged.

18. Publication of Reports Recommendations and Responses Confidential and Exempt Information

In publishing any report recommendation or responses an Overview and Scrutiny Committee shall comply with the provisions of Section 21D of the Local Government Act 2000.
ANNEX A

APPOINTMENT OF CHAIRS OF OVERVIEW AND SCRUTINY COMMITTEES

A.1 Nothing in these procedure rules shall prevent a person from being appointed as a Chair of an Overview and Scrutiny Committee because that person is or is not a member:-

of any political group, or

of a particular political group 1

Appointment by Committee

A.2 In any of the cases set out in paragraphs A.2.1. to A.2.3. the chairs of the Overview and Scrutiny Committees shall be appointed by these Committees themselves:-

A.2.1 Where there are no political groups on the Council

A.2.2 Where there is only one political group on the Council

A.2.3 Where there are two (but not more) political groups on the Council in the following circumstances:-

A.2.3.1 The Council has only one Overview and Scrutiny Committee, and

A.2.3.2 The Council’s executive either includes members of both political groups or does not include any member of either political groups. 2

Appointment by the non-Executive group

A.3 In the case set out in paragraph A.3.1 the chair of the Overview and Scrutiny Committee shall be appointed by the political group which is not included in the Executive.

A.3.1 The case referred to in paragraph A.3 is where

1 Section 66 (3) Local Government (Wales) Measure 2011
2 Section 67 Local Government (Wales) Measure 2011
A.3.1.1 There are two (but not more) political groups on the Council in the following circumstances:-

A.3.1.2 The Council has only one Overview and Scrutiny Committee, and

A.3.1.3 The Council’s Executive includes one or more members of one political group but does not include any members of the other political group.  

A.3.2. The appointment shall be evidenced by written notice from the Leader of that group to the Chief Executive and announced to Full Council.

**Appointment by Political Groups**

A.4. In cases other than those covered by paragraphs A2 and A3 the following provisions shall apply:-

A.4.1 On each occasion when all of the Authority’s Overview and Scrutiny Chairs fall to be appointed (including the Annual Meeting of the Authority) or when a political group either begins or ceases to be an executive group the full Council shall:-

A.4.1.1 Determine which political groups on the authority are entitled to make which appointments of, and

A.4.1.2 Allow the groups to make the appointments accordingly.  

A.4.1.3 For the purposes of Paragraph A.4.1 a political group is taken to cease to be an executive group only if, after it ceases to be such, two months pass without it becoming an executive group again. The period of two months will be taken to commence on the day when it ceases to be an executive group.  

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3 Section 68 Local Government (Wales) Measure 2011

4 Section 70 (1) and (2) Local Government (Wales) Measure 2011

5 Section 72 (5) Local Government (Wales) Measure 2011
Allocation to and Appointment by Executive Group(s)

A.4.2 In making its determination of the number of chairs of Overview and Scrutiny Committees which the executive group or groups shall appoint full Council shall, so far as is reasonably practical give effect to the following principles:-

A.4.2.1 Where there is only one executive group the proportion of committee chairs which the executive group is entitled to appoint corresponds to the proportion of Members of the Authority who are in that group.  

A.4.2.2 Where there are two or more executive groups the proportion of chairs which the executive groups are entitled to appoint (when taken together) corresponds to the proportion of Members of the Authority who are members of these groups (when taken together).  

A.4.2.3 The proportion of executive allocation of Committee Chairs which each executive group is entitled to appoint shall correspond to the proportion of members of the executive groups who are members of the relevant group (no provision covering this in the legislation).

A.4.3 Where there is only one executive group that group shall appoint the number of Committee Chairs which it is entitled to appoint under paragraph A.4.2.1. That group shall choose the Committee Chairs which it wishes to appoint.

A.4.4 If a determination is made when a political group either begins or ceases to be an executive group that determination shall specify whether there is a difference between the number of Committee Chairs that a political group would be entitled to appoint under that determination and the number of Committee Chairs it has appointed and if there is a difference all existing appointments shall terminate and new appointments shall be made by the political groups in accordance with the new determination.  

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6 Section 70 (3) (a) Local Government (Wales) Measure 2011
7 Section 70 (3) (b) Local Government (Wales) Measure 2011
8 Section 72 (3) (b) and (4) Local Government (Wales) Measure 2011
A.4.5 Where there is more than one executive group those groups shall appoint the number of Committee Chairs which they are entitled to appoint under paragraph A.4.2.2. The executive groups shall choose the Committee Chair which they wish to appoint in the order of the size of the membership of the groups from the largest to the smallest.

A.4.6 If executive groups have membership of the same size the order of appointment shall be determined by agreement between those groups or in the absence of agreement by the drawing of lots.

A.4.7 Any appointment shall be evidenced by written notice from the leader of a group to the Chief Executive and announced to Full Council.

Allocation to and Appointment by Opposition Group(s)

A.4.8 In making its determination of the number of Committee Chairs which the opposition group or groups shall appoint full Council shall, so far as is reasonably practical, give effect to the following principles:-

A.4.8.1 Where there is only one opposition group the group is entitled to appoint all Committee Chairs remaining after deducting the executive allocation of Committee Chairs.  

A.4.8.2 Where there are two or more opposition groups (they are when taken together) entitled to appoint all Committee Chairs remaining after deducting the executive allocation of Committee Chairs.  

A.4.8.3 The proportion of the Committee Chairs which each opposition group is entitled to appoint corresponds to the proportion of members of opposition groups who are members of that group.

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9 Section 70 (4) (a) Local Government (Wales) Measure 2011  
10 Section 70 (4) (b) (i) Local Government (Wales) Measure 2011  
11 Section 70 (4) (b) (ii) Local Government (Wales) Measure 2011
A.4.8.4 Where there is one opposition group that group shall appoint the number of Committee Chairs which they are entitled to appoint under paragraph A.4.8.1.

A.4.8.5 Where there is more than one opposition group those groups shall appoint the number of Committee Chairs which they are entitled to appoint under paragraph A.4.8.2. The opposition groups shall choose the Committee Chairs which they wish to appoint in the order of the size of the membership of the groups from the largest to the smallest.

A.4.8.6 If opposition groups have membership of the same size the order of appointment shall be determined by agreement between those groups or in the absence of agreement by the drawing of lots.

A.4.8.7 Any appointment shall be evidenced by written notice from the leader of a group to the Chief Executive and announced to Full Council.

Rules of Calculation

A.4.9 In calculating the number of Committee Chairs to be appointed by a political group the following rules will apply:-

A.4.9.1 The political groups entitlement to appoint Committee Chairs shall be an entitlement to appoint a whole number of Committee Chairs.  

A.4.9.2 Other than in the case of paragraph A.4.9.3 the entitlement shall be rounded off to the nearest whole number.  

A.4.9.3 In calculating the proportion of Committee Chairs to be appointed by the executive group (if there is only one such group or by the executive groups (when taken together)) if there is more than one the entitlement shall be rounded down to the nearest whole number. 

12 Section 70 (5) (a) Local Government (Wales) Measure 2011
13 Section 70 (5) (b) Local Government (Wales) Measure 2011
14 Section 70 (6) Local Government (Wales) Measure 2011
A.4.9.4 In paragraphs A.4.9.2 and A.4.9.3 zero is to be taken to be a whole number. 15

A.4.9.5 If the calculation carried out by the application of the rules set out in paragraphs A.4.9.1 to A.4.9.4 leaves one or more Committee Chairs unallocated to any political group the remaining Committee Chairs shall be allocated in respect of the executive allocation amongst the executive groups and amongst the opposition groups in the order in which they are underrepresented i.e. a group entitled to appoint .45 of a Committee Chair will be allocated an additional unallocated Chair in preference to a group entitled to appoint .40 of a Chair regardless of other Committee Chairs allocated to those groups.

Occasional Vacancies

A.5 If circumstances arise where some but not all of the Council’s Overview and Scrutiny Committee chairs fall to be appointed (other than by a political group beginning or ceasing to be an Executive Group) the full Council shall determine whether there is a difference between the number of Committee Chairs that a political group would be entitled to appoint and the number of Committee Chairs held and the relevant political group or groups may make appointments to the vacant posts to eliminate the difference. 16

Appointment by the Council with support of all political groups

A.6 As an alternative to determination under Section 70 of the Local Government (Wales) Measure 2011 (Section A.4 of these Procedure Rules) the Council may allocate Committee Chairs in accordance with the following requirements:-

A.6.1 Opposition groups appoint a greater number of Committee Chairs than they are entitled to appoint under Section A.4.

15 Section 70 (7) Local Government (Wales) Measure 2011
16 Section 73 Local Government (Wales) Measure 2011
A.6.2 Each opposition group is entitled to appoint at least the number of Committee Chairs as they would be entitled to appoint under Section A.4.

A.6.3 A resolution of full Council is passed putting such allocations in place supported by a majority of each political group.

Definitions

A.7 In these Procedure Rules the following terms have the meanings ascribed to them:

“committee chair” has the meaning given in section 66 of the Local Government (Wales) Measure 2011

“executive group” means a political group some or all of whose members comprise, or are included in, the executive of the authority;

“opposition group” means a political group none of whose members are included in the executive of the authority;

“political group” in relation to a local authority, means a group of members of the authority that is a political group for the purposes of Part 1 of the Local Government and Housing Act 1989.

17 Section 74 Local Government (Wales) Measure 2011
Democratic Services Committee Procedure Rules

1. The Democratic Services Committee

1.1. The Council is required by Section 11 (1) of the Local Government (Wales) Measure 2011 to have a Democratic Services Committee with its roles and terms of reference as set out herein.

1.2. The Democratic Services Committee is empowered to form a sub committee.¹

2. Membership of the Democratic Services Committee

2.1. The membership of the Democratic Services Committee shall be appointed by full Council subject to the following rules²

2.1.1. All members of the Democratic Services Committee shall be elected members of the Council.

2.1.2. No more than one of the members of the Democratic Services Committee shall be a member of the Council’s executive.

2.1.3. The Leader of the Council’s executive is not a member of its Democratic Services Committee.

2.1.4. If a person ceases to be an elected Member he or she will cease to be a Member of the Committee.³

2.2. The Democratic Services Committee is a body to which Section 15 of the Local Government and Housing Act 1989 applies (duty to allocate seats to political groups applies).⁴

¹ Section 13 (1) Local Government (Wales) Measure 2011
² Section 12 Local Government (Wales) Measure 2011
³ Section 17 Local Government (Wales) Measure 2011
⁴ Section 12 (5) Local Government (Wales) Measure 2011
3. Appointment of Chair and Vice Chair

3.1. The Full Council shall appoint the person who is to chair the Democratic Services Committee. Subject to Paragraph 3.2, this person must not be a member of the executive group or groups.\(^5\)

3.2. If there are no opposition groups, the Chair of the Democratic Services Committee may be a member of an executive group or groups but must not be a member of the local authority's executive.\(^6\)

3.3. For the purposes of subparagraphs 3.1 and 3.2, the expressions “executive group” and “opposition group” have the same meaning as in section 75 of the Local; Government (Wales) Measure 2011.\(^7\)

3.4. The Democratic Services Committee is to appoint the person who is to chair any sub committee of the committee.\(^8\)

4. Meetings of the Democratic Services Committee

4.1. Unless otherwise agreed by the Chair and Vice Chair there shall be at least two ordinary meetings of the Democratic Services Committee in each year. There must be at least one meeting in each calendar year.\(^9\) In addition, extraordinary meetings may be called from time to time as and when appropriate.

4.2. An Extraordinary Meeting of the Democratic Services Committee shall be convened in the following circumstances:-

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\(^5\) Section 14 (1) Local Government (Wales) Measure 2011
\(^6\) Section 14 (2) Local Government (Wales) Measure 2011
\(^7\) Section 14 (9) Local Government (Wales) Measure 2011
\(^8\) Section 14 (3) Local Government (Wales) Measure 2011
\(^9\) Section 15 (1) Local Government (Wales) Measure 2011 – The statutory requirement is for at least one meeting per calendar year.
4.2.1. The Chair of the Democratic Services Committee so requires it, or

4.2.2. The full Council resolves that the Democratic Services Committee shall meet,\(^{10}\) or

4.2.3. At least one third of the Members of the Democratic Services Committee requisition a meeting by giving one or more notices in writing to the Chair,\(^{11}\) or

4.2.4. If the Chief Executive or the Director of Finance and Corporate Services consider it necessary and appropriate.

5. **Quorum**

The quorum for an Democratic Services Committee shall be as set out for Committees in the Council Procedure Rules in Part 4 of this Constitution

6. **Functions of the Democratic Services Committee**

The functions of the Democratic Services Committee are:-

6.1.1. To exercise the functions of the Council under Section 8 (1) (a) Local Government (Wales) Measure 2011 (designation of Head of Democratic Services)

6.1.2. To review the adequacy of provision by the Council of staff, accommodation and other resources to discharge democratic services functions.

6.1.3. To make reports and recommendations to the Council in relation to such provision. \(^{12}\)

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\(^{10}\) Section 15 (2) (a) Local Government (Wales) Measure 2011  
\(^{11}\) Section 15 (2) (b) Local Government (Wales) Measure 2011  
\(^{12}\) Section 11 (1) Local Government (Wales) Measure 2011
6.1.4. To review at the request of full Council any matter relevant to the support and advice available to Members of the Authority and the terms and conditions of office of those Members provided that the Committee must make reports and recommendations to Council following such review (footnote Section 11A Local Government (Wales) Measure 2011).” And that similar provision be inserted in Annex E1 of Part 3 of the Constitution.

6.2. The Democratic Services Committee may not exercise any functions other than the functions set out in paragraph 6.1.13

7. Agenda Items

7.1. Any member of the Democratic Services Committee shall be entitled to give written notice to the Chief Executive at least 8 clear working days before the date of the next meeting that he/she wishes an item relevant to the functions of the Committee to be included on the agenda for, and be discussed at, a meeting of the Committee.

7.2. On receipt of such a request, the Chief Executive shall ensure that it is included on the agenda for the next or subsequent meeting (the determination as to which meeting to rest with the Committee Chair).

7.3. Any Member of the Council who is not a member of the Democratic Services Committee may give written notice to the Chief Executive at least 8 working days before the date of the next meeting that he/she wishes a matter which is relevant to the functions of the committee to be included on the agenda of the Committee.

13 Section 16 (1) Local Government (Wales) Measure 2011
7.4. If the Chief Executive receives such a notification, then he shall include the item on the agenda for the next or a subsequent meeting (the determination as to which meeting to rest with the Committee Chair). Such member may then attend the Committee to speak, but not vote, nor move, second or amend any motion on that item.

7.5. Any Member of the Council who is not a Member of the Democratic Services Committee may by request to and by agreement of the Committee Chair (subject to any relevant Code provisions) attend in respect of a particular item (or items) of interest. The Member may speak, but not move second or amend a motion. The attendance shall relate to the particular item (or items) on the agenda.

8. Reports of Head of Democratic Services

8.1. The Head of Democratic Services must as soon as practicable after preparing a report or making a recommendation under Section 9 (1) (h) of Local Government (Wales) Measure 2011 (number, grade, appointment and organization and proper management of staff for discharging democratic services functions) send a copy of it to all Members of Democratic Services Committee. 14

8.2. The Democratic Services Committee must consider such report or recommendation at a meeting held within three months. 15

8.3. The Head of Democratic Services must as soon as practicable after he/she has produced a report or recommendation under Section 9 (1) (h) of the Local Government (Wales) Measure 2011 (adequacy of provision of staff accommodation and other resources to discharge Democratic Services functions) send to each member of the Council who

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14 Section 18 (1) Local Government (Wales) Measure 2011
15 Section 18 (2) Local Government (Wales) Measure 2011
The Neath Port Talbot Constitution

is not a member of the Democratic Services Committee a copy of that report or recommendation.\textsuperscript{16} The Democratic Services Committee must as soon as practicable after it has prepared a report or made a recommendation under Section 11 (1) (c) of the Measure send to each Member who is not a Member of the Committee a copy of that report or recommendation.\textsuperscript{17}

9. **Access to documents**

9.1. The Democratic Services Committee is subject to Part 5A of the Local Government Act 1972 (access to meetings and documents).\textsuperscript{18}

9.2. In addition to their rights as councillors, members of the Democratic Services Committee have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.

10. **Members and officers answering questions and attendance at meetings of other persons**

10.1. The Democratic Services Committee:

10.1.1. May require members and officers of the Council to attend before it to answer questions,\textsuperscript{19} and

10.1.2. May invite other persons to attend meetings of the committee.\textsuperscript{20}

10.2. It is the duty of any member or officer of the Council to comply with any requirement imposed under paragraph 10.1.1.\textsuperscript{21}

\textsuperscript{16} Section 18 (1) Local Government (Wales) Measure 2011
\textsuperscript{17} Section 19 (1) Local Government (Wales) Measure 2011
\textsuperscript{18} Section 14 (8) Local Government (Wales) Measure 2011
\textsuperscript{19} Section 14 (5) (a) Local Government (Wales) Measure 2011
\textsuperscript{20} Section 14 (5) (b) Local Government (Wales) Measure 2011
\textsuperscript{21} Section 14 (6) Local Government (Wales) Measure 2011
10.3. A person is not obliged by paragraph 10.2. to answer any question which the person would be entitled to refuse to answer in, or for the purposes of, proceedings in a court in England and Wales.\(^22\)

10.4. Where any member or officer is required to attend a Democratic Services Committee under this provision, the Committee Chair will inform the Chief Executive who shall inform the member or officer in writing giving at least 8 clear 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 to give account and whether any papers are required to be produced for the committee. Where the account to be given to the committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

10.5. Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the Committee Chair shall in consultation with the member or officer arrange an alternative date for attendance.

10.6. It is ultimately the elected executive which will be required to answer questions about policies and decisions of the Executive. Officers contributions should as far as possible be confined to questions of fact and explanation relating to policies and decisions, though they can be asked to explain and give reasons for decisions they themselves have taken under delegated authority.

\(^{22}\) Section 14 (7) Local Government (Wales) Measure 2011
11. **Procedure at Democratic Services Committee meetings**

11.1. The Democratic Services Committee and sub-committees shall consider the following business:

11.1.1. Minutes of the last meeting;

11.1.2. Consideration of any matter referred to the committee.

11.1.3. Responses of the Council or Executive to reports or recommendations of the Democratic Services Committee; and

11.1.4. The business otherwise set out on the agenda for the meeting.

11.2. Where the Democratic Services 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:

11.2.1. That the investigation is conducted fairly and all members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak;

11.2.2. That those assisting the committee by giving evidence be treated with respect and courtesy; and

11.2.3. That the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

11.3. Following any investigation or review, the Democratic Services Committee shall prepare a proposal for submission to the executive and/or Council as appropriate, and shall make its proposal and findings public.
11.4. All Members of the Democratic Services Committee or any sub committee are entitled to vote on any question which follow to be decided by the Committee. 23

12. Responses to Members who have referred matters to the Democratic Services Committee

When the Democratic Services Committee has considered a requisition to place an item on the agenda of the Democratic Services Committee under Paragraphs 7.1. and 7.3. of these procedure rules the Committee Chair shall cause the Member who has made the requisition to be advised of the outcome of its consideration by the Committee and the reason for such outcome.

13. Guidance of the Welsh Ministers

The Democratic Services Committee must have regard to any guidance given by the Welsh Ministers under Section 16 (2) Local Government (Wales) Measure 2011.

23 Section 14 (4) Local Government (Wales) Measure 2011
Audit Committee Procedure Rules

1. The Audit Committee

1.1. The Council is required by Section 81 of the Local Government (Wales) Measure 2011 to have an Audit Committee with its roles and terms of reference as set out herein.

1.2. There is no provision in the Local Government (Wales) Measure 2011 to allow the Audit Committee to form a sub committee.

2. Membership of the Audit Committee

2.1. The membership of the Audit Committee shall be appointed by full Council subject to the following rules

2.1.1. At least two-thirds of the members of the Audit Committee shall be elected members of the Council.

2.1.2. At least one member of the Audit Committee shall be a voting lay member.

2.1.3. No more than one of the members of the Audit Committee shall be a member of the Council’s executive.

2.1.4. The Senior Member of the Council’s executive is not a member of the Audit Committee.

2.2. The Audit Committee is entitled to recommend to Council the appointment of a number of people as voting co-optees.

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1 Section 82 Local Government (Wales) Measure 2011
2 A lay member means a person who is not a member of a local authority Section 87(2) Local Government (Wales) Measure 2011. A local authority is a County Borough or County Council Section 175 Local Government (Wales) Measure 2011
3 Sections 82 (2) and 87 (2) Local Government (Wales) Measure 2011
3. Appointment of Chair and Vice Chair

3.1. The Audit Committee shall appoint the person who is to chair the committee together with the Vice Chair. Either of these persons may be a member of the authority or a lay member but subject to Paragraph 3.2. must not be a member of the executive group or groups.\(^4\)

3.2. If there are no opposition groups, the Chair and Vice Chair of the Audit Committee may be a member of an executive group or groups but must not be a member of the local authority's executive.\(^5\)

3.3. For the purposes of subparagraphs 3.1 and 3.2, the expressions “executive group” and “opposition group” have the same meaning as in section 75 of the Local Government (Wales) Measure 2011.

4. Meetings of the Audit Committee

4.1. Unless otherwise agreed by the Chair and Vice Chair there shall be at least four ordinary meetings of the Audit Committee in each year.\(^6\) In addition, extraordinary meetings may be called from time to time as and when appropriate.

4.2. An Extraordinary Meeting of the Audit Committee shall be convened in the following circumstances:-

4.2.1. The Chair of the Audit Committee so requires it, or

4.2.2. The full Council resolves that the Audit Committee shall meet,\(^7\) or

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\(^4\) Section 83 (1) Local Government (Wales) Measure 2011
\(^5\) Section 83 (2) Local Government (Wales) Measure 2011
\(^6\) Section 84 (1) Local Government (Wales) Measure 2011 – The statutory requirement is for at least one meeting per calendar year
\(^7\) Section 84 (2) (a) Local Government (Wales) Measure 2011
4.2.3. At least one third of the Members of the Audit Committee requisition a meeting by giving one or more notices in writing to the Chair, or

4.2.4. If the Chief Executive or the Director of Finance and Corporate Services consider it necessary and appropriate.

5. **Quorum**

The quorum for an Audit Committee shall be as set out for Committees in the Council Procedure Rules in Part 4 of this Constitution

6. **Functions of the Audit Committee**

The functions of the Audit Committee are to:

6.1. review and scrutinise the authority's financial affairs, including approval of the Annual Statement of Accounts,

6.2. make reports and recommendations in relation to the authority's financial affairs,

6.3. review and assess the risk management, internal control and corporate governance arrangements of the authority,

6.4. make reports and recommendations to the authority on the adequacy and effectiveness of those arrangements,

6.5. oversee the authority's internal and external audit arrangements, including internal and external audit work plans, receive, review and make reports on audit work and performance,

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8 Section 84 (2) (b) Local Government (Wales) Measure 2011
6.6. review the financial statements prepared by the authority.\textsuperscript{9}

7. \textbf{Forward Plan and other Information}

7.1. The Audit Committee will be responsible for setting its own work programme and in doing so it shall take into account the wishes of members on that Committee who are not members of the largest political group on the Council.

7.2. \textbf{Agenda items}

7.2.1. Any member of the Audit Committee shall be entitled to give written notice to the Chief Executive at least 8 clear working days before the date of the next meeting that he/she wishes an item relevant to the functions of the Committee to be included on the agenda for, and be discussed at, a meeting of the Committee.

7.2.2. On receipt of such a request, the Chief Executive shall ensure that it is included on the agenda for the next or subsequent meeting (the determination as to which meeting to rest with the Committee Chair).

7.2.3. Any Member of the Council who is not a member of the Audit Committee may give written notice to the Chief Executive at least 8 working days before the date of the next meeting that he/she wishes a matter which is relevant to the functions of the committee to be included on the agenda of the Audit Committee.

7.2.4. If the Chief Executive receives such a notification, then he shall include the item on the agenda for the next or a subsequent meeting (the determination as to which meeting to rest with the Committee Chair). Such member may then attend the Committee to

\textsuperscript{9} Section 81 (1) Local Government (Wales) Measure 2011
speak, but not vote, nor move, second or amend any motion on that item.

7.2.5. Any Member of the Council who is not a Member of the Audit Committee may request to and by agreement of the Committee Chair (subject to any relevant Code provisions) attend in respect of a particular item (or items) of interest. The Member may speak, but not move second or amend a motion. The attendance shall relate to the particular item (or items) on the agenda.

7.2.6. The Audit Committee shall also respond, as their work programme permits, to requests from the Council and/or the executive, to review particular areas of Council activity relevant to the function of the Committee. Where they do so, the Audit Committee shall report their findings and any recommendations back to the Council and/or the executive.

8. Policy review and development

8.1. The executive has the responsibility for proposing the annual budget, and the policies under the policy framework to the full Council - and the role of the Audit Committee in relation to the development of the Council’s budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules in Part 4 of the Constitution.

8.2. In relation to the development of other matters not forming part of its policy and budget framework, the Audit Committee may make proposals to the executive for developments in so far as they relate to matters within their terms of reference, but there shall be consultation with the executive to avoid any duplication of work.
8.3. If the Audit Committee cannot agree on one single proposal to the Council or executive as appropriate, then one minority proposal may be prepared and submitted for consideration by the Council or executive together with the majority proposal.

9. **Access to documents**

9.1. The Audit Committee is subject to Part 5A of the Local Government Act 1972 (access to meetings and documents).  

9.2. In addition to their rights as councillors, members of the Audit Committee have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.

10. **Members and officers giving account**

10.1. The Audit Committee:–

10.1.1. May require members and officers of the Council to attend before it to answer questions, and

10.1.2. May invite other persons to attend meetings of the committee.  

10.2. It is the duty of any member or officer of the Council to comply with any requirement imposed under paragraph 10.1.1.  

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10 Section 83 (7) Local Government (Wales) Measure 2011  
11 Section 83 (4) Local Government (Wales) Measure 2011  
12 Section 84 (5) Local Government (Wales) Measure 2011
10.3. A person is not obliged by paragraph 10.2. to answer any question which the person would be entitled to refuse to answer in, or for the purposes of, proceedings in a court in England and Wales.\textsuperscript{13}

10.4. Where any member or officer is required to attend an Audit Committee under this provision, the Committee Chair will inform the Chief Executive who shall inform the member or officer in writing giving at least 8 clear 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 to give account and whether any papers are required to be produced for the committee. Where the account to be given to the committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.

10.5. Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the Committee Chair shall in consultation with the member or officer arrange an alternative date for attendance.

10.6. It is ultimately the elected executive which will be required to answer questions about policies and decisions of the Executive. Officers contributions should as far as possible be confined to questions of fact and explanation relating to policies and decisions, though they can be asked to explain and give reasons for decisions they themselves have taken under delegated authority.

\textsuperscript{13} Section 83 (6) Local Government (Wales) Measure 2011
11. **Procedure at Audit Committee meetings**

11.1. The Audit Committee shall consider the following business:

11.1.1. Minutes of the last meeting;

11.1.2. Consideration of any matter referred to the committee.

11.1.3. Responses of the executive to proposals of the Audit Committee; and

11.1.4. The business otherwise set out on the agenda for the meeting.

11.2. Where the Audit 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:

11.2.1. That the investigation is conducted fairly and all members of the committee be given the opportunity to ask questions of attendees, and to contribute and speak;

11.2.2. That those assisting the committee by giving evidence be treated with respect and courtesy; and

11.2.3. That the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
11.3. Following any investigation or review, the Audit Committee shall prepare a proposal for submission to the executive and/or Council as appropriate, and shall make its proposal and findings public.

11.4. All Members of the Audit Committee are entitled to vote on any question which follow to be decided by the Committee.\(^{14}\)

12. **Responses to Members who have referred matters to the Audit Committee**

When the Audit Committee has considered a requisition to place an item on the agenda of the Audit Committee under Paragraph 7.2. of these procedure rules the Committee Chair shall cause the Member who has made the requisition to be advised of the outcome of its consideration by the Committee and the reason for such outcome.

13. **Guidance of the Welsh Ministers**

The Audit Committee must have regard to any guidance given by the Welsh Ministers under Section 85 (1) Local Government (Wales) Measure 2011.

\(^{14}\) Section 83 (3) Local Government (Wales) Measure 2011
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SECTION 1

FINANCIAL REGULATIONS AND ACCOMPANYING FINANCIAL PROCEDURES

1. INTRODUCTION TO THE COUNCIL AND ITS RESPONSIBILITIES

BACKGROUND

1.1. The Authority’s governance structure is laid down in its Constitution which sets out how the Council operates, how decisions are made and the procedures that are followed.

1.2. The Authority has adopted, after wide consultation, a Leader/Cabinet Executive. The Executive is responsible for most decisions and their implementation through the Cabinet and Cabinet Committees. If an area is not listed in the Constitution as a ‘non-executive’ function, then it will be regarded as an ‘executive’ function. Overview and scrutiny committees are also in existence to ‘mirror’ the Cabinet Committees. Certain regulatory committees are also in existence together with committees such as Standards and Audit.
SECTION 2
STATUS OF FINANCIAL REGULATIONS

2. STATUS OF FINANCIAL REGULATIONS

2.1. The Authority collects and spends large sums of public money. Sound financial control is essential in order to maintain accountability and to achieve maximum efficiency and effectiveness. An effective system of financial control must be supported by a written code which sets out precisely a clear pattern of financial administration. These Financial Regulations therefore provide the framework for managing the Authority’s financial affairs. They apply to every Member and employee of the Authority and anyone acting on its behalf.

2.2. The Regulations identify the financial responsibilities of the Council, Executive and overview and scrutiny members, the Head of Paid Service, the Monitoring Officer, the Director of Finance & Corporate Services and other Corporate Directors. Article 12 and Part 3 of the Council’s Constitution sets out decision making arrangements.

2.3. All Members and employees have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, is properly authorised, provides value for money and achieves best value.

2.4. The Director of Finance & Corporate Services is responsible for maintaining a continuous review of the financial regulations and submitting any additions or changes necessary to the Council for approval. The Director of Finance & Corporate Services is also responsible for reporting, where appropriate, breaches of the
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Financial Regulations to the Council and/or to the Executive Members.

2.5. The Authority’s detailed financial procedures, setting out how the regulations will be implemented, are contained after the section on Financial Regulations.

2.6. Corporate Directors are responsible for ensuring that all staff in their directorates are aware of the existence and content of the Authority’s Financial Regulations and other internal regulatory documents which have been issued and which supplement this current document and that they comply with them. They must also ensure that an adequate number of copies are available for reference within their directorates.

2.7. The Director of Finance & Corporate Services is responsible for issuing advice and guidance to underpin the Financial Regulations that Members, employees and others acting on behalf of the Authority are required to follow.
SECTION 3

FINANCIAL REGULATION DETAILS

3. FINANCIAL REGULATION DETAILS

3.1. FRAMEWORK

3.1.1 The details of the Regulations are subdivided into five key areas for ease of reference and interpretation. These are:

- Financial Management
- Financial Planning
- Risk Management and Control of Resources
- Systems and Procedures
- External Arrangements

3.1.2 The framework adopted has been formulated to consider the relevant issues under the sub-headings described above and to supplement these by outlining Financial Procedures which seek to implement such Regulations under a set of headings:

- An introduction to the area in terms of its importance.
- An outline of key controls which should be in existence.
- Responsibilities of the Director of Finance & Corporate Services.
- Responsibilities of Corporate Directors (Chief Officers).

3.1.3 In connection with the Financial Procedure Rules which follow the Financial Regulations, reference to the responsibility of Corporate Directors (Chief Officers) would also include the relevant Heads of Service as well as other nominated authorised officers responsible for undertaking the functions in the defined areas.
3.2. **FINANCIAL MANAGEMENT**

3.2.1 **Introduction**

3.2.2 Financial management covers all financial accountabilities in relation to the running of the Authority, including the policy framework and budget.

3.2.3 All Council Members and employees have a duty to abide by the highest standards of probity in dealing with financial issues. This is facilitated by ensuring everyone is clear about the standards to which they are working and the controls that are in place to ensure these standards are met.

3.2.4 **Roles and Responsibilities**

a) **The Council**

The Council is responsible for adopting the Authority’s constitution and Members’ code of conduct and for approving the policy framework and budget within which the executive operates. It is also responsible for approving and monitoring compliance with the Authority’s overall framework of accountability and control. The framework is set out in its constitution. The Council is also responsible for monitoring compliance with the agreed policy and related executive decisions.

The Council is responsible for approving procedures for recording and reporting decisions taken. This includes those decisions delegated by and decisions taken by the Council and its committees. These delegations and details of who has responsibility for which decisions are set out in the constitution.

b) **The Executive**

The executive is responsible for proposing the policy framework and budget to the Council, and for discharging executive functions in accordance with the policy framework and budget.
Executive decisions can be delegated to a committee of the executive, an individual executive member, an officer or a joint committee.

If individual executive members are given delegated authority to take decisions, protocols will be established to ensure that individual executive members consult with relevant officers before taking a decision within his or her delegated authority. In doing so, the individual member must take account of legal and financial liabilities and risk management issues that may arise from the decision.

c) **Committees**

**Overview and Scrutiny Committees:**
The Overview and Scrutiny Committees are responsible for scrutinising executive decisions or proposals and for holding the executive to account. Their responsibilities are set out in more detail in Article 6 and Parts 3 & 4 of the Constitution.

**Audit Committee:**
The Audit Committee reports to the Council. It can consult directly with internal and external auditors. It has defined terms of reference.

**Standards Committee:**
The Standards Committee is established by the Council and is responsible for promoting and maintaining high standards of conduct amongst Councillors. In particular, it is responsible for advising the Council on the adoption and revision of the members’ code of conduct, and for monitoring the operation of the code.

**Other Committees of the Council:**
These include committees to cover Planning, Licensing, Personnel and Appeals ‘non-executive’ functions.

d) **The Statutory Officers**

The responsibilities of the following statutory officers are set out in Article 11 of the Constitution:

(i) Head of Paid Service;
(ii) Director of Finance & Corporate Services (as Chief Finance Officer);

(iii) The Monitoring Officer.

e) Corporate Directors – Chief Officers

Corporate Directors are responsible for ensuring that executive members are advised of the financial implications of all proposals and that the financial implications have been agreed by the Director of Finance & Corporate Services.

It is the responsibility of Corporate Directors to consult with the Director of Finance & Corporate Services and seek approval on any matter liable to affect the Authority’s finances materially, before any commitments are incurred.

3.2.5 Other Financial Accountabilities

a) Virement

Corporate Directors are responsible for managing their Budgets within the overall cash limit approved by Council, and may vire amounts between budget heads accordingly except where such virement would involve a significant variation in the level or nature of the delivery of the service approved by Council in the Revenue Budget. In which case, the approval of the Council will be required.

b) Treatment of Year End Balances

The Council is responsible for agreeing procedures for carrying forward under- and overspendings on budget headings.

c) Accounting Policies

The Director of Finance & Corporate Services is responsible for selecting accounting policies and ensuring that they are applied consistently.
d) **Accounting Records and Returns**

The Director of Finance & Corporate Services is responsible for determining the accounting procedures and records for the Authority.

e) **The Annual Statement of Accounts**

The Director of Finance & Corporate Services is responsible for ensuring that the annual statement of accounts is prepared in accordance with the *Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice* (CIPFA/LASAAC). The Council is responsible for approving the annual statement of accounts.

### 3.3. FINANCIAL PLANNING

#### 3.3.1 Introduction

3.3.2 The Council is responsible for agreeing the Authority’s policy framework and budget, which will be proposed by the executive. In terms of financial planning, the key elements are:

- the General Fund Revenue Budget and Housing Revenue Account;
- the Capital Programme.

#### 3.3.3 Policy Framework

The Council is responsible for approving the policy framework and budget which is set out in the Appendix to Article 4 of the Constitution.

The Council is also responsible for approving procedures for agreeing variations to approved budgets, plans and strategies forming the policy framework and for determining the circumstances in which a decision will be deemed to be contrary to the budget or policy framework.
The Council is responsible for setting the level at which the executive may reallocate budget funds from one service to another.

The executive is responsible for taking in-year decisions on resources and priorities in order to deliver the budget policy framework within the financial limits set by the Council.

3.3.4 **Budgeting**

a) **Budget Format**

The general format of the budget will be approved by the Council and proposed by the executive on the advice of the Director of Finance & Corporate Services. The draft budget should include allocation to different services and projects, payment of precepts and levies, proposed taxation levels and contingency funds.

b) **Budget Preparation**

The Director of Finance & Corporate Services is responsible for ensuring that a revenue budget is prepared on an annual basis for consideration by the executive, before submission to the Council. The Council may amend the budget or ask the executive to reconsider it before approving it.

The executive is responsible for issuing guidance on the general content of the budget in consultation with the Director of Finance & Corporate Services as soon as possible following approval by the Council.

It is the responsibility of Corporate Directors to ensure that budget estimates reflecting agreed service plans are submitted to the executive and that these estimates are prepared in line with guidance issued by the executive.

c) **Budget Monitoring and Control**

The Director of Finance & Corporate Services is responsible for providing appropriate financial information to enable budgets to be monitored effectively. He or she must monitor expenditure against budget allocations and report to the executive on the overall position on a regular basis.
It is the responsibility of Corporate Directors to control income and expenditure within their area and to monitor performance, taking account of financial information provided by the Director of Finance & Corporate Services. They should report on variances within their own areas. They should also take any action necessary to avoid exceeding their budget allocation and alert the Director of Finance & Corporate Services to any problems.

d) Resource Allocation

The Director of Finance & Corporate Services is responsible for developing and maintaining a resource allocation process that ensures due consideration of the Council’s policy framework.

e) Preparation of the Capital Programme

The Director of Finance & Corporate Services is responsible for ensuring that a capital programme is prepared on an annual basis for consideration by the executive before submission to the Council.

f) Guidelines

Guidelines on budget preparation are issued to members and Corporate Directors by the executive following agreement with the Director of Finance & Corporate Services. The guidelines will take account of:

- legal requirements;
- medium-term planning prospects;
- community strategy plan;
- available resources;
- spending pressures;
- best value and other relevant government guidelines;
- policy agreements with the National Assembly for Wales;
- other internal policy documents;
- cross-cutting issues (where relevant).
g) **Maintenance of Reserves**

It is the responsibility of the Director of Finance & Corporate Services to advise the executive and/or the Council on prudent levels of reserves for the Authority.

3.4. **RISK MANAGEMENT AND CONTROL OF RESOURCES**

3.4.1 **Introduction**

3.4.2 It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant operational risks to the Authority. This should include the proactive participation of all those associated with planning and delivering services.

3.4.3 **Risk Management**

The executive is responsible for approving the Authority’s risk management policy statement and strategy and for reviewing the effectiveness of risk management. The executive is responsible for ensuring that proper insurance exists where appropriate.

The Director of Finance & Corporate Services is responsible for preparing the Authority’s risk management policy statement, for promoting it throughout the Authority and for advising the executive on proper insurance cover where appropriate.

3.4.4 **Internal Control**

Internal control refers to the systems of control devised by management to help ensure the Authority’s objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the Authority’s assets and interests are safeguarded.
The Director of Finance & Corporate Services is responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. They should ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with the statutory and other authorities that govern their use.

It is the responsibility of Corporate Directors to establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial performance targets.

### 3.4.5 Audit Requirements

The Accounts and Audit Regulations 1996 require every local Authority to maintain an adequate and effective internal audit.

The Audit Commission is responsible for appointing external auditors to each local authority. The basic duties of the external auditor are governed by Section 15 of the Local Government Finance Act 1982, as amended by Section 5 of the Audit Commission Act 1998.

The Authority may, from time to time, be subject to audit, inspection or investigation by external bodies such as HM Customs and Excise and the Inland Revenue, who have statutory rights of access.

### 3.4.6 Preventing Fraud and Corruption and Malpractice

The Director of Finance & Corporate Services is responsible for the development and maintenance of an Anti-Fraud, Corruption & Malpractice Strategy policy document.

### 3.4.7 Assets

Corporate Directors should ensure that records and assets are properly maintained and securely held. They should also ensure that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place.
3.4.8 **Treasury Management**

The Authority has adopted CIPFA’s *Code of Practice for Treasury Management in Local Authorities*.

Accordingly, the Authority will create and maintain, as the cornerstones for effective treasury management:

- a treasury management policy statement (TMPS), stating the policies and objectives of its treasury management activities;
- suitable treasury management practices (TMP), setting out the manner in which the organisation will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.

All money in the hands of the Authority is controlled by the officer designated for the purposes of Section 151 of the Local Government Act 1972, referred to in the code as the ‘responsible officer’, i.e. in this Authority the Director of Finance & Corporate Services.

The Council has delegated responsibility for the implementation and monitoring of its treasury management policies and practices to the executive, and for the execution and administration of treasury management decisions to the Director of Finance & Corporate Services who will act in accordance with the Authority’s policy statement and TMPs and CIPFA’s Standard of Professional Practice on Treasury Management.

The executive will receive at least four reports in each financial year on its treasury management policies, practices and activities; an annual strategy and plan in advance of the year; and an annual report after the close of the year in the form prescribed by its TMPs.

3.4.9 **Staffing**

The Council is responsible for determining how officer support for executive and non-executive roles within the Authority will be organised.
The Head of Paid Service is responsible for providing overall management to staff. He or she is also responsible for ensuring that there is proper use of the evaluation or other agreed systems for determining the remuneration of a job.

Corporate Directors are responsible for controlling total staff numbers by:

- advising the executive on the budget necessary in any given year to cover estimated staffing levels;
- adjusting the staffing to a level that can be funded within approved budget provision, varying the provision as necessary within that constraint in order to meet changing operational needs;
- the proper use of appointment procedures.

3.5. SYSTEMS AND PROCEDURES

3.5.1 Introduction

3.5.2 Sound systems and procedures are essential to an effective framework of accountability and control.

3.5.3 General

The Director of Finance & Corporate Services is responsible for the operation of the Authority’s accounting systems, the form of accounts and the supporting financial records. Any changes made by Corporate Directors to the existing financial systems or the establishment of new systems must be approved by the Director of Finance & Corporate Services. However, Corporate Directors are responsible for the proper operation of financial processes in their own directorates.

Any changes to agreed procedures by Corporate Directors to meet their own specific service needs should be agreed with the Director of Finance & Corporate Services.

Corporate Directors should ensure that their employees receive relevant financial training that has been approved by the Director of Finance & Corporate Services.
Corporate Directors must ensure that, where appropriate, computer and other systems are registered in accordance with data protection legislation. Corporate Directors must ensure that employees are aware of their responsibilities under freedom of information legislation.

3.5.4 **Income and Expenditure**

It is the responsibility of Corporate Directors to ensure that a proper scheme of delegation has been established within their area and is operating effectively. The scheme of delegation should identify employees authorised to act on the Corporate Director’s behalf, or on behalf of the executive, in respect of payments, income collection and placing orders, together with the limits of their authority. The executive is responsible for approving procedures for writing off debts as part of the overall control framework of accountability and control.

3.5.5 **Payments to Employees and Members**

The Director of Finance & Corporate Services is responsible for all payments of salaries and wages to all employees, including payments for overtime, and for payment of allowances to members.

3.5.6 **Taxation**

The Director of Finance & Corporate Services is responsible for advising Corporate Directors, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the Authority.

The Director of Finance & Corporate Services is responsible for maintaining the Authority’s tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.

3.5.7 **Trading Accounts/Business Units**

It is the responsibility of the Director of Finance & Corporate Services to advise on the establishment and operation of trading accounts and business units.
3.6. **EXTERNAL ARRANGEMENTS**

3.6.1 **Introduction**

3.6.2 The Local Authority provides a distinctive leadership role for the community and brings together the contributions of the various stakeholders. It must also act to achieve the promotion or improvement of the economic, social or environmental well-being of its area.

3.6.3 **Partnerships**

The executive is responsible for approving delegations, including frameworks for partnerships. The executive is the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.

The executive can delegate functions – including those relating to partnerships – to officers. These are set out in the scheme of delegation that forms part of the Authority’s constitution. Where functions are delegated, the executive remains accountable for them to the Council.

The Head of Paid Service and other Directors represent the Authority on partnership and external bodies, in accordance with the scheme of delegation.

The Monitoring Officer is responsible for promoting and maintaining the same high standards of conduct with regard to financial administration in partnerships that apply throughout the Authority.

The Director of Finance & Corporate Services must ensure that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory. He or she must also consider the overall corporate governance arrangements and legal issues when arranging contracts with any external bodies. He or she must ensure that the risks have been fully appraised before agreements are entered into with any external bodies.
Corporate Directors are responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies.

3.6.4 External Funding

The Director of Finance & Corporate Services is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the Authority’s accounts.

3.6.5 Work for Third Parties

The executive is responsible for approving the contractual arrangements for any work for third parties or external bodies.
SECTION 4

FINANCIAL PROCEDURES

4. FINANCIAL PROCEDURES

4.1. INTRODUCTION

4.1.1 The following financial procedures outline how the previously stated Financial Regulations are to be implemented. Each of the five sections mirror the Financial Regulations and in each of the sections four important issues are dealt with.

4.1.2 At the commencement of each relevant section, there is a statement which is intended to outline the standing and importance of the particular issue.

4.1.3 Key Controls – this explains the key internal controls that set the framework for ensuring the Financial Regulations are operating effectively.

4.1.4 Responsibilities outlined of Director of Finance & Corporate Services.

4.1.5 Responsibilities outlined of Corporate Directors (Chief Officers).

4.2. FINANCIAL MANAGEMENT STANDARDS

All employees and members have a duty to abide by the highest standards of probity in dealing with financial issues. This is facilitated by ensuring everyone is clear about the standards to which they are working and the controls that are in place to ensure that these standards are met.
4.2.1 Key Controls

(a) their promotion throughout the Authority;
(b) a monitoring system to review compliance with financial standards, and regular comparisons of performance indicators and benchmark standards that are reported to the executive and Council.

4.2.2 Responsibilities of the Director of Finance & Corporate Services

- To ensure the proper administration of the financial affairs of the Authority.
- To set the financial management standards and to monitor compliance with them.
- To ensure proper professional practices are adhered to and to act as head of profession in relation to the standards, performance and development of finance employees throughout the Authority.
- To advise on the key strategic controls necessary to secure sound financial management.
- To ensure that financial information is available to enable accurate and timely monitoring and reporting of comparisons of national and local financial performance indicators.

4.2.3 Responsibilities of Corporate Directors (Chief Officers)

- To promote the financial management standards set by the Director of Finance & Corporate Services in their directorates and to monitor adherence to the standards and practices, liaising as necessary with the Director of Finance & Corporate Services.
- To promote sound financial practices in relation to the standards, performance and development of staff in their directorates.
4.3. **MANAGING OF EXPENDITURE**

**Scheme of Virement**

The scheme of virement is intended to enable the executive, Corporate Directors and their employees to manage budgets with a degree of flexibility within the overall policy framework determined by the Council, and therefore to optimise the use of resources.

4.3.1 **Key Controls**

(a) It is administered by the Director of Finance & Corporate Services within guidelines set by the Council. Any variation from this scheme requires the approval of the Council.

(b) The overall budget is agreed by the executive and approved by the Council. Corporate Directors and budget managers are therefore authorised to incur expenditure in accordance with the estimates that make up the budget. The rules below cover virement; that is, switching resources between approved estimates or heads of expenditure. For the purposes of this scheme, a budget head is considered to be a line in the approved estimates report, or, as a minimum, at an equivalent level to the mandatory division of service level as defined by CIPFA’s Service Expenditure Analysis.

(c) Virement does not create additional overall budget liability. Corporate Directors are expected to exercise their discretion in managing their budgets responsibly and prudently. For example, they should aim to avoid supporting recurring expenditure from one-off sources of savings or additional income, or creating future commitments, including full-year effects of decisions made part way through a year, for which they have not identified future resources. Corporate Directors must plan to fund such commitments from within their own budgets.
4.3.2 Responsibilities of the Director of Finance & Corporate Services

To prepare jointly with the Corporate Director a report to the Council where virements in excess of £100,000 or 5% whichever is the greater on any one budget head are proposed which involve a significant variation in the level or nature of the delivery of the service approved by Council in the Revenue Budget.

4.3.3 Responsibilities of Corporate Directors (Chief Officers)

A Corporate Director may exercise virements on budgets under his or her control for any amount on any one budget head during the year, following notification to the Director of Finance and Corporate Services provided that

(a) overall expenditure and income is contained within the Revenue Budget Cash Limit;

and

(b) except where virement would involve a significant variation in the level or nature of the delivery of the service approved by Council in the Revenue Budget.

In the case of (b) amounts greater than £500,000 on any one budget head will require the approval of Council. Virements which are less than this amount may be approved (a) by Corporate Directors up to £100,000 (b) by the Executive (i.e. Cabinet) between £100,000 and £500,000.

The prior approval of the Council is required for any virement, of whatever amount greater than £500,000 where it is proposed to vire between budget guidelines previously approved by Council. Virements which are less than this amount may be approved (a) by Corporate Directors up to £100,000 (b) by the Executive (i.e. Cabinet) between £100,000 and £500,000.

Virement that is likely to impact on the budget guideline of another Corporate Director should be implemented only after agreement with the relevant Corporate Director and the Director of Finance & Corporate Services.

No virement relating to a specific financial year should be made after 31st March in that year.

Where an approved budget is a lump-sum budget or contingency intended for allocation during the year, its allocation will not be treated as a virement, provided that:
(a) the amount is used in accordance with the purposes for which it has been established;

(b) the executive has approved the basis and the terms, including financial limits, on which it will be allocated. Individual allocations in excess of the financial limits should be reported to the executive.

4.4. **TREATMENT OF YEAR-END BALANCES**

The Authority’s scheme of virement sets out the Authority’s treatment of year-end balances. It is administered by the Director of Finance & Corporate Services within guidelines set by the Council. Any variation from the scheme of virement (as set out above) requires the approval of the Council.

The rules below cover arrangements for the transfer of resources between accounting years, i.e. a carry-forward.

4.4.1 **Key Controls**

Appropriate accounting procedures are in operation to ensure that carried forward totals are correct.

4.4.2 **Responsibilities of the Director of Finance & Corporate Services**

- To administer the scheme of carry-forward within the guidelines approved by the Council.
- To report all overspendings and underspendings on service estimates carried forward to the executive and to the Council.

4.4.3 **Responsibilities of Corporate Directors (Chief Officers)**
• Any overspending on service estimates in total on budgets under the control of the Corporate Director must be carried forward to the following year, and will constitute the first call on service estimates in the following year, except where special circumstances may be deemed to apply. The Director of Finance & Corporate Services will report the extent of overspendings carried forward to the executive and to the Council, together with any special circumstances that may apply.

• Net underspendings on service estimates under the control of the Corporate Director may be carried forward, subject to:
(a) reporting to the executive the source of underspending or additional income and the proposed application of those resources
(b) the overall financial position of the Council at the time.

- All internal business unit surpluses shall be retained for the benefit of the Authority and their application shall require the approval of the executive.

4.5. **ACCOUNTING POLICIES**

The Director of Finance & Corporate Services is responsible for the preparation of the Authority’s statement of accounts, in accordance with proper practices as set out in the format required by the *Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice* (CIPFA/LASAAC), for each financial year ending 31\(^{st}\) March.

4.5.1 **Key Controls**

(a) Systems of internal control are in place that ensure that financial transactions are lawful.
(b) Suitable accounting policies are selected and applied consistently.
(a) Proper accounting records are maintained.
(b) Financial statements are prepared which present fairly the financial position of the Authority and its expenditure and income.

4.5.2 **Responsibilities of the Director of Finance & Corporate Services**

- To select suitable accounting policies and to ensure that they are applied consistently. The accounting policies are set out in the statement of accounts, which is prepared at 31 March each year, and covers such items as:
  (a) separate accounts for capital and revenue transactions;
  (b) the basis on which debtors and creditors at year end are included in the accounts;
  (c) details on substantial provisions and reserves;
  (d) fixed assets;
  (e) depreciation;
  (f) capital charges;
  (g) work in progress;
  (h) stocks and stores;
(i) deferred charges;
(j) accounting for value added tax;
(k) government grants;
(l) leasing;
(m) pensions.

4.5.3 Responsibilities of Corporate Directors (Chief Officers)

- To adhere to the accounting policies and guidelines approved by the Director of Finance & Corporate Services.

4.6. ACCOUNTING RECORDS AND RETURNS

Maintaining proper accounting records is one of the ways in which the Authority discharges its responsibility for stewardship of public resources. The Authority has a statutory responsibility to prepare its annual accounts to present fairly its operations during the year. These are subject to external audit. This audit provides assurance that the accounts are prepared properly, that proper accounting practices have been followed and that quality arrangements have been made for securing economy, efficiency and effectiveness in the use of the Authority’s resources.

4.6.1 Key Controls

(a) All executive members, finance employees and budget managers operate within the required accounting standards and timetables.
(b) All the Authority’s transactions, material commitments and contracts and other essential accounting information are recorded completely, accurately and on a timely basis.
(c) Procedures are in place to enable accounting records to be reconstituted in the event of systems failure.
(d) Reconciliation procedures are carried out to ensure transactions are correctly recorded.
(e) Prime documents are retained in accordance with legislative and other requirements – including criteria set out by external funding bodies.
4.6.2 Responsibilities of the Director of Finance & Corporate Services

- To determine the accounting procedures and records for the Authority. Where these are maintained outside the finance department, the Director of Finance & Corporate Services should consult the Corporate Director concerned.
- To arrange for the compilation of all accounts and accounting records under his or her direction.
- To comply with the following principles when allocating accounting duties:
  (a) separating the duties of providing information about sums due to or from the Authority and calculating, checking and recording these sums from the duty of collecting or disbursing them
  (b) employees with the duty of examining or checking the accounts of cash transactions must not themselves be engaged in these transactions.
- To make proper arrangements for the audit of the Authority’s accounts in accordance with the Accounts and Audit Regulations 1996.
- To ensure that all claims for funds including grants are made by the due date.
- To prepare and publish the audited accounts of the Authority for each financial year, in accordance with the statutory timetable and with the requirement for the Council to approve the statement of accounts before 30th September.
- To administer the Authority’s arrangements for under- and overspendings to be carried forward to the following financial year.
- To ensure the proper retention of financial documents in accordance with the requirements set out in the Authority’s agreed policy.

4.6.3 Responsibilities of Corporate Directors (Chief Officers)

- To consult and obtain the approval of the Director of Finance & Corporate Services before making any changes to accounting records and procedures.
- To comply with the principles outlined in the preceding section regarding division of duties when allocating accounting duties.
• To maintain adequate records to provide a management trail leading from the source of income/expenditure through to the accounting statements.
• To supply information required to enable the statement of accounts to be completed in accordance with guidelines issued by the Director of Finance & Corporate Services.
• To ensure that all claims for funds including grants are made by the due date.

4.7. **THE ANNUAL STATEMENT OF ACCOUNTS**

The Authority has a statutory responsibility to prepare its own accounts to present fairly its operations during the year. The Council is responsible for approving the statutory annual statement of accounts.

4.7.1 **Key Controls**

The Authority is required to make arrangements for the proper administration of its financial affairs and to secure that one of its officers has the responsibility for the administration of these affairs. In this Authority, that officer is the Director of Finance & Corporate Services.

The Authority’s statement of accounts must be prepared in accordance with proper practices as set out in the *Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice* (the SORP) (CIPFA/LASAAC).

4.7.2 **Responsibilities of the Director of Finance & Corporate Services**

• To select suitable accounting policies and to apply them consistently.
• To make judgements and estimates that are reasonable and prudent.
• To comply with the SORP.
• To sign and date the statement of accounts, stating that it presents fairly the financial position of the Authority at the accounting date and its income and expenditure for the year ended 31\textsuperscript{st} March 20xx.
• To draw up the timetable for final accounts preparation and to advise employees and external auditors accordingly.

4.7.3 Responsibilities of Corporate Directors (Chief Officers)

• To comply with accounting guidance provided by the Director of Finance & Corporate Services and to supply the Director of Finance & Corporate Services with information when required.

4.8. **FINANCIAL PLANNING**

**Improvement Plans**

The Authority is required to publish annually a forward looking document which is termed the Corporate plan and the Authority is also required to publish a backward looking document which is termed the Annual Report.

4.8.1 Key Controls

(a) To ensure that all relevant plans are produced and that they are consistent.
(b) To produce plans in accordance with statutory requirements.
(c) To meet the timetables set.
(d) To ensure that all performance information is accurate, complete and up to date.
(e) To determine improvement priorities which are meaningful, relevant, realistic and challenging.

4.8.2 Responsibilities of the Director of Finance & Corporate Services

• To advise and supply the financial information that needs to be included in improvement/performance plans in accordance with statutory requirements and agreed timetables.
• To contribute to the development of corporate improvement priorities and performance information.

4.8.3 Responsibilities of Corporate Directors (Chief Officers)

• To contribute to the development of improvement/performance plans in line with statutory requirements.
The Neath Port Talbot Constitution

- To contribute to the development of corporate improvement priorities and performance information.
- To ensure that systems are in place to measure activity and collect accurate information for use as performance indicators.
- To ensure that performance information is monitored sufficiently frequently to allow corrective action to be taken if targets are not likely to be met.

**Budgetting**

**Format of the Budget**

The format of the budget determines the level of detail to which financial control and management will be exercised. The format shapes how the rules around virement operate, the operation of cash limits and sets the level at which funds may be reallocated within budgets.

4.8.4 **Key Controls**

(a) The format complies with all legal requirements.
(b) The format complies with CIPFA’s *Best Value Accounting – Code of Practice*.
(c) The format reflects the accountabilities of service delivery.

4.8.5 **Responsibilities of the Director of Finance & Corporate Services**

- To advise the executive on the format of the budget that is approved by the Council.

4.8.6 **Responsibilities of Corporate Directors (Chief Officers)**

- To comply with accounting guidance provided by the Director of Finance & Corporate Services.
Revenue Budget Preparation, Monitoring and Control

Budget management ensures that once the budget has been approved by the Council, resources allocated are used for their intended purposes and are properly accounted for. Budgetary control is a continuous process, enabling the Authority to review and adjust its budget targets during the financial year. It also provides the mechanism that calls to account managers responsible for defined elements of the budget.

By continuously identifying and explaining variances against budgetary targets, the Authority can identify changes in trends and resource requirements at the earliest opportunity. The Authority itself operates within an annual cash limit, approved when setting the overall budget. To ensure that the Authority in total does not overspend, each service is required to manage its own expenditure within the cash limited budget allocated to it.

4.8.7 Key Controls

(a) Budget managers should be responsible for controllable income and expenditure.
(b) There is a nominated budget manager for each cost centre heading.
(c) Budget managers accept accountability for their budgets and the level of service to be delivered and understand their financial responsibilities.
(d) Budget managers follow an approved certification process for all expenditure.
(e) Income and expenditure are properly recorded and accounted for.
(f) Performance levels/levels of service are monitored in conjunction with the budget and necessary action is taken to align service outputs and budget.
(g) The requirements in terms of budget monitoring frequency are identified in the following table:
### Frequency and Requirements

<table>
<thead>
<tr>
<th>Frequency</th>
<th>Requirements</th>
</tr>
</thead>
</table>
| Quarterly   | 1. Actual – v- Budget  
2. Projected outturn  
3. Analysis of significant variances  
4. Full analysis of action to be taken to resolve any overspends – actual or projected.  
5. Any emerging issues that may have an impact upon the financial position (a form of risk analysis).  
6. Information reported as an aggregate report to the executive. |
| Monthly     | 1. Exception reporting of any emerging issues.  
2. Information not formally collated as an Authority wide report – requirement is that monthly monitoring takes place with Directorates – service areas. |

### 4.8.8 Responsibilities of the Director of Finance & Corporate Services

- To establish an appropriate framework of budgetary management and control that ensures that:
  - (a) budget management is exercised within annual cash limits unless the Council agrees otherwise;
  - (b) each Corporate Director has available timely information on receipts and payments on each budget which is sufficiently detailed to enable managers to fulfil their budgetary responsibilities;
  - (c) expenditure is committed only against an approved budget head;
  - (d) all officers responsible for committing expenditure comply with relevant guidance, and the financial regulations;
  - (e) each budget head has a single named manager, determined by the relevant Corporate Director. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making processes that commit expenditure;
  - (f) significant variances from approved budgets are investigated and reported by budget managers regularly.
- To administer the Authority’s scheme of virement.
• To submit reports to the executive and to the Council, in consultation with the relevant Corporate Director, where a Corporate Director is unable to balance expenditure and resources within existing approved budgets under his or her control.

• To prepare and submit reports on the Authority’s projected income and expenditure compared with the budget on a quarterly basis – see (g) above for details of table contents. Reports may also be made upon an ad hoc basis should there be a material issue, judged so, by the Director of Finance & Corporate Services.

4.8.9 Responsibilities of Corporate Directors (Chief Officers)

• To maintain budgetary control within their directorates, in adherence to the principles described earlier, and to ensure that all income and expenditure are properly recorded and accounted for.

• To ensure that an accountable budget manager is identified for each item of income and expenditure under the control of the Corporate Director (grouped together in a series of cost centres). As a general principle, budget responsibility should be aligned as closely as possible to the decision-making that commits expenditure.

• To ensure that spending remains within the service’s overall cash limit, and that individual budget heads are not overspent, by monitoring the budget and taking appropriate corrective action where significant variations from the approved budget are forecast.

• To ensure that a monitoring process is in place to review performance levels/levels of service in conjunction with the budget and is operating effectively.

• To prepare and submit to the executive reports on the service’s projected income and expenditure compared with its budget, in consultation with the Director of Finance & Corporate Services.

• To ensure prior approval by the Council or executive (as appropriate) for new proposals, of whatever amount, that:
(a) create financial commitments in future years
(b) change existing policies, initiate new policies or cease existing policies
(c) materially extend or reduce the Authority’s services.

• To ensure compliance with the scheme of virement.
The Neath Port Talbot Constitution

- To agree with the relevant Corporate Director where it appears that a budget proposal, including a virement proposal, may impact materially on another service area or Corporate Director’s level of service activity.

**Budgets and Medium Term Financial Planning**

The Authority is a complex organisation responsible for delivering a wide variety of services. It needs to plan effectively and to develop systems to enable scarce resources to be allocated in accordance with carefully weighed priorities. The budget is the financial expression of the Authority’s plans and policies.

The revenue budget must be constructed so as to ensure that resource allocation properly reflects the service plans and priorities of the Council. Budgets (spending plans) are needed so that the Authority can plan, authorise, monitor and control the way money is allocated and spent. It is illegal for an Authority to budget for a deficit.

Medium-term financial planning involves a planning cycle in which managers develop their own plans. As each year passes, another future year will be added to the medium-term plan. This ensures that the Authority is always preparing for events in advance.

4.8.10 **Key Controls**

- (a) Specific budget approval for all expenditure.
- (b) Budget managers are consulted in the preparation of the budgets for which they will be held responsible and accept accountability within delegations set by the executive for their budgets and the level of service to be delivered.
- (c) A monitoring process is in place to review regularly the effectiveness and operation of budget preparation and to ensure that any corrective action is taken.

4.8.11 **Responsibilities of the Director of Finance & Corporate Services**
• To prepare and submit reports on budget prospects for the executive, including resource constraints set by the National Assembly for Wales. Reports should take account of medium-term prospects, where appropriate.

• To determine the detailed form of revenue estimates and the methods for their preparation, consistent with the budget approved by the Council, and after consultation with the executive and Corporate Directors.

• To prepare and submit reports to the executive on the aggregate spending plans of directorates and on the resources available to fund them, identifying, where appropriate, the implications for the level of Council tax to be levied.

• To advise on the medium-term implications of spending decisions.

• To encourage the best use of resources and value for money by working with Corporate Directors to identify opportunities to improve economy, efficiency and effectiveness, and by encouraging good practice in conducting financial appraisals of development or savings options, and in developing financial aspects of service planning.

• To advise the Council on executive proposals in accordance with his or her responsibilities under section 151 of the Local Government Act 1972.

4.8.12 Responsibilities of Corporate Directors (Chief Officers)

• To prepare estimates of income and expenditure, in consultation with the Director of Finance & Corporate Services, to be submitted to the executive.

• To prepare budgets that are consistent with any relevant cash limits, with the Authority’s annual budget cycle and with guidelines issued by the executive. The format should be prescribed by the Director of Finance & Corporate Services in accordance with the Council’s general directions.

• To integrate financial and budget plans into service planning, so that budget plans can be supported by financial and non-financial performance measures.

• In consultation with the Director of Finance & Corporate Services and in accordance with the laid-down guidance and timetable, to prepare detailed draft revenue and capital budgets for consideration by the executive and then Council.
• When drawing up draft budget strategy requirements, to have regard to:
  (a) goals of the Community Plan;
  (b) customer consultation;
  (c) spending patterns and pressures revealed through the budget monitoring process;
  (d) legal requirements;
  (e) policy requirements as defined by the Council in the approved policy framework;
  (f) initiatives already under way.

**Resource Allocation**

A mismatch often exists between available resources and required resources. A common scenario is that available resources are not adequate to fulfil need/desire. It is therefore imperative that needs/desires are carefully prioritised and that resources are fairly allocated, in order to fulfil all legal responsibilities. Resources may include employees, money, equipment, goods and materials.

4.8.13 **Key Controls**

(a) Resources are acquired in accordance with the law and using an approved authorisation process.
(b) Resources are used only for the purpose intended, to achieve the approved policies and objectives, and are properly accounted for.
(c) Resources are securely held for use when required.
(d) Resources are used with the minimum level of waste, inefficiency or loss for other reasons.

4.8.14 **Responsibilities of the Director of Finance & Corporate Services**

• To advise on methods available for the funding of resources, such as grants from central government and borrowing requirements.

4.8.15 **Responsibilities of Corporate Directors (Chief Officers)**

• To work within budget limits and to utilise resources allocated, and further allocate resources, in the most efficient, effective and economic way.
• To identify opportunities to minimise or eliminate resource requirements or consumption without having a detrimental effect on service delivery.

**Capital Programmes**

Capital expenditure involves acquiring or enhancing fixed assets with a long-term value to the Authority, such as land, buildings, and major items of plant, equipment or vehicles. Capital assets shape the way services are delivered in the long term and create financial commitments for the future in the form of financing costs and revenue running costs.

The Government places strict controls on the financing capacity of the Authority. This means that capital expenditure should form part of an investment strategy and should be carefully prioritised in order to maximise the benefit of scarce resources.

4.8.16 **Key Controls**

(a) Specific approval by the Council for the programme of capital expenditure.

(b) Development of a capital programme with a medium term planning horizon.

(c) Expenditure on capital schemes is subject to the approval of the Director of Finance & Corporate Services.

(d) A scheme and estimate, including project plan, progress targets and associated revenue expenditure is prepared for each capital project, for approval by the executive.

(e) Approval by the executive where capital schemes are to be financed from the revenue budget, up to a specified amount, and subject to the approval of the Council, where the expenditure exceeds this amount.

(f) Proposals for improvements and alterations to buildings must be approved by the appropriate Corporate Director.

(g) Schedules for individual schemes within the overall budget approved by the Council must be submitted to the executive for approval (for example, minor works), or under other arrangements approved by the Council.

(h) The development and implementation of asset management plans.
The Neath Port Talbot Constitution

(i) Accountability for each proposal is accepted by a named manager.
(j) Monitoring of progress with approved budget, the project plan and agreed outputs.
(k) Maximisation of potential external grant funding is achieved.

4.8.17 Responsibilities of the Director of Finance & Corporate Services

- To prepare an estimate of available resources to fund the capital programme in a financial year and/or for a longer period where medium term planning requires.
- To prepare capital estimates jointly with Corporate Directors and the head of paid service and to report them to the executive for approval. The executive will make recommendations on the capital estimates and on any associated financing requirements to the Council. Executive approval is required where a Corporate Director proposes to bid for or exercise additional borrowing approval not anticipated in the capital programme. This is because the extra borrowing may create future commitments to financing costs.
- To prepare and submit reports to the executive on the projected income, expenditure and resources compared with the approved estimates.
- To issue guidance concerning capital schemes and controls, for example, on project appraisal techniques. The definition of ‘capital’ will be determined by the Director of Finance & Corporate Services, having regard to government regulations and accounting requirements.
- To obtain authorisation from the executive for individual schemes where the estimated expenditure exceeds the capital programme provision by more than 10% of the scheme cost or £50,000 whichever is the lesser.

4.8.18 Responsibilities of Corporate Directors (Chief Officers)

- To comply with guidance concerning capital schemes and controls issued by the Director of Finance & Corporate Services.
- To ensure that all capital proposals have undergone a project appraisal in accordance with the attached guidance issued by the Director of Finance & Corporate Services.
• To prepare regular reports reviewing the capital programme provisions for their services. They should also prepare a quarterly return of estimated final costs of schemes in the approved capital programme for submission to the Director of Finance & Corporate Services.
• To ensure that adequate records are maintained for all capital contracts.
• To proceed with projects only when there is adequate provision in the capital programme and with the agreement of the Director of Finance & Corporate Services, where required.
• To prepare and submit reports, jointly with the Director of Finance & Corporate Services, to the executive, of any variation in contract costs greater than the approved limits.
• To prepare and submit reports, jointly with the Director of Finance & Corporate Services, to the executive, on completion of all contracts where the final expenditure exceeds the approved contract sum by more than 10% or £50,000 whichever is the lesser.
• To ensure that credit arrangements, such as leasing agreements, are not entered into without the prior approval of the Director of Finance & Corporate Services and, if applicable, approval of the scheme through the capital programme.
• To consult with the Director of Finance & Corporate Services and to seek executive approval where the Corporate Director proposes to bid for supplementary credit approvals to be issued by government departments to support expenditure that has not been included in the current year’s capital programme.
• To consult with the Director of Finance & Corporate Services and to seek executive approval where the Corporate Director proposes to bid for external capital grant aid to support expenditure that has not been included in the current year’s capital programme.

Maintenance of Reserves

The Authority must decide the level of general reserves it wishes to maintain before it can decide the level of Council tax. Reserves are maintained as a matter of prudence. They enable the Authority to provide for unexpected events and thereby protect it from overspending, should such events occur. Reserves for specific purposes may also be maintained, such as the purchase or renewal of capital items.
4.8.19 Key Controls

(a) To maintain reserves in accordance with the *Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice* (CIPFA/LASAAC) and agreed accounting policies.

(b) For each reserve established, the purpose, usage and basis of transactions should be clearly identified.

(c) Authorisation and expenditure from reserves by the appropriate Corporate Director in consultation with the Director of Finance & Corporate Services.

4.8.20 Responsibilities of the Director of Finance & Corporate Services

- To advise the executive and/or the Council on prudent levels of reserves for the Authority, and to take account of the advice of the external auditor in this matter.

4.8.21 Responsibilities of Corporate Directors (Chief Officers)

- To ensure that reserves are used only for the purposes for which they were intended.

4.9. **RISK MANAGEMENT AND CONTROL OF RESOURCES**

Risk Management

It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant operational risks to the Authority. This should include the proactive participation of all those associated with planning and delivering services.
All organisations, whether private or public sector, face risks to people, property and continued operations. Risk is the chance or possibility of loss, damage, injury or failure to achieve objectives caused by an unwanted or uncertain action or event. Risk management is the planned and systematic approach to the identification, evaluation and control of risk. Its objectives are to secure the assets of the organisation and to ensure the continued financial and organisational well-being of the organisation. In essence it is, therefore, an integral part of good business practice. Risk management is concerned with evaluating the measures an organisation already has in place to manage identified risks and then recommending the action the organisation needs to take to control these risks effectively.

It is the overall responsibility of the executive to approve the Authority’s risk management strategy, and to promote a culture of risk management awareness throughout the Authority.

4.9.1 Key Controls

(a) Procedures are in place to identify, assess, prevent or contain material known risks, and these procedures are operating effectively throughout the Authority.

(b) A monitoring process is in place to review regularly the effectiveness of risk reduction strategies and the operation of these controls. The risk management process should be conducted on a continuing basis.

(c) Managers know that they are responsible for managing relevant risks and are provided with relevant information on risk management initiatives.

(d) Provision is made for losses that might result from the risks that remain.

(e) Procedures are in place to investigate claims within required timescales.

(f) Acceptable levels of risk are determined and insured against where appropriate.

(g) The Authority has identified business continuity plans for implementation in the event of disaster that results in significant loss or damage to its resources.
(h) The Authority maintains an effective Internal Audit Service which regularly reviews internal controls, undertakes risk assessments and has reporting linkages to the Audit Committee.

4.9.2 Responsibilities of the Director of Finance & Corporate Services

- To prepare and promote the Authority’s risk management policy statement.
- To develop risk management controls in conjunction with other Corporate Directors.
- To include all appropriate employees of the Authority in a suitable fidelity guarantee insurance.
- To offer insurance cover to schools in accordance with Fair Funding arrangements.
- To effect corporate insurance cover, through external insurance and internal funding, and to negotiate all claims in consultation with other officers, and all other relevant parties, where necessary.

4.9.3 Responsibilities of Corporate Directors (Chief Officers)

- To notify the Director of Finance & Corporate Services immediately of any loss, liability or damage that may lead to a claim against the Authority, together with any information or explanation required by the Director of Finance & Corporate Services or the Authority’s insurers.
- To take responsibility for risk management, having regard to advice from the Director of Finance & Corporate Services and other specialist officers (e.g. crime prevention, fire prevention, health and safety).
- To ensure that there are regular reviews of risk within their directorates.
- To notify the Director of Finance & Corporate Services promptly of all new risks, properties or vehicles that require insurance and of any alterations affecting existing insurances.
- To consult the Director of Finance & Corporate Services and the Authority’s Head of Legal Services on the terms of any indemnity that the Authority is requested to give.
• To ensure that employees, or anyone covered by the Authority’s insurances, do not admit liability or make any offer to pay compensation that may prejudice the assessment of liability in respect of any insurance claim.

**Internal Controls**

The Authority is complex and beyond the direct control of individuals. It therefore requires internal controls to manage and monitor progress towards strategic objectives.

The Authority has statutory obligations, and, therefore, requires internal controls to identify, meet and monitor compliance with these obligations.

The Authority faces a wide range of financial, administrative and commercial risks, both from internal and external factors, which threaten the achievement of its objectives. Internal controls are necessary to manage these risks.

The system of internal controls is established in order to provide measurable achievement of:

(a) efficient and effective operations;
(b) reliable financial information and reporting;
(c) compliance with laws and regulations;
(d) risk management.

**4.9.4 Key Controls**

(a) Key controls should be reviewed on a regular basis and the Authority should make a formal statement annually to the effect that it is satisfied that the systems of internal control are operating effectively.

(b) Managerial control systems, including defining policies, setting objectives and plans, monitoring financial and other performance and taking appropriate anticipatory and remedial action. The key objective of these systems is to promote ownership of the control environment by defining roles and responsibilities.
(c) Financial and operational control systems and procedures, which include physical safeguards for assets, segregation of duties, authorisation, delegated decisions and approval procedures and information systems.

(d) An adequate and effective internal audit function that is properly resourced. It should operate in accordance with the principles contained in the Auditing Practices Board’s auditing guideline Guidance for Internal Auditors, CIPFA’s Code of Practice for Internal Audit in Local Government in the United Kingdom and with any other statutory obligations and regulations.

4.9.5 Responsibilities of the Director of Finance & Corporate Services

- To assist the Authority to put in place an appropriate control environment and effective internal controls which provide reasonable assurance of effective and efficient operations, financial stewardship, probity and compliance with laws and regulations.

4.9.6 Responsibilities of Corporate Directors (Chief Officers)

- To manage processes to check that established controls are being adhered to and to evaluate their effectiveness, in order to be confident in the proper use of resources, achievement of objectives and management of risks.
- To review existing controls in the light of changes affecting the Authority and to establish and implement new ones in line with guidance from the Director of Finance & Corporate Services. Corporate Directors should also be responsible for removing controls that are unnecessary or not cost or risk effective – for example, because of duplication.
- To ensure staff have a clear understanding of the consequences of lack of control.
Audit Requirements

Internal Audit

The requirement for an internal audit function for local authorities is implied by Section 151 of the Local Government Act 1972, which requires that authorities “make arrangements for the proper administration of their financial affairs”. The Accounts and Audit Regulations 1996 (SI 1996/590), regulation 5, more specifically require that a “relevant body shall maintain an adequate and effective system of internal audit of their accounting records and control systems”.

Accordingly, internal audit is an independent and objective appraisal function established by the Authority for reviewing the system of internal control. It examines, evaluates and reports on the adequacy of internal control as a contribution to the proper, economic, efficient and effective use of resources.

4.9.7 Key Controls

(a) That it is independent in its planning and operation.
(b) The head of internal audit has direct access to the Director of Finance & Corporate Services and the head of paid service, all levels of management and directly to elected members.
(c) The internal auditors comply with the Auditing Practices Board’s guideline Guidance for Internal Auditors, as interpreted by CIPFA’s Code of Practice for Internal Audit in Local Government in the United Kingdom. (Note: Endorsed by Strategic Resources Board at its meeting in January 2001).

4.9.8 Responsibilities of the Director of Finance & Corporate Services

- To ensure that internal auditors have the authority to:
  (a) access Authority premises at reasonable times
  (b) access all assets, records, documents, correspondence and control systems
  (c) receive any information and explanation considered necessary concerning any matter under consideration
  (d) require any employee of the Authority to account for cash, stores or any other Authority asset under his or her control

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4. access records belonging to third parties, such as contractors, when required
5. directly access the head of paid service, the executive and Audit Committee.

- To ensure that effective procedures are in place to investigate promptly any fraud, irregularity or malpractice.

### 4.9.9 Responsibilities of Corporate Directors (Chief Officers)

- To ensure that internal auditors are given access at all reasonable times to premises, personnel, documents and assets that the auditors consider necessary for the purposes of their work.
- To ensure that auditors are provided with any information and explanations that they seek in the course of their work.
- To consider and respond promptly to recommendations in audit reports.
- To ensure that any agreed actions arising from audit recommendations are carried out in a timely and efficient fashion.
- To notify the Director of Finance & Corporate Services immediately of any suspected fraud, theft, irregularity, improper use or misappropriation of the Authority’s property or resources. Pending investigation and reporting, the Corporate Director should take all necessary steps to prevent further loss and to secure records and documentation against removal or alteration.

### External Audit

The Local Government Finance Act 1982 set up the Audit Commission, which is responsible for appointing external auditors to each local authority in England and Wales. The external auditor has rights of access to all documents and information necessary for audit purposes.
The basic duties of the external auditor are defined in the Audit Commission Act 1998 and the Local Government Act 1999. In particular, section 4 of the 1998 Act requires the Audit Commission to prepare a code of audit practice, which external auditors follow when carrying out their duties. The code of audit practice issued in March 2000 sets out the auditor’s objectives to review and report upon:

(a) the financial aspects of the audited body’s corporate governance arrangements;
(b) the audited body’s financial statements;
(c) aspects of the audited body’s arrangements to manage its performance, including the preparation and publication of specified performance information and compliance in respect of the preparation and publication of the BVPP.

The Authority’s accounts are scrutinised by external auditors, who must be satisfied that the statement of accounts ‘presents fairly’ the financial position of the Authority and its income and expenditure for the year in question and complies with the legal requirements.

4.9.10 Key Controls

External auditors are appointed by the Audit Commission normally for a minimum period of five years. The Audit Commission prepares a code of audit practice, which external auditors follow when carrying out their audits.

4.9.11 Responsibilities of the Director of Finance & Corporate Services

- To ensure that external auditors are given access at all reasonable times to premises, personnel, documents and assets that the external auditors consider necessary for the purposes of their work.
- To ensure there is effective liaison between external and internal audit.
- To work with the external auditor and advise the Council, executive and Corporate Directors on their responsibilities in relation to external audit.
- To ensure access is permitted to appropriate records of any external bodies where a relationship with the Authority exists, e.g. third party arrangements for grants.
4.9.12 Responsibilities of Corporate Directors (Chief Officers)

- To ensure that external auditors are given access at all reasonable times to premises, personnel, documents and assets which the external auditors consider necessary for the purposes of their work.
- To ensure that all records and systems are up to date and available for inspection.
- To ensure that all working papers to support accounting entries, grant claims etc. are of a sufficiently high standard so as to be fully acceptable for external audit use.

Preventing Fraud and Corruption

The Authority will not tolerate fraud, corruption or any acts of malpractice in the administration of its responsibilities, whether from inside or outside the Authority.

The Authority’s expectation of propriety and accountability is that members and employees at all levels will lead by example in ensuring adherence to legal requirements, rules, procedures and practices.

The Authority also expects that individuals and organisations (eg suppliers, contractors, service providers) with whom it comes into contact will act towards the Authority with integrity and without thought or actions involving fraud and corruption.

4.9.13 Key Controls

(a) The Authority has an effective anti-fraud, corruption and malpractice strategy policy document and maintains a culture that will not tolerate fraud, corruption or any acts of malpractice.
(b) All members and employees act with integrity and lead by example.
(c) Senior managers are required to deal swiftly and firmly with those who defraud or attempt to defraud the Authority or who are corrupt.
(d) High standards of conduct are promoted amongst members by the standards committee.
(e) The maintenance of a register of interests in which any hospitality or gifts accepted must be recorded.
(f) Whistle blowing procedures are in place and operate effectively.
(g) Legislation including the Public Interest Disclosure Act 1998 is adhered to.

4.9.14 Responsibilities of the Director of Finance & Corporate Services

- To develop and maintain an anti-fraud, corruption and malpractice strategy policy document.
- To maintain adequate and effective internal control arrangements.
- To ensure that all suspected irregularities which fall under necessary notification requirements are reported to the chief internal auditor, the head of paid service, the executive and the Audit Committee.

4.9.15 Responsibilities of Corporate Directors (Chief Officers)

- To ensure that all suspected irregularities are reported to the chief internal auditor.
- To instigate the Authority’s disciplinary procedures where the outcome of an audit investigation indicates improper behaviour.
- To ensure that where financial impropriety is discovered, the Director of Finance & Corporate Services is informed, and where sufficient evidence exists to believe that a criminal offence may have been committed, the police are called in to determine with the Crown Prosecution Service whether any prosecution will take place.
- To maintain a departmental register of interests.
Assets

Security

The Authority holds assets in the form of property, vehicles, equipment, furniture and other items worth many millions of pounds. It is important that assets are safeguarded and used efficiently in service delivery, and that there are arrangements for the security of both assets and information required for service operations. An up-to-date asset register is a prerequisite for proper fixed asset accounting and sound asset management.

4.9.16 Key Controls

(a) Resources are used only for the purposes of the Authority and are properly accounted for.
(b) Resources are available for use when required.
(c) Resources no longer required are disposed of in accordance with the law and the regulations of the Authority so as to maximise benefits.
(d) An asset register is maintained for the Authority, assets are recorded when they are acquired by the Authority and this record is updated as changes occur with respect to the location and condition of the asset.
(e) All staff are aware of their responsibilities with regard to safeguarding the Authority’s assets and information, including the requirements of the Data Protection Act and software copyright legislation.
(f) All staff are aware of their responsibilities with regard to safeguarding the security of the Authority’s computer systems, including maintaining restricted access to the information held on them and compliance with the Authority’s computer and internet security policies.
4.9.17 Responsibilities of the Director of Finance & Corporate Services

- To ensure that an asset register is maintained in accordance with proper practice for all capital expenditure in excess of £10,000 which enhances asset value and is contained within the Authority’s approved Capital Programme (the only exceptions being multiple items, e.g. vehicles, personal computers under £10,000 which are included in the Asset Register).
- The function of the asset register is to provide the Authority with information about fixed assets so that they are:
  - safeguarded;
  - used efficiently and effectively;
  - adequately maintained;
  - charged to the appropriate user within the Revenue Accounts.
- To receive the information required for accounting, costing and financial records from each Corporate Director.
- To ensure that assets are valued in accordance with the Statements of Asset Valuation Practice and Guidance Notes published by the Royal Institution of Chartered Surveyors in conjunction with the guidelines set out in CIPFA’s Valuations for accounting purposes circa 1997.

4.9.18 Responsibilities of Corporate Directors (Chief Officers)

- The appropriate Corporate Director (Director of Environment) shall maintain a property database in a form approved by the Director of Finance & Corporate Services for all properties, plant and machinery and moveable assets currently owned or used by the Authority and to arrange for the valuation of assets for accounting purposes to meet requirements specified by the Director of Finance & Corporate Services. Any use of property by a directorate or establishment other than for direct service delivery should be supported by documentation identifying terms, responsibilities and duration of use.
- The appropriate Corporate Director (Director of Environment) to ensure that lessees and other prospective occupiers of Council land are not allowed to take possession or enter the land until a lease or agreement, in a form approved by the appropriate Corporate Director (Director of Environment) in consultation with the Director of Finance & Corporate Services, has been established as appropriate.
• To ensure the proper security of all buildings and other assets under their control.
• Where land or buildings are surplus to requirements, a recommendation for sale should be the subject of a joint report by the appropriate Corporate Director (Director of Environment) and the Director of Finance & Corporate Services.
• To pass title deeds to the Director of Finance & Corporate Services who is responsible for custody of all title deeds.
• To ensure that no Authority asset is subject to personal use by an employee without proper authority.
• To ensure the safe custody of vehicles, equipment, furniture, stock, stores and other property belonging to the Authority.
• To ensure that the directorate maintains a register of moveable assets in accordance with arrangements defined by the Director of Finance & Corporate Services.
• To ensure that assets are identified, their location recorded and that they are appropriately marked and insured.
• To consult the Director of Finance & Corporate Services in any case where security is thought to be defective or where it is considered that special security arrangements may be needed.
• To ensure cash holdings on premises are kept to a minimum.
• To ensure that keys to safes and similar receptacles are carried on the person of those responsible at all times; loss of any such keys must be reported to the Director of Finance & Corporate Services as soon as possible.
• To record all disposal or part exchange of assets that should normally be by competitive tender or public auction, unless, following consultation with the Procurement Officer and the Director of Finance & Corporate Services, the executive agrees otherwise.
• To ensure that all employees are aware that they have a personal responsibility with regard to the protection and confidentiality of information, whether held in manual or computerised records. Information may be sensitive or privileged, or may possess some intrinsic value, and its disclosure or loss could result in a cost to the Authority in some way.
**Inventories**

Responsibilities of Corporate Directors (Chief Officers)

- To maintain inventories and record an adequate description of furniture, fittings, plant and machinery and other valuable items of equipment with a cost in excess of £250.
- To carry out an annual check of all items on the inventory in order to verify location, review, condition and to take action in relation to surpluses or deficiencies, annotating the inventory accordingly. Attractive and portable items such as computers, cameras and video recorders should be identified with security markings as belonging to the Authority.
- To make sure that property is only used in the course of the Authority’s business, unless the Corporate Director concerned has given permission otherwise.
- Items above £10,000 in value must also be provided to the Risk & Insurance Manager on an annual basis.

**Stocks and Stores**

4.9.19 Responsibilities of Corporate Directors (Chief Officers)

- To make arrangements for the care and custody of stocks and stores in the directorate.
- To ensure stocks are maintained at reasonable levels and are subject to a regular independent physical check. All discrepancies should be investigated and pursued to a satisfactory conclusion.
- To investigate and remove from the Authority’s records (ie write off) discrepancies as necessary, or to obtain executive approval if they are in excess of the predetermined limit set by the Director of Finance & Corporate Services.
- To authorise or write off disposal of redundant stocks and equipment. Procedures for disposal of such stocks and equipment should be by competitive quotations or auction, unless, following consultation with the Procurement Officer and the Director of Finance & Corporate Services, the executive decides otherwise in a particular case.
- To seek executive approval to the write-off of redundant stocks and equipment in excess of the predetermined sum set by the Director of Finance & Corporate Services.
Intellectual Property

Intellectual property is a generic term that includes inventions and writing. If these are created by the employee during the course of employment, then, as a general rule, they belong to the employer, not the employee. Various acts of Parliament cover different types of intellectual property.

Certain activities undertaken within the Authority may give rise to products that may be patentable. These items are collectively known as intellectual property. In addition, copyright will apply to software development.

4.9.20 Key Controls

In the event that the Authority decides to become involved in the commercial exploitation of inventions, the matter should proceed in accordance with the Authority’s approved intellectual property procedures.

4.9.21 Responsibilities of the Director of Finance & Corporate Services

- To develop and disseminate good practice through the Authority’s intellectual property procedures.

4.9.22 Responsibilities of Corporate Directors (Chief Officers)

- To ensure that controls are in place to ensure that staff do not carry out private work in Council time and that employees are aware of an employer’s rights with regard to intellectual property.

Asset Disposal

It would be uneconomic and inefficient for the cost of assets to outweigh their benefits. Obsolete, non-repairable or unnecessary resources should be disposed of in accordance with the law and the regulations of the Authority.
4.9.23 **Key Controls**

Assets for disposal are identified and are disposed of at the most appropriate time, and only when it is in the best interests of the Authority, and best price is obtained, bearing in mind other factors, such as environmental issues. For items of significant value, disposal should be by competitive tender or public auction.

Procedures protect employees involved in the disposal from accusations of personal gain.

4.9.24 **Responsibilities of the Director of Finance & Corporate Services**

- To issue guidelines representing best practice for disposal of assets.
- To ensure appropriate accounting entries are made to remove the value of disposed assets from the Authority’s records and to include the sale proceeds if appropriate.

4.9.25 **Responsibilities of Corporate Directors (Chief Officers)**

- To seek advice from the Procurement Officer on the disposal of surplus or obsolete materials, stores or equipment.
- To ensure that income received for the disposal of an asset is properly banked and coded.

**Treasury Management**

Many millions of pounds pass through the Authority’s books each year. This has led to the establishment of codes of practice. These aim to provide assurances that the Authority’s money is properly managed in a way that balances risk with return, but with the overriding consideration being given to the security of the Authority’s capital sum.

4.9.26 **Key Controls**

That the Authority’s borrowings and investments comply with the CIPFA *Code of Practice on Treasury Management* and with the Authority’s treasury policy statement.
4.9.27 Responsibilities of Director of Finance & Corporate Services – Treasury Management and Banking

- To arrange the borrowing and investments of the Authority in such a manner as to comply with the CIPFA *Code of Practice on Treasury Management* and the Authority’s treasury management policy statement and strategy.
- To report no fewer than four times a year on treasury management activities to the executive.
- To operate bank accounts as are considered necessary – opening or closing any bank account shall require the approval of the Director of Finance & Corporate Services.

4.9.28 Responsibilities of Corporate Directors (Chief Officers) – Treasury Management and Banking

- To follow the instructions on banking issued by the Director of Finance & Corporate Services.

4.9.29 Responsibilities of Director of Finance & Corporate Services – Investments and Borrowing

- To ensure that all investments of money are made in the name of the Authority or in the name of nominees approved by the Council.
- To ensure that all securities that are the property of the Authority or its nominees and the title deeds of all property in the Authority’s ownership are held in the custody of the Head of Legal Services or nominated representative.
- To effect all borrowings in the name of the Authority.
- To act as the Authority’s registrar of stocks, bonds and mortgages and to maintain records of all borrowing of money by the Authority.
- To ensure all investments of money are made in accordance with the Local Authorities (Capital Finance and Approved Investments) (Amendment) (Wales) Regulations 2002.
4.9.30 Responsibilities of Corporate Directors (Chief Officers) – Investments and Borrowing

- To ensure that loans are not made to third parties and that interests are not acquired in companies, joint ventures or other enterprises without the approval of the Executive and the Council, following consultation with the Director of Finance & Corporate Services.

4.9.31 Responsibilities of Corporate Directors (Chief Officers) – Trust Funds and Funds held for Third Parties

- To arrange for all trust funds to be held, wherever possible, in the name of the Authority. All officers acting as trustees by virtue of their official position shall deposit securities, etc relating to the trust with the Director of Finance & Corporate Services, unless the deed otherwise provides.
- To arrange, where funds are held on behalf of third parties, for their secure administration, approved by the Director of Finance & Corporate Services, and to maintain written records of all transactions.
- To ensure that trust funds are operated within any relevant legislation and the specific requirements for each trust.

Imprest Accounts

4.9.32 Responsibilities of the Director of Finance & Corporate Services

- To provide employees of the Authority with cash or bank imprest accounts to meet minor expenditure on behalf of the Authority and to prescribe rules for operating these accounts. Minor items of expenditure should not exceed the prescribed amount.
- To determine the petty cash limit and to maintain a record of all transactions and petty cash advances made, and periodically to review the arrangements for the safe custody and control of these advances.
- To reimburse imprest holders as often as necessary to restore the imprests, but normally not more than monthly.
4.9.33 Responsibilities of Corporate Directors (Chief Officers) – Imprest Accounts

To ensure that employees operating an imprest account:

(a) obtain and retain vouchers to support each payment from the imprest account. Where appropriate, an official receipted VAT invoice must be obtained;
(b) make adequate arrangements for the safe custody of the account;
(c) produce upon demand by the Director of Finance & Corporate Services cash and all vouchers to the total value of the imprest amount;
(d) record transactions promptly;
(e) reconcile and balance the account at least monthly; reconciliation sheets to be signed and retained by the imprest holder;
(f) provide the Director of Finance & Corporate Services with a certificate of the value of the account held at 31st March each year;
(g) ensure that the float is never used to cash personal cheques or to make personal loans and that the only payments into the account are the reimbursement of the float and change relating to purchases where an advance has been made;
(h) on leaving the Authority’s employment or otherwise ceasing to be entitled to hold an imprest advance, an employee shall account to the Director of Finance & Corporate Services for the amount advanced to him or her;
(i) claim to be forwarded to the Director of Finance & Corporate Services in sufficient time to prevent the account from being overdrawn
(j) promptly notify the Director of Finance & Corporate Services of any change of signatories.

Staffing

In order to provide the highest level of service, it is crucial that the Authority recruits and retains high calibre, knowledgeable employees, qualified to an appropriate level.
4.9.34 Key Controls

(a) An appropriate staffing strategy and policy exists, in which staffing requirements and budget allocation are matched.
(b) Procedures are in place for forecasting staffing requirements and cost.
(c) Controls are implemented that ensure that employees' time is used efficiently and to the benefit of the Authority.
(d) Checks are undertaken prior to employing new employees to ensure that they are appropriately qualified, experienced and trustworthy.
(e) An appropriate check is undertaken prior to employment with the Criminal Records Bureau in respect of employees working in designated posts.
(f) The Authority operates a full equal opportunities policy for all positions.

4.9.35 Responsibilities of the Director of Finance & Corporate Services

- To ensure that budget provision exists for all existing and new employees.
- To act as an advisor to Corporate Directors on areas such as National Insurance and pension contributions, as appropriate.

4.9.36 Responsibilities of Corporate Directors (Chief Officers)

- To produce an annual staffing budget.
- To ensure that the staffing budget is an accurate forecast of staffing levels and is equated to an appropriate revenue budget provision (including on-costs and overheads).
- To appoint employees in accordance with equal opportunities and other human resource policies of the Authority.
- To monitor employee activity to ensure adequate control over such costs as sickness, overtime, training and temporary staff.
- To ensure that the staffing budget is not exceeded without due authority and that it is managed to enable the agreed level of service to be provided.
- To ensure that the Director of Finance & Corporate Services is immediately informed if the staffing budget is likely to be materially over- or underspent.
4.10. **FINANCIAL SYSTEMS AND PROCEDURES**

*General Issues*

Directorates have many systems and procedures relating to the control of the Authority’s assets, including purchasing, costing and management systems. Directorates are increasingly reliant on computers for their financial management information. The information must therefore be accurate and the systems and procedures sound and well administered. They should contain controls to ensure that transactions are properly processed and errors detected promptly.

The Director of Finance & Corporate Services has a professional responsibility to ensure that the Authority’s financial systems are sound and should therefore be notified at the outset of any new developments or changes.

4.10.1 **Key Controls**

(a) Basic data exists to enable the Authority’s objectives, targets, budgets and plans to be formulated.

(b) Performance is communicated to the appropriate managers on an accurate, complete and timely basis.

(c) Early warning is provided of deviations from target, plans and budgets that require management attention.

(d) Operating systems and procedures are secure.

4.10.2 **Responsibilities of the Director of Finance & Corporate Services**

To make arrangements for the proper administration of the Authority’s financial affairs, including to:

(a) issue advice, guidance and procedures for officers and others acting on the Authority’s behalf;

(b) determine the accounting systems, form of accounts and supporting financial records;

(c) establish arrangements for audit of the Authority’s financial affairs;

(d) define minimum standards for financial matters;

(e) approve any changes to be made to existing financial systems.
4.10.3 Responsibilities of Corporate Directors (Chief Officers)

- To ensure that accounting records are properly maintained and held securely.
- To ensure that vouchers and documents with financial implications are not destroyed, except in accordance with arrangements approved by the Director of Finance & Corporate Services.
- To ensure that a complete management trail, allowing financial transactions to be traced from the accounting records to the original document, and vice versa, is maintained.
- To incorporate appropriate controls to ensure that, where relevant:
  (a) all input is genuine, complete, accurate, timely and not previously processed;
  (b) all processing is carried out in an accurate, complete and timely manner;
  (c) output from the system is complete, accurate and timely.
- To ensure that the organisational structure provides an appropriate segregation of duties to provide adequate internal controls and to minimise the risk of fraud or other malpractice.
- To ensure there is a documented and tested disaster recovery plan to allow information system processing to resume quickly in the event of an interruption.
- To ensure that systems are documented and employees trained in operations.
- To ensure that any financial systems within their service area meet the minimum standards laid down by the Director of Finance & Corporate Services.
- To establish a scheme of delegation identifying officers authorised to act upon the Corporate Director’s behalf in respect of payments, income collection and placing orders, including variations, and showing the limits of their authority.
- To supply lists of authorised officers, with specimen signatures and delegated limits, to the Director of Finance & Corporate Services, together with any subsequent variations.
- To ensure that effective contingency arrangements, including back-up procedures, exist for computer systems in accordance with the Authority’s Policies.
• To ensure that, where appropriate, computer systems are registered in accordance with data protection legislation and that employees are aware of their responsibilities under the legislation.
• To ensure that relevant standards and guidelines for computer systems issued by the Corporate Director are observed.
• To ensure that computer equipment and software are protected from loss and damage through theft, vandalism, etc.
• To comply with the copyright, designs and patents legislation and, in particular, to ensure that:
  (a) only software legally acquired and installed by the Authority is used on its computers;
  (b) staff are aware of legislative provisions;
  (c) in developing systems, due regard is given to the issue of intellectual property rights.

**Income and Expenditure**

Income can be a vulnerable asset and effective income collection systems are necessary to ensure that all income due is identified, collected, receipted and banked properly. All efforts must be made to obtain income in advance of supplying goods or services as this improves the Authority’s cashflow and also avoids the time and cost of administering debts.

4.10.4 Key Controls

(a) All income due to the Authority is identified and charged correctly, in accordance with an approved charging policy, which is regularly reviewed.

(b) All income is collected from the correct person, at the right time, using the correct procedures and the appropriate stationery.

(c) All money received by an employee on behalf of the Authority is paid without delay to the Director of Finance & Corporate Services or, as he or she directs, to the Authority’s bank or National Giro account, and properly recorded. The responsibility for cash collection should be separated from that:
• for identifying the amount due
• for reconciling the amount due to the amount received.
(d) Effective action is taken to pursue non-payment within defined timescales.
(e) Formal executive approval for debt write-off is obtained (above that approved in the scheme of delegation).
(f) Appropriate write-off action is taken within defined timescales.
(g) Appropriate accounting adjustments are made following write-off action.
(h) All appropriate income documents are retained and stored for the defined period in accordance with the document retention schedule.
(i) Money collected and deposited is reconciled to the bank account by a person who is not involved in the collection or banking process.

4.10.5 Responsibilities of the Director of Finance & Corporate Services

- To agree arrangements for the collection of all income due to the Authority and to approve the procedures, systems and documentation for its collection.
- To agree the write-off of bad debts or seek approval from the Executive:
  a) where the irrecoverable debt is £1000 or less by the Director of Finance & Corporate Services;
  b) where the irrecoverable debt is over £1000 by the Executive after considering a report of the Director of Finance & Corporate Services.
- To ensure that appropriate adjustments are made following write-off action.
- To set the debt recovery policies for the Authority including the minimum standards of information required to support any debts outstanding.
- To advise service areas where appropriate of the level and details of debt outstanding for their areas.
- To set appropriate levels of bad debt provisions taking account of the level of outstanding debt.
- To follow appropriate recovery procedures, including legal action where necessary, for debts that are not paid promptly.
4.10.6 Responsibilities of Corporate Directors (Chief Officers)

- To ensure that wherever possible income is received in advance of the service being provided.
- To establish a charging policy for the supply of goods or services, including the appropriate charging of VAT, and to review it regularly, in line with corporate policies. This review is likely to be at least on an annual basis in accordance with budget setting requirements.
- To ensure that all income is correctly coded to the appropriate cost centre/fund.
- To separate the responsibility for identifying amounts due and the responsibility for collection, as far as is practicable.
- To order and supply all receipt forms, books or tickets and similar items and to satisfy himself or herself regarding the arrangements for their control.
- To issue official receipts or to maintain other documentation for income collection.
- To ensure that at least two employees are present when post is opened so that money received by post is properly identified and recorded.
- To hold securely receipts, tickets and other records of income for the appropriate period.

- To lock away all income to safeguard against loss or theft, and to ensure the security of cash handling. Only up to approved limits of cash can be held on the premises as advised by the Director of Finance & Corporate Services.
- To ensure that income is paid fully and promptly into the appropriate Authority bank account in the form in which it is received. Appropriate details including correct VAT indicator (liability) should be recorded on to paying-in slips to provide an audit trail. Money collected and deposited must be reconciled to the bank account on a regular basis.
- To ensure income is not used to cash personal cheques or other payments.
• To supply the Director of Finance & Corporate Services with details relating to work done, goods supplied, services rendered or other amounts due, to enable the Director of Finance & Corporate Services to record correctly the sums due to the Authority and to ensure accounts are sent out promptly. To do this, Corporate Directors should use established performance management systems to monitor recovery of income and flag up areas of concern to the Director of Finance & Corporate Services. Corporate Directors have a responsibility to assist the Director of Finance & Corporate Services in collecting debts that they have originated, by providing any further information requested by the debtor, and in pursuing the matter on the Authority’s behalf.

• To keep a record of every transfer of money between employees of the Authority. The receiving officer must sign for the transfer and the transferor must retain a copy.

• To notify the Director of Finance & Corporate Services of outstanding income relating to the previous financial year as soon as possible after 31st March in line with the timetable determined by the Director of Finance & Corporate Services and not later than 30th April.

**Ordering and Paying for Work, Goods and Services**

Public money should be spent with demonstrable probity and in accordance with the Authority’s policies. Authorities have a statutory duty to achieve best value in part through economy and efficiency. The Authority’s procedures should help to ensure that services obtain value for money from their purchasing arrangements. These procedures should be read in conjunction with the Authority’s Contracts Procedure Rules and any associated procurement policies.

**General Issues**

Every officer and member of the Authority has a responsibility to declare any links or personal interests that they may have with purchasers, suppliers and/or contractors if they are engaged in contractual or purchasing decisions on behalf of the Authority, in accordance with appropriate adopted codes of conduct.
Official orders must be in a form approved by the Director of Finance & Corporate Services. Official orders must be issued for all work, goods or services to be supplied to the Authority, except for supplies of utilities, periodic payments such as rent or rates, petty cash purchases or other exceptions specified by the Director of Finance & Corporate Services.

Each order must conform to the guidelines approved by the Council on central purchasing and the standardisation of supplies and materials. Standard terms and conditions must not be varied without the prior approval of the Director of Finance & Corporate Services.

Apart from petty cash and other payments from advance accounts, the normal method of payment from the Authority shall be by cheque or other instrument or approved method, drawn on the Authority’s bank account or National Giro account by the Director of Finance & Corporate Services. Payment means other than cheque shall require the prior agreement of the Director of Finance & Corporate Services.

Official orders must not be raised for any personal or private purchases, nor must personal or private use be made of Authority contracts.

4.10.7 Key Controls

(a) All goods and services are ordered only by appropriate persons and are correctly recorded.

(b) All goods and services shall be ordered in accordance with the Authority’s Contracts Procedure Rules and any associated procurement policies unless they are purchased from sources within the Authority.

(c) Goods and services received are checked to ensure they are in accordance with the order. Goods should not be received by the person who placed the order.

(d) Payments are not made unless goods have been received by the Authority to the correct price, quantity and quality standards.

(e) All payments are made to the correct person, for the correct amount and are properly recorded, regardless of the payment method.
4.10.8 Responsibilities of the Director of Finance & Corporate Services

- To approve the form of official orders and associated terms and conditions.
- To make payments from the Authority’s funds in accordance with National Performance Indicators on the Corporate Director’s authorisation that the expenditure has been duly incurred in accordance with financial regulations.
- To make payments, whether or not provision exists within the estimates, where the payment is specifically required by statute or is made under a court order.
- To make payments to contractors on the certificate of the appropriate Corporate Director, which must include details of the value of work, retention money, amounts previously certified and amounts now certified.
- To provide advice and encouragement on making payments by the most economical means.
- To be satisfied that a budgetary control system exists within the service that enables, where possible, commitments incurred by placing orders to be shown against the appropriate budget allocation so that they can be taken into account in budget monitoring reports.

4.10.9 Responsibilities of Corporate Directors (Chief Officers)

- In general terms, to adhere to effective procedures in order to facilitate compliance with National KPI on payment time.
- To ensure that unique pre-numbered official orders are used for all goods and services.
- To ensure that orders are only used for goods and services provided to the directorate. Individuals must not use official orders to obtain goods or services for their private use.
• To ensure that only those staff authorised by him or her sign orders and to maintain an up-to-date list of such authorised staff, including specimen signatures identifying in each case the limits of their authority. The authoriser of the order should be satisfied that the goods and services ordered are appropriate and needed, that there is adequate budgetary provision and that quotations or tenders have been obtained if necessary. Best value principles should underpin the Authority’s approach to procurement. Value for money should always be achieved.

• To ensure that goods and services are checked on receipt to verify that they are in accordance with the order. This check should, where possible, be carried out by a different officer from the person who authorised the order. Appropriate entries should then be made in inventories or stores records.

• To ensure that payment is not made unless a proper VAT invoice has been received, checked, coded and certified for payment, confirming:
  (a) receipt of goods or services;
  (b) that the invoice has not previously been paid;
  (c) that expenditure has been properly incurred and is within budget provision;
  (d) that prices and arithmetic are correct and accord with quotations, tenders, contracts or catalogue prices;
  (e) correct accounting treatment of tax, including the deduction and administration of the Construction Industry Scheme (CIS) where appropriate;
  (f) that the invoice is correctly coded;
  (g) that discounts have been taken where available;
  (h) that appropriate entries will be made in accounting records.

• To ensure that a budgetary control system exists within the service that enables, where possible, commitments incurred by placing orders to be shown against the appropriate budget allocation so that they can be taken into account in budget monitoring reports.

• To ensure that two authorised employees are involved in the ordering, receiving and payment process. If possible, a different officer from the person who signed the order, and in every case, a different officer from the person checking a written invoice, should authorise the invoice.
To ensure that the Directorate maintains and reviews periodically a list of staff approved to authorise invoices. Names of authorising officers together with specimen signatures and details of the limits of their authority shall be forwarded to the Director of Finance & Corporate Services and kept up to date.

To ensure that payments are not made on a photocopied or faxed invoice, statement or other document other than the formal invoice unless suitably endorsed and certified.

To encourage suppliers of goods and services to receive payment by the most economical means for the Authority. It is essential, however, that payments made by means other than cheques have the prior approval of the Director of Finance & Corporate Services.

To ensure that the Directorate obtains best value from purchases by taking appropriate steps to obtain competitive prices for goods and services of the appropriate quality, with regard to the best practice guidelines issued by the Director of Finance & Corporate Services, which are in line with best value principles and contained in the Authority’s Contractual Standing Orders and associated procurement policies.

To ensure that employees are aware of the employee code of conduct for local government employees as adopted by the Authority.

To ensure that loans, leasing or rental arrangements are not entered into without prior agreement from the Director of Finance & Corporate Services. This is because of the potential impact on the Authority’s borrowing powers, to protect the Authority against entering into unapproved credit arrangements and to ensure that value for money is being obtained.

To notify the Director of Finance & Corporate Services of outstanding expenditure relating to the previous financial year as soon as possible after 31st March in line with accounts closure procedures issued by the Director of Finance & Corporate Services.

To notify the Director of Finance & Corporate Services immediately of any expenditure to be incurred as a result of statute/court order where there is no budgetary provision.

To ensure that all appropriate payment records are retained and stored for the defined period, in accordance with document retention policies.
Contracts for Building, Constructional or Engineering Work

Specific requirements exist in relation to larger scale contracts for building, constructional or engineering works. These requirements will exist equally for in-house and external contractors and are covered by the Authority’s Contracts Procedure Rules.

4.10.10 Key Controls

- Contracts must comply with the Authority’s Contracts Procedure Rules and these Financial Procedures relating to Contracts.
- Any standard form of contract adopted by the Authority for the purpose in hand.
- National and European Union legislation.

4.10.11 Responsibilities of the Director of Finance & Corporate Services

To ensure that formal procedures are in place including the maintenance of a contract register(s) to control all contracts from tendering/quotation to final payment stages. The register shall show the state of accounts on each contract between the Authority and the contractor, together with any payments and related professional fees.

4.10.12 Responsibilities of Corporate Directors (Chief Officers)

- To maintain a contracts register to control all contracts within their service areas from tendering/quotation to final payment stages.
- All payments to contractors shall be made on a certificate signed by the appropriate Corporate Director in a form approved by the Director of Finance & Corporate Services. This certificate shall show the total amount of the contract, the value of work executed to date, retention money, amount paid to date and the amount now certified.
- Any variation of, addition to or omission from a contract duly authorised shall be given in writing to the contractor by the responsible Corporate Director.
• In every case, before a final certificate is issued by or on behalf of a Corporate Director, the Director of Finance & Corporate Services shall be informed, and all documentation relating to individual contracts shall be made available to him for examination, when required.

• Where professional architects, engineers or surveyors are employed to design or supervise work for the Authority, it shall be a condition of their employment:
  - that they be engaged on the basis of collaboration with the relevant Corporate Director and at fee rates competitively and fairly set;
  - that before a final certificate of costs is issued, they make available to the appropriate Corporate Director and the Director of Finance & Corporate Services all documents relating to the contract for which they are acting on the Authority’s behalf.

• Each Corporate Director, in consultation with the Director of Finance & Corporate Services, shall be responsible for reporting to the Executive any variations, additional payments and likely overspending in excess of 10% of the contract sum unless covered by the initial report. No payment above these values will be made without approval, other than in exceptional circumstances (e.g. potential breach of contract) which must be agreed with the Director of Finance & Corporate Services. In every case, before a Corporate Director issues a final certificate, the Director of Finance & Corporate Services shall be informed, and all documentation relating to individual contracts shall be made available for examination, when required.

• The Supervising Officer for the contract shall draw the potential for the deduction of liquidated and ascertained damages to the client Corporate Director, who shall make the decision to pursue or otherwise based upon the full facts, including the nature of the claim, materiality and any relevant legal considerations. Any proposal not to deduct liquidated damages, where such a right has accrued, shall be reported by the Corporate Director to the Director of Finance & Corporate Services.

• Technical and financial vetting of prospective contractors shall be carried out for all contracts exceeding £150,000 in value.
The Neath Port Talbot Constitution

- A detailed report on the progress and costs of capital schemes shall be made regularly to the Executive; the detailed format and frequency of these reports to be agreed by the Director of Finance & Corporate Services.
- A Performance Bond will be required where it is felt that special circumstances make this prudent. The surety shall be approved by the Director of Finance & Corporate Services.

Payments to Employees and Members

Employee costs are the largest item of expenditure for most Authority services. It is therefore essential that payments are accurate, timely, made only where they are due for services to the Authority and that payments accord with individuals’ conditions of employment. It is also important that all payments are accurately and completely recorded and accounted for and that members’ allowances are authorised in accordance with the scheme adopted by the Council.

4.10.13 Key Controls

(a) Proper authorisation procedures are in place and that there is adherence to corporate timetables in relation to:
   - starters;
   - leavers;
   - variations;
   - enhancements
   and that payments are made on the basis of timesheets or claims.
(b) Appropriate validation procedures exist and division of duties is adhered to.
(c) Frequent reconciliation of payroll expenditure against approved budget and bank account.
(d) All appropriate payroll documents are retained and stored for the defined period in accordance with document retention policies.
(e) That Inland Revenue regulations are complied with.

4.10.14 Responsibilities of the Director of Finance & Corporate Services

- The management of the Payroll Service.
The Neath Port Talbot Constitution

- To arrange and control secure and reliable payment of salaries, wages, compensation or other emoluments to existing employees, in accordance with procedures prescribed by him or her, on the due date.
- To ensure that the workforce and Members are paid in accordance with various conditions of service and in compliance with all statutory regulations in respect of Tax, National Insurance and Pensions.
- To record and make arrangements for the accurate and timely payment of both statutory and non-statutory deductions.
- To make arrangements for payment of all travel and subsistence claims and allowances in accordance with National and Local Policy.
- To make arrangements for paying members travel or other allowances upon receiving the prescribed form, duly completed and authorised.
- To provide advice and encouragement to secure payment of salaries and wages by the most economical means.
- To ensure that there are adequate arrangements for administering superannuation matters on a day-to-day basis including effective liaison with the administering body – City & County of Swansea.

4.10.15 Responsibilities of Corporate Directors (Chief Officers)

- To ensure appointments are made in accordance with the regulations of the Authority and approved establishments, grades and scale of pay and that adequate budget provision is available.
- To notify the Director of Finance & Corporate Services of all appointments, terminations or variations which may affect the pay or pension of an employee or former employee, in the form and to the timescale required by the Director of Finance & Corporate Services.
- To ensure that adequate and effective systems and procedures are operated, so that:
  - payments are only authorised to bona fide employees;
  - payments are only made where there is a valid entitlement;
  - conditions and contracts of employment are correctly applied;
  - employees’ names listed on the payroll are checked at regular intervals to verify accuracy and completeness.
To send an up-to-date list of the names of officers authorised to sign records to the Director of Finance & Corporate Services, together with specimen signatures. The payroll provider should have signatures of personnel officers and officers authorised to sign timesheets and claims.

To ensure that payroll transactions are processed only through the payroll system. Corporate Directors should give careful consideration to the employment status of individuals employed on a self-employed consultant or subcontract basis. The Inland Revenue applies a tight definition for employee status, and in cases of doubt, advice should be sought from the Director of Finance & Corporate Services. All payments for self-employed personnel must be processed through the sessional payroll.

To certify travel and subsistence claims and other allowances (submission to Director of Finance & Corporate Services within 10 days of the end of the monthly period in which they are incurred). Certification is taken to mean that journeys were authorised and expenses properly and necessarily incurred, and that allowances are properly payable by the Authority, ensuring that cost-effective use of prescribed travel arrangements is achieved. Invoices/receipts must be obtained and submitted for all non-mileage expenses claims. Claims submitted more than 2 months after the expenses were incurred must be accompanied by a letter of explanation for the delay, via the Accountable Manager, and shall be paid only with the express approval of the Director of Finance & Corporate Services.

To ensure that the Director of Finance & Corporate Services is notified of the details of any employee benefits in kind, to enable full and complete reporting within the income tax self-assessment system.

To ensure that all appropriate payroll documents are retained and stored for the defined period in accordance with document retention policies.

4.10.16 Responsibilities of Members

- To make claims for travel and subsistence allowances in accordance with National and Local Policy.
- To submit claims for travel and subsistence allowances on a monthly basis (submission to Director of Finance & Corporate Services within 10 days of the end of the month in which they are incurred).
- To subscribe to payment by the most economical means.
The Neath Port Talbot Constitution

Taxation

In common with all organisations, the Authority is responsible for ensuring its tax affairs are in order. Tax issues are often very complex and the penalties for incorrectly accounting for tax are severe. It is therefore very important for all officers to be aware of their role.

4.10.17 Key Controls

(a) Budget managers are provided with relevant information and kept up to date on tax issues.
(b) Budget managers are instructed on required record keeping.
(c) All taxable transactions are identified, properly carried out and accounted for within stipulated timescales.
(d) Records are maintained in accordance with instructions.
(e) Returns are made to the appropriate authorities within the stipulated timescale.

4.10.18 Responsibilities of the Director of Finance & Corporate Services

- To complete all Inland Revenue returns regarding PAYE.
- To complete a monthly return of VAT inputs and outputs to HM Customs and Excise.
- To ensure monthly payment to the Inland Revenue as per instructions and details received from directorates.
- To complete annual CIS return by the statutory deadline.
- To maintain up-to-date guidance for Authority employees on taxation issues in the relevant procedural notes.

4.10.19 Responsibilities of Corporate Directors (Chief Officers)

- To ensure details are forwarded to the Inland Revenue regarding the construction industry deduction scheme.
- To ensure that the correct VAT liability is attached to all income due and that all VAT recoverable on purchases complies with HM Customs and Excise regulations.
- To ensure that, where construction and maintenance works are undertaken, the contractor fulfils the necessary construction industry tax deduction requirements.
The Neath Port Talbot Constitution

- To ensure that all persons employed by the Authority are added to the Authority’s payroll and tax deducted from any payments, except where the individuals are bona fide self-employed or are employed by a recognised staff agency. Self-employed persons will be catered for in the sessional payroll.
- To follow the guidance on taxation issued by the Director of Finance & Corporate Services in the Authority’s relevant procedural notes.
- To inform the Director of Finance & Corporate Services of any items of expenditure and/or income that may have a material effect on the taxation position of the Authority.

**Trading Accounts and Business Units**

Trading accounts and business units have become more important as local authorities have developed a more commercial culture. Under best value, authorities are required to keep trading accounts for services provided on a basis other than straightforward recharge of cost. They are also required to disclose the results of significant trading operations in the Best Value Improvement Plan.

4.10.20 Responsibilities of the Director of Finance & Corporate Services

- To advise on the establishment and operation of trading accounts and business units.

4.10.21 Responsibilities of Corporate Directors (Chief Officers)

- To consult with the Director of Finance & Corporate Services where a business unit wishes to enter into a contract with a third party where the contract expiry date exceeds the remaining life of their main contract with the Authority. In general, such contracts should not be entered into unless they can be terminated within the main contract period without penalty.
- To observe all statutory requirements in relation to business units, including the maintenance of a separate revenue account to which all relevant income is credited and all relevant expenditure, including overhead costs, is charged, and to produce an annual report in support of the final accounts.
To ensure that the same accounting principles are applied in relation to trading accounts as for other services or business units.
To ensure that each business unit prepares an annual business plan.

4.11. **EXTERNAL ARRANGEMENTS**

**Partnerships**

Partnerships are likely to play a key role in delivering community strategies and in helping to promote and improve the well-being of the area. Local authorities are working in partnership with others – public agencies, private companies, community groups and voluntary organisations. Local authorities still deliver some services, but their distinctive leadership role is to bring together the contributions of the various stakeholders. They therefore need to deliver a shared vision of services based on user wishes.

Local authorities will mobilise investment, bid for funds, champion the needs of their areas and harness the energies of local people and community organisations. Local authorities will be measured by what they achieve in partnership with others.

**General Issues**

The main reasons for entering into a partnership are:
(a) the desire to find new ways to share risk;
(b) the ability to access new resources;
(c) to provide new and better ways of delivering services;
(d) to forge new relationships
(e) community involvement.

A partner is defined as either:
(a) an organisation (private, public or community) undertaking, part funding or participating as a beneficiary in a project;

or
(b) a body whose nature or status give it a right or obligation to support the project.
Partners participate in projects by:
(a) acting as a project deliverer or sponsor, solely or in concert with others;
(b) acting as a project funder or part funder;
(c) being the beneficiary group of the activity undertaken in a project.

Partners have common responsibilities:
(a) to be willing to take on a role in the broader programme appropriate to the skills and resources of the partner organisation;
(b) to act in good faith at all times and in the best interests of the partnership’s aims and objectives;
(c) be open about any conflict of interests that might arise;
(d) to encourage joint working and promote the sharing of information, resources and skills between public, private and community sectors;
(e) to hold confidentially any information received as a result of partnership activities or duties that is of a confidential or commercially sensitive nature;
(f) to act wherever possible as ambassadors for the project.

4.11.1 Key Controls
(a) If appropriate, to be aware of their responsibilities under the Authority’s Financial Regulations and Contractual Standing Orders.
(b) To ensure that risk management processes are in place to identify and assess all known risks.
(c) To ensure that project appraisal processes are in place to assess the viability of the project in terms of resources, staffing and expertise.
(d) To agree and accept formally the roles and responsibilities of each of the partners involved in the project before the project commences.
(e) To communicate regularly with other partners throughout the project so that problems can be identified and shared to achieve their successful resolution.

4.11.2 Responsibilities of the Director of Finance & Corporate Services
- To advise on effective controls that will ensure that resources are not wasted.
• To advise on the key elements of funding a project. They include:
  (a) a scheme appraisal for financial viability in both the current and future years;
  (b) risk appraisal and management;
  (c) resourcing, including taxation issues;
  (d) audit, security and control requirements;
  (e) carry-forward arrangements.
• To ensure that the accounting arrangements are satisfactory.

4.11.3 Responsibilities of Corporate Directors (Chief Officers)

• To maintain a register of all contracts entered into with external bodies in accordance with procedures specified by the Director of Finance & Corporate Services.
• To ensure that, before entering into agreements with external bodies, a risk management appraisal has been prepared for the Director of Finance & Corporate Services.
• To ensure that such agreements and arrangements do not impact adversely upon the services provided by the Authority.
• To ensure that all agreements and arrangements are properly documented.
• To provide appropriate information to the Director of Finance & Corporate Services to enable a note to be entered into the Authority’s statement of accounts concerning material items.
External Funding

External funding is potentially a very important source of income, but funding conditions need to be carefully considered to ensure that they are compatible with the aims and objectives of the Authority. Local authorities are increasingly encouraged to provide seamless service delivery through working closely with other agencies and private service providers. Funds such as the National Lottery grants, Objective One grants and other sources provide additional resources to enable the Authority to deliver services to the local community. However, in some instances, although the scope for external funding has increased, such funding is linked to tight specifications and may not be flexible enough to link to the Authority’s overall plan.

4.11.4 Key Controls

(a) To ensure that key conditions of funding and any statutory requirements are complied with and that the responsibilities of the accountable body are clearly understood.
(b) To ensure that funds are acquired only to meet the priorities approved in the policy framework by the Council.
(c) To ensure that any match-funding requirements are given due consideration prior to entering into long-term agreements and that future revenue budgets reflect these requirements.

4.11.5 Responsibilities of the Director of Finance & Corporate Services

- To ensure that all funding notified by external bodies is received and properly recorded in the Authority’s accounts.
- To ensure that the match-funding requirements are considered prior to entering into the agreements and that future revenue budgets reflect these requirements.
- To ensure that audit requirements are met.

4.11.6 Responsibilities of Corporate Directors (Chief Officers)

- To ensure that all claims for funds are made by the due date.
- To ensure that the project progresses in accordance with the agreed criteria and that all expenditure is properly incurred and recorded.
• To ensure that sufficient project management skills and resources are assigned to schemes to facilitate successful completion of all projects.
• To ensure that third party agreements are notified to the Director of Finance & Corporate Services.
• To ensure that all relevant documentation is retained in accordance with the Authority’s Documents Retention policies.

Work for Third Parties

Current legislation enables the Authority to provide a range of services to other bodies. Such work may enable a unit to maintain economies of scale and existing expertise. Arrangements should be in place to ensure that any risks associated with this work is minimised and that such work is intra vires.
4.11.7 Key Controls

(a) To ensure that proposals are costed properly in accordance with guidance provided by the Director of Finance & Corporate Services.

(b) To ensure that contracts are drawn up using guidance provided by the Director of Finance & Corporate Services and that the formal approvals process is adhered to.

(c) To issue guidance with regard to the financial aspects of third party contracts and the maintenance of the contract register.

4.11.8 Responsibilities of the Director of Finance & Corporate Services

- To issue guidance with regard to the financial aspects of third party contracts and the maintenance of the contract register.
- To ensure that appropriate insurance arrangements are made.

4.11.9 Responsibilities of the Corporate Directors (Chief Officers)

- To ensure that the approval of the executive is obtained before any negotiations are concluded to work for third parties.
- To maintain a register of all contracts entered into with third parties in accordance with procedures specified by the Director of Finance & Corporate Services.
- To ensure that the Authority is not put at risk from any bad debts.
- To ensure that no contract is subsidised by the Authority.
- To ensure that, wherever possible, payment is received in advance of the delivery of service.
- To ensure that the Directorate/service area has the appropriate expertise to undertake the contract.
- To ensure that such contracts do not impact adversely upon the services provided by the Authority.
- To ensure that all contracts are properly documented.
- To provide appropriate information to the Director of Finance & Corporate Services to enable a note to be entered into the Statement of Accounts.
Contracts Procedure Rules

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Appendix 1
Appendix A
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1. **INTRODUCTION**

The purpose of Contracts Procedure Rules is to set clear rules for the procurement of Goods, Services and Works for the Council which will address the requirements of Best Value. This will ensure a system of openness, transparency and non-discrimination where the accountability and probity of the procurement process will be beyond reproach.

1.1 **Definitions**

For the purpose of these Procedure Rules, the following definitions shall apply:-

i) **“Authorised Officer”** shall mean every Director and Head of Service and any other person specifically delegated by the Council in respect of these Contracts Procedure Rules.

ii) **“Contract”** means an agreement for the supply of goods or materials, the sale of goods or materials and the execution of works, or the provision of services.

iii) **The Council** means the Neath Port Talbot County Borough Council, its Cabinet, Cabinet Committees, and other Committees/Sub-Committees of the Council and (except in the case of Procedure Rules 1.1(i), 1.2.1, 1.3, 1.5, 2.1, 2.1(3), 2.2, 3.1(xvi), 4.1, 4.2, 4.4, 4.5, 6.5 and 7 unless urgency provisions are invoked,) its Authorised Officers, in the context of the Constitution of Neath Port Talbot County Borough Council (“The Constitution”).

iv) **“Day”** means any working day Monday to Friday, other than bank holidays or additional statutory holidays to which the Council is entitled.

v) **“Contractor/Tenderer”** shall include any sole trader, practitioner, partnership, business or company whether limited or unlimited and any duly incorporated trade, profession or commercial body or Internal Provider.

vi) **“Consultant”** means private consultant as referred to in Procedure Rule 4.
vii) “Order” means a request to supply goods or services or the execution of works.

viii) “Tender/Quotation” means an offer to supply goods or services or execute work at a stated price. Where the context so admits, any reference to Tender/Tenders is/are to include Quotation/Quotations and vice versa.

ix) “Internal Provider” means a Directorate or division of the Council.

x) “Proper Officer” means the persons named under the Constitution as the persons authorised to execute Contracts on behalf of the Council.

xi) “PQQ” means a Pre-qualification Questionnaire to be issued where required under the appropriate selection process.

xii) Where the context so admits, any reference to the singular is to include the plural, and vice versa, and the masculine is to include the feminine.

xiii) References to statutory provisions shall be construed as references to those provisions as amended or re-enacted or as their application is modified by other provisions from time to time and include references to any provisions of which they are re-enactments (whether with or without modification) and references to statutes includes the Schedules thereto and any regulations or subordinate legislation made thereunder.

1.2 Compliance with Contracts Procedure Rules

1.2.1 Every Contract made by the Council shall comply with the Constitution. No exception from any of the following provisions shall be made unless otherwise than by direction of the Council.

1.2.2 All Council employees shall comply in all aspects with the requirements set out in the Constitution, and shall advise any party with whom the Council proposes to contract of the existence
and availability upon request of the Constitution referred to in 1.2.1 above.

1.2.3 All persons or Contractors employed by the Council shall comply in all aspects with the requirements set out in the Constitution.

1.2.4 All external agencies and their employees incurring expenditure or receiving income on behalf of the Council shall comply with the requirements set out in the Constitution.

1.2.5 All terms of engagement entered into in relation to contracts shall contain a clause requiring compliance with the requirements set out in the Constitution. A copy of the Constitution is available to view on the Council’s intra/internet site.

1.2.6 These Contracts Procedure Rules shall be subject to all relevant Directives and such other rules and regulations of the European Union as applied by National Legislation, notwithstanding that they may be additional to or modifications of the requirements of any of the Constitution.

1.2.7.1 A PQQ must be treated in all respects as if it were a Tender.

1.2.7.2 Where the context so admits, references to Tender/tender/tendering throughout these Contracts Procedure Rules shall be construed as references to PQQ.

1.2.7.3 The provisions of CPR 5 shall apply to a PQQ with the exception of paragraphs (viii) through to (xiv) of Section 1 of Appendix 1 and with the substitution of the following as a new additional clause:
“The submission must include all information and documentation specifically requested to be returned”.

1.3 Prior to undertaking any tendering exercise the Authorised Officer shall ensure that all necessary Council approvals have been obtained together with any necessary consents, permissions or other approvals (including loan or other financial approvals), and copies of such approvals and consents shall be retained.
1.4 No officer or Member shall participate in any part of the tendering exercise where he has a conflict of interest. For the avoidance of doubt it shall be the responsibility of the officer or Member to declare such interest as soon as such interest arises.

1.5 When considering which method of tendering is to be adopted, the Authorised Officer shall satisfy himself that the method proposed affords the Council the best value for money (or money’s worth) in all the circumstances.

1.6 Where Tenders are sought, the appropriate Internal Provider should also be invited to tender.

1.7 Interpretation of Contracts Procedure Rules shall be the duty of the Authorised Officer in consultation with the Head of Legal Services and Monitoring Officer.

1.8 In relation to any works and/or maintenance being carried out on land, ownership or a statutory right to enter such land must rest with the Council. Alternatively a right to enter such land to carry out the works and/or maintenance must be procured from the owner prior to the contracts being entered into in relation thereto. The aforesaid provisions shall also apply to works and/or maintenance to be carried out by the Council’s Internal Provider.

1.9 **Partnership Arrangements**

Partnership arrangements are a means of parties working together i.e. to develop a working relationship. Such arrangements are subject to contractual terms and conditions and therefore need to be compliant with the Contract Procedure Rules and treated in all respects in the same way as a Contract.

1.10 Where the letting of any Contract is subject to a grant, such Conditions thereof must be complied with in relation to the Tendering procedure and/or contract conditions so specified.
2. **INVITATIONS TO TENDER**

2.1 **Contracts over £50,000**

Tenders for amounts exceeding £50,000 shall be invited by the Authorised Officer concerned using whichever of the following procedures he deems appropriate and dealt with in accordance with the arrangements prescribed in Procedure Rule 5.

Subject to the Constitution (and including any alternative sum which the Council may by resolution adopt) and to any overriding requirements of the European Community, no Contract which is estimated to exceed £50,000 in value or amount for the supply of goods or materials, provision of services or the execution of any work shall be made unless either:-

1. **Ad Hoc Tenders**

   At least ten days public notice has been given in such advertising medium as the appropriate officer has considered desirable stating the nature and purpose of the Contract, inviting Tenders for its execution and stating the last date and time when Tenders will be accepted; or

2. **Standing Approved List**

   Invitations to tender shall be sent to firms contained in the list on the basis of rotation, with the three highest tenderers being discounted each time for subsequent Tenders. Regard should be had to a firm’s existing commitments with the Council in deciding whether or not to invite that firm to tender.

   Where possible, a minimum of four firms (plus when applicable, the Internal Provider) able to undertake the Contract shall be invited to tender.

   Where the Council considers that a more competitive bid will result, the number of firms to be invited to tender may exceed the number prescribed above.
The Council shall select the firms to be invited to tender from the appropriate approved list.

The list shall be amended as required from time to time and no less frequently than 5 yearly; or

(3) **Ad Hoc Approved List**

Public notice has been given in respect of a particular Contract in the manner described in (1) above inviting applications from persons or bodies who undertake such Contracts to be placed on a list to be approved by the Council from which Contractors selected by the Authorised Officer concerned will be invited to submit Tenders; or

(4) **Serial Tenders**

The proposed Contract forms part of a serial programme the terms having been negotiated with the Contractor on the basis of the rates and prices contained in an initial Contract awarded competitively within the last three years following an invitation to tender in accordance with the provisions of (1), (2) or (3) above; or

(5) **Single Tenders**

The Council considers it desirable in the best interests of the Council that a Tender be invited from a Contractor selected by it for a Contract of a specialist nature; or negotiated with a Contractor either already or previously engaged by the Council for similar work.

2.2 **Contracts between £5,000 and £50,000**

Where the estimated value of the proposed Contract is between £5,000 and £50,000 (or between £10,000 and £50,000 where the proposed Contract is in relation to building or engineering works), Tenders may be invited by the Authorised Officer concerned using whichever of the foregoing procedures he deems appropriate and dealt with in accordance with the arrangements prescribed in Procedure Rule 5.
Alternatively, if the foregoing procedures are not deemed appropriate for a particular Contract which is estimated to be between £5,000 and £50,000 (or between £10,000 and £50,000 where the proposed Contract is in relation to building or engineering works), the Authorised Officer concerned should invite at least three written Quotations from competitive sources and accept the most economically advantageous Quotation for the Council, unless the Authorised Officer considers this is inappropriate in the interests of efficient management.

In considering whether it is inappropriate to obtain three written Quotations, the Authorised Officer shall conform to any guidance issued by the Director of Finance and Corporate Services, and to ensure that Best Value is obtained for the Council. Any decision by the Authorised Officer that the obtaining of three Quotations is inappropriate and a record of the reason for the appointment must be kept on file.

3. **EXCLUSION FROM REQUIREMENTS OF COMPETITION**

3.1 Procedure Rule 2 shall not apply to:-

(i) purchases of proprietary or patented articles which are available, only from one Contractor or supplier and where no reasonable satisfactory alternative is available;

(ii) the execution of works of a specialised nature which are carried out by only one Contractor/Consultant;

(iii) the purchase of goods or materials for which no genuine competition can be obtained;

(iv) the purchase of a named product required for compatibility;

(v) purchases made through or on behalf of any consortium, association or similar body of which the Council is a member provided that Tenders are invited and Contracts placed in accordance with the procedures prescribed by such body or bodies;
(vi) the purchase of a work of art or museum specimen;

(vii) Contracts for the execution of work or the supply of goods, materials or services certified by the Authorised Officer concerned as being required so urgently as not to permit the invitation of tenders.

(viii) small or urgent purchases and repairs (including the materials or goods required in connection therewith) necessary for emergency maintenance;

(ix) work carried out by the Council as agent for another statutory authority or statutory undertakers;

(x) work to be executed or the goods, materials or services to be supplied which constitute a variation of an existing contract

(xi) where the estimated expenditure is less than £5000 (or less than £10,000 where the proposed Contract is in relation to building or engineering works)

(xii) the exercise of statutory grant aid powers delegated to an appropriate Director (which shall be specified by that Director in each case) *

(xiii) Contracts entered into by the Council as agents for a Department of State or another local or public Authority provided that the Council follows the procedures of such Department or Authority

(xiv) the joint provision of any service in conjunction with another public body

(xv) social care Contracts

(xvi) purchases, works and services as referred to in protocols approved by the Council

(xvii) instructions to Counsel, or Solicitors to act on the Council’s behalf

(xviii) any Contract of Employment
3.2 Contracts let under paragraphs (i) to (xiv) above shall be reported to Council for information promptly or as soon as practicably possible after commitment. The number and total value of individual placement contracts under paragraph (xv) above shall be reported to Council at least once every financial year.

(*Refer to separate Protocols on the last page of these Rules)

4. **APPOINTMENT OF PRIVATE CONSULTANTS**

4.1 The Council may determine that a list shall be kept of Consultants suitable to be awarded Contracts in specified categories (for example architectural services, quantity surveying services, engineering, planning or consultancy services). Any such list shall contain the names of all such Consultants who wish to be included in it and who are approved by the Council and shall be compiled and reviewed in a similar manner to a list of Contractors to be invited to tender for Contracts. Where the Council has made a determination under this Procedure Rule, the following requirements shall be complied with:-

i) No Consultant should be considered for appointment unless it is included on the relevant approved list, except with the approval of the Council. Invitations to tender shall be sent to Consultants contained in the list on the basis of rotation subject only to their ability to do the work in terms of current workload, programme and the skills mix then available.

ii) Separate lists shall be compiled for each type of services and these shall be sub-divided into sub-specialisations and contract values to cater for Consultants having differing resource capacities and expertise.

iii) Consultants should be suitably qualified and where necessary registered with the appropriate professional bodies to carry out their specialist activity and at least one
principal shall be a member of the relevant professional body.

iv) Each Consultant wishing to be placed on the list shall provide the following particulars relating to their practice:-

a) the names and qualifications of Principals and in each case whether or not a director or partner

b) the number of professional staff

c) the number of technical staff

d) the date of formation of the consultancy

e) the types of work dealt with

f) details of any specialisations

g) whether or not any limited partnership is involved

h) copies of current insurance certificates, for example Professional Indemnity, Public Liability and Employers Liability insurance.

i) Consultants included on the lists should be asked to notify the Council of any subsequent amendments to the information supplied in accordance with sub-paragraphs (a)-(h) above.

4.2 Where two or more Consultants are to be employed on a scheme and one states a preference for working with a particular fellow Consultant (as where an architect wishes to work with a particular quantity surveyor), then the preferred Consultant may be included as one of the three Consultants from the approved list at the discretion of the Council.

However, the Council will not be prepared to meet any excess travel and subsistence costs arising from the “preferred” Consultant not being conveniently based geographically for work in the Council’s area.
4.3 Where no nationally accepted scale of fees or charges is in force, the Council shall invite Tenders from at least three Consultants on the approved list.

4.4 Where the Council considers that because of the unique skills and expertise of a Consultant, no competition can be obtained for the particular services required, then the Council may award the Contract to that Consultant and a record of the reason for the appointment must be kept on file.

4.5 It shall be a condition of the engagement by or on behalf of the Council of any person who is not an officer of the Council that such person, if he is to supervise a Contract, shall comply with the provisions of these Procedure Rules whether or not he is specified as an Authorised Officer.

5. TENDERING PROCEDURE (SEE ALSO APPENDIX 1)

5.1 All matters connected with Tenders shall be treated as confidential (including the correction of errors) and any information, discussion, correspondence entered into should be confined to those officers of the Council who are directly concerned.

5.2 Where invitation to tender is required, the “Procedure for the Issue, Receipt and Opening of Tenders” set out in Appendix 1 hereto shall be adhered to. The invitation letter to Tenderers must bear the Tender reference number.

This must apply equally to Tenders submitted by an Internal Service Provider in accordance with legislative requirements.

5.3 In the case of electronic communications Article 42 Annex x of EC Directive 2004/18/EC shall apply.

6. ALTERATIONS

6.1 Where examination of Tenders reveals arithmetical or copying errors present in the documents submitted at the time of tender, the Directorate shall deal with such errors in accordance with the appropriate professional body code of procedure. Where no
professional body code of procedure exists for the Tender, then
the procedure set out in 6.2 to 6.4 inclusive shall apply.

6.2. If the correction has the effect that the Tender is no longer the most
competitive Tender, then the next Tender in competitive order is
to be examined and dealt with in the same way.

6.3 Where examination of Tenders reveals errors or discrepancies
(other than arithmetical errors as in 6.1 above) which would affect
the Tender figure(s) in an otherwise successful Tender, the tenderer
is to be given details of such errors and discrepancies, but no other
information, and is to be afforded an opportunity of confirming or
withdrawing his offer. If the tenderer withdraws, the next Tender
in competitive order is to be examined and dealt with in the same
way.

6.4 Any alterations proposed by tenderers after the specified time for
submission shall not be in any way considered other than by the
total withdrawal of the Tender.

6.5 Any exception to the procedures referred to above may be
authorised only by the Council after consideration of a report by
the Authorised Officer concerned.

6.6 The provisions contained in Procedure Rule 6 shall equally apply
to Quotations.

7. **Acceptance**

7.1(a) Where the amount of the lowest or most economically
advantageous Tender/Quotation is within an amount already
approved by the Council as part of its estimates the Authorised
Officer may accept the Tender/Quotation on behalf of the
Council, though if in excess of £250,000 in value or amount, in
consultation with the relevant Cabinet Member.

7.1(b) The Authorised Officer shall report to the next possible meeting
of the Council details of Tenders/Quotations over £50,000 in
value accepted under this Procedure Rule stating (where
applicable) the approved estimate or estimates concerned.
7.2 A Tender/Quotation which is the lowest or most economically advantageous, but is not within an approved estimate, shall be reported to the Council for authority to accept.

7.3 Where Tenders/Quotations are invited on the basis of the lowest price and two or more are identical in price Tenders/Quotations are to be re-invited on a most economically advantageous basis.

7.4 The Council is not obliged to accept any Tender/Quotation.

7.5 All Contract acceptances shall be in writing and no verbal communication is to be made to the proposed Contractor as to the intention, or otherwise, to enter into a formal Contract.

7.6 In the case of tenders subject to EU procurement rules any award will be subject to a minimum standstill period of 10 calendar days between communicating the award decision by e-mail to all tenderers and contract award. Where the award decision is communicated by non-electronic means the minimum standstill period shall be 15 calendar days. If the standstill period ends on a non-working day it must be extended to midnight at the end of the next working day.

8. **NOMINATION OF SUB-CONTRACTORS AND SUPPLIERS**

Where a sub-contractor or supplier is to be nominated to a main contractor, the following provisions shall have effect:-

8.1 Where the estimated amount of the sub-contract exceeds £50,000, Tenders shall be invited in accordance with Procedure Rule 2.1.

8.2 Where the estimated amount of the sub-contract does not exceed £50,000, Tenders shall be invited in accordance with Procedure Rule 2.2.

8.3 In dealing with matters under this Procedure Rule, the following requirements shall be complied with:-

   i) the invitation shall require an undertaking by the Tenderer that if selected the Tenderer will be willing to enter into a Contract with the main Contractor on terms which indemnify the main Contractor against the main
Contractor’s obligations under the main Contract in relation to the sub-Contract.

ii) the Tenders shall be opened, recorded and accepted in accordance with the procedure laid down in Rules 5-7.

9. FORM OF CONTRACT

9.1 Each Contract, the value of which does not exceed £50,000, shall be in writing and signed by an Authorised Officer, unless such Authorised Officer deems it appropriate that the Contract be signed by a Proper Officer.

9.2 Each Contract, the value of which exceeds £50,000 shall be in writing and signed by a Proper Officer.

9.3 Each Contract, the value of which exceeds £100,000 shall be in Writing and executed under seal. Notwithstanding the financial value of the Contract, the Authorised Officer may request that particularly complex or high risk Contracts shall be in writing and executed under seal. The formal advice of the Head of Legal Services should be sought in such cases.

9.4 Every Contract shall specify:-

j) the services, work, materials, matters or things, to be furnished, supplied or done;

ii) the price or rates to be paid, with a statement of discounts or other deductions, and

iii) where possible, the time or times within which the Contract is to be performed.

9.5 In every Contract, the Contractor shall be required to indemnify the Council against:

a) any claim which may be made in respect of Employer’s Liability against the Council or the Contractor by any employees of the Contractor or any sub-Contractor, and
b) any claim for personal injury or damage to property of third parties, and where appropriate;

c) any other claim against the Council by third parties arising out of the Contract

The Contractor shall back the indemnity by maintaining the appropriate insurance to the level specified and, when required by the Authorised Officer, produce satisfactory evidence that he is insured against any such claims.

The Directorate responsible for the Contract shall, after consulting the Director of Finance & Corporate Services, ensure that an appropriate insurance level is specified in each case.

10. LIQUIDATED DAMAGES

Every Contract over £100,000 and which is for the execution of works or for the supply of goods, or materials by a particular date or series of dates, shall provide for liquidated damages, unless the Authorised Officer certifies them inappropriate.

11. PERFORMANCE BONDS

11.1 The Authorised Officer shall have the right to require a bond where it is felt that special circumstances make this prudent. The Surety shall be approved by the Director of Finance and Corporate Services.

11.2 Any items in Tender documents requiring a tenderer to price for the provision of a bond shall be included as a “provisional sum” to enable it to be omitted from the Contract if a bond is not subsequently required.

12. PARENT COMPANY GUARANTEE

12.1 Where a Contractor is a subsidiary of a parent company, and the Authorised Officer deems it appropriate in the circumstances, the Council shall require and take a parent company guarantee
12.2 Any items in tender documents requiring a tenderer to price for the provision of a parent company guarantee shall be included as a “provisional sum” to enable it to be omitted from the contract if a parent company guarantee is not subsequently required.

13. **DECLARATION OF NON-COLLUSION CERTIFICATE**

All tenderers must sign the certificate contained with the Tender Documents declaring that they are not party to any scheme or arrangement under which:-

i) they communicated the amount of their Tender to any other person at the time before the returnable date of the Tender;

ii) any other Tenderer was reimbursed any part of his Tender cost;

iii) their Tender prices were adjusted by reference to the prices of any other Tenderer for the work;

iv) they received or will receive reimbursement by any other Tenderer

v) they undertook any other action which serves to frustrate competitive tendering.

14. **PREVENTION OF CORRUPTION**

Every written Contract must contain an anti-corruption clause. The following clause must be used except where the Director of Finance and Corporate Services has agreed to the use of an alternative clause:

“The Council shall be entitled to cancel the Contract and to recover from the Contractor the amount of any loss or damage resulting from such cancellation if:

(a) the Contractor shall have offered, or given, or agreed to give to any person any gift, improper consideration, inducement or reward of any kind, for doing or not doing any action in
relation to the Contract or any other Contract with the Council, or

(b) the like acts shall have been done by any person employed by the Contractor or acting on its behalf (whether with or without the knowledge of the Contractor), or

(c) in relation to any Contract with the Council, the Contractor or person employed by it or acting on its behalf shall:

(i) have committed any offence under the Prevention of Corruption Acts 1889 to 1916, or
(ii) have given any fee or reward the receipt of which is an offence under Section 117(2) of the Local Government Act 1972, or
(iii) fail to comply with Sections 94 to 98 of the Local Government Act 1972

Any clause limiting the Contractor’s liability does not apply to this Clause”

1. **TERMINATION**

Every Contract must state that if the Contractor fails to comply with its contractual obligations in whole or in part, the Council may:

(a) cancel all or part of the Contract; and/or

(b) complete the Contract; and/or

(c) recover from the Contractor any additional costs in completing the Contract; and/or

(d) take other legal action against the Contractor
16. ASSIGNMENT AND SUB-LETTING

In every Contract for the execution of work or the supply of goods or materials, the following clause or clauses to the like effect shall be inserted:

“The Contractor shall be prohibited from transferring or assigning directly or indirectly, to any person or persons whatsoever, the whole or any portion of the Contract without the written permission of the Authorised Officer. Sub-letting of any part(s) of the Contract shall be prohibited, except to the extent permitted in writing by the Authorised Officer. Where any sub-Contractor may be engaged by the Contractor, the Contractor shall be responsible and liable to the Council for the observance and performance of the Contract in all respects as if the Contractor had carried out the work/service under the Contract himself”.

17. SPECIFICATIONS AND STANDARDS

17.1 All Contracts shall, except to the extent that the Council in a particular case or specified categories of Contract otherwise decides, be based on a definite specification, which shall include the heads of terms to be incorporated in the Contract.

17.2 All Contracts, where a standard issued by the British Standards Institution or equivalent European Standards is current at the date of the Tender and is applicable, shall, as a minimum, require that all goods and materials used or supplied and all workmanship shall either be in accordance with that Standard or of a higher standard.

18. QUOTATIONS FOR ESTIMATES OF PRIME COST AND PROVISIONAL SUMS

18.1 Where preliminary Quotations are required from Contractors or the Internal Provider, for the purpose of compiling estimates for the preparation of Prime Cost and Provisional Sums for inclusion in the tender documents, or where an Authorised Officer requires guide prices to indicate probable cost levels prior to a formal
invitation to tender, then invitations to submit preliminary quotations shall contain a statement to the effect that:

i) the price is to be used for compiling estimates;

ii) there is no obligation on the part of the Council to award any Contract

iii) in the event of the Contract being proceeded at a later date, the Contractors will be given the opportunity to submit a formal Tender in accordance with these Procedure Rules.

18.2. The number of Contractors invited to submit preliminary Quotations is at the discretion of the Authorised Officer. Where the Contract falls within a category for which an approved list is maintained, invitations shall be given to no less than five Contractors (including the Internal Provider if applicable).

In addition, Contractors not on any approved list, but considered to be capable of understanding the intended Contract efficiently and without delay, may be added to those selected from the appropriate approved list at the discretion of the Council.

18.3. All preliminary Quotations shall be submitted to the Authorised Officer, opened at a prior agreed time and date by that Officer, and recorded.

19. **VARIATIONS**

i) All variations **MUST** be in the form of written instructions to the Contractor from the Authorised Officer.

ii) The likely cost effect of every variation shall be assessed by the Authorised Officer in accordance with the Council’s Financial Procedure Rules.

iii) Provisions of Procedure Rule 3.1 (x) also apply to Variations.
20. **COST CONTROL**

The Authorised Officer shall ensure that the Council’s Financial Procedure Rules are followed for the effective cost control of Contracts. Such procedures shall involve a continual monitoring of the cost position on each Contract with the object of ensuring that the project is completed within the authorised cost and that any unavoidable costs are identified as soon as possible, and that appropriate action is taken.

21. **SITE RECORDS**

21.1 The Authorised Officer shall maintain adequate records of activities on site.

21.2 All instructions to Contractors on site shall be in writing, or verbal instructions confirmed in writing.

21.3 The Authorised Officer shall ensure that daywork sheets are promptly submitted in duplicate by Contractors and that they are cross-referenced to the instructions to which they relate.

22. **MEMBERS OF THE COUNCIL**

No Member of the Council shall enter, either orally or in writing, into any Contract on the Council’s behalf.

23. **PRE-TENDER DISCUSSIONS/POST-TENDER NEGOTIATIONS**

23.1 **Pre-tender** discussion with potential suppliers is allowable especially in order to establish what is available in the market place and to appraise the costs of different possible specifications.

Where one prospective tenderer has requested additional information which assists in the preparation of its bid, the same information is to be conveyed in writing to all tenderers simultaneously.

Under no circumstances should any representative of the Council visit the premises of a prospective tenderer during the period between the tender invitation and the closing date for returns.
23.2 **Post-tender** negotiation can take place in exceptional circumstances only with the lowest tenderer, where the Tender, although the lowest, appears to be unacceptably high and negotiation might allow savings to the Council.

Adequate safeguards on the regularity of the negotiating process are to be agreed with the Director of Finance and Corporate Services including a written record with a clear “audit trail”.

All cases where post-tender negotiation has taken place are to be reported to Council.

24. **DISPOSAL OF SURPLUS GOODS**

The Authorised Officer may dispose of all surplus goods, stores and equipment in an appropriate manner after consultation with the Director of Finance and Corporate Services.

25. **WELSH LANGUAGE SCHEME**

Every written contract must contain a clause requiring the Contractor to comply with the Council’s Welsh Language Scheme in so far as it relates to the services, or any part of the services, which the Contractor is supplying. The following clause must be used except where the Director of Finance and Corporate Services has agreed to the use of an alternative clause:

“1. The Council has produced and has approved a statutory Welsh Language Scheme (“the Scheme”) under the Welsh Language Act 1993, a copy of which is available upon request from the Chief Executive’s Directorate.

2. The Contractor will be responsible for complying with the approved Scheme in so far as it relates to the services or any part of them.

3. The cost of meeting the obligations in Clause 2 above is deemed to be included in the Tender sum except where such cost is specified as an approved disbursement.”
26. **EQUAL OPPORTUNITIES IN EMPLOYMENT AND EQUAL OPPORTUNITIES IN SERVICE DELIVERY**

**EQUALITIES**

Every written contract must contain a clause requiring the Contractor to comply with the following Council policies:

- Equality of Opportunity in Employment Policy
- Equality of Opportunity in Service Delivery Policy
- Race Equality Scheme
- Disability Equality Scheme
- Gender Equality Scheme

in so far as they relate to the services, or any part of the services, which the Contractor is supplying.

Contractors are also required to follow the recommendations of the Statutory Code of Practice on Racial Equality in Employment.

The following clause must be used except where the Director of Finance and Corporate Services has agreed to the use of an alternative clause:-

“1. The Council has produced and has approved the following:

- Equality of Opportunity in Employment Policy
- Equality of Opportunity in Service Delivery Policy
- Race Equality Scheme
- Disability Equality Scheme
- Gender Equality Scheme

Copies of the above are available upon request from the Corporate Strategy Unit and the Human Resources Division respectively.

2. The Contractor will be responsible for complying with the approved policies and schemes in so far as they relate to the services or any part of them.

3. The cost of meeting the obligations in Clause 2 above is deemed to be included in the Tender sum except where such cost is specified as an approved disbursement.”
PROCEDURES FOR THE ISSUE, RECEIPT
AND OPENING OF TENDERS

1. Issue of Tenders

“Instructions to Tenderers” must be consistent across all Directorates of the Council, to the effect that they must be incorporated within the body of the Tender documents, and include the following:-

(i) “ANY BREACH OF THE TENDER INSTRUCTIONS MAY DISQUALIFY A TENDER AND THE DECISION OF THE COUNCIL AS TO WHETHER THERE HAS BEEN A BREACH WILL BE FINAL”

(ii) The closing date

(iii) The closing time of 12 noon

(iv) The Tender is to be treated as private and confidential

(v) Tenders are to be returned in a plain envelope or parcel bearing only the yellow Tender return label endorsed with the return details. The envelope is to contain no information by which the tenderer may be identified and must be returned to the Head of Legal Services at The Civic Centre, Port Talbot. Any identifying marks will disqualify the Tender.

(vi) Where a courier or the postal service is used by tenderers to return Tenders, they must be instructed by the tenderers not to mark the Tender with any mark which may identify the tenderer. In the event that this instruction is disregarded, the tenderer will be responsible and the Tender will be disqualified.
(vii) Where tenders are delivered by the Tenderer by hand and the Tenderer requires a receipt, tenders are to be delivered during office hours only, ie. between the hours of 8.45am and 5pm Mondays to Thursdays and between 8.45 am and 4.30pm on Fridays. In the event that these times are not complied with, the Council cannot guarantee that a receipt can be given.

(viii) The Tender(s) must be made on the Form of Tender incorporated in the Tender documents. The Tender sum must be completed in figures and in words on the Form of Tender by the tenderer in ink, and the Form of Tender must be signed by or on behalf of the tenderer in ink.

(ix) No unauthorised alteration or addition must be made to the Form of Tender, the Bill of Quantities the Schedule of Rates or any other component of the Tender documents. Tenders must not be qualified in any other way, but must be submitted strictly in accordance with the Tender documents and these instructions. Tenders must not be accompanied by any covering letter or any statements that could be construed as rendering the Tender equivocal and/or placing it on a different footing from other Tenders.

(x) All corrections which tenderers may have made to the Form of Tender, priced Bill of Quantities, Schedule of Rates or any other component of the Tender documents to be submitted must be initialled and dated by the person responsible for making the correction. Correcting fluid must not be used.

(xi) The Non-Collusion Declaration Certificate must be fully completed by or on behalf of the Tenderer and submitted with the Tender documentation.

(xii) The statement “The Council is not obliged to accept the lowest or any Tender”

(xiii) Tenderers are required to complete and sign the Council’s “Statement on Race Relations” and return the same with their Tender submission.

(xiv) The Tender submission must include all priced documents and all other documents specifically requested to be returned.
2. Return of Tenders

Prior to tender documents being invited, the Processing Directorate must complete a pro-forma (see Appendix A) indicating the Tender title, the return date and, where applicable, the number of Tenders to be invited. This is to be sent to the who, upon receipt of this pro-forma, will complete the form, provide the issue number and record these details in the Register of Tenders Issued and Received. Once recorded, the Head of Legal Services will provide a supply of the yellow tender return labels and the completed pro-forma to the Processing Directorate.

In the case of EU advertised or other Tenders where it is not possible to predict the number of Companies to whom Tenders will be sent, the actual number shall be communicated to the Head of Legal Services after the closing date for applications.

A copy of the pro-forma is also to be sent by the Processing Directorate to the Head of Procurement.

The Committee Section will arrange for the Member of the Cabinet or other Committee for the Processing Directorate to attend the opening which is to be arranged, where possible, on the afternoon of the Tenders closing date.

The date and time of the opening will be forwarded to the contact officer in the Processing Directorate who will then arrange for its Head of Service or his nominated representative to attend the opening.

Tender return and opening for different processing Directorates / Divisions where possible, will be on the following days of the week:

Monday: Chief Executive
Tuesday: Finance & Corporate Services
Wednesday: Education, Leisure & Lifelong Learning
Thursday: Social Care, Health & Housing
Friday: Environment
All Tenders must be returned in standard manner, that is, a plain envelope or parcel bearing the yellow return label endorsed with the return details. The envelope is to contain no other information by which the Tenderer may be identified (i.e. inclusion of name where courier, registered or Datapost is used) and must be returned to the Head of Legal and Democratic Services.

3. Receipt of Tenders

Where Tender return envelopes are received by the Central Post Room they must be IMMEDIATELY delivered to the Head of Legal and Democratic Services. Should the Tenderer attempt to deliver the Tender by hand, they must be directed to the Head of Legal Services where they will be given an official receipt for the documentation. UNDER NO CIRCUMSTANCES is any member of staff (other than those in Legal Services) authorised to accept Tender returns.

Upon receipt by Legal Services, each Tender return envelope will be numbered sequentially and stamped with the date, time and officer’s name that received the documents. This information is then recorded in the Tender Issue and Receipt Book against the issue number logged at the pro-forma request stage, and initialled accordingly.

Late Tenders Procedure

A Tender which cannot be proved to have been received by the due time shall not be opened but shall be marked so that it can be identified and shall be recorded in the “Tenders Issued and Received Book” as a “late tender”. Details of the time, date and manner of receipt, together with the date of posting (where evident), shall be recorded in the said book.

4. Opening Of Tenders

Present at the opening will be the custodian of the Tender from Legal Services and the following personnel:
A Member of the Cabinet or other Committee of the Processing Directorate and Head of Service from the Processing Directorate or his nominated representative.

Where a member of the Cabinet or other Committee of the Processing Directorate is unavailable, then any Member of the Cabinet or other Committee Member can be used as a substitute.

The Head of Legal Services and Head of Procurement may be present at any tender opening, at their discretion.

All Tenders received are to be opened contemporaneously by those authorised in the offices of the Head of Legal Services and each is to be recorded in the Register of Corporate Tenders held by the Head of Legal and Democratic Services. No other record of opening is acceptable.

Each Tender bid shall be opened and recorded in the Register in accordance with the sequential number allocated on receipt.

Each Tender shall be dealt with in the following way:-

1) Opened in accordance with its sequential number.

2) Details of sequential number, tenderer’s name and tender sum shall be entered into the Register.

3) In all cases, the Form of Tender page (see Appendix B) shall be signed and dated by all persons present at the opening.

4) In addition to the Form of Tender, where the tender sum is not required to be stated in the Form of Tender, the final Summary Page must also be signed and dated by all persons present.

5) In addition to the Form of Tender, where a Schedule of Rates is required, all pages bearing prices must also be signed and dated by all persons present.

6) The Tender envelope is to be marked with the name of the Tenderer and the date of opening.
7) Once all Tenders have been opened and details entered into the Register, a line shall be drawn under the last entry and the space below struck through.

8) All persons present must sign the Register along the line under the last entry and also in the space provided for the signatories.

9) The date and total time of the opening of the Tenders must be entered in the Register of Corporate Tenders.

10) The Tenders shall be taken by the Head of Service (or other officer) of the Processing Directorate and the receipt in the Register of Corporate Tenders shall be signed accordingly.

11) The Tenders shall be conveyed to the Processing Directorate in a suitable secure receptacle provided by the Processing Directorate.

12) No amendments to the Register of Corporate Tenders must be made after the final Tender is registered.

In the event that the Tender is not returned in accordance with the Instructions to Tenderers, this non-compliance shall be recorded in the register of Corporate Tenders alongside the appropriate Tender.

Where the Tender sum has been provided but is not on the Form of Tender page, that sum shall be recorded in the Register of Corporate Tenders alongside the appropriate Tender.

5. **Post Evaluation of Tenders**

After evaluation of the Tenders:

1. the successful Tender together with two copies thereof, the successful Tender envelope and the confirmation of acceptance are to be sent by the Processing Directorate to the Head of Legal Services with instructions to prepare the Contract, and
2. all unsuccessful tenders are to be retained in their Tender envelopes by the Processing Directorate for a period of six years.
PART ONE To be completed by Directorate issuing Tender Documents

DIRECTORATE ISSUING TENDER ………………………………………..

CONTACT OFFICER: ……………………………………………………………………………………………

TEL NO:……………………………………

E.Mail Address…………………………………………………………………………………………

TENDER FOR:……………………………………………………………………………………………………

Number of Tenders to be invited:………………………… Actual/Estimated*(*delete as appropriate)

Date and Time for return of Tenders:………………………………………………………………

Client:…………………………………………………………………………………………………………

Board:…………………………………………………………………………………………………………

PART TWO To be completed by Head of Legal Services

ISSUE NUMBER:……………………………………

DATE Recorded:……………………………………

RECORDED BY:…………………………………… For Head of Legal and Democratic Services

DATE COMMITTEE SECTION CONTACTED:……………………………………
NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
CYNGOR BWRDEISTREF SIROL CASTELL-NEDD PORT TALBOT

FORM OF TENDER

TO:- NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Tender for:-

Tender Reference Number:-

I/We having read the Conditions of Contract and Tender documents delivered to me/us and having examined the drawings referred to therein do hereby offer to execute and complete in accordance with the Conditions of Contract and the whole of the works described for the fixed sum of:

...........................................................................................................................................................................

(£........................................) and within .................number weeks from date of possession.

I/We undertake in the event of your acceptance to execute with you a formal contract embodying all the conditions and terms contained in this offer.

I/We agree that should obvious errors in pricing, or errors in arithmetic be discovered before acceptance of this offer in the priced schedule submitted by me/us these errors will be corrected in accordance with Alternative 2 contained in Section 6 in the “Code of Procedure for Selective Tendering 1996”.

I/We understand that the Council does not bind itself to accept the lowest, most economically advantageous, or any other tender.

I/We agree that this tender remain open for acceptance for a period not exceeding 90 days.

I/We agree that unless and until a formal agreement is prepared and executed, the Tender, together with the Council’s acceptance thereof in writing, shall constitute a binding contract between us.

Dated this.............day of.................20......

Tenderer’s Name...........................................................................................................

Address.........................................................................................................................

.................................................................................................................................

Signature......................................................................................................................
PROCEDURE TO COMPLEMENT CONTRACT
PROCEDURE RULES AND OUTLINE CLEAR
PROTOCOLS FOR CPR 3.1 (XII)

1. Each Corporate Director/Head of Service is given the authority to contact the lowest tenderer from a previous similar or ongoing scheme. The contractor must be currently on the Authority’s Select List of Contractors or satisfy the requirements for acceptance.

2. If the lowest tenderer declines the contract, the next lowest tenderer will be contacted and rates negotiated.

3. Where the work is of similar nature, the previous tender rates will apply provided no external financial factors influence prices. Where there are differences, pro rata rates from the previous contract will be used or new rates negotiated within the contract conditions. These rates must be substantiated and not exceed those originally submitted by the next lowest Tenderer.

4. When the contract commences, the work will be measured and agreed between the relevant Directorate and the Contractor on a monthly basis.

5. This protocol is only to be used to enable the Authority to claim grant money so offered/awarded.

6. The Corporate Director/Head of Service to report the contract details to the relevant executive committee whenever this protocol is used.

7. A form of contract is to be entered into.
Officer Employment Procedure Rules

These Rules are designed to conform with the requirements of the Local Authorities (Standing Orders) (Wales) Regulations 2006 (“the Regulations”) as amended by the Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014 (“the Amending Regulations”). Some of the Rules are also locally determined but in the event of any conflict with the Regulations, the latter shall prevail. The Rules covered by the Regulations cannot be amended other than by legislation. These Rules need to be read in conjunction with the full Regulations and Amending Regulations, copies of which are available from Legal Services.

In these Rules, the following terms have the meaning prescribed by the Regulations:

(a) “Chief Officer” means the Head of its Paid Service; a statutory Chief Officer in paragraph (a), (c) or (d) of Section 2(6) of the Local Government and Housing Act 1989 (“the 1989 Act”); a non-statutory Chief Officer within the meaning of Section 2(7) of the 1989 Act above; the Monitoring Officer and Head of Democratic Services; and any reference to an appointment or purported appointment of a Chief Officer includes a reference to the engagement or purported engagement of such an Officer under a contract of employment.

(b) “Head of Paid Service” means the officer designated under Section 4(1) of the 1989 Act.

(c) “Chief Finance Officer” means the officer having responsibility for the purposes of Section 151 of the Local Government Act 1972.

(d) “Monitoring Officer” means the officer designated under Section 5(1) of the 1989 Act.

(e) “Head of Democratic Service” means the officer designated under Section 8 of the Local Government (Wales) Measure 2011.

(f) “Deputy Chief Officer” means a person within the meaning of Section 2(8) of the 1989 Act.

(g) “disciplinary action” in relation to a member of staff of the Council means any action occasioned by alleged misconduct which, if proved,
would, according to the usual practice of the Council, be recorded on the member of staff’s personal file, and includes any proposal for dismissal of a member of staff for any reason other than redundancy, permanent ill-health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term.  

(h) “member of staff” means a person appointed to or holding a paid office or employment, under the Council.

(i) “remuneration” has the same meaning as in Section 43(43) of the Localism Act 2011

1. **Recruitment and appointment**

1.1 **Declarations**

The Council will require any candidate for appointment to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or senior officer of the Council at Head of Service level or above; or of the partner of such persons.

1.2 **Seeking support for appointment.**

1.2.1. the Council will disqualify any applicant who directly or indirectly seeks the support of any officer involved in the appointments process (other than as referee) or councillor, for any appointment with the Council. The content of this paragraph will be included in any recruitment information.

1.2.2. no councillor will seek support for any person for any appointment with the Council.

1.2.3. no councillor shall give a written or oral testimonial of the candidate’s ability, experience or character for submission to the Council with an application for an appointment.

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15 This definition derives from Regulation 2 of the Regulations

4.214
2. **Recruitment of Chief Officers**

2.1. Where the Council propose to appoint a Chief Officer within the terms of the Regulations and the remuneration which it proposes to pay to the Chief Officer is £100,000 or more per annum it shall take the steps set out in paragraph 2.2.3.

2.2. Where the Council proposes to appoint a Chief Officer and where it is not proposed to pay to the Chief Officer the remuneration mentioned in paragraph 2.1. and it is not proposed that the appointment be made exclusively from among its existing officers it shall take the steps set out in paragraph 2.2.3.

2.2.3. The Council shall:

   (a) draw up a statement specifying —

   (i) the duties of the officer concerned, and
   (ii) any qualifications or qualities to be sought in the person to be appointed

   (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it and

   (c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.

2.2.4. The requirement to advertise contained in paragraph 2.2.3. (b) does not apply where the proposed appointment under paragraph 2.1. is for a period of no longer than twelve months.

2.3.1. Where the Chief Executive (acting on the advice of the Head of Human Resources) considers that the number of qualified applicants for a vacancy make it difficult for the Special Appointments Committee to prepare a final shortlist for consideration by Council then the Chief Executive may compile and submit an initial list of qualified applicants for consideration by the Special Appointments Committee.

2.3.2. In exercising the delegation set out in rule 2.3.1. the Chief Executive shall consider the views of the Head of Human Resources, the Leader of Council and the Leader of the largest non-executive political group.
2.3.3. In cases other than as set out in Rule 2.3.1. the Chief Executive shall refer all qualified applicants to the Special Appointments Committee.

2.3.4. The Special Appointments Committee shall either:-

(a) Refer all qualified applicants submitted to it by the Chief Executive to full Council for selection, or

(b) Compile a shortlist of qualified applicants from the qualified applicants submitted to it by the Chief Executive and refer that shortlist to full Council for selection.

2.4. The Special Appointments Committee shall be constituted in accordance with the provisions of Paragraph 4 (2) of Part 2 of Schedule 3 of the Regulations – which means that at least one member of the executive must be a member of that Committee, but not more than half of the members of the Committee are to be members of the executive.

2.5. The Council shall interview all applicants referred to it for interview by the Special Appointments Committee in accordance with Paragraph 2.3.4.

2.6. Where no qualified person has applied, or if the Council decides to re-advertise the appointment, the Council may make further arrangements for advertisement in accordance with procedure rule 2.2(b).

2.7. Where the duties of a chief officer include the discharge of functions of two or more relevant authorities in pursuance of section 101(5) of the Local Government Act 1972 or section 20 Local Government Act 2000 and the authorities have agreed that it will be a joint appointment -

2.7.1 the steps taken under paragraph 2.2.3., 2.3.4., 2.5. and 2.6. above may be taken by a joint committee of those relevant authorities, a subcommittee of that committee or a chief officer of any of the relevant authorities concerned; and
2.7.2. any chief officer may be appointed by such a joint committee, a sub-committee of that committee or a committee or sub-committee of any of those relevant authorities.

2.8 The Council shall determine the level, and any change in the level, of remuneration to be paid to a Chief Officer.

2.9. The full Council shall make all decisions relating to the appointment of the Head of Paid Service.

3. **Appointment of Monitoring Officer and Deputy Chief Officers**

3.1 The Special Appointments Committee will shortlist applicants and appoint the Monitoring Officer and Deputy Chief Officers (ie in Neath Port Talbot the Heads of Service). The relevant Regulatory Committee Chair may also attend the Committee in an advisory capacity.

3.2 The Special Appointments Committee shall be constituted in accordance with the provisions of Paragraph 4 (2) of Part 2 of Schedule 3 of the Regulations – which means that at least one member of the executive must be a member of that Committee, but not more than half of the members of the Committee are to be members of the executive.

4. **Other Appointments**

4.1 The function of appointment of a member of staff of the Council (other than Chief Officers, Deputy Chief Officers, and persons to whom regulations made under Section 35(4) and (5) of the Education Act 2002 apply – teachers and other staff of schools) must be discharged, on behalf of the Council, by the Head of Paid Service or by an officer nominated by the Head of Paid Service. Accordingly, the following shortlisting and appointment arrangements shall apply in respect of all appointments below Deputy Chief Officer level:


**Posts**

With pay scale commencing at scp 39 and above, or equivalent.

Method

Chief Officer or Deputy Chief Officer

With pay scale commencing at scp 38 and below, or equivalent

Chief Officer or Deputy Chief Officer or Accountable Manager or Line Manager

**Other appointment provisions**

4.2 The starting salary for all posts, other than those graded in accordance with salary scale 1, will normally be at the minimum point of the scale, but the starting point may be other than the minimum at the discretion of the authorised Officer making the appointment.

4.3 For appointments of:-

4.3.1. Officers and Assistant Officers in Charge of Residential children’s establishments and

4.3.2. basic grade social workers working with children,

these appointments are to be carried out by a Panel of three Officers in accordance with the recommendations as set out in the Adrianne Jones and Warner Reports.

4.4 For joint appointments with schools, representative Headteachers will be involved in the appointment at shortlisting and interview stages.

4.5 The Director of Education, Leisure and Lifelong Learning is also required to give statutory advice to School Governing
Bodies on the appointment and dismissal of persons to whom regulations made under section 35(4) and (5) of the Education Act 2002 apply.

5. **Disciplinary action and Dismissal**

5.1 The function of dismissal of, and taking disciplinary action against, a member of staff of the Council (other than Chief Officers, Deputy Chief Officers, Chief Finance Officer, and persons to whom regulations made under Section 35(4) and (5) of the Education Act 2002 apply – teachers and other staff of schools) must be discharged, on behalf of the Council, by the Head of Paid Service or by an officer nominated by the Head of Paid Service. Accordingly, the disciplinary procedures set out the Officer functions.

5.2 For the purposes of Section 5.1 and 5.7, Chief Officers, Deputy Chief Officers and Chief Finance Officer shall be taken to include any officer identified in paragraph 5.1 who was, but at the time of the proposed disciplinary action no longer is one of these officers and the alleged misconduct or, as the case may be, the reason for the proposed dismissal occurred during the period when the officer was an officer identified in paragraph 5.1

5.3 Where a Committee or Sub Committee or Officer is discharging on behalf of the Council, the function of dismissal of an officer designated as the Head of Paid Service, the Council must approve that dismissal before notice of dismissal is given. The power to approve the dismissal of the Head of Paid Service must be exercised by the Council itself, and accordingly Section 101 of the Local Government Act 1972 does not apply to the exercise of that power.

5.4 Where a Committee or Sub Committee is discharging on behalf of the Council the function of the dismissal of Head of Paid Service, Chief Officer or Deputy Chief Officer within the meaning of the Regulations, any such Committee or Sub Committee shall be constituted in accordance with the provisions of Paragraph 4 (2) of Part 2 of Schedule 3 of the Regulations – which means that at least one member of
the executive must be a member of that Committee, but not more than half of the members of the Committee are to be members of the executive.

5.5 Nothing in the paragraphs above prevents a person from serving as a member of any Committee or Sub Committee established by the Council to consider an appeal by a member of staff of the of the Council against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.

5.6 Disciplinary Action or dismissal of teachers and other staff of schools employed by the local education authority is dealt with by regulations made under Section 35(4) and (5) of the Education Act 2002.

5.7. In respect of the Head of Paid Service; Chief Finance Officer; Head of Democratic Services and Monitoring Officer, the following provisions shall apply:-

5.7.1 In paragraph 5.7.2., “head of the authority’s paid service”; “chief finance officer”; “monitoring officer”; “head of democratic services” and “disciplinary action” have the same meaning as in Regulation 2 of the Regulations, and “designated independent person” has the same meaning as in Regulation 9 of those Regulations.

5.7.2 No disciplinary action (other than action to which paragraph 5.7.3. applies in respect of the head of the authority’s paid service, the chief finance officer or the monitoring officer, may be taken by the Council, or by a committee or a sub-committee (or a joint committee on which the Council is represented or any other person acting on behalf of the Council), other than in accordance with a recommendation in a report made by a designated independent person under Regulation 9 of the Regulations.

5.7.3 The action to which this paragraph applies is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action; provided such suspension is on full pay and terminates no later than the expiry of two months beginning on the day on which the suspension takes effect.
5.7.4 The procedures under Regulation 9 of the Regulations must apply in respect of any investigation of alleged misconduct against the head of the authority’s paid service, the chief finance officer or the Monitoring Officer or the Head of Democratic Services.

5.8 The full Council must determine any matter relating to the dismissal of the Head of Paid Service.

5.9 All members of staff shall be subject to the relevant approved disciplinary procedures and every member of staff shall have rights of appeal as set out in those procedures against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.
Family Absence Regulations for Members

Family Absence for Members of Local Authorities (Wales) Regulations 2013 (“the Family Absence Regulations”)

(1) The Head of Democratic Services must inform relevant persons of any notifications of periods of family absence received and periods of family absence taken. The relevant persons are defined as the Mayor, the Chair of the Democratic Services Committee and the leader of each political group.

(2) The Head of Democratic Services must maintain a record of all notifications of periods of family absence and periods of family absence taken.

(3) Where the Head of Democratic Services has reasonable grounds to suspect that a Member who has provided notification of a period of family absence, is not entitled to that absence she/he must inform Council of that fact.

(4) Where Council decides to cancel a period of family absence before it begins or bring a period of family absence to an end the Head of Democratic Services must provide the Member concerned with written notification of that decision.

(5) The Head of Democratic Services must refer to the Mayor any complaint received from a Member regarding a decision by Council to cancel a Member’s period of family absence before it begins or bring a period of family absence to an end.

(6) The Head of Democratic Services must refer to the Mayor any complaint received from a Member regarding a decision by the Mayor to refuse an application by a Member on maternity absence or parental absence (under the Family Absence Regulations) for permission to attend particular meetings or descriptions of meetings, or to perform particular duties or duties of a particular description.
PART 5 - CODES AND PROTOCOLS

Members’ Code of Conduct

THE MODEL CODE OF CONDUCT

PART 1

INTERPRETATION

1.—(1) In this code —
"co-opted member" ("aelod cyfetholedig"), in relation to a relevant authority, means a person who is not a member of the authority but who —
(a) is a member of any committee or sub-committee of the authority, or
(b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority, and who is entitled to vote on any question which falls to be decided at any meeting of that committee or subcommittee;
"meeting" ("cyfarfod") means any meeting —
(a) of the relevant authority,
(b) of any executive or board of the relevant authority,
(c) of any committee, sub-committee, joint committee or joint sub-committee of the relevant authority or of any such committee, sub-committee, joint committee or joint sub-committee of any executive or board of the authority, or
(d) where members or officers of the relevant authority are present other than a meeting of a political group constituted in accordance with regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990,
and includes circumstances in which a member of an executive or board or an officer acting alone exercises a function of an authority;
"member" ("aelod") includes, unless the context requires otherwise, a co-opted member;
“registered society” means a society, other than a society registered as a credit union, which is —
(a) a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014; or
(b) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969;
The Neath Port Talbot Constitution

“register of members’ interests” (“cofrestr o fuddiannau’r aelodau”) means the register established and maintained under section 81 of the Local Government Act 2000;
“relevant authority” (“awdurdod perthnasol”) means—
(a) a county council,
(b) a county borough council,
(c) a community council,
(d) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies,
(e) a National Park authority established under section 63 of the Environment Act 1995;
"you" ("chi") means you as a member or co-opted member of a relevant authority; and
"your authority" ("eich awdurdod") means the relevant authority of which you are a member or co-opted member.
(2) In relation to a community council—
(a) “proper officer” (“swyddog priodol”) means an officer of that council within the meaning of section 270(3) of the Local Government Act 1972; and
(b) “standards committee” (“pwyllgor safonau”) means the standards committee of the county or county borough council which has functions in relation to the community council for which it is responsible under section 56(1) and (2) of the Local Government Act 2000.

PART 2
GENERAL PROVISIONS

2.—(1) Save where paragraph 3(a) applies, you must observe this code of conduct—
(a) whenever you conduct the business, or are present at a meeting, of your authority;
(b) whenever you act, claim to act or give the impression you are acting in the role of member to which you were elected or appointed;
(c) whenever you act, claim to act or give the impression you are acting as a representative of your authority; or
(d) at all times and in any capacity, in respect of conduct identified in paragraphs 6(1)(a) and 7.
(2) You should read this code together with the general principles prescribed under section 49(2) of the Local Government Act 2000 in relation to Wales.
3. Where you are elected, appointed or nominated by your authority to serve —
(a) on another relevant authority, or any other body, which includes a Local Health Board you must, when acting for that other authority or body, comply with the code of conduct of that other authority or body; or
(b) on any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

4. You must —
(a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;
(b) show respect and consideration for others;
(c) not use bullying behaviour or harass any person; and
(d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.

5. You must not —
(a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;
(b) prevent any person from gaining access to information to which that person is entitled by law.

6.—(1) You must —
(a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;
(b) report, whether through your authority's confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or on behalf of, your authority which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);
(c) report to your authority's monitoring officer any conduct by another member which you reasonably believe breaches this code of conduct;
(d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority.
(2) You must comply with any request of your authority's monitoring officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers.

7. You must not —
(a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;
(b) use, or authorise others to use, the resources of your authority —
(i) imprudently;
(ii) in breach of your authority's requirements;
(iii) unlawfully;
(iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;
(v) improperly for political purposes; or
(vi) improperly for private purposes.

8. You must —
(a) when participating in meetings or reaching decisions regarding the business of your authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by your authority's officers, in particular by —
(i) the authority's head of paid service;
(ii) the authority's chief finance officer;
(iii) the authority's monitoring officer;
(iv) the authority's chief legal officer (who should be consulted when there is any doubt as to the authority's power to act, as to whether the action proposed lies within the policy framework agreed by the authority or where the legal consequences of action or failure to act by the authority might have important repercussions);
(b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

9. You must —
(a) observe the law and your authority's rules governing the claiming of expenses and allowances in connection with your duties as a member;
(b) avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by your authority), material benefits or services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation.
PART 3
INTERESTS

Personal Interests
10.—(1) You must in all matters consider whether you have a personal interest, and whether this code of conduct requires you to disclose that interest.

(2) You must regard yourself as having a personal interest in any business of your authority if —
(a) it relates to, or is likely to affect —
(i) any employment or business carried on by you;
(ii) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;
(iii) any person, other than your authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member;
(iv) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;
(v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;
(vi) any land in which you have a beneficial interest and which is in the area of your authority;
(vii) any land where the landlord is your authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in subparagraph (iv) above;
(viii) any body to which you have been elected, appointed or nominated by your authority;
(ix) any —
(aa) public authority or body exercising functions of a public nature;
(bb) company, registered society, charity, or body directed to charitable purposes;
(cc) body whose principal purposes include the influence of public opinion or policy;
(dd) trade union or professional association; or
(ee) private club, society or association operating within your authority's area,
in which you have membership or hold a position of general control or management;
(x) any land in your authority's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer;
[Note: subparagraph (b) is omitted.]
(c) a decision upon it might reasonably be regarded as affecting —
(i) your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;
(ii) any employment or business carried on by persons as described in 10(2)(c)(i);
(iii) any person who employs or has appointed such persons described in 10(2)(c)(i), any firm in which they are a partner, or any company of which they are directors;
(iv) any corporate body in which persons as described in 10(2)(c)(i) have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or
(v) any body listed in paragraphs 10(2)(a)(ix)(aa) to (ee) in which persons described in 10(2)(c)(i) hold a position of general control or management, to a greater extent than the majority of—
(aa) in the case of an authority with electoral divisions or wards, other council tax payers, rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or
(bb) in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area.

Disclosure of Personal Interests

11.—(1) Where you have a personal interest in any business of your authority and you attend a meeting at which that business is considered, you must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority and you make —
(a) written representations (whether by letter, facsimile or some other form of electronic communication) to a member or officer of your authority regarding that business, you should include details of that interest in the written communication; or
(b) oral representations (whether in person or some form of electronic communication) to a member or officer of your authority you should disclose the interest at the commencement of such representations, or when it becomes apparent to you that you have such an interest, and confirm the representation and interest in writing within 14 days of the representation.
(3) Subject to paragraph 14(1)(b) below, where you have a personal interest in any business of your authority and you have made a decision in exercising a function of an executive or board, you must in relation to that business ensure that any written statement of that decision records the existence and nature of your interest.

(4) You must, in respect of a personal interest not previously disclosed, before or immediately after the close of a meeting where the disclosure is made pursuant to sub-paragraph 11(1), give written notification to your authority in accordance with any requirements identified by your authority's monitoring officer, or in relation to a community council, your authority’s proper officer from time to time but, as a minimum containing

(a) details of the personal interest;
(b) details of the business to which the personal interest relates; and
(c) your signature.

(5) Where you have agreement from your monitoring officer that the information relating to your personal interest is sensitive information, pursuant to paragraph 16(1), your obligations under this paragraph 11 to disclose such information, whether orally or in writing, are to be replaced with an obligation to disclose the existence of a personal interest and to confirm that your monitoring officer has agreed that the nature of such personal interest is sensitive information.

(6) For the purposes of sub-paragraph (4), a personal interest will only be deemed to have been previously disclosed if written notification has been provided in accordance with this code since the last date on which you were elected, appointed or nominated as a member of your authority.

(7) For the purposes of sub-paragraph (3), where no written notice is provided in accordance with that paragraph you will be deemed as not to have declared a personal interest in accordance with this code.

Prejudicial Interests
12.—(1) Subject to sub-paragraph (2) below, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) Subject to sub-paragraph (3), you will not be regarded as having a prejudicial interest in any business where that business—

(a) relates to—

(i) another relevant authority of which you are also a member;
(ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;
(iii) a body to which you have been elected, appointed or nominated by your authority;
(iv) your role as a school governor (where not appointed or nominated by your authority) unless it relates particularly to the school of which you are a governor;
(v) your role as a member of a Local Health Board where you have not been appointed or nominated by your authority;

(b) relates to —
(i) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;
(ii) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends;
(iii) the functions of your authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority;
(iv) the functions of your authority in respect of an allowance or payment made in accordance with the provisions of Part 8 of the Local Government (Wales) Measure 2011, or an allowance or pension provided under section 18 of the Local Government and Housing Act 1989;
(c) your role as a community councillor in relation to a grant, loan or other form of financial assistance made by your community council to community or voluntary organisations up to a maximum of £500.

(3) The exemptions in subparagraph (2)(a) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration.

Overview and Scrutiny Committees
13. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—

(a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive, board or another of your authority's committees, sub-committees, joint committees or joint subcommittees; and
(b) at the time the decision was made or action was taken, you were a member of the executive, board, committee, sub-committee, joint-committee or joint sub-committee mentioned in sub-paragraph (a) and you were present when that decision was made or action was taken.

Participation in Relation to Disclosed Interests
14.—(1) Subject to sub-paragraphs (2), (2A), (3) and (4), where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority's standards committee —
(a) withdraw from the room, chamber or place where a meeting considering the business is being held —
(i) where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or
(ii) in any other case, whenever it becomes apparent that that business is being considered at that meeting;
(b) not exercise executive or board functions in relation to that business;
(c) not seek to influence a decision about that business;
(d) not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business; and
(e) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.
(2) Where you have a prejudicial interest in any business of your authority you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.
(2A) Where you have a prejudicial interest in any business of your authority you may submit written representations to a meeting relating to that business, provided that the public are allowed to attend the meeting for the purpose of making representations, answering questions or giving evidence relating to the business, whether under statutory right or otherwise.
(2B) When submitting written representations under sub-paragraph (2A) you must comply with any procedure that your authority may adopt for the submission of such representations.
(3) Sub-paragraph (1) does not prevent you attending and participating in a meeting if —
(a) you are required to attend a meeting of an overview or scrutiny committee, by such committee exercising its statutory powers; or
(b) you have the benefit of a dispensation provided that you —
(i) state at the meeting that you are relying on the dispensation; and
(ii) before or immediately after the close of the meeting give written notification to your authority containing —
(aa) details of the prejudicial interest;
(bb) details of the business to which the prejudicial interest relates;
(cc) details of, and the date on which, the dispensation was granted; and
(dd) your signature.
(4) Where you have a prejudicial interest and are making written or oral representations to your authority in reliance upon a dispensation, you must provide details of the dispensation within any such written or oral representation and, in the latter case, provide written notification to your authority within 14 days of making the representation.

PART 4
THE REGISTER OF MEMBERS' INTERESTS
Registration of Personal Interests
15.—(1) Subject to sub-paragraph (4), you must, within 28 days of—
(a) your authority's code of conduct being adopted or the mandatory provisions of this model code being applied to your authority; or
(b) your election or appointment to office (if that is later), register your personal interests, where they fall within a category mentioned in paragraph 10(2)(a), in your authority's register of members’ interests by providing written notification to your authority's monitoring officer.
(2) Subject to sub-paragraph (4), you must, within 28 days of becoming aware of any new personal interest falling within a category mentioned in paragraph 10(2)(a), register that new personal interest in your authority’s register of members’ interests by providing written notification to your authority’s monitoring officer.
(3) Subject to sub-paragraph (4), you must, within 28 days of becoming aware of any change to a registered personal interest falling within a category mentioned in paragraph 10(2)(a), register that change in your authority’s register of members’ interests by providing written notification to your authority's monitoring officer, or in the case of a community council to your authority's proper officer.
(4) Sub-paragraphs (1), (2) and (3) do not apply to sensitive information determined in accordance with paragraph 16(1).
(5) Sub-paragraphs (1) and (2) do not apply if you are a member of a relevant authority which is a community council when you act in your capacity as a member of such an authority.
(6) You must, when disclosing a personal interest in accordance with paragraph 11 for the first time, register that personal interest in your authority’s register of members’ interests by providing written notification to your authority’s monitoring officer, or in the case of a community council to your authority’s proper officer.

Sensitive information
16.—(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to the interest under paragraph 15.
(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under subparagraph (1) is no longer sensitive information, notify your authority's monitoring officer, or in relation to a community council, your authority’s proper officer asking that the information be included in your authority's register of members' interests.
(3) In this code, "sensitive information" ("gwybodaeth sensitif") means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

Registration of Gifts and Hospitality
17. You must, within 28 days of receiving any gift, hospitality, material benefit or advantage above a value specified in a resolution of your authority, provide written notification to your authority's monitoring officer, or in relation to a community council, to your authority’s proper officer of the existence and nature of that gift, hospitality, material benefit or advantage.
POLICY ON MEMBERS GIFTS, MATERIAL BENEFITS, ADVANTAGES AND HOSPITALITY

1. INTRODUCTION

1.1. This Policy is made in accordance with the Statutory Code of Conduct for Members as adopted by Neath Port Talbot County Borough Council (hereinafter called “the Council”). As such it applies to all Members including co-opted Members, of Council. Both Members and co-opted Members are referred to as ‘Members’ hereafter.

1.2. It contains other rules that the Council has also made with respect to what Members are required to do.

1.3. It contains the threshold value set for gifts material benefits, advantages and hospitality at which and in excess of which the Council requires Members to notify and register their receipt in a Register kept by the Council’s Monitoring Officer for the time being.

1.4. Forms are provided for Members to complete their notification and these forms are to be returned to the Council’s Monitoring Officer within the time limit specified in this Policy. The completed forms will form the basis of the Register, which will be known as the Register of Gifts and Hospitality.

2. STATUTORY BASIS

2.1. The Council has adopted the Code of Members Conduct (hereafter called ‘The Code’) as prescribed by the NAfW without amendment (a)

2.2. The Code says Members “must avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a Civic Reception or a working lunch duly authorised by the Authority) material benefits or services for themselves or any person with whom the Member is living that would, or might reasonably appear to, place them under an improper obligation” (b)
2.3. The Code requires that subject to the provisions referred to in paragraph 2.4. below “a Member must notify the Authority’s Monitoring Officer of the existence and nature of any gifts, hospitality, material benefits, or advantage received by the Member, or to the Members knowledge any person with whom the Member is living, from any company, organisation or person and relating to or arising out of their position as a Member, where the value of the item or benefit exceeds such amount as the Authority shall from time to time determine” (c)

2.4. “Any gift accepted by a Member on behalf of that Members relevant Authority need not be notified to that Authority’s Monitoring Officer” (a)

3. OTHER RELEVANT CODE REQUIREMENTS

3.1. The Code further says “Members must not in their official capacity or otherwise, use their position improperly to confer on or secure for any person and in particular their family, friends or those with whom they have a close personal association an advantage or disadvantage or to secure an advantage for themselves”. (b)

4. THE PRINCIPLES TO BE OBSERVED

4.1. Further the principles which are to govern Member conduct say that Members “must not put themselves in a position where their integrity is called into question by any financial or other obligation to individuals or organisations that might seek to influence them in the performance of their duties. Members must on all occasions avoid the appearance of such behaviour” (c)

4.2. Also the same principles state Members “must act solely in the public interest – they must never use their position as Members to improperly confer advantage on themselves or to improperly confer advantage on others”. (d)
5. **ADDITIONAL STATUTORY REQUIREMENTS**
   **COUNCIL’S OWN REQUIREMENTS AND STATEMENTS FOR GUIDANCE OF MEMBERS RELATING TO THE CODE OF CONDUCT FOR MEMBERS**

5.1. Members must give the notification of the acceptance of gifts, material benefits, advantages or hospitality by giving the information required on the relevant Form approved for the purpose. Such form must be returned to the Council’s Monitoring within 21 days of receipt.

6. **THE REGISTER**

6.1. The Council’s Monitoring Officer is required by law to keep a Register of all notifications made by Members.

6.2. The Register will be open to public inspection during all normal office hours.

6.3. The Register will be kept at the Civic Centre, Port Talbot under the custody and control of the Council’s Monitoring Officer.

7. **THE THRESHOLD**

7.1. Members must notify receipt of gifts, material benefits, advantages and hospitality of a value of or in excess of £50 by the Member and to the Members knowledge also with regard to such receipt by persons with whom the Member is living, subject to the proviso in 8 below.

8. **OTHER MATTERS**

8.1. The receipt of gifts, material benefits, advantages and hospitality by a Member or by persons with whom the Member resides need only be notified by the Member if receipt arises out of a Member’s position as a Member of the Council i.e. if it is given because of some other capacity of the Member such as, because the Member is involved in an organisation like a choir, rugby club etc. This Code will not then apply, no notification or registration is required.
9. **CIVIC GIFTS**

9.1. However, the receipt by a Member etc. of a gift accepted on behalf of Council is not subject to the Code. Members should note that the Council requires that a gift accepted by a Member on behalf of this Authority i.e. a civic gift, should be given into the custody of an appropriate officer (usually this will be the Mayor’s Secretary who will keep a manifest of gifts received and will keep them in safe custody). If any decision is needed as to the disposal of civic gifts the Chief Executive shall determine what is to happen to them. For the avoidance of doubt disposal can be by donation to a charity (including the Mayor’s Charity) or by giving the same for the use of the public, or a sector of the public, or to an organisation for Community purposes/or to a not for profit voluntary organisation whose main purposes are charitable/or Community based. If donated by Council to another body or organisation as described, the recipient may auction, raffle or sell the gift and apply the monies received to fulfil their main charitable/or Community purposes.

10. **VOLUNTARY DECLARATIONS AND OTHER MATTERS WHICH IT IS NOT NECESSARY TO DISCLOSE**

10.1. If Members wish to notify the Council’s Monitoring Officer of the receipt of gifts, material benefits, advantages and hospitality of a value below the threshold for notification and registration they may do so if they wish on a voluntary basis.

10.2. However, it is stressed that those Members who observe notification based purely on the threshold set will have thereby complied precisely with the statutory requirements laid down.

10.3. It is obviously not necessary for Members to notify the Council’s Monitoring Officer of receipt of promotional gifts, pens, calendars, diaries, mousemats etc. of only a nominal value below the threshold and Members are discouraged from making such notification for registration.
11. **HOSPITALITY**

11.1. The Council regards working lunches or their equivalent as appropriate hospitality and a proper way of doing business provided that they are generally authorised by Council and involve no extravagance and would be considered within the bounds of normal courtesy lunches i.e. following working parties, Committee meetings, partnership meetings etc. including Seminars, Conferences or similar events.

11.2. Likewise the Council authorises the receiving of official hospitality – such as Civic Receptions, by Members as by persons living with them.

11.3. Otherwise the Council requires that Members should only accept offers of hospitality if it is generally felt that the Council interests are served by attendance or that it is appropriate for the Authority to be seen to be represented at the event. The same test should be applied by Members in judging whether it would be reasonable for a Member to attend a social function, sporting or similar event organised by outside persons or bodies. Members who are offered hospitality of a social nature must consider how the offer might be viewed from the perspective of a member of the public.

11.4. Hospitality covered by 11.1 and 11.2 will usually not need to be notified to the Council’s Monitoring Officer on the basis that the same will unlikely to be of a value reaching the threshold in this Policy. However, if hospitality mentioned in 11.1 and 11.2, and of course 11.3., reached the threshold specified in this Policy then receipt must be notified in the usual manner to the Council’s Monitoring Officer.

11.5. Additionally, Members who wish to accept any form of hospitality covered by 11.3 above are advised to seek appropriate advice beforehand from the Council’s Chief Executive, or Finance Officer or Monitoring Officer.

11.6. Acceptance by Members of hospitality through attendance at conferences, seminars and other similar events is permissible when it is clear that the hospitality is corporate rather than personal in nature and where it is clear that the Council’s position is not compromised.
11.7. Where visits to sites to view proposed developments or to view vehicles, equipment, any goods or service delivery or similar are required or Members attend any demonstrations relating to same including software/IT demonstrations Members must ensure that the cost of such visits are borne by the Council to avoid jeopardising the integrity of any subsequent purchasing decision. 
[Members may accept mere modest courtesy hospitality as in 10.1. above on the basis that purchasing decisions are not thereby likely to be compromised]

11.8. Members must not avail themselves of the services of contractors or suppliers engaged by the Authority where goods, labour, plant or similar are made available at cost, trade or discount prices. The only exception permissible is where such discounts are generally available to members of the public. The same goes for persons living with the Member.

11.9. Members should be mindful of the timing of any acceptance of any gift, material benefits, advantages and hospitality in relation to decisions which the Council may be taking affecting those providing the same.

11.10. When gifts, material benefits, advantages and hospitality have to be declined, those making the offer should be courteously, but firmly informed of the procedures and standards operated within the Authority.

12. OTHER CONSIDERATIONS

12.1. Members should balance the practicalities of operating in public life against any misconception which would arise with the public were Members to be perceived as being able to receive lavish or expensive gifts, material benefits or advantages and hospitality of a similar nature.

12.2. The Council requires Members to refrain from accepting disproportionately generous offers which could create an improper obligation, particularly if linked into any actual or potential commercial transaction with the authority.
13. **GENERAL**

13.1. The threshold value for the notification and registration of gifts, material benefits, advantages and hospitality will be reviewed from time to time by Council.

13.2. When Notification is required a separate notification for each class of receipt is to be given and Members should separately declare receipt by themselves from receipt by persons living with them i.e. values are not aggregated.

[Note]
The term “services” referred to in Regulation 9 ‘integrity’ in the Code (see Paragraph 2.2. above) is not referred to anywhere else in the Code hence for the purposes of drafting it has otherwise been omitted from this document. For the avoidance of doubt it is taken that the meaning of ‘material benefits’ and/or “advantages’ include things which can be understood to be ‘services’.

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(a) The Conduct of Members (Model Code of Conduct) (Wales) Order 2001. 22-(2)
(b) The Conduct of Members (Model Code of Conduct) (Wales) Order 2001 7-(9)
(c) Principle 3 “Integrity and Propriety” Schedule to the Principles Order 2001
(d) Principal “Selflessness” Schedule to the Principles Order 2001
NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
MEMBER’S CODE OF CONDUCT

Notification by a Member of the Receipt of a Gift/Material Benefit/
Advantage or Hospitality

I, (full name)  

EITHER

GIVE NOTICE that I have received □ and/or to my knowledge a person With whom I live has received □ the following [gift] or [material benefit] or [advantage] and/or [hospitality] (delete whichever description does not apply) over the value of £50

OR

I HEREBY GIVE VOLUNTARY NOTICE that I have received □ and/or to my knowledge a person with whom I live has received □ the following [gift] or [material benefit] or [advantage] and/or [hospitality] (delete whichever description does not apply) under the value of £50

(a) Date of receipt of [gift] or [material benefit] or [advantage] or [hospitality]  

(b) Name and address of donor (i.e. person, company, firm etc.)  

(c) Nature of gift or material benefit or advantage received and/or hospitality received  

Date  Signed ...........................................

Note – This notification must be given by a member to the authority’s monitoring officer within [21] days of receiving any gifts or hospitality over the value of £50

Use a separate Form for each separate gift etc. or separate hospitality even if from the same Donor and make separate declarations for persons living with you i.e. you are not required to aggregate values.
The Neath Port Talbot Constitution

Employee Code of Conduct

Paragraph

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1 Outside Employment
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4(a) Declaration of Offer of Gift and/or Hospitality – Rejected
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PREFACE

The following Employee Code of Conduct incorporates the Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001. Each extract from the Order is shown in bold italics, with an accompanying footnote.

The terms of appointment and conditions of employment of all Neath Port Talbot County Borough Council employees (subject to paragraph 1.2 below) are deemed to incorporate the entire Employee Code of Conduct, including by operation of law the Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001.

Any breach of the Council’s Employee Code of Conduct is a potential disciplinary offence, which will be dealt with in accordance with the Council’s Disciplinary Procedure, and which can lead to the dismissal of the employee(s) concerned. A breach of the Code may also constitute a criminal offence.

POLICY STATEMENT AND GENERAL PRINCIPLES OF CODE OF CONDUCT

The public is entitled to expect the highest standards of conduct from all employees of Neath Port Talbot County Borough Council. The role of such employees is to serve the Authority in providing advice, implementing its policies, and delivering services to the local community. In performing their duties, they must act with integrity, honesty, impartiality and objectivity79. Public confidence in the Authority and in an employee’s integrity would be shaken if the least suspicion were to arise that an employee could in any way be influenced by improper motives.

79 Source: The Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001 Paragraph 1 - General Principles
EMPLOYEE CODE OF CONDUCT
PROCEDURES AND PRACTICES

1. INTRODUCTION

1.1 Neath Port Talbot County Borough Council’s reputation and the public’s trust and confidence in its integrity are of vital importance. It must be seen to discharge its day to day responsibilities with openness and probity. This document is presented as a framework to make clear the standards of conduct expected of all employees.

1.2 This Code of Conduct is applicable to all employees of the Authority, except those who are directly employed by School Governing Bodies, and forms part of each employee’s contract of employment.

1.3 Inevitably, some of the issues covered by the Code of Conduct affect senior, managerial and professional employees more than others, but the Code covers all employees.

1.4 Employees work for the Authority and serve the whole of that Authority. They are accountable to, and owe a duty to that authority. They must act in accordance with the principles set out in this Code, recognising the duty of all public sector employees to discharge public functions reasonably and according to the law.80

2. STANDARDS

2.1 All employees are expected to give the highest possible standard of service to the public and, where it is part of their duties, to provide appropriate advice to Councillors and fellow employees with impartiality. In the event that an employee becomes aware of activities which that employee believes to be illegal, improper, unethical or otherwise inconsistent with this Code, the employee should report the matter, acting in accordance with the employee’s rights under the Public Interest Disclosure Act 1998, and with the Authority’s confidential reporting procedure, or any

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80 Source: The Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001 Paragraph 2 - Accountability
other procedure designed for this purpose\textsuperscript{81}. The whistleblowing procedure is set out in the Council’s Anti-Fraud, Corruption and Malpractice Strategy. Such reporting shall be without fear of recrimination. Employees must familiarise themselves with this procedure and should make relevant disclosure strictly in accordance with it.

2.2 The Council’s Harassment at Work Policy states that harassment/bullying at work will not be tolerated and may lead to serious disciplinary action. All employees are expected to ensure that their behaviour is consistent with the Harassment at Work Policy.

2.3 There are some employees (Head of Paid Service; Monitoring Officer; Chief Financial Officer) whose separate statutory duty in certain circumstances may take precedence over Neath Port Talbot County Borough Council policy.

2.4 All employees must familiarise themselves with, and adhere to, the provisions contained in the Council’s Anti-Fraud/Corruption and Malpractice Strategy – Whistleblowing Policy Document.

2.5 \textit{Where a monitoring officer is undertaking an investigation in accordance with the Regulations made under Section 73(1) of the Local Government Act 2000, an employee must comply with any requirement made by that monitoring officer in connection with such an investigation}\textsuperscript{82}.

2.6 All employees must also comply with any requirement made by the Monitoring Officer (Head of Legal and Democratic Services) or any other relevant officers in connection with an investigation into fraud, corruption or malpractice.

\textsuperscript{81} Source: The Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001 Paragraph 9 - Whistleblowing

\textsuperscript{82} Source: The Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001 Paragraph 12 - Investigations of Monitoring Officers
3. **CONFIDENTIALITY AND DISCLOSURE OF INFORMATION**

3.1 *Openness in the dissemination of information and decision-making should be the norm in the Authority. However, certain information may be confidential or sensitive and therefore not appropriate for a wide audience. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should not be released to anyone other than a Member, Authority employee or other person who is entitled to receive it, or needs to have access to it for the proper discharge of their functions.*

3.2 *Nothing in this Code can be taken as overriding existing statutory or common law obligations to keep certain information confidential, or to divulge certain information*[^83]. The law requires that certain types of information must be made available to Councillors, auditors, Government departments, service users and the public.

3.3 All employees must familiarise themselves regarding which information the Authority is able to be open about, and is not able to be open about, and act accordingly.

3.4 Employees must not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way.

3.5 Any information received by an employee from a Councillor which is personal to that Councillor and does not belong to the Authority should not be divulged by the employee without the prior approval of that Councillor, except where such disclosure is required as sanctioned by the law.

3.6 Letters written to employees in their position as representatives of the Authority are the property of the Authority.

4. **POLITICAL NEUTRALITY**

4.1 Employees serve the Authority as a whole. It follows that they must serve all Councillors and not just those of the controlling group, and must ensure that the individual rights of all Councillors are respected.

4.2 Some employees may be requested to advise political groups. If this is the case, they must do so in a manner which does not compromise their political neutrality as employees.

4.3 *All employees, whether or not politically restricted, must follow every lawfully expressed policy of the Authority and must not allow their own personal or political opinions to interfere with their work.*

4.4 *Where employees are politically restricted (by reason of the post they hold, the nature of the work they do, or the salary they are paid), they must comply with any statutory restrictions on their political activities*.84

4.5 Each employee who is currently subject to such political restrictions has been notified accordingly. Such post holders and all other employees must also consider whether they should undertake political activities outside these restrictions which may create a conflict of interest.

5. **RELATIONSHIPS**

5.1 *Employees should deal with the public, Members and other employees sympathetically, efficiently, and without bias*.85

### Councillors

5.2 Both Elected Members and employees are involved in public service. However, their respective roles are quite different:

- Elected members are responsible to the electorate;

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84 Source: The Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001 Paragraph 3 - Political Neutrality

85 Source: The Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001 Paragraph 5 - relations with Members, the public and other employees
Employees are responsible to the Chief Executive as Head of the Paid Service, and to their respective Corporate Directors.

Individual Elected Members are not permitted to give instructions to employees unless specifically authorised to do so by the Council or by a Committee or by the Executive.

An employee’s job, where it is part of his/her duties, is to provide appropriate advice to elected Members with impartiality. Such advice must be given in an equitable manner, irrespective of the political nature of the elected Member concerned.

5.3 **Mutual respect between employees and Members is essential to good local government and working relationships should be kept on a professional basis**. Close personal familiarity between employees and individual Members can damage this relationship and prove embarrassing to other employees and other Members.

5.4 Many employees necessarily acquire information during the course of their employment that has not yet been made public and is, therefore, still confidential. It is a betrayal of trust to disclose such information and you should never disclose or use confidential information for your own personal advantage or for someone known to you, or if to the discredit of the Authority or anyone else.

5.5 Where an employee has a grievance about a matter relating to his/her employment, this should be pursued through the agreed grievance procedure with trade union involvement as necessary - a direct approach to elected Members is not permitted.

5.6 In addition to the general principles detailed above, the following guidelines have been compiled with the purpose of establishing what does, and what does not, constitute acceptable behaviour:

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8 Source: The Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001 Paragraph 4 - relations with Members, the public and other employees
Employees may

- give advice to elected Members, where such a requirement is part of their job, on professional and/or operational matters which are within the jurisdiction of their area of responsibility;

- respond to individual complaints or queries from elected Members and give relevant factual information relating to services with which they are concerned.

Employees must not

- let their personal or private interest influence their working relationships with elected Members;

- act in any way which may result in suspicions of improper conduct arising.

Local Communities and Service Users

5.7 Employees should always remember their responsibilities to the communities they serve and to ensure courteous, efficient and impartial service delivery to all groups and individuals within these communities as defined by the policies of the Authority.

Contractors

5.8 All relationships of a business or private nature with external contractors, or potential contractors, should be made known by employees to their Corporate Director. Orders and contracts must be awarded on merit and in accordance with the Authority’s Contract Procedure Rules, and no special favours should be shown to businesses run by, for example, friends, partners or relations in the tendering process. No part of any community within the County Borough should be discriminated against.

5.9 Employees who engage or supervise contractors, or have any other official relationship with contractors, and have previously had or currently have a relationship in a private or domestic capacity with contractors, should declare such a relationship to their Corporate Director.
5.10 See also Section 8 - Personal Interests.

**Service Users**

5.11 Employees who are in close contact with service users both in the community and residential settings may find themselves placed in invidious situations for a number of reasons. Where such circumstances arise, employees must not:

(a) accept presents in money or goods for themselves or members of their family;
(b) accept loans of money or goods to themselves or members of their family;
(c) enter into financial arrangements with the service user, e.g. by buying goods from the service user, or selling goods/services; similar restrictions also apply to the employee’s family;
(d) assist with the preparation of a Will, or Deeds of Gift.

Adherence to these measures will assist employees to minimise any risk of accusation that undue influence has been exercised by an employee over a service user.

6. **APPOINTMENT AND OTHER EMPLOYMENT MATTERS**

6.1 Employees involved in the recruitment and appointment of staff must ensure that appointments are made on the basis of merit. In order to avoid any possible accusation of bias, employees should not be involved in any appointment or any other decisions relating to discipline, promotion or pay and conditions for any other employee, or prospective employee, to whom they are related, or with whom they have a close personal relationship outside work.

6.2 It is unlawful for an appointment to be made which was based on anything other than the ability of the candidate to undertake the duties and responsibilities of the post.

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9 Source: The Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001 Paragraph 11 - appointment of staff
7. **OUTSIDE EMPLOYMENT**

7.1 Some employees are required to obtain consent from their Corporate Director prior to taking up an outside employment (i.e. those employees with a contractual rate of pay in accordance with or equivalent to NJC “Green Book” spinal column point 29 and above). All other employees are required to give notification in relation to any proposed outside employment (i.e. those employees below scp 29). No employee should undertake outside employment which conflicts with the Authority’s interests.

7.2 The provisions contained in paragraph 7.1 above are applicable whether or not the outside interest is a position which attracts some form of payment.

7.3 In considering whether to grant consent, in relation to any employee, account will be taken of whether the outside employment:

(i) conflicts with the Authority’s interests, or

(ii) is, or may be, detrimental to the Authority’s interests, or

(iii) may weaken public confidence in the conduct of the employee or the Authority.

7.4 A pro-forma for the purposes of declaring outside employment to their Corporate Director is shown in Appendix 1 to this document.

7.5 Failure to observe the requirements of these provisions, or any breach involving the preparation of plans or other work which may subsequently be the subject of Planning or Building Regulations approval, or which may in any way need to be considered or approved by the Council, will be dealt with as a very serious matter in accordance with the Authority’s disciplinary procedure.

8. **PERSONAL INTERESTS**

8.1 Whilst employees’ private lives are their own concern, they must not allow their private interests to conflict with their public duty. They must not misuse their official position or information acquired in the course of their employment to
further their private interests, or the interests of others. In particular, they must comply with:

- any rules of the Authority on the registration and declaration by employees of financial and non-financial interests,

- any rules of the Authority on the declaration by employees of hospitality or gifts offered to or received by them, from any person or organisation doing or seeking to do business, or otherwise benefiting or seeking to benefit from a relationship with the Authority. Employees must not accept benefits from a third party unless authorised to do so by the Authority.¹⁰

**Financial and Non-Financial Interests**

8.2 Employees must declare to their Corporate Director details of any financial or non-financial interests which could conflict with the Authority’s interests (see Appendix 2).

8.3 Section 117 of the Local Government Act 1972 provides:

(a) that if an Officer (or spouse) has any pecuniary interest under the terms of the 1972 Act, in a contract which has been, or is proposed to be, entered into by the Authority (not being a contract to which he/she is a party), he/she must give notice to the Authority as soon as possible;

(b) that an Officer of a local authority shall not, under colour of his office or employment, accept any fee or reward whatsoever other than his/her proper remuneration.

Any breach of the above provisions is a criminal offence. Notices under (a) above must be given to the Monitoring Officer (Head of Legal and Democratic Services), with a copy to your Corporate Director (see Appendix 3).

¹⁰ Source: The Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001 Paragraph 8 - personal interests
“Secret Society/Organisation”

8.4 Employees should declare to their Corporate Director their membership of any organisation which:

- is not open to the public without formal membership and commitment of allegiance

and

- has secrecy rules of membership or conduct.

[Note: All declarations which need to be made by Corporate Directors shall be made to the Chief Executive; while in respect of any declarations by the latter, these shall be made to the Director of Finance and Corporate Services or the Monitoring Officer.]

8.5 A “secret society” is defined for the purposes of this Code of Conduct as follows:

“All lodge, chapter, society, trust or regular gathering or meeting, which:

(a) is not open to members of the public who are not members of that lodge, chapter, society or trust; and

(b) includes in the grant of membership an obligation on the part of the member a requirement to make a commitment (whether by oath or otherwise) of allegiance to the lodge, chapter, society, gathering or meeting; and

(c) includes, whether initially or subsequently, a commitment (whether by oath or otherwise) of secrecy about the rules, membership or conduct of the lodge, chapter society, trust gathering or meeting”.

A lodge, chapter, society, trust, gathering or meeting as defined above should not be regarded as a secret society if it forms part of the activity of a generally recognised religion.

8.6 Employees who disclose any interest under this Section should not then have any dealings with the subject matter of the disclosure.
9. **EQUALITY ISSUES**

9.1 *Employees must comply with policies relating to equality issues, as agreed by the Authority, in addition to the requirements of the law.* All employees are therefore required to familiarise themselves and to adhere to Neath Port Talbot County Borough Council’s policies on Equality of Opportunity in Employment and Equality of Opportunity in Service Delivery.

9.2 All persons residing, visiting or working within the County Borough, service users and other employees have a right to be treated with fairness and equity.

10. **SEPARATION OF ROLES DURING TENDERING**

10.1 Employees involved in any tendering process and dealing with contractors and other bodies, voluntary organisations etc or negotiation for the procurement of goods, services or utilities should be clear on the separation of client purchaser and contractor provides roles within the Authority, as appropriate. Employees who have both a client purchaser and contractor provides responsibility must be aware of the need for accountability and openness.

10.2 Employees in contractor or client units, or similar, must exercise fairness and impartiality when dealing with all customers, suppliers and contractors.

10.3 Employees who have access to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.

10.4 Any employee contemplating a management buy-out should, as soon as he/she has formed a definite intent, inform their Corporate Director and withdraw from the contract awarding processes.

10.5 Employees should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them, or employing them in a senior or relevant managerial capacity.

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11. **CORRUPTION**

11.1 Employees must be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity.

11.2 If an allegation of corruption is made it is for the employee concerned to demonstrate that any rewards received have not been corruptly obtained.

12. **USE OF FINANCIAL & OTHER RESOURCES**

12.1 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner, and must not utilise property, vehicles or other facilities of the Authority for personal use unless authorised to do so. Authorisation should be requested from their Corporate Director.

12.2 All employees must strive to ensure that they obtain value for money on all occasions to avoid any legal challenge to the Authority.

13. **GIFTS AND HOSPITALITY**

13.1 The Code of Conduct (Qualifying Local Government Employees) states that employees must comply with the rules of the Authority on the declaration by employees of hospitality or gifts offered to or received by them, from any person or organisation doing or seeking to do business, or otherwise benefiting or seeking to benefit from a relationship with the Authority. Employees must not accept benefits from a third party unless authorised to do so.

13.2 Council’s Employees are prohibited from accepting gifts other than those described in Section 13.3 hereafter. The same rules apply to other material benefits advantages and services which are also not to be accepted and are subject to the same rules as for gifts hereafter stated in 13.3 to 13.5.

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12 Source: The Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001 Paragraph 7 - Stewardship
13 Source: The Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001 Paragraph 8 - Personal Interests
13.3.1 Employees must not accept personal gifts from any source, other than insignificant items of token value, for example (but not limited to) pens, diaries, calendars, corporate ties.

13.3.2 Likewise token gifts given to participants at the end of official visits by or to the Council, at conferences or similar events are acceptable.

13.3.3 The same applies to modest gifts given by individuals to express gratitude for help given by employees in the proper performance of their official duties, including, for example (but not limited to) bunches of flowers, boxes of chocolates, a bottle of inexpensive wine and where refusal would needlessly upset or offend. However, repeated or costly gifts of this nature must be politely refused.

13.4. All offers of gifts, other than those of token value as described in paragraph 13.3.1, 13.3.2, 13.3.3 above, must be declared even when not accepted.

13.5. Apart from participating in any concessionary schemes arranged by trade unions or by the Council, employees must not avail themselves of the services of contractors or suppliers engaged by the Council where goods, labour, plant or similar are made available at cost, trade or discount prices. The only exception permissible is where such discounts are generally available to any member of the public.

13.6. In relation to the above an employee must ensure that no gifts, material benefits, advantages or services are accepted on the same basis as the above paragraphs by any person with whom the employee is living when he/she knows of such when same are given merely because of the employee’s position as employee of the Council and must also declare offers of the same made in accordance with the above rules.

13.7. The Council accepts that a reasonable amount of hospitality and reciprocation is acceptable, and on some occasions entirely desirable part of Councils relations with other bodies, including private companies and potential development partners.
13.8. Generally it is acceptable for employees to receive hospitality which is in the nature of mere common courtesy i.e. working lunches, hospitality at conferences, seminars and similar events, provided the hospitality is open to all attending and not directed at individual employees and where it is also clear that purchasing decisions are not compromised. (See also 13.13. below)

13.9. Other generally acceptable hospitality include attendance at Civic Receptions, launches of partnerships where Council is one of the partners, opening ceremonies for projects in which the Council has been involved or other similar events that involve a partner, contractor or other organisation, when the level of hospitality is appropriate.

13.10. Attendance at purely social, sporting or similar functions can only be accepted when it is considered that Council’s interests are served by attendance or it is appropriate for Council to be seen to be represented.

13.11. Employees who wish to accept any other hospitality than that referred to in 13.8 and 13.9 and specifically for purely social, sporting or similar functions mentioned in 13.10. must have the prior authorisation of their Director prior to accepting such hospitality.

13.12. Directors consenting to the above, or employees accepting or offered hospitality, must consider at all times how the offer might be viewed by the public and should also be viewed in the context of the offer made, to whom it is made, for what purpose it is made, the benefit it would serve and the current relationship between the person company or body making the offer and the Council. The Employee must be mindful of the timing of any acceptance of hospitality in relation to decisions which Council may be taking affecting those providing the hospitality i.e. for example, whether a contractor has a contract with Council, is a tenderer or potential imminent tenderer for work for the Council or is currently seeking planning permission of Council for a development.

13.13. Where visits to view vehicles, equipment, any goods or service delivery or similar are required, or employees attend any demonstrations relating to same including software/IT demonstrations, employees must ensure that the cost of such visits are borne by the Authority to avoid jeopardising the integrity of
any subsequent purchasing decision (but may nonetheless accept hospitality as referred to in 13.8. as it is unlikely that purchasing decisions will be thereby compromised).

13.14.1 An employee who accepts gifts, material benefits, advantages or services the acceptance of which is not prohibited by 13.1 to 13.6 above is not required to declare acceptance of same to his/her Director. Offers in excess of what is allowed for acceptance must be declared on Form A (referred to in 13.14 following) despite the fact that the employee is prohibited from accepting same.

13.14.2 Employees should also use Form A (Appendix 4(a) refers) to notify the Director of offers made in respect of hospitality which an employee is not able to accept under this Code even though the employee has refused the same. Form B (Appendix 4 (b) refers) must be used by employees in cases where prior authorisation is needed before acceptance of hospitality other than that generally stated to be acceptable in the Code and employees must ensure that the relevant part of Form B is duly signed as authorised by the Director prior to any receipt of hospitality or attendance at any function. Forms must be completed contemporaneously and given to the Director as described.

13.14.3 A record of all declarations made and all hospitality authorised for acceptance in accordance with this Code, must be kept by the Director.

13.15 When hospitality has to be declined, those making the offer should be courteously, but firmly, informed of the procedures and standards operated within the Authority.

13.16 The same rules above apply to Corporate Directors save that the authorisation referred to in 13.11. and the record referred to in 13.14.3 shall be dealt with by the Chief Executive; while in respect of any declarations by the latter, the authorisation and record shall be dealt with by the Director of Finance and Corporate Services or the Monitoring Officer.

[NOTE for the avoidance of doubt the prohibition on the acceptance of gifts, material benefits, advantages, services or hospitality does not include such things given by Council to its employees hence receipt of these do not need to be authorised or recorded under this Code.]
14. **SPONSORSHIP**

14.1 Where an outside organisation intends, or wishes, to sponsor a Neath Port Talbot County Borough Council activity, whether by invitation, tender, negotiation or voluntarily, the basic rules concerning acceptance of gifts or hospitality apply. Particular care must be taken by employees when dealing with contractors or potential contractors.

14.2 Where Neath Port Talbot County Borough Council wishes to sponsor an event or service neither an employee or any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to the appropriate Corporate Director of any such interest.

14.3 Similarly, when the Authority through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

15. **HEALTH AND SAFETY**

15.1 It is the duty of every employee to act reasonably and to observe all duties and responsibilities imposed by law and by Neath Port Talbot County Borough Council’s corporate and directorate health and safety policies and procedures.

15.2 Every employee must take reasonable care for the health and safety of himself/herself and of other persons who may be affected by his/her acts or omissions.

15.3 Insofar as any duty is placed upon Neath Port Talbot County Borough Council, each employee will be required to cooperate insofar as is necessary to enable the Council to comply with such duties and/or requirements.
16. **DATA PROTECTION & OTHER REGULATORY ISSUES**

16.1 Employees shall show respect for the privacy of members of the public and the confidential nature of the information which the Council holds about individuals in the exercise of its functions. In particular employees shall not repeat information to any other person or body (whether within the Council or not) without proper authority.

16.2 Employees should familiarise themselves with, and adhere to, any guidance issued by the Council in relation to:

- Information Technology Security
- Confidentiality
- The Security of Paper Files
- Data Protection Legislation
- Privacy Legislation
- Information relating to the Access of Information
- Internet Usage
- Personal Use of Office Facilities and Equipment by Employees.

Also, where a member of the public has a legal right to access information employees should respect that right.

17. **INTELLECTUAL PROPERTY - INVENTIONS AND PATENTS**

17.1 Intellectual property is a generic term that includes inventions, creative designs, writings and drawings. Various Acts of Parliament cover different types of intellectual property. If these are created by an employee during the course of his/her employment, then as a general rule they belong to the employer but the exceptions to the general rule stated below should be noted.

Inventions and Patents

17.2 Inventions made before 1st June 1978 are the property of the employer, if made in the course of that employer’s employment. However, the Patents Act of 1977 states that after the 1st June 1978, inventions are only the property of the employer if:
(a) they have been made in the course of the employee’s normal duties; or

(b) they have been made in the course of duties specifically assigned to the employee and where invention might reasonably be expected to result from the carrying out of his/her duties; or

(c) it was made in the course of the employee’s duties and at the time the employee had (because of the nature of his/her duties and particular responsibilities arising from them) a special obligation to further the interests of the employer.

An employee’s “normal duties” in Neath Port Talbot County Borough Council are those duties which are reasonably encompassed in the job outline or job description which the employee carries out during his/her working hours.

18. **PROFESSIONAL INDEMNITY INSURANCE**

18.1 Professional indemnity insurance is provided for all appropriate employees but will not extend to costs or damage indirectly caused by or arising from:

(a) fraud, dishonesty or a criminal offence committed by the employee except where the criminal offence is an offence under the Health and Safety at Work Act, 1974;

(b) any neglect, act, error or omission by the employee other than in the course of his/her employment;

(c) liability in respect of surcharges made by the District Auditor or others made under Section 19 of the Local Government Finance Act 1982;

(d) where any employee without the express permission of the Council admits liability or negotiates or attempts to negotiate a settlement of any claim falling within the scope of the resolution.
18.2 Neath Port Talbot County Borough Council undertakes not to sue (or join others in action as a co-defendant or co-prosecutor versus) an employee of the Council in respect of a negligent act, error or omission by the officer in the course of his/her employment, subject to the same exceptions as detailed in 18.1 (a) to (d) above.

18.3 This indemnity and undertaking is without prejudice to the rights of the Council to take disciplinary action against an employee in respect of any neglect, act, error or omission.

19. **REVIEW**

19.1 This Code of Conduct will be reviewed on a regular basis.
APPENDIX 1 (I)

OUTSIDE EMPLOYMENT

Name: ___________________________  Post: ___________________________

Directorate: ________________________________________

Contractual Hours: __________________ *per week/*per annum

Contractual Pay: __________________*per week/*per annum

(*delete, as appropriate)

In accordance with the provisions of Section 7 of the Authority’s Employee Code of Conduct, I wish to:

(a)  *notify you of my decision to undertake outside employment; OR

(b)  *seek your permission to undertake outside employment

(*delete, as appropriate)

Note:   Notification is sufficient for employees whose contractual rate of pay is in accordance with, or equivalent to, “Green Book” scp 28 and below. Permission is required for those on scp 29 and above. In all cases, employees must not take up any outside employment which conflicts with the Authority’s interests.
Details of Outside Employment

I *consider/*do not consider that carrying out this outside employment will conflict with my employment with Neath Port Talbot County Borough Council.

(*delete, as appropriate)

Signed:____________________ (employee) Date: ________________

Corporate Director’s comments:

Signed:__________________ (Corporate Director)

Date:____________________
### APPENDIX 2

**DECLARATION OF EMPLOYEE’S PERSONAL INTEREST/S**

<table>
<thead>
<tr>
<th>Name: _______________________________</th>
<th>Post: __________________</th>
</tr>
</thead>
<tbody>
<tr>
<td>Directorate:________________________________________________________________</td>
<td></td>
</tr>
</tbody>
</table>

**Nature of interest:** (Please tick appropriate box)

- Financial ☐
- Non-Financial ☐
- “Secret Society” ☐

[Note: If the nature of the financial interest (whether direct or indirect) falls within the remit of Section 117 of the Local Government Act 1972, an appropriate declaration must be made to the Monitoring Officer (Head of Legal and Democratic Services) using the pro-forma shown as Appendix 3 to the Authority’s Employee Code of Conduct]

**Details:**

**How this relates to the Council:**

<table>
<thead>
<tr>
<th>Signed: ___________________ (employee)</th>
<th>Date: __________________</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Received by: ___________________ (Corporate Director)</th>
<th>Date: ______________</th>
</tr>
</thead>
</table>

**Comments:**
APPENDIX 3 (I)

LOCAL GOVERNMENT ACT 1972

Section 117

Disclosure by Officer of local authority of pecuniary interest in contract, or proposed contract with the local authority

To the Monitoring Officer, Neath Port Talbot County Borough Council

As required by the Local Government Act 1972, I HEREBY GIVE YOU NOTICE:

*That I have [a direct] [an indirect] pecuniary interest in the following Contract which [has been] [is proposed to be] entered into by the Council; namely:-

*My indirect pecuniary interest is based on the fact that

Dated (Signed) ...........................................
(Designation) ...........................................

Delete any words in square brackets which do not apply.

(1) Insert name of local authority
(2) Here state whether the officer, or his or her spouse, is a member of the company or other body with which the contract is made or proposed, or whether a nominee of the officer is a member of any such company or other body; or whether the officer, or his or her spouse, is a partner, or in the employment of a person with whom the contract is made, or proposed to be made (see Section 95 of Local Government Act 1972, printed overleaf)
APPENDIX 3 (II)

LOCAL GOVERNMENT ACT, 1972

Section 117

Disclosure by Officers of interest in contracts.

117 – (1) If it comes to the knowledge of an Officer employed, whether under this Act or any other enactment, by a local authority, that a contract in which he has any pecuniary interest, whether direct or indirect (not being a contract to which he himself is a party), has been, or is proposed to be, entered into by the authority or any committee thereof, he shall as soon as practicable give notice in writing to the authority of the fact that he is interested therein.

For the purposes of this section an officer shall be treated as having indirectly a pecuniary interest in a contract or proposed contract if he would have been so treated by virtue of section 95 above had he been a member of the authority.

(2) An officer of a local authority shall not, under colour of his office or employment, accept any fee or reward whatsoever other than his proper remuneration.

(3) Any person who contravenes the provisions of subsections (1) or (2) above shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(4) References in this section to a local authority shall include a reference to a joint committee appointed under Part VI of this Act or any other enactment.
Pecuniary interests for purposes of section 94

95 - (1) For the purposes of section 94 above a person shall be treated, subject to the following provisions of this section and to section 97 below, as having indirectly a pecuniary interest in a contract, proposed contract or other matter, if

(a) he or any nominee of his is a member of a company or other body with which the contract was made or is proposed to be made or which has a direct pecuniary interest in the other matter under consideration; or

(b) he is a partner, or is in the employment, of a person with whom the contract was made or is proposed to be made or who has a direct pecuniary interest in other matter under consideration.

(2) Subsection (1) above does not apply to membership of or employment under any public body, and a member of a company or other body shall not by reason only of his membership be treated as having an interest in any contract, proposed contract or other matter if he has no beneficial interest in any securities of that company or other body.

(3) In the case of married persons living together the interest of one spouse shall, if known to the other, be deemed for the purpose of section 94 above to be also an interest of the other.

Removal or Exclusion of disability, etc.

97 - (1) The district council, as respects a member of a parish council, the principal council as respects a member of a community council, and the Secretary of State, as respects a member of any other local authority, may, subject to such conditions as the council or the Secretary of State may think fit to impose, remove any disability imposed by section 94 above in any case in which the number of members of the local authority disabled by that section at any one time
would be so great a proportion of the whole as to impede the transaction of business, or in any other case in which it appears to the council or the Secretary of State in the interests of the inhabitants of the area that the disability should be removed.

(2) The power of a council and of the Secretary of State under subsection (1) above includes power to remove, either indefinitely or for any period, any such disability which would otherwise attach to any member (or, in the case of the power of the Secretary of State, any member or any class or description of member) by reason of such interests, and in respect of such matters, as may be specified by the council or the Secretary of State.

(3) Nothing in section 94 above precludes any person from taking part in the consideration or discussion of, or voting on, any question whether an application should be made to a district council or the Secretary of State for the exercise of the powers conferred by subsections (1) and (2) above.

(4) Section 94 above does not apply to an interest in a contract, proposed contract or other matter which a member of a local authority has as a person who is liable under the Local Government Finance Act 1988 to pay an amount in respect of any community charge or in respect of council tax or would be so liable but for any enactment or anything provided or done under any enactment or as inhabitant of the area or as an ordinary consumer of water, or to an interest in any matter relating to the terms on which the right to participate in any service, including the supply of goods, is offered to the public.

(5) For the purposes of section 94 above, a member shall not be treated as having a pecuniary interest in any contract, proposed contract or other matter by reason only of an interest of his or of any company, body or person with which he is connected as mentioned in section 95(1) above which is so remote or insignificant that it cannot reasonably be regarded as likely to influence a member in the consideration or discussion of, or in voting on, any question with respect to that contract or matter.
(6) Where a member of a local authority has an indirect pecuniary interest in a contract, proposed contract or other matter by reason only of a beneficial interest in securities of a company or other body, and the total nominal value of those securities does not exceed £5,000 or one-hundredth of the total nominal value of the issued share capital of the company or body, whichever is the less, and if the share capital is of more than one class, the total nominal value of shares of any one class in which he has a beneficial interest does not exceed one-hundredth of the total issued share capital of that class, section 94 above shall not prohibit him from taking part in the consideration or discussion of the contract or other matter or from voting on, any question with respect to it, without prejudice, however, to his duty to disclose his interest.

Interpretation of sections 95 and 97, 1958 C. 45.

98 - (1) In sections 95 and 97 above “securities” and “shares” have the same meanings respectively as in the Prevention of Fraud (Investments) Act 1958.

(2) In section 95 above “public body” includes any body established for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, the governing body of any university, university college or college, school or hall of a university and the National Trust for Places of Historic Interest or Natural Beauty incorporated by the National Trust Act 1907.

(*currently £2,500, subject to alteration by order)
**APPENDIX 4(a)**

**FORM A**

**EMPLOYEE CODE OF CONDUCT**

<table>
<thead>
<tr>
<th>DECLARATION OF OFFERS IN EXCESS OF WHAT CAN BE ACCEPTED UNDER 13. OF THE EMPLOYEE CODE FOR GIFTS/ AND/OR HOSPITALITY DECLINED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name: ______________________________</td>
</tr>
<tr>
<td>Directorate:</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Details of offer of gift (other than of a token value) and/or hospitality which an employee cannot accept under the Code:</td>
</tr>
<tr>
<td>(See Section 13 of Employee Code of Conduct for guidance)</td>
</tr>
<tr>
<td>Name of Person/Organisation who made offer:</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Details of Offer:</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Additional Information: (Include how where and when offer was made and the level of hospitality offered; the manner in which refusal of the offer was conveyed to person/firm etc.)</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Signed:_____________________(employee)Date: _______________</td>
</tr>
</tbody>
</table>

**Received by Corporate Director**
Signed:_____________________ (Corporate Director) Date: ____________
FORM B
EMPLOYEE CODE OF CONDUCT

DECLARATION/AUTHORISATION
OF ACCEPTANCE OF HOSPITALITY

<table>
<thead>
<tr>
<th>Name: ____________________________</th>
<th>Post: ________________</th>
</tr>
</thead>
</table>

Directorate: ______________________________________________________

SECTION 1 - DECLARATION
Details of hospitality which an employee wishes to accept in respect of which the express authorisation of Director (Chief Executive) is required prior to acceptance (See Section 13 of Employee Code of Conduct for guidance)

Name of Person/Organisation providing hospitality: ______________________________________________________

Nature of Hospitality: __________________________________________________________

Venue and Date: ______________________________________________________________________

Additional Information - i.e. relevance of attendance appropriateness and level of hospitality expected etc.

Signed: __________________________      Date: __________________

SECTION 2 – AUTHORISATION
Corporate Director’s comments
Offer to be *accepted/*refused (*delete as appropriate)

Signed: __________________________(Corporate Director/Chief Executive)
Protocol on Member/Officer Relations

1. Underlying Principles

The following general principles apply to all relations involving Members and Officers.

All relations shall be conducted:

- with respect for others and in a way which promotes equality
- with honesty and integrity
- acknowledging the duty to uphold the law and act in accordance with the trust placed in them by the public
- in a way that promotes objectivity, accountability and openness
- acknowledging the duty of confidentiality that exists in relation to information given in confidence and information which the Council is entitled by law to treat as confidential
- with a view to establishing and promoting positive working relationships

2. Member/Officer Relationships generally

Both Elected Members and employees are involved in public service. However, their respective roles are quite different:

- Elected members are responsible to the electorate;
- Employees are responsible to the Chief Executive as Head of the Paid Service, and to their respective Corporate Directors.

Individual Elected Members are not permitted to give instructions to employees unless specifically authorised to do so by the Council, the Executive or a Committee.

An employee’s job, where it is part of his/her duties, is to provide appropriate advice to elected Members with impartiality. Such advice must be given in an equitable manner, irrespective of the political nature of the elected Member concerned.
Mutual respect between employees and Members is essential to good local government and working relationships should be kept on a professional basis. Close personal familiarity between employees and individual Members can damage this relationship and prove embarrassing to other employees and other Members.

3. **Roles of Members**

All councillors will:

(i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;

(ii) participate in the governance and management of the Council;

(iii) represent their communities and bring their views into the Council’s decision-making process, i.e. become the advocate of and for their communities;

(iv) deal with individual casework and act as an advocate for constituents in seeking to resolve particular concerns or grievances;

(v) balance different interests identified within the electoral division and represent the electoral division as a whole;

(vi) contribute to the continual improvement of council services

(vii) be involved in decision-making;

(viii) be available to represent the Council on other bodies; and

(ix) maintain the highest standards of conduct and ethics.

In carrying out their roles, Members should respect the political neutrality and integrity of all officers employed by the Council.
4. **Roles of Officers**

The role of Officers is to work for and serve the Council as a whole. They shall be responsible for the day-to-day managerial activities and operational decisions which the Council takes and should provide support to all Members in their several roles. Such support must be given in an equitable manner, irrespective of the political nature of the elected Member concerned.

The Chief Executive, Corporate Directors and Statutory Officers shall be entitled to offer advice at meetings of all member bodies if he/she thinks it is necessary to ensure that all relevant matters are taken into account.

Where an Officer feels that his/her political neutrality or integrity is being compromised in any way, he/she shall notify his/her Corporate Director and the Chief Executive.

5. **Relationship between Leader; Cabinet Members; Chairs/ Members of Overview and Scrutiny Committees; other Committees; and Officers**

Whilst there is necessarily going to be a close working relationship between certain Members (e.g. the Leader of the Council, Cabinet Members, and Chairs of Overview/Scrutiny and other Committees) and the Chief Executive, relevant Corporate Directors, Heads of Service and other senior officers, such relationships should never be allowed to become so close or appear to be so close, as to damage the professional relationship and prove embarrassing to other employees and other Members.

The relevant Director will be responsible in all circumstances for the contents of any reports submitted in his or her name.

Given the nature of the respective roles of elected Members and Officers, it is accepted that the Officers, while remaining politically neutral, will inevitably give advice on a wider range of issues and on a more regular basis to the Executive. For their part, the Executive will continue to respect the political neutrality of Officers and accept that Officers are obliged to respond positively to any requests from Members of Overview/Scrutiny and other Committees for appropriate advice and information relevant to any issues under consideration.
6. **Officer relationship with Party Groups**

There is statutory recognition for political groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of consideration by the relevant Council body.

On the invitation of a Group Leader, a Director or his/her nominee may, in exceptional circumstances, attend a Group meeting to give factual information about an issue which is currently being or will shortly be debated by a Council body, provided that:

- the meeting is held on Council premises;
- notice of attendance is given to the Chief Executive.

Officer support in these circumstances must not extend beyond providing information in relation to matters of Council business. Officers must not be involved in advising on matters of party business. The observance of this distinction will be assisted if officers are not expected to be present when matters of party business are discussed.

Conclusions reached at such meetings are not Council decisions and it is essential that they are not interpreted or acted upon as such.

Similarly where officers provide information and advice to a political group in relation to a matter of Council business this cannot act as a substitute for the officer providing all necessary information and advice to the relevant Council body when the matter is considered.

In all dealings with members, in particular when giving advice to political party groups, officers must demonstrate political impartiality and must not suppress their professional advice in the face of political views.

Officers must respect the confidentiality of any political party group meeting at which they are present. They must not relay the content of any such discussion to another party group.
Any particular cases of difficulty or uncertainty in this area of officer advice to political party groups should be raised with the Chief Executive who will discuss them with the relevant Group Leader(s).

7. **Members in their Constituency role and Officers**

Local members have an important role to play in representing the Council in their constituencies; responding to the concerns of their constituents; in meetings with partners and serving on outside organisations.

It is important that members have easy and direct access to Directors, Heads of Service or other Officers nominated by Directors on issues of interest/concern to themselves and their constituents. Elected members have the right to expect the following from officers in response to their enquiries:

- an acknowledgement;
- a response within a reasonable timescale – 8 working days;
- a progress report, if the issue is a difficult one to respond to fully in the time above.

In return members must accept that their preferred solution may not always be able to be delivered – there may be policy, legal or financial reasons.

It is also important that on key issues affecting a ward, Directorates should keep local members informed, and/or consult members as appropriate before any report is submitted for decision.

Issues may affect a single ward but others may have a wider impact, in which case other members will need to be kept informed.

Whenever a public meeting (or one involving residents) is organised by the Council to consider a local issue, all the members representing the ward(s) affected should as a matter of course be invited to attend the meeting.

If a meeting as above is arranged directly by individual members (or residents or other organisations), and Officers are asked to attend, the views of the relevant Cabinet member or Regulatory Chair should be obtained about the question of attendance having regard to
the purpose of the meeting. If attendance is considered appropriate, the relevant Cabinet member or Regulatory Chair may also attend with the Officer.

Whenever the Council undertakes any form of consultative exercise, the local member(s) should be notified at the outset of the exercise.

8. **Councillor access to documents and information**

Members have certain statutory rights to access documents and arising out of their role as Councillor, as set out in the Access to Information Procedural Rules in this Constitution.

In the absence of a specific statutory right, Members can only access Council documents and information if it is reasonably necessary for the purposes of performing their duties as a Councillor. There is no automatic right of access, no right to a roving commission to examine documents - the need to know must be demonstrated by the Member concerned. Any matters of dispute are to be resolved by the Monitoring Officer, having regard to legal precedent.

Any Council information provided to a Member must only be used by that Member for the purpose for which it was provided, i.e. in connection with the proper performance of a Members duties as a Councillor. Members should never disclose or use confidential information, including for their personal advantage or of anyone known to them, or to the disadvantage or the discredit of the Council or anyone else.

9. **Other individuals who are members of Council Committees**

Other individuals who are members of Council Committees, e.g. through co-option, shall follow and shall be treated in accordance with the underlying principles set out in this Protocol. Additionally, any duties of confidentiality which they owe to the body they are representing shall be respected.

Such individuals shall have the same right to advice from Officers on Council related matters as elected Members have.

Conflicts of interest between a person’s personal, professional or business interests and those of the Council may arise from time to
time. Such conflicts shall be declared and dealt with in accordance with the Council’s procedures.

10. **Press and Media Relations**

Officers dealing with the press and media, and any press/media releases that are issued, should not seek to further the interests of a political party or a particular Member other than as a representative of the Council.

The Council will follow such national codes and guidance on press and publicity as are in force from time to time.

11. **Correspondence**

Members may not commit the Council to any contract or course of action, and should ensure in personal correspondence that personal or political views expressed cannot be taken by the recipient to represent those of the Council.
**PLANNING PROTOCOL**

1. Planning decisions should be made openly, impartially, on relevant justifiable planning reasons and in the public interest.

2. The overriding duty of a Councillor is to the whole community and not just to the people in their Ward.

3. Councillors should always apply the rules in the Members’ Code of Conduct first; this protocol supplements that code for the purposes of the Council’s planning function.

4. Councillors should always disclose any interest they have under the Members’ Code and should not take part on any application in which they have a personal and prejudicial interest.

5. Councillors should not decide on how to vote on any planning matter prior to the Planning meeting and reading the officer report.

6. Councillors should not lobby excessively fellow Councillors, Officers or organise opposition or support for a specific planning application.

7. Councillors on the Planning Committee who are also members of a Community Council should consider carefully expressing views when the Community Council meeting is consulted on planning matters.

8. Councillors who consider that they have predetermined a planning matter can make a personal statement at the beginning of the debate but then must withdraw from the meeting and cannot move or second a motion on that matter.

9. When contacted in relation to a planning matter Councillors should consider taking notes, referring the person to the Planning Section and should not say anything which could be interpreted as their final view on the merits of the application.

10. Councillors should attend presentations and formal meetings only with Officers present. Councillors may ask questions but should avoid expressing what could be considered a final view.
1. **Background**

1.1 The Third Report of the Committee in Standards in Public Life (the Nolan Committee) looked in detail at the Planning System making a number of recommendations, including a recommendation that Planning Committees should review their procedures and set them out in a code accessible to Councillors, staff and members of the public.

1.2 In response, the Council adopted a document following this recommendation in November 2000. It was reviewed in June 2012 following the revised National Code of Conduct for Councillors in 2007, the publication by the Local Government Association in 2009 of updated guidance in “Probity in Planning: The role of Councillors and Officers”, and also to take into account Section 25 of the Localism Act 2011 (the provision relating to predetermination) which came into force in January 2012.

1.3 This protocol is supplemental to the Neath Port Talbot Members’ Code of Conduct.

2. **General Considerations**

2.1 Planning decisions necessarily affect land and property interests including the value of land and the amenities of people living in the vicinity. Consequently planning is often highly contentious. It is important, therefore, that the Council as Planning Authority, should make planning decisions, openly, impartially with sound judgements and for justifiable planning reasons.

2.2 The aim of this planning protocol is to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

2.3 The key purpose of Planning is to control development in the public interest.

2.4 The role of a Member of the Planning Committee is:
2.4.1 To make planning decisions openly, impartially, with sound judgement and for justifiable reasons.

2.4.2 The overriding duty of a Councillor is to the whole community.

2.4.3 Whilst the Councillor can take into account the views of others it is his or her responsibility alone to decide what view to take on any question which Councillors have to decide.

2.4.4 It is not enough to avoid actual impropriety. The Councillor must always avoid giving suspicion for or the appearance of improper conduct.

2.5 This protocol applies to Councillors at all times when involving themselves in the planning process. (This includes when taking part in the decision making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers, or the public and consultative meetings). It applies as equally to planning enforcement matters or site specific policy issues and decisions relating to the Local Development Plan (LDP) or other plan and policies. When the LDP is referred to in this protocol it includes reference to other polices also, as it does to planning applications.

2.6 If you have any doubts about the application of this protocol to your own circumstances you should seek advice early, from the Monitoring Officer or one of his or her staff, and preferably well before any meeting takes place.

3. **Relationship to the Members’ Code of Conduct**

3.1 The Councillor should apply the rules in the Members’ Code of Conduct first, which must always be complied with.

3.2 The Councillor should then apply the rules in this Planning Protocol which seek to explain and supplement the Members’ Code of Conduct for the purposes of planning control. If the Councillor does not abide by this protocol:
3.2.1 The Council may be at risk of proceedings on the legality or maladministration of the related decision; and

3.2.2. The Councillor may be at risk of being reported to the Ombudsman and the matter referred to the Standards Committee if the failure is also likely to be a breach of the Code of Conduct.

4. Development proposals and interests under the Members’ Code

4.1. The Councillor should disclose the existence and nature of any interest at any relevant meeting, including informal meetings or discussions with officers and other Councillors. The interest should be disclosed at the beginning of the meeting and not just at the commencement of discussion on that particular matter.

4.2. Where the interest is personal and prejudicial:

4.2.1 The Councillor should not participate, or give the appearance of trying to participate, in the making of any decision on the matter by the planning authority.

4.2.2 The Councillor should not represent ward views, but should ask another Ward Councillor or a Councillor from another Ward to do so instead.

4.2.3 The Councillor should not get involved in the processing of the application.

4.2.4 The Councillor should not seek or accept any preferential treatment, or place him or herself in a position that could lead the public to think the Councillor is receiving preferential treatment. This would include using the Councillor’s official position to discuss proposals with officers or other Councillors when other members of the public would not have the same opportunity to do so.

4.2.5 The Code places limitations on what the Councillor can do in respect of an application in respect of which they have a personal and prejudicial interest whether positive or negative.
4.2.5.1 The Councillor should notify the Monitoring Officer in writing and note that:

4.2.5.1.1 notification should be sent as soon as the Councillor is aware of the application where possible.

4.2.5.1.2 the proposal will always be reported to the Committee as a main item and not dealt with by officers under delegated powers; and

4.2.5.1.3 where a Councillor has a personal and prejudicial interest in a proposal put before a meeting, the Councillor will have to withdraw from the room or chamber whilst the meeting considers it.

4.2.5.1.4 it is advisable to employ an agent or use a representative to act on the Councillor’s behalf on the proposal in dealing with officers.

4.2.6 Para 10 (2)(b) of the Members’ Code of Conduct operates to define as a personal (and potentially prejudicial) interest a situation where a member of the public may reasonably perceive that the member was more swayed by ward interest than wider public interest. Where a controversial planning application potentially affects the whole of a Councillor’s ward the Councillor should seek advice from the Monitoring Officer at an early stage as to whether this paragraph may be relevant. If para 10 (2)(b) is triggered a Councillor must declare an interest and withdraw from the Planning Committee meeting in accordance with the requirements of the Members’ Code of Conduct.

5. **Predetermination in the planning process**

5.1.1 In addition to the declaration of personal or prejudicial interests the Courts have stated over the years that members of a planning committee need to avoid any actual bias or any appearance of bias or of having predetermined their views when taking a decision on a planning application or LDP matter. Avoidance of bias or predetermination is a principle of natural justice which the decision-maker is expected by the courts to embrace.
5.1.2 The position of the Courts is supplemented by the provision of the Members’ Code of Conduct which states that decisions should be reached on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant officer’s advice.

5.1.3 In addition Planning Committees are obliged to consider what are known as “material considerations” when considering planning matters and should disregard matters not relevant to planning. Therefore, regardless of background views Councillors are required to focus on material considerations when making decisions. The Code also requires that Councillors should be able to give reasons for decisions.

5.2 A distinction is drawn between a planning councillor having clearly decided beforehand how he or she would vote and having a closed mind at a meeting (predetermination), and a predisposition to an initial view, but where the councillor is clear they are willing to listen to all the material considerations presented at the committee before deciding on how to exercise their vote on behalf of the community. In the latter case there is no predetermination.

5.3 The Councillor should not decide on how to vote on any planning matter prior to formal consideration of the matter at the meeting of the planning authority and hearing the officer’s presentation and evidence and arguments on both sides.

5.4 Otherwise, taking part in the decision could put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of there being a danger of bias or pre-determination or a failure to take into account all of the factors enabling the proposal to be considered on its merits.

5.5 Under the Localism Act 2011 any views expressed by a Councillor cannot be used to prove that he or she has predetermined the matter. However under the Act any views expressed prior to a meeting can be relevant if together with other evidence, it shows that a member has or appeared to have predetermined a matter. This section only deals with
evidence of predetermination and does not abolish the rule that a decision maker should not predetermine. The legislation is confusing and your legal advisors will monitor developments in the law. However, what remains clear is that, if a Councillor is satisfied that he or she has predetermined a matter participation in a decision is not appropriate.

5.6 Councillors can talk to constituents, take an active part in local discussions and express a view on local issues prior to a matter coming before the Planning Committee.

5.7 Councillors should however refrain from expressing views which could be perceived as being their final view and a determination to vote in a particular way irrespective of all the arguments and points raised at the meeting.

5.8 Councillors should be aware that they are likely to have predetermined where the Council is the landowner, developer or applicant and the Councillor has acted as, or could be perceived as being, a chief advocate for the proposal. (This is more than a matter of membership of both the proposing and planning determination committees, but that through a Councillor’s significant personal involvement in preparing or advocating the proposal a Councillor will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits).

5.9 Councillors on the Planning Committee who also serve on bodies (such as Town and Community Councils) that are consulted about planning applications need to think carefully about their participation in that consultation process in order to avoid the impression that they have already made their minds up before the matter arrives at the Planning Committee. Councillors will be familiar with the fact that, when they receive the consultation on a particular matter, they only receive the proposal and not the full officers’ report. It is at the point when the officers’ report is submitted to Councillors that all material considerations are before them. A firm decision before that point is as stated above therefore premature in terms of planning law.
5.10 The Ombudsman has issued guidance on the Code of Conduct in which he says that, if Councillors participate in considering consultations at the Community Council level, they should emphasise that they would look at the matter afresh when it was considered in the Planning Committee and further that they would take into account all the information and advice provided to them. The Ombudsman goes on to say that the Councillors should then emphasise at the Planning Committee that they are not bound by the decision of the Community Council on the consultation. This advice is rather complicated to follow and one can question whether any member of the public attending a Community Council meeting would understand the distinction between a view expressed on consultation and a vote taken at the Planning Committee. Councillors may well consider whether it would be preferable to leave the room or simply listen to debate in the Community Council but express no view until the matter comes before Planning Committee.

5.11. Councillors who consider that they have predetermined a matter shall adhere to the following procedures:-

5.11.1 The Councillor shall inform the Committee at the commencement of the meeting that he or she intends to make a personal statement on a specified item.

5.11.2 When the Committee reaches that item the Chair shall call the Councillor to make the personal statement.

5.11.3 The statement shall contain only the following matters:-

5.11.3.1 a statement by the Councillor that he or she has committed themselves on the matter and therefore cannot participate in the decision making;

5.11.3.2 any representations received by the Councillor as a ward Member;
any queries or requests for clarification which the Councillor wishes the officers to address at Committee.

Following this statement the Councillor shall withdraw from the meeting but may remain in the public gallery.

A predetermined Councillor can continue to represent those ward interests as a spokesperson for their local community outside a meeting.

**Contact with applicants, Developers and objectors**

Councillors should refer those who approach them for planning, procedural or technical advice to officers.

Where Councillors feel a formal meeting with applicants, developers or groups of objectors would be useful in clarifying the issues, the Councillor should never seek to arrange that meeting but should request the Head of Planning to organise it. The officer(s) will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Committee.

If Councillors are contacted they should:

- follow the rules on lobbying;
- consider whether or not it would be prudent in the circumstances to make notes when contacted; and
- report to the Head of Planning any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and their involvement in them, and ensure that this is recorded on the planning file.
6.4 Where there are presentations by applicants/developers:

6.4.1 Councillors should not attend a planning presentation unless an officer is present and/or it has been organized by officers. This will not prevent Councillors from attending unaccompanied passive exhibitions where there is no requirement for interaction with a proposed developer.

6.4.2 Councillors may ask relevant questions for the purposes of clarifying their understanding of the proposals.

6.4.3 Councillors should remember that the presentation is not part of the formal process of debate and determination of any subsequent application, this will be carried out by the appropriate Committee of the planning authority.

6.4.4 Councillors should be aware that a presentation is a form of lobbying and any views should be expressed as their provisional views and should not state how they might vote.

7. Lobbying of Councillors

7.1. Councillors should explain to those lobbying or attempting to lobby that, whilst Councillors can listen to what is said, it could prejudice impartiality and therefore the ability to participate in the Committee’s decision making.

7.2. Councillors should remember that their overriding duty is to the whole community not just to the people in their ward and, taking account of the need to make decisions impartially, that Councillors should not improperly favour, or appear to improperly favour, any person, company, group or locality.

7.3. Councillors should not accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable Councillors should ensure it is of a minimum and its acceptance is declared as soon as possible and remember to register it on the Register of Members’ Interests where its value is £50 or
over (in accordance with the authority’s rules on gifts and hospitality).

7.4. Councillors should copy or pass on any lobbying correspondence received to the Head of Planning at the earliest opportunity.

7.5. Councillors should promptly refer to the Head of Planning any offers made of planning gain or constraint of development, through a proposed s.106 Planning Obligation or otherwise.

7.6. Councillors should inform the Monitoring Officer where they feel they have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality).

7.7. Councillors should note that, unless they have a personal and prejudicial interest, they will not have predetermined or breached this Planning Protocol through:

7.7.1 Listening or receiving viewpoints from residents or other interested parties.

7.7.2 Making comments to residents, interested parties, other Councillors or appropriate officers, provided they do not consist of or amount to pre-judging the issue and they are clear about keeping an open mind.

7.7.3 Seeking information through appropriate channels; or

7.7.4 Indicating what views they have heard or speaking at the meeting as a Ward Member, provided they explain their actions at the start of the meeting or item and make it clear that, having expressed the opinion or ward/local view, they have not committed themselves to vote in accordance with those views and will make up their own mind having heard all the facts and listened to the debate.
8. **Lobbying by Councillors**

8.1 It may be unwise for a Councillor to become a member or lead or represent an organisation whose primary purpose is to lobby to promote or oppose specific planning proposals. If they do, they will have predetermined the matter and may have a personal and prejudicial interest.

8.2 Councillors may join general interest groups which reflect their areas of interest and which concentrate on issues beyond particular planning proposals, but should disclose a personal interest where that organisation has made representations on a particular proposal and make it clear to that organisation and the Committee that the Councillor has reserved judgement to make up their own mind on each separate proposal. However advice should be sought in each case.

8.3 Councillors should not lobby excessively fellow councillors regarding their concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.

8.4 Councillors should not decide or discuss how to vote on any application at any sort of political group meeting, or lobby any other Councillor to do so. Political Group Meetings should never dictate how Councillors should vote on a planning issue.

9. **Site Visits**

9.1 There is a need for consistency both in the way that it is decided that a site visit should take place and in the conduct of such visits. Otherwise it leaves the Council open to the accusation that site visits are arbitrary or even a covert lobbying device.

9.2 A call for a site visit should be the subject of a substantive motion to the Planning Committee, and such motion shall include the reasons for the site visit.

9.3 Site visits can cause delay and additional costs and should only be acceded to when the expected benefit is substantial,
e.g. where the impact of the proposed development is difficult to visualise from the material available to the Committee, or where relevant issues cannot be expressed adequately in writing, or where a proposal is particularly contentious.

9.4 Where the Planning Committee agree to a site visit, the reasons shall be recorded in the Minutes.

9.5 Site visits will normally be undertaken by the Planning (Site Visits) Panel, plus local members. Site visits by the whole of the Planning Committee should be rare and should relate to contentious major proposals.

9.6 Site visits are open for anyone to attend, subject to the landowners permission where the meeting is being held on private land. There is no provision for third parties to speak. Their purpose is to view the proposals on site and, following consideration of the planning officer’s report, including where relevant the views of any statutory consultee, to make a reasoned recommendation to the Planning Committee.

9.7 The visit is not intended to be a site meeting with either the applicant or objectors, as the pros and cons of the application are for debate and discussion at the Panel meeting. Site visits by their very nature need to be informal. They of course take place in the open air, sometimes in adverse weather conditions, and it is often neither the time nor the place for reasoned debate.

9.8 Any local residents, particularly objectors who may attend at the site, should therefore be acknowledged and told their objections will be reported to the Planning Committee (which they should separately put in writing) but there should be no debate with them at the site. Sometimes it will be necessary to enter the property of a local resident who will be able to point to features but, again, he/she must be informed of the objective of the visit.
9.9 One variation to the above may be for the Site Visits Panel, on the instruction of the Planning Committee, to meet with another statutory body or organisation, at a site visit (e.g. a Community Council) but again it will be for the Panel to report back to the Planning Committee. However, in this case the applicant must also be given the opportunity to be present and to be heard by the Panel.

10. **Public speaking at meetings**

Councillors should not allow members of the public to communicate with them during the Committee’s proceedings (orally or in writing) as this may give the appearance of bias.

11. **Officers**

11.1 Councillors should not put pressure on officers to put forward a particular recommendation. This does not prevent you from asking questions or expressing views to the Head of Planning.

11.2 Councillors should recognise that officers are part of a management structure and only discuss a proposal, outside of any arranged meeting, with a Head of Service or those officers who are authorised by their Head of Service to deal with the proposal at a Member level.

11.3 Councillors should recognise and respect the fact that officers involved in the processing and determination of planning matters must act in accordance with the Council’s Code of Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute’s Code of Professional Conduct. As a result, planning officers’ views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.
12. Decision making

12.1 Councillors should ensure that, if they request a proposal to go before the Committee rather than be determined through officer delegation, that their reasons are recorded and repeated in the report to the Committee.

12.2 Councillors should come to meetings with an open mind and demonstrate that they are open-minded.

12.3 Councillors must comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 and make decisions in accordance with the Development Plan unless material considerations indicate otherwise.

12.4 Councillors should come to their decision only after due consideration of all of the information reasonably required upon which to base a decision. If they feel there is insufficient time to digest new information or that there is simply insufficient information before them they should request that further information. If necessary, seek a short adjournment or deferral.

12.5 Councillors should fully assimilate the report on any application and try to be present to hear the entire debate, including the officers’ presentation of their report.

12.6 The proposed reason for a decision to defer any proposals shall form part of a motion to defer and shall be recorded in the minutes.

12.7 Under the Council’s Constitution the Committee may determine planning applications which are contrary to any policy within the Structure Plan, Local Plans, and/or the Unitary Development Plan except that where there is a major departure in the view of the Director, and the Committee is minded to approve notwithstanding a recommendation of refusal by the Director, then the views of the Cabinet must be obtained. If the Cabinet supports the Officers view, but the Committee is still minded to approve, then the application must be referred to full Council for determination.
12.8 Councillors should make sure that if they are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan that they identify clearly and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded. They should be aware that they may have to justify the resulting decision by giving evidence in the event of any challenge.

12.9 Councillors should ensure that they consider any issue in light of material considerations overall and not ward interests.

13. **Local Development Plan**

13.1 The principles set out in this Protocol apply equally to decisions on the Local Development Plan. Whilst it is expected that Members will be fully involved in community engagement and discussions Members should avoid putting themselves in a position of predetermination.

13.2 Preparation of the Local Development Plan differs from the consideration of individual planning applications in that it both relates to the consideration of individual sites and to how sites relate to the needs of the wider area. It is important that even where Members or Officers have a prejudicial interest in relation to a site, that they are able to contribute to the work and discussion concerning a wider area. However, whenever the discussion or preparatory work focuses on the comparison of individual sites or could otherwise be seen as impacting on or in some other way relevant to their site they must exclude themselves from the work and decision making.

Approved by Council 1st August 2012
LOCAL RESOLUTION PROCEDURE MEMBER COMPLAINTS OF BREACHES OF THE CODE OF CONDUCT FOR MEMBERS

Scope of Procedure

Neath Port Talbot County Borough Council Members have adopted this Protocol which is supplemental to the Protocol on Member/Employee Relations and the Code of Conduct requirements of the Constitution. The Welsh Government and the Public Services Ombudsman for Wales (“PSOW”) have indicated that Member against Member complaints should be dealt with locally and informally by the Council.

This Procedure recognises that the freedom of expression enjoyed by Members is not absolute and the exercise of the freedom incurs responsibilities and may be subject to restrictions, notably the protection of the reputation and other rights of other Members and preventing unauthorised disclosure of information. The freedom to express their political opinions is not restricted by agreeing to this Protocol.

This Local Resolution Procedure may be utilised for low level disputes by a Member before a complaint is referred to the PSOW. The PSOW indicates that where a Local Resolution Process has been adopted by a council, he may not accept a complaint for consideration of an investigation relating to a low level complaint until or unless the Member has used the Local Resolution Procedure. If the complaint is not of a low level nature the Member may be referred to the PSOW.

This is an informal process and no indemnity will be granted to any Member for representation at the Local Resolution Panel.
Standards of Behaviour

1. Members should:

1.1. Show personal respect to each other: when disagreeing with another Member’s views, opinions or councillor actions, e.g. as Mayor, Cabinet Member or Committee Chairman. A Member should not engage in abusive, insulting or improper personal comments about other Members or their family but, having regard to the Code of Members’ Conduct (“the Code”) requirement that decisions are made on the merits of the circumstances, should focus on the arguments put forward by other Members or the effectiveness of their actions. It is accepted that feelings can run high in debate but should the standards of behaviour have been breached, the culpable Member should apologise to the meeting when the breach is brought to their attention when the matter will be considered closed.

1.2. Not publish malicious or false allegations or information or insulting personal comments against a Member: The growing propensity for personal comments to be made electronically to the world at large require a greater degree of control by the author, as once made it is difficult for the comments to be rescinded. The truth is only a defence if it is the whole truth and puts matters in context.

1.3. Not release confidential information to the press or members of the public: there is no defence of public interest in the Code and there are avenues that should be explored to provide transparency in decision-making that would not disclose confidential/personal information which may cause harm to an individual or a company/organisation. The Council is a regulatory body but also has powers to enhance the prospects of the community which may be harmed by unauthorised disclosure.

2. Member’s Representative behaviour:

2.1. Members should seek to work with Members of adjoining electoral divisions for the benefit of the locality.

2.2. A Member who becomes involved in matters specifically related to another electoral division or representing a constituent in another electoral division should:
2.2.1. Explain to the members of the public that they are not the Local Member for that electoral division and identify who is. However, it is the member of the public’s choice as to who they wish to represent their interests.

2.2.2. If the Member continues to act in the matter, inform the Local Member of their involvement (but not disclose any confidential information without authorisation) and if possible seek to work with the Local Member if the objective is shared.

3. The behaviour described in the paragraphs above are examples or illustrations of behaviour which may constitute a breach of the Code of Members’ Conduct; they are not additional to the Code.

**Local Resolution Procedure**

4.1. In the event of a dispute arising, a Member who complains that another has breached the Code will be provided with the contact details of a Mediator appointed by the Monitoring Officer.

4.2. The complainant Member will notify the Member who is the subject of the complaint of his intention to seek mediation of the dispute. Both Members will supply the Mediator with dates of availability, but with the intent that the mediation meeting will within six weeks from the complaint being made.

4.3. The mediation meeting(s) will be confidential. It is hoped that this process will encourage the Members to attain consensus on resolving the complaint. Whatever is agreed will be confirmed by them to the Mediator but will not be further published unless agreed by both the Members.

4.4. If the mediation stage does not resolve the complaint, then the complaining Member may request that the matter to be referred to the Local Resolution Panel within six weeks of the last mediation meeting. The Mediator will be asked to confirm whether resolution was attained but nothing further.

4.5. The Local Resolution Panel will comprise three members, namely: an independent Member of the Standards Committee and elected Members appointed by the Leader of Council and the Leader of the largest non-executive political group. No Member shall serve who has had a previous involvement with the matter. The Panel will meet in private.
4.6. Both the complaining Member and the Member who is subject of the complaint will be entitled to appear and/or produce written or oral information relevant to the facts of the matter complained of. Either Member may be accompanied by a friend but shall not be represented by a Solicitor or Barrister.

4.7. The Local Resolution Panel will consider the information and have discretion to determine the facts and if they consider it appropriate to make such recommendation as would address the complaint, either there is:

4.7.1. No basis for the complaint

4.7.2. A basis for the complaint but no further action is necessary or

4.7.3. A basis for the complaint and an apology should be provided to the complainant Member in an appropriate manner or such other action that is within the power of the Council.

4.8. The complainant Member may refer the matter to the PSOW and the PSOW will consider whether to investigate.

4.9. The Local Resolution Panel may also make recommendations to the Standards Committee regarding training or changes to any procedures which may have contributed to the complaint arising.

4.10. If the complaint is referred to the PSOW and an investigation report is produced the independent Member on the Standards Committee who was appointed to the Local Resolution Panel will not take part in any proceedings relating to that investigation report.
PART 6 - MEMBERS’ ALLOWANCES AND SUBSISTENCE

Members’ Allowances Scheme

This scheme is made under the Local Authorities (Allowances for Members’ of County and County Borough Councils and National Park Authorities) (Wales) Regulations 2002, and the Local Authorities (Allowances for Members)(Wales) Regulations 2007 (“the 2007 Regulations”).

This Scheme has been made under Regulation 5 of the 2007 Regulations in compliance with the Determination and Recommendations of the Independent Remuneration Panel for Wales.

The Scheme shall apply in respect of the financial year 2011/2012, commencing 1st April and for every financial year thereafter commencing 1st April, unless amended or revoked in accordance with the Regulations.

1. Basic Allowance

1.1 A Basic Allowance of £13,175 per annum shall be paid to each Elected Member of the County Borough Council.

1.2 Where the term of office of an elected Member begins or ends otherwise than at the beginning or end of a year, the entitlement of that Member shall be to payment of such proportion of the Basic Allowance as the number of days during which the Member’s term of office as a Councillor subsists during that year bears to the number of days in that year.

1.3 No more than one Basic Allowance shall be payable to a Member of the authority.

1.4 In addition to the Basic Allowance, the Council will provide a Flat Rate Allowance of £200 per annum in respect of telephone, broadband and other office costs. This sum will not apply to Cabinet Members as they will have the use of combined mobile phones and hand held devices to receive emails, together with the use of office facilities based at the Port Talbot Civic Centre.
The Neath Port Talbot Constitution

2. **Special Responsibility Allowance**

2.1 Elected Members occupying posts specified in the Schedule attached hereto, shall be paid Special Responsibility Allowances in the annual amounts set out in the attached Schedule.

2.2 Besides the Basic Allowance, a Member is entitled to one other allowance only (whether SRA or Mayoral Allowance).

2.3 If an Elected Member is appointed to more than one post carrying a Special Responsibility Allowance, that Member shall indicate which single Special Responsibility Allowance is to be claimed.

2.4 A Special Responsibility Allowance may not be paid to more than fifty per cent of the Members of the authority (calculated using the total number of seats on the authority and by rounding up the number of Members to the next whole number when in calculating the percentage the number is not a whole number).

2.5 The Special Responsibility Allowance payable to the Deputy Leader will be equivalent to 70% of the Leader’s SRA and Basic Allowance. Where there may be more than one Deputy Leader, each such postholder may receive an SRA proportionate to the SRA a single such postholder would receive. The Special Responsibility Allowance for a Cabinet Member has been set at 60% of the Leader’s SRA and Basic Allowance.

2.6 In accordance with the Regulations, Special Responsibility Allowances shall be payable to the Leader of the largest opposition group, and to the Leaders of minor political groups, provided that in all cases the membership of those groups comprises not less than 10% of the Members of the Council. The SRA for the Leader of the largest opposition group will be paid at 70% of the Basic Allowance and, where appropriate, for Leaders of the other political groups, it will be paid at 30% of the Basic Allowance.

2.7 No SRA is payable to a Vice Chair of a Committee.

2.8 Where a Member does not have, throughout a whole financial year, any such special responsibilities as entitle a Member to a Special Responsibility Allowance, that Member’s entitlement shall be to payment of such proportion of that allowance as the number of
days during which that Member has such special responsibilities bears to the number of days in that year.

3. **Election**

A Member may by notice in writing delivered to the Director of Finance and Corporate Services elect to forego any part of that Member’s entitlement to an allowance under this Scheme from the date set out in the notice. (Allowances may be restricted for example to the Department of Social Security Therapeutic Earnings limit).

4. **Care Allowance**

4.1 In accordance with the Regulations, this scheme makes provision for the payment to a Member of the authority who is a Councillor of an allowance (“Care Allowance”) in respect of such expenses of arranging for the care of children or dependants as are necessarily incurred in the carrying out of that Member’s duties as a Member.

4.2 The amount of the Care Allowance payable to a Member who is eligible and wishes to claim it shall be £403 per month, supported by receipts for payments made for caring services.

4.3 A care allowance shall not be paid:-

4.3.1. in respect of any child over the age of fifteen years of age, but may be payable to a Member seeking to claim such an allowance for a child of fifteen years or more or a dependant where the Member satisfies the Council that the child or dependant required supervision which has caused the Member to incur expenses that were necessary in respect of the care of that child or dependant in the carrying out of that Member’s duties as a Member; or

4.3.2. to more than one Member of the authority in relation to the care of the same child or dependant; or

4.3.3. not more than one Care Allowance shall be paid to any Member of the authority who is unable to demonstrate to the reasonable satisfaction of the Director of Finance and Corporate Services that the Member has to make separate
arrangements for the care of different children or dependants.

5. **Co-optees Allowance**

The co-optees allowance will be paid at the rate of £980 per annum for the Chair of the Standards Committee and £748 per annum for all other qualifying co-optees.

6. **Support Allowance**

Allowance for admin support to Members (except for Executive Members) in carrying out authority business shall be paid (maximum of £200 per annum).

7. **Amendment of Scheme**

7.1 In accordance with the Regulations, this Scheme may be amended or revoked at any time.

7.2. Where an amendment is to be made which affects an allowance payable for the year in which the amendment is made, the entitlement to such allowance shall apply with effect from the beginning of the year in which the amendment is made, or as determined by the authority.

7.3 If an amendment affects either the Basic Allowance or Special Responsibility Allowances, that in relation to each of the periods –

(i) beginning with the first day of the year and ending with the day before that on which the first amendment in that year takes effect, and

(ii) beginning with the day on which an amendment takes effect and ending with the day before that on which the next amendment takes effect, or (if none) with the last day of the year,

the entitlement to such an allowance shall be to payment of such proportion of the amount of the allowance under this scheme as it has effect during the relevant period as the number of days in the period bears to the number of days in the year; or
7.4. Where the scheme is amended and the term of office of a Member who is a Councillor does not subsist throughout the whole of a period the scheme shall provide that the entitlement of any such member under this regulation shall be to payment of such proportion of the Basic Allowance referable to each such period as the number of days during which the Member’s term of office as a Councillor subsists in that period bears to the number of days in the period.

7.5. Where the scheme is amended and a Member does not have throughout the whole of any period any such special responsibilities as entitle a Member to a Special Responsibility Allowance, that Member’s entitlement shall be to payment of such proportion of the allowance referable to each such period as the number of days in that period during which that Member has such special responsibilities bears to the number of days in the period.

8. Payments

8.1. Payments of all Allowances will be made by the Director of Finance and Corporate Services by direct bank credit in instalments of one-twelfth of the Member’s annual entitlement on the 28th day of each month.

8.2. Where a payment of an instalment under paragraph 7.1 above would result in a Member receiving more than his/her entitlement due to changes in the Regulations or to such other relevant circumstances, the payment shall be reduced accordingly.

8.3. All payments are subject to the appropriate tax, pensions and National Insurance deductions.

9. Records of allowances

9.1. In accordance with the Regulations, the Director of Finance and Corporate Services shall keep a record of the payments made in accordance with this Scheme.

9.2. Such record shall specify the name of the recipient and the amount and nature of each payment and shall be kept available, at all reasonable times, for inspection (free of charge) by any local government elector (within the meaning of section 270(1) of the 1972 Act) for the area of the authority;
9.3. A person who is entitled to inspect a record under paragraph 9.2 may make a copy of any part of it upon payment of such reasonable fee as may be required by the Director of Finance and Corporate Services.

10. **Publicity**

10.1. As soon as practicable after the making or amendment of any scheme made pursuant to the Regulations, arrangements will be made for its publication within the authority’s area.

10.2. As soon as practicable after the end of a year to which this scheme relates, arrangements will be made for the publication within the authority’s area of the total sum paid by it in that year under the scheme to each Member in respect of each of the following, namely, Basic Allowance, Special Responsibility Allowance, Care Allowance, Travel Allowance and Subsistence Allowance.

11. **Other**

11.1. Where a Member is suspended or partially suspended from that Member’s responsibilities or duties as a Member of the authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part, the part of Basic Allowance, or Special Responsibility Allowance, or Care Allowance, or Travel Allowance, or Subsistence Allowance payable to that Member in respect of the responsibilities or duties from which that Member is suspended or partially suspended, must be withheld by the authority.

11.2. Where payment of any allowance has already been made in respect of any period during which the Member concerned:

(a) is suspended or partially suspended from that Member’s responsibilities or duties as a Member of the authority in accordance with Part III of the Local Government Act 2000 or regulations made under that Part;

(b) ceases to be a Member of the Authority, or

(c) is in any other way not entitled to receive the allowance in respect of that period, such part of the allowance as relates to any such period must be repaid to the authority.
11.3. Any payment by way of Travel Allowance, Subsistence Allowance to a Member of an Appeal Panel constituted in accordance with regulations under Section 94 of the Schools Standards and Framework Act 1998, shall be paid by the authority which maintains the school or schools in relation to which the panel is constituted.
## SCHEDULE OF SENIOR SALARIES AND CIVIC SALARIES

<table>
<thead>
<tr>
<th>Post</th>
<th>Post Amount (inclusive of basic salary) (£)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leader of Council</td>
<td>47,500</td>
</tr>
<tr>
<td>Deputy Leader of Council</td>
<td>33,460</td>
</tr>
<tr>
<td>Members of Cabinet</td>
<td>28,780</td>
</tr>
<tr>
<td>Chairs of Scrutiny Committees</td>
<td></td>
</tr>
<tr>
<td>Chair of Planning</td>
<td></td>
</tr>
<tr>
<td>Chair of Regulatory and Licensing</td>
<td></td>
</tr>
<tr>
<td>Chair of Audit</td>
<td></td>
</tr>
<tr>
<td>Leader of Principal Opposition Group</td>
<td></td>
</tr>
<tr>
<td>Mayor</td>
<td>21,375</td>
</tr>
<tr>
<td>Deputy Mayor</td>
<td>16,625</td>
</tr>
<tr>
<td>Co-opted Members</td>
<td></td>
</tr>
<tr>
<td>Chair of Standards Committee</td>
<td></td>
</tr>
<tr>
<td>All other qualifying co-optees</td>
<td></td>
</tr>
</tbody>
</table>

256 daily fee (£128 ½ day) (no basic salary paid)

198 daily fee (£99.00 ½ day) (no basic salary paid)
Members’ Travelling and Subsistence Allowances

11. **General**

11.1. Claims for Travel and Subsistence expenses shall be paid in accordance with the Local Authorities (Allowances for Members of County and County Borough Councils and National Park Authorities) (Wales) Regulations 2002 and the 2007 Regulations effective from 3rd December 2008, in accordance with the provisions below.

11.2. A Member shall be entitled to receive payments by way of Travel Allowance or Subsistence Allowance at rates determined each year by the authority where expenditure on travel or subsistence is necessarily incurred by that Member in the performance of an approved duty as a Member of the authority.

11.3. Where a Member makes use of his/her private car for approved duty purposes, arrangements must be made to ensure that the vehicle complies with all legislative requirements re: road worthiness including:

- Valid Road Fund Licence
- MOT Certificate (where required)
- Insured for Business Use

with proof to be provided to the Authority on request.

11.4. Any claim for payment of Travel and Subsistence Allowances in accordance with these Regulations shall be accompanied by appropriate receipts proving actual expenses, subject to any requirement or limitation that the authority may determine.

12. **Private Car etc.**

12.1. The rate for travel by private car shall be:-

<table>
<thead>
<tr>
<th>Miles per annum</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 10,000</td>
<td>45p per mile</td>
</tr>
<tr>
<td>Over 10,000</td>
<td>25p per mile</td>
</tr>
<tr>
<td>Passenger supplement</td>
<td>5p per mile</td>
</tr>
<tr>
<td>Private motor cycles</td>
<td>24p per mile</td>
</tr>
<tr>
<td>Pedal cycles</td>
<td>20p per mile</td>
</tr>
</tbody>
</table>
12.2. For outward journeys in excess of 100 miles, the lower of 1st class rail fare (where appropriate) or the appropriate car mileage rate will be paid regardless of the actual mode of transport.

12.3. For journeys outside Neath Port Talbot, Swansea and Bridgend only one mileage claim will be paid for up to four Members and/or officers attending the same approved duty unless there are logistical, operational or economic reasons why this is unreasonable in which case specific authorisation of the Director of Finance & Corporate Services will be required.

12.4. All mileage claims should be supported by a fuel VAT receipt

13. **Rail etc.**

13.1. For travel by rail, the actual costs incurred may be claimed supported by a valid receipt or ticket to support the claim.

13.2. Bus or Taxi Fares may be reimbursed in full provided that it is unreasonable that public transport could have been used and that the claim is supported by a proper receipt.

13.3. Air Travel costs may be reimbursed in full provided that no other means of practical, operationally efficient or economic travel is available. Specific approval in advance by the Director of Finance & Corporate Services is required for all air travel.

**SUBSISTENCE**

14. **Day Allowances**

14.1. Meal Allowances are payable only for meals taken outside the County Borough. Only actual costs incurred shall be reimbursed up to the maximum below, and subject to the production of paid receipts to an overall maximum of £28.00 per day (including breakfast when not provided as part of overnight accommodation).

(a) Breakfast allowance (more than 4 hours away from normal place of residence before 11.00am) = £6.88)
(b) Lunch allowance (more than 4 hours away from normal place of residence including the lunchtime period between 12 noon and 2.00pm) = £9.49.

(c) Tea allowance (more than 4 hours away from normal place of residence including the period 3.00pm to 6.00pm) = £3.73.

(d) Evening Meal allowance (more than 4 hours away from normal place of residence ending after 7.00pm) = £22.90.

Where meals are taken on a train, the reasonable cost of the meal (supported by receipts), will be reimbursed, subject to the overall maximum of £28.00 per day.

Where Members are required to visit countries outside the U.K., the reasonable costs of meals actually incurred shall be reimbursed in full upon production of receipts.

15. **Overnight Accommodation**

15.1. Only actual costs incurred shall be reimbursed up to the maximum below, and subject to the production of paid receipts:

<table>
<thead>
<tr>
<th>Location</th>
<th>Rate</th>
<th>Per night</th>
</tr>
</thead>
<tbody>
<tr>
<td>London</td>
<td>£150.00</td>
<td></td>
</tr>
<tr>
<td>Outside London</td>
<td>£95.00</td>
<td></td>
</tr>
<tr>
<td>Cardiff</td>
<td>£120.00</td>
<td></td>
</tr>
</tbody>
</table>

15.2. Alternatively, in certain circumstances e.g. conference hotels or where no suitable accommodation is available, overnight accommodation may be pre-booked and paid for by the Authority in excess of the above limits, subject to reasonableness and approval of the relevant Corporate Director.

15.3 No allowance is paid where Members stay with friends or relatives.

16. **Administrative Arrangements**

16.1. Travel and subsistence allowances may be claimed by submitting a claim by the 8\(^{th}\) of a month to the Director of Finance & Corporate Services, Civic Centre, Port Talbot. Payment will be made direct to bank on a monthly basis. Claims over three months old will not
be paid unless there are extenuating circumstances justifying the late claim which must be approved by the Director of Finance & Corporate Services. Claim forms can be obtained from the Director of Finance & Corporate Services, Civic Centre, Port Talbot.

16.2. It is acknowledged however that a monthly reimbursement may not always be appropriate for all Members and therefore the following arrangements are also available:-

16.2.1. The provision of travel warrants on request.

16.2.2. The booking of accommodation by the Authority when required and the direct billing of such charges to the Authority.

16.2.3. An advance payment of expenses already incurred by cheque when the amount outstanding becomes excessive.

16.2.4. An advance payment of expenses already incurred by cheque at the discretion of the Director of Finance & Corporate Services in extenuating circumstances.

16.2.5. An advance payment when Members are attending a conference.

16.2.6. A payment of expenses already incurred in cash at either of the Cashiers desks at Port Talbot or Neath.

16.3. The duration of a Member’s approved duties on any one day will be the total of:-

16.3.1. actual travelling time.

16.3.2. additional travelling time to home and return can be taken into account when there are separate approved duties in both morning and afternoon periods.

16.3.3. the actual length of time of a meeting, plus up to two hours actual time on other Council business, immediately before or after the meeting.
16.3.4. “attendance” need not necessarily be at any of the Council’s offices, for example an invitation to attend a day or evening meeting, forum, function, seminar etc. in connection with the function of the Council and at which a Corporate Director or Head of Service considers the Council should be represented are acceptable.

17. **Approved Duties for Subsistence**

17.1. Attendance at a meeting of the authority or of any committee of the authority or of any body to which the authority makes appointments or nominations or of any committee of such a body.

17.2. Attendance at a meeting of any association of authorities of which the authority is a member.

17.3. Attendance at any other meeting the holding of which is authorised by the authority or by a committee of the authority or by a joint committee of the authority and one or more other authorities.

17.4. A duty undertaken for the purpose of or in connection with the discharge of the functions of the executive.

17.5. A duty undertaken in pursuance of a standing order which requires a member or members to be present when tender documents are opened.

17.6. A duty undertaken in connection with the discharge of any function of the authority which empowers or requires the authority to inspect or authorise the inspection of premises.

17.7. Attendance at any training or developmental event approved by the authority or its executive or board.

17.8. Any other duty approved by the authority, or any other duty of a class so approved, undertaken for the purpose of, or in connection with, the discharge of the functions of the authority or of any of its committees, including attendance by Members at the request of a
Corporate Director (or in his/her absence one of the Heads of Service) in connection with the functions of the Council or the Executive, and including attendance at Conferences, Seminars and Courses as an authorised representative of the Council.
PART 7 - Management Structure

**Chief Executive**
- Overall Corporate Management
- Human Resources
- Civil Contingencies/Emergency Planning
- Occupational Health and Safety
- Electoral Registration/Electoral Services
- Mayoral / Leader Support
- Corporate Strategy
- Performance and Improvement
- Community Safety Service
- Corporate Communications and Marketing
- Youth Offending Services
- Social Inclusion/Communities First
- Change Management and Innovation

**Director of Education, Leisure and Lifelong Learning**
- Children Act planning/commissioning
- Education and Schools Improvement
- Pupil Inclusion
- Special Educational Needs
- Education Welfare Service
- Student Awards
- Governor Training and Support
- Lifelong Learning/Adult Education
- Youth Service
- Cultural Services/Libraries
- Community Centres
- Sport Development/Leisure Services
- Margam Park
### Director of Environment

- Economic Development and Regeneration
- European Affairs
- Tourism/Countryside Services
- Planning, Building Control and Enforcement
- UDP/Local Development Plan
- Highways and Engineering
- Parking Management
- Road Safety
- Concessionary Bus Passes
- Traffic and Transportation
- Waste Management/Refuse Collection
- Pollution Control
- Public Lighting
- CCTV
- Streetcare/Neighbourhood Management
- Drainage and Sewerage
- Dog/Animal Impounding
- Estates and Property Services
- Architectural Services

### Director of Finance and Corporate Services

- Legal and Democratic Services, including Land Charges
- Licensing
- Audit
- Accountancy and Financial Services
- Corporate Procurement
- Information Technology and Telecommunications
- Housing Benefits
- Council Tax
- Central Support Services
- Registration of Births, Deaths and Marriages
- Archives Service
- Coroner’s Service

### Director of Social Services, Health and Housing

- Children and Family Services
- Community Care/Elderly Services
- Domiciliary and Residential Care Services
- Mental Health and Disability Services
- Welfare Rights Services
- Council Housing Services
- Building Repairs/Maintenance
- Private Sector Housing/Grants
- Homeless Persons
- Drugs and Alcohol Strategy
- Health Services Liaison
- Environmental Health Services
- Trading Standards