



# LLANELLI RURAL COUNCIL

  

## CONSTITUTION

Approved and adopted at a Council meeting held on  
Tuesday, 8 December 2015

## **INDEX**

	<b>Page</b>
<b>SECTION 1</b>	
Introduction	4
Background, Profile and Status	4
Decision Making and The Delegation of Powers	5
Conducting Business	5
Meetings and Procedure of the Council	6
<b>SECTION 2</b>	
Standing Orders	9
<b>SECTION 3</b>	
Role and Duties of Chairman of Council	23
<b>SECTION 4</b>	
Selection Process and Role of the Leader of Council	26
<b>SECTION 5</b>	
The Composition and Cycle of Committees	28
The Terms of Reference of Committees	30
<b>SECTION 6</b>	
Clerk's Scheme of Delegated Powers	36
<b>SECTION 7</b>	
Members' Code of Conduct – an overview	42
<b>SECTION 8</b>	
Code of Conduct for Employees	48
<b>SECTION 9</b>	
Member Officer Protocol	54
<b>SECTION 10</b>	
Financial Regulations	67

# **SECTION 1**

## **INTRODUCTION**

This constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that its decision making is accountable, open and transparent.

At the heart of this document is the Council's Standing Orders and Financial Regulations. The constitution sets out:

- The decision making powers of the Council and its committees/sub-committees.
- The rules and procedures to be followed by the Council and its committees/sub-committees when transacting business.
- Standing Orders and Financial Regulations.
- The role and duties of the Chairman of Council.
- The selection process and role of the Leader of Council.
- Composition of committees.
- Terms of reference of committees.
- The scheme of delegation to the Clerk.
- Members' Code of Conduct – an overview.
- Code of Conduct for Employees.
- Member/Officer Protocol.

## **BACKGROUND PROFILE AND STATUS**

Llanelli Rural Council is a community council. The Council came into being on 1 April, 1974, following Local Government re-organisation and as a consequence of the Local Government Act 1972. Parliament has given the Council power to raise and spend money – a power shared by other local authorities.

As a community council this tier of local government is closest to the people. In Wales subordinate to the National Assembly for Wales, there are only two tiers of local government: the town or community council and the unitary authority (i.e. the county or county borough council).

The Council's geographic area is approximately 26.78 square miles and surrounds the urban centre of Llanelli. Its boundaries extend from the Loughor estuary in the east to Burry Port in the west and skirts the Gwendraeth valley in the north. The Council's administrative area is made up of the villages and communities of Bynea, Cwmbach, Cynheidre, Dafen, Felinfoel, Five Roads, Furnace, Llwynhendy, Ponthenri, Pontiets (part only), Pwll, Sandy and Swiss Valley.

The Council consists of 21 elected members representing seven electoral wards comprising Bynea, Dafen, Felinfoel, Glyn, Hengoed, Pemberton and Swiss Valley. The members individually contribute to the work of the whole Council by:

- suggesting ideas;
- engaging in constructive debate;
- responding to the needs and views of the community;
- representing their constituents;
- behaving in an ethical way and being open about interests;
- commenting on proposals to ensure the best outcome; and
- voting – to enable the Council to make decisions.

Members are elected to office and normally serve on the Council for a term of four years. The Council is a body corporate with perpetual succession. As a body corporate the Council is a person and is distinct from its members (either as individuals or collectively) for the time being. Its lawful acts, assets and liabilities are its own and not those of its members. The Council remains in uninterrupted existence from the moment of its creation, even if all its members vacate office, or if its membership falls so low that it is unable to act for want of a quorum.

Law determines what the Council must do (its duties), what it can choose to do (its powers) and what it cannot do. Law empowers the Council to act; it underpins its procedures and finances and governs relationships with other local bodies, groups and organisations that the Council chooses to work with in the community.

The Council doesn't have a power of general competence; it doesn't have an unlimited power to do whatever it chooses. It can do only what it has been given a specific power to do by statute and as such is controlled by Acts of Parliament. The Council does have a power to promote well-being. However, the use of this power is restricted to the spending limits set out under the Local Government Act 1972, Section 137. Section 137 is a limited power to incur expenditure and is described below.

It is illegal for the Council to spend money if it has no statutory power to act. However, it does have a limited power to incur expenditure which in its opinion is in the interest of, and will bring direct benefit to its area or any part of it or all or some of its inhabitants (Local Government Act 1972, Section 137). However, the benefit obtained under S137 must be commensurate with (in proportion to) the expenditure incurred. The Council cannot use S137 if there is a specific power that applies to the function in question or area of spending.

## **DECISION MAKING AND THE DELEGATION OF POWERS**

Whenever the Council conducts business it must ensure that the decisions it takes are both lawful and reasonable. It cannot use unlawful practices and procedures to make a decision nor should it act beyond its powers.

Under specific powers contained in the Local Government Act 1972, Section 101, the Council may arrange for the discharge of any of its functions by a committee, a sub-committee, an officer of the Council or by any other local authority.

Given the business of the Council is quite varied it has chosen to discharge most (but not all) of its functions by authorising its various committees and sub-committees to make decisions on its behalf. The extent of the delegation of powers to these bodies is set out under their terms of reference and is referred to in Council Standing Orders later. The Council has also established a scheme of delegation to the Clerk to enable him to make urgent decisions in between the cycle of committee and sub-committee meetings. The scheme also forms part of the Council's Standing Orders. Individual members are not able to make a decision on behalf of the Council – not even the Leader or Chairman of Council as this is unlawful.

## **CONDUCTING BUSINESS**

The Council conducts its business by the Clerk convening formal Council and committee meetings to which members are summoned to attend. These meetings are supported by formal agendas compiled and signed by the Clerk which specify the business to be transacted.

The Council has appointed standing committees (committees which meet on an on-going basis) which enjoy delegated powers to make decisions on the Council's behalf. However, where a committee has no delegated power to make a decision on behalf of the Council when exercising specific functional responsibilities, it will instead make 'recommendations' to the Council as opposed to passing 'resolutions'.

The Council's standing committees meet at 4.45 pm on a monthly cycle as follows:

- Finance and General Purposes Committee - the last Wednesday of the month
- Planning and Liaison Committee - every third Monday
- Policy and Resources Committee - the third Wednesday of the month
- Recreation and Welfare Committee - the third Tuesday of the month

## **MEETINGS AND PROCEDURE OF THE COUNCIL**

### **GENERAL**

- 1.1 The Council by law must meet annually. In an election year, the annual meeting must take place on, or within fourteen days of the day on which the elected members take office. In any other year it may be held on any day in May.
- 1.2 In addition to the annual meeting the Council may hold such number of other meetings (known as ordinary meetings) as deemed necessary for the transaction of its business. Such meetings may be held by virtue of Council Standing Orders, or may be specially convened. Council meetings are held at 6.00 pm on the second Tuesday of every month (except August).
- 1.3 An ordinary meeting is called by the Clerk in pursuance of statutory rules or under Standing Orders and includes a meeting convened by him to elect the Chairman of Council when a casual vacancy has arisen in the chair.

### **NOTICE OF MEETINGS**

- 1.4 At least three clear days (not including the days of issue and meeting) before a Council meeting takes place, notice of the time and place of the meeting will be displayed on the Council's website and public notice board.
- 1.5 In addition to the public notice, the Clerk (as proper officer) will sign and serve a summons on every member to attend, specifying the business to be transacted (agenda).
- 1.6 The summons must be left at or sent by post to the usual residence of the member and the business specified in it will be presented in such a way so the member who receives it can identify the matters to be discussed. The Council cannot lawfully decide any matter which is not specified in the summons.

## **DECISIONS**

- 1.7 Every item of business included on a meeting agenda requiring a decision must be decided by a majority of those members present and voting thereon. In the case of an equality of votes the Chairman has a casting vote, as well as an original vote.

## **MINUTES**

- 1.8 The Council has a duty by law to keep a record of its meetings otherwise known as minutes of its proceedings. Minutes are formal records of decisions taken and are not meant to be a verbatim record of a whole meeting. Some background context of the decision taken may be necessary. Minutes must be signed at the same or the next following meeting by the presiding Chairman. The Council's minutes are recorded on loose leaves and are consecutively numbered.
- 1.9 The minutes are signed as to their accuracy. It is not permitted to reopen discussion on a decision recorded in the minutes (e.g. under matters arising) unless there is a specific item on the agenda relating to that decision.
- 1.10 To expedite the work of its committees/sub-committees the Council receives and confirms the accuracy of the minutes generated from those bodies on a cyclical basis at its next following monthly meeting.

## **ADMISSION TO MEETINGS**

- 1.11 The Public Bodies (Admission to Meetings) Act 1960 Section 1, extended by the Local Government Act 1972 Section 100, provides that meetings of the Council (including committees/sub-committees) shall be open to the press and public. Provision is made for excluding the public and press by resolution when confidential business is being considered (or for other special reasons stated in the resolution) and publicity would be prejudicial to the public interest. As a general rule of thumb some items, such as staff details, tendering discussions, contractual negotiations, legal proceedings and sensitive disputes should not be discussed in public.

## **PUBLIC PARTICIPATION**

- 1.12 Whilst the Council's meetings are held in public, they are not public meetings and so public participation is not normally permitted. On very few occasions when the Council is discussing a contentious issue, the Chairman of the meeting may feel it is beneficial to permit public participation, this does not mean that members of the public can join in the debate; it means that the meeting is adjourned at a suitable moment so that the public can make their points. Council officers and invited guests may speak during meetings.

## **SECTION 2**



# LLANELLI RURAL COUNCIL

## STANDING ORDERS

### PREFACE

These Standing Orders were adopted by the Council at its meeting held on 14 December, 2010.

Some of the Standing Orders are compulsory as they are laid down in Acts of Parliament. These are printed in **bold type**. These Standing Orders cannot be altered.

Wherever the masculine gender is used in this publication, this should be interpreted as also meaning the feminine gender, where appropriate.

#### 1. MEETINGS

1.1 Normal Council meetings shall be held on the second Tuesday of each month (excluding August) at 6.00 pm.

1.2 Special meetings of the Council may be called as and when necessary and at any time.

**1.3 A special meeting of the Council may be called at any time by the Chairman of Council.**

**1.4 If the Chairman refuses to call a special meeting of the Council after a requisition for that purpose, signed by two Members of the Council, has been presented to him or if, without so refusing, the Chairman does not call a special meeting within seven days after such a requisition has been presented to him, any two Members of the Council, on that refusal or on the expiration of those seven days, as the case may be, may forthwith convene a special meeting of the Council.**

1.5 Smoking is not permitted on the Council's premises.

1.6 The use of mobile phones and other forms of modern technology shall only be permitted at the discretion of the Chairman. All devices must be switched off prior to the commencement of the meeting.

1.7 The use of electronic or internet based social media messaging outlets as a means to communicate live feeds of meetings or to capture photographs and audio and video recordings of meetings shall only be granted with the consent of the Chairman. Such consent shall not unreasonably be withheld.

1.8 Meetings and functions are part of the business of the Council and Members should wear an appropriate standard of dress when attending such events.

#### 2. THE STATUTORY ANNUAL MEETING

**2.1 In an election year the Annual Council Meeting shall be held on or within 14 days following the day on which the councillors elected take office and**

**2.2 in a year which is not an election year the Annual Council Meeting shall be held on such day in May as the Council may direct.**

**3. CHAIRMAN OF THE MEETING**

**3.1 The person presiding at a meeting may exercise all the powers and duties of the Chairman of Council in relation to the conduct of the meeting.**

3.2 A schedule of duties to be undertaken by the Chairman of Council is summarised in Section 3.

**4. PROPER OFFICER**

4.1 Where a statute, regulation or order confers function or duties on the proper officer of the Council in the following cases, he shall be the clerk or nominated officer: -

To receive declarations of acceptance of office.

To receive and record notices disclosing interests at meetings.

To receive and retain plans and documents.

To sign notices or other documents on behalf of the Council.

To receive copies of bylaws made by another local authority.

To certify copies of bylaws made by the Council.

To sign and issue the summons to attend meetings of the Council.

To keep proper records for all Council meetings.

**5. QUORUM OF THE COUNCIL**

**5.1 One-third of the total membership shall constitute a quorum at meetings of the Council.**

5.2 If a quorum is not present or if during a meeting the number of councillors present (not counting those debarred by reason of a declared interest) falls below the required quorum, the meeting shall be adjourned and business not transacted shall be transacted at the next meeting or on such other day as the Chairman may fix.

5.3 For a quorum relating to a committee or sub-committee, please refer to Standing Order 26.3.

**6. VOTING**

6.1 Members shall vote by show of hands or, if at least two members so request, by signed ballot.

**6.2 If a member so requires, the Clerk shall record the names of the members who voted on any question so as to show whether they voted for or against it. Such a request must be made before moving on to the next business.**

**6.3 Subject to 6.4 and 6.5 below the Chairman may give an original vote on any matter put to the vote, and in any case of an equality of votes may give a casting vote whether or not he gave an original vote.**

**6.4 If the person presiding at the annual meeting would have ceased to be a member of the council but for the statutory provisions which preserve the membership of the Chairman and Vice-Chairman until the end of their term of office he may not give an original vote in an election for Chairman.**

**6.5 The person presiding must give a casting vote whenever there is an equality of votes in an election for Chairman.**

## **7. ORDER OF BUSINESS**

**7.1 At each Annual Council Meeting the first business shall be:-**

- a) **To elect a Chairman of the Council**
- b) **To receive the Chairman's declaration of acceptance of office or, if not then received, to decide when it shall be received.**
- c) **In the ordinary year of election of the Council to fill any vacancies left unfilled at the election by reason of insufficient nominations.**
- d) **To decide when any declarations of acceptance of office which have not been received as provided by law shall be received.**
- e) To elect a Vice-Chairman of the Council.
- f) In the year of ordinary elections of the Council to confirm the Leader of Council. The selection process and role of Leader is summarised in Section 4.
- g) To appoint representatives to outside bodies.
- h) To appoint committees.

**7.2 At every meeting other than the Annual Council Meeting the first business shall be to appoint a Chairman if the Chairman and Vice-Chairman be absent.**

**7.3 After the first business has been completed, the order of business, unless the Council otherwise decides on the ground of urgency, shall be as follows:-**

- a) To read and consider the Minutes; provided that if a copy has been circulated to each member not later than the day of issue of the summons to attend the meeting, the Minutes may be taken as read.
- b) **After consideration of accuracy, to approve the signature of the Minutes by the person presiding as a correct record.**
- c) **To deal with business expressly required by statute to be done.**
- d) To dispose of business, if any, remaining from the last meeting.
- e) To receive such communications as the person presiding may wish to lay before the Council.

- f) To answer questions from Councillors.
- g) To receive and consider reports and minutes of committees.
- h) To receive and consider resolutions or recommendations in the order in which they have been notified.
- i) To authorise the sealing of documents.
- j) Any other business specified in the Summons.

## 8. ORDER OF BUSINESS

- 8.1 A motion to vary the order of business annotated on the agenda:
- a) May be proposed by the Chairman or by any member and, if proposed by the Chairman, may be put to the vote without being seconded, and
  - b) Shall be put to the vote without discussion.

## 9. RESOLUTIONS MOVED ON NOTICE

- 9.1 Except as provided by these Standing Orders, no resolution may be moved unless the business to which it relates has been put on the Agenda by the Clerk or the mover has given notice in writing of its terms and has delivered the notice to the Clerk at least 5 clear days before the next meeting of the Council.
- 9.2 The Clerk shall insert in the summons for every meeting all notices of motion or recommendation properly given in the order in which they have been received unless the member giving a notice of motion has stated in writing that he intends to move at some later meeting or that he withdraws it.
- 9.3 If a resolution or recommendation specified in the summons is not moved either by the member who gave notice of it or by any other member, it shall, unless postponed by the Council, be treated as withdrawn and shall not be moved without fresh notice.
- 9.4 If the subject matter of a resolution comes within the province of a committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to such committee or to such other committee as the Council may determine for report; provided that the Chairman, if he considers it to be a matter of urgency, may allow it to be dealt with at the meeting at which it was moved.
- 9.5. Every resolution or recommendation shall be relevant to some subject over which the Council has power or duties, which affects its area.

## 10. RESOLUTIONS MOVED WITHOUT NOTICE

- 10.1 Resolutions dealing with the following matters may be moved without notice:-
- a) To appoint a Chairman of the meeting.
  - b) To correct the Minutes.

- c) To approve the Minutes.
- d) To alter the order of business.
- e) To proceed to the next business.
- f) To close or adjourn the debate.
- g) To refer a matter to a committee.
- h) To appoint a committee or any members thereof.
- i) To adopt a report.
- j) To authorise the sealing of documents.
- k) To amend a motion.
- l) To give leave to withdraw a resolution or amendment.
- m) To extend the time limit for speeches.
- n) To exclude the press and public. (see Order 34 below)
- o) To silence or eject from the meeting a member named for misconduct. (see Order 14 below)
- p) To give the consent of the Council where such consent is required by these Standing Orders.
- q) To suspend any Standing Order. (see Order 38 below)
- r) To adjourn the meeting.

## 11. QUESTIONS

- 11.1 A member may ask the Chairman of the Council or the Clerk any question concerning the business to be transacted at the meeting.
- 11.2 No questions not connected with business under discussion shall be asked.
- 11.3 Every question shall be put and answered without discussion.
- 11.4 A person to whom a question has been put may decline to answer.

## 12. RULES OF DEBATE

- 12.1 No discussion of the Minutes shall take place except upon their accuracy. Corrections to the Minutes shall be made by resolution and must be initialled by the Chairman.
- 12.2 A resolution or amendment shall not be discussed unless it has been proposed and seconded, and, unless proper notice has already been given, it shall, if required by the

Chairman, be reduced to writing and handed to him before it is further discussed or put to the meeting.

- 12.3 A member when seconding a resolution or amendment may, if he then declares his intention to do so, reserve his speech until a later period of the debate.
- 12.4 A member shall direct his speech to the question under discussion or to a personal explanation or to a question of order.
- 12.5 No speech by a mover of a resolution shall exceed 5 minutes and no other speech shall exceed 3 minutes except by consent of the Council.
- 12.6 An amendment shall be either:-
- a) To leave out words.
  - b) To leave out words and insert others.
  - c) To insert or add words.
  - d) An amendment shall not have the effect of negating the resolution before the Council.
  - e) If an amendment be carried, the resolution, as amended, shall take the place of the original resolution and shall become the resolution upon which any further amendment may be moved.
  - f) A further amendment shall not be moved until the Council has disposed of every amendment previously moved.
  - g) The mover of a resolution or of an amendment shall have a right of reply.
  - h) A member, other than the mover of a resolution, shall not, without leave of the Council, speak more than once on any resolution except to move an amendment or further amendment, or on a point of order, or in personal explanation, or to move a closure.
  - i) A member may speak on a point of order or a personal explanation. A member speaking for these purposes shall be heard forthwith. A personal explanation shall be confined to some material part of a former speech by him which may have been misunderstood.
  - j) A motion or amendment may be withdrawn by the proposer with the consent of the Council, which shall be signified without discussion, and no member may speak upon it after permission has been asked for its withdrawal unless such permission has been refused.
  - k) When a resolution is under debate no other resolution shall be moved except the following:-
    - i. To amend the resolution.
    - ii. To proceed to the next business.

- iii. To adjourn the debate.
  - iv. That the question be now put.
  - v. That a member named be not further heard.
  - vi. That a member named leave the meeting.
  - vii. That the resolution be referred to a committee.
  - viii. To exclude the public and press.
  - ix. To adjourn the meeting.
- 12.7 A member shall remain seated when speaking unless requested to stand by the Chairman.
- 12.8 The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.
- 12.9 Members shall address the Chairman. If two or more members wish to speak, the Chairman shall decide who to call upon, but with due deference being given to the Leader of Council at all times. If the Leader indicates a wish to speak, the Chairman shall invite the Leader to address the meeting prior to inviting other members to speak.
- 12.10 Whenever the Chairman speaks during a debate all other members shall be silent.
13. CLOSURE
- 13.1 At the end of any speech a member may, without comment, move “that the question be now put”, “that the debate be now adjourned” or “that the Council do now adjourn”. If such motion is seconded, the Chairman shall put the motion but, in the case of a motion “that the question be now put”, only if he is of the opinion that the question before the Council has been sufficiently debated. If the motion “that the question be now put” is carried, he shall call upon the mover to exercise or waive his right of reply and shall put the question immediately after that right has been exercised or waived. The adjournment of a debate or of the Council shall not prejudice the mover’s right of reply at the resumption.
14. DISORDERLY CONDUCT
- 14.1 All members must observe the Code of Conduct which was adopted by the Council on **15 May, 2008**, an overview of which is included in Section 7.
- 14.2 No member shall at a meeting persistently disregard the ruling of the Chairman, wilfully obstruct business, or behave irregularly, offensively, improperly or **in such a manner as to bring the Council into disrepute.**
- 14.3 If, in the opinion of the Chairman, a member has broken the provisions of paragraph 14.2 of this Order, the Chairman shall express that opinion to the Council and thereafter any member may move that the member named be no longer heard or that the member named do leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion. **If a member reasonably believes another**

**member is in breach of the code of conduct, that member is under a duty to report the breach to the Public Services Ombudsman for Wales.**

14.4 If either of the motions mentioned in paragraph 14.3 is disobeyed, the Chairman may adjourn the meeting or take such further steps as may reasonably be necessary to enforce them.

15. RIGHT OF REPLY

15.1 The mover of a resolution shall have a right to reply immediately before the resolution is put to the vote. If an amendment is proposed the mover of the amendment shall be entitled to reply immediately before the amendment is put to the vote. A member exercising a right of reply shall not introduce a new matter. After the right of reply has been exercised or waived, a vote shall be taken without further discussion.

16. ALTERATION OF RESOLUTION

16.1 A member may, with the consent of his seconder, move amendments to his own resolution.

17. RESCISSION OF PREVIOUS RESOLUTION

17.1 A decision (whether affirmative or negative) of the Council shall not be reversed within six months except either by a special resolution, the written notice whereof bears the names of at least 11 members of the Council, or by a resolution moved in pursuance of the report or recommendation of a committee.

17.2 When a special resolution or any other resolution moved under the provisions of paragraph 17.1 of this Order has been disposed of, no similar resolution may be moved within a further six months.

18. VOTING ON APPOINTMENTS

18.1 Where more than two persons have been nominated for any position to be filled by the Council and of the votes given there is not an absolute majority in favour of one person, the name of the person having the least number of votes shall be struck off the list and a fresh vote taken, and so on until a majority of votes is given in favour of one person.

19. DISCUSSIONS AND RESOLUTIONS AFFECTING EMPLOYEES OF THE COUNCIL

19.1 If at a meeting there arises any question relating to the appointment, conduct, promotion, dismissal, salary or conditions of service, of any person employed by the Council, it shall not be considered until the Council or committee (as the case may be) has decided whether or not the press and public shall be excluded. (see Order 34 below)

20. RESOLUTIONS ON EXPENDITURE

20.1 Unless the proposed expenditure forms part of the budget plan, any resolution (which is moved otherwise than in pursuance of a recommendation of the Finance and General Purposes Committee and which, if carried, would, in the opinion of the RFO,



substantially increase the expenditure upon any service which is under the management of the Council or reduce the revenue at the disposal of any committee shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council, and any committee affected by it shall consider whether it desires to report thereon.

21. SEALING OF DOCUMENTS

21.1 A document shall not be sealed on behalf of the Council unless its sealing has been authorised by a resolution.

21.2 The Council's Common Seal shall alone be used for sealing documents. It shall be applied by the proper officer in the presence of the Chairman who shall sign the document as a witness.

22. COMMITTEES AND SUB COMMITTEES

22.1 The Council may at its Annual Meeting appoint standing committees and may at any other time appoint such other committees as are necessary, but subject to any statutory provision in that behalf:-

a) Shall not appoint any member of a committee so as to hold office later than the next Annual Meeting.

b) May appoint persons other than members of the Council to any Committee; and

c) may subject to the provisions of Order 17 above at any time dissolve or alter the membership of committee.

22.2 The Chairman and Leader, ex-officio, shall be voting members of every committee and sub-committee.

22.3 Every committee shall at its first meeting before proceeding to any other business, elect a Chairman and a Vice-Chairman who shall hold office until the next Annual Meeting of the Council.

23. COMPOSITION AND CYCLE

23.1 The composition and cycle of committees is detailed in Section 5.

24. TERMS OF REFERENCE

24.1 The terms of reference of committees is detailed in Section 5.

25. SPECIAL MEETING

25.1 The Chairman of a committee may summon an additional meeting of that committee at any time. An additional meeting shall also be summoned on the requisition in writing of not less than a quarter of the members of the committee. The summons shall set out the business to be considered at the special meeting and no other business shall be transacted at that meeting.

26. SUB-COMMITTEES

- 26.1 Every committee may appoint sub-committees for purposes to be specified by the committee.
- 26.2 The Chairman and Vice-Chairman of the committee, Chairman of Council and Leader, shall be members of every sub-committee appointed by it unless they signify that they do not wish to serve.
- 26.3 Except where ordered by the Council in the case of a committee, or by the Council or by the appropriate committee in the case of a sub-committee, the quorum of a committee or sub-committee shall be one-third of its members.
- 26.4 The Orders on rules of debate (except those parts relating to standing and to speaking more than once) and the Order on interests of members in contracts and other matters shall apply to all business of the Council.

27. ADVISORY COMMITTEES AND WORKING GROUPS

- 27.1 The Council may create advisory committees and working groups, whose name, and number of members and the bodies to be invited to nominate members shall be specified.
- 27.2 The Clerk shall inform the members of each such committees of the terms of reference of the committee.
- 27.3 Such committees may make recommendations and give notice thereof to the Council
- 27.4 These committees may consist wholly of persons who are not members of the Council.

28. VOTING IN COMMITTEES

- 28.1 Members of committees and sub-committees entitled to vote, shall vote by show of hands, or, if at least two members so request, by signed ballot.
- 28.2 **Chairmen of committees and sub-committees shall in the case of an equality of votes have a second or casting vote.**

29. PRESENCE OF NON-MEMBERS OF COMMITTEES AT COMMITTEE MEETINGS

- 29.1 A member who has proposed a resolution, which has been referred to any committee of which he is not a member, may explain his resolution to the committee but shall not vote.

30. DECLARATION OF INTEREST

- 30.1 **If a member has a personal interest as defined by the Code of Conduct adopted by the Council on 15 May, 2008, then he shall declare such interest as soon as it becomes apparent, disclosing the existence and nature of that interest as required.**

**30.2 If a member who has declared a personal interest then considers the interest to be prejudicial, he must withdraw from the room or chamber during consideration of the item to which the interest relates.**

**30.3 The Clerk is required by law to compile and hold a register of members' interests declared at council and committee meetings. This register must be displayed on the Council's website.**

30.4 If a candidate for any appointment under the Council is to his knowledge related to any member of or the holder of any office under the Council, he and the person to whom he is related shall disclose the relationship in writing to the Clerk. A candidate who fails so to do shall be disqualified for such appointment, and, if appointed, may be dismissed without notice. The Clerk shall report to the Council or to the appropriate committee any such disclosure. Where a relationship to a member is disclosed, Orders 30.1 and 30.2 shall apply as appropriate.

30.5 The Clerk shall make known the purpose of Order 30.4 to every candidate.

31. CANVASSING OF AND RECOMMENDATIONS BY MEMBERS

31.1 Canvassing of members of the Council or of any committee, directly or indirectly, for any appointment under the Council shall disqualify the candidate for such appointment. The Clerk shall make known the purport of this sub-paragraph of this Order to every candidate.

31.2 A member of the Council or of any committee shall not solicit for any person any appointment under the Council or recommend any person for such appointment or for promotion; but, nevertheless, any such member may give a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.

31.3 Orders 30 and 31 shall apply to tenders as if the person making the tender were a candidate for an appointment.

32. INSPECTION OF DOCUMENTS

32.1 A member may for the purpose of his duty as such (but not otherwise), inspect any document in possession of the Council or a committee, and if copies are available shall, on request, be supplied for the like purpose with a copy.

**32.2 All minutes kept by the Council and by any committee shall be open for the inspection of any member of the Council.**

33. UNAUTHORISED ACTIVITIES

33.1 No member of the Council or of any committee or sub-committee shall in the name of or on behalf of the Council:-

a) Inspect any lands or premises which the Council has a right or duty to inspect;

or

- b) Issue orders, instructions or directions.  
Unless authorised to do so by the Council or the relevant committee or sub-committee.

34. ADMISSION OF THE PUBLIC AND PRESS TO MEETINGS

- 34.1 The public and press shall be admitted to all meetings of the Council and its committees and sub-committees, which may, however, temporarily exclude the public by means of the following resolution: -**

“That in view of the [special] [confidential] nature of the business to be transacted, the following matter(s) be considered in private and the power of exclusion of the public under Section 1(2) of the public Bodies (Admission to Meetings Act 1960) be exercised”.

- 34.2 At all meetings of the Council and its committees, the Chairman may at his discretion and at a convenient time in the transaction of business, adjourn the meeting so as to allow any members of the public to address the meeting in relation to the business to be transacted at that meeting.
- 34.3 The Clerk shall afford to the press reasonable facilities for the taking of their report of any proceedings at which they are entitled to be present.
- 34.4 If a member of the public interrupts the proceedings at any meeting, the Chairman may, after warning, order that he be removed from the meeting and may adjourn the meeting for such period as is necessary to restore order.

35. CONFIDENTIAL BUSINESS

- 35.1 No member of the Council or of any committee or sub-committee shall disclose to any person not a member of the Council any business declared to be confidential by the Council, the committee or the sub-committee as the case may be.
- 35.2 Any member in breach of the provisions of 35.1 above of this Order shall be referred to the Public Services Ombudsman for Wales for breach of the Code of Conduct.

36. URGENT BUSINESS

- 36.1 The law makes no provision for dealing with urgent business on Council agendas. If it is urgent only because it was not notified in time to appear on the agenda, it should be left until the next meeting. If it is genuinely urgent, that is, it was too late for the agenda and it will be too late for action if left until the next ordinary meeting, an additional meeting should be called unless the reference of the urgent business can be referred to a committee or sub-committee, or to the Clerk of the Council for action under the scheme of delegated powers. It is contrary to local government law for the Chairman of Council, Leader of Council or any other single member to take a decision binding the Council.
- 36.2 The Clerk’s scheme of delegated powers is summarised in Section 6.

37. COMPLAINTS

37.1 The Council shall deal with complaints of maladministration allegedly committed by the Council or by any officer or member in such manner as adopted by the Council except for those complaints which should be properly directed to the Public Services Ombudsman for Wales.

38. VARIATION, REVOCATION AND SUSPENSION OF STANDING ORDERS

38.1 Any or every part of the Standing Orders except those printed in **bold type** may be suspended by resolution in relation to any specific item of business.

38.2 A resolution permanently to add, vary or revoke this Constitution or similarly a Standing Order shall when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

39. APPOINTMENT OF DEPUTIES

39.1 Members serving on any of the Council's committees shall be given discretionary powers to appoint a deputy to attend in their stead.

40. STANDING ORDERS TO BE GIVEN TO MEMBERS

40.1 A copy of these Standing Orders shall be given to every member by the Clerk to the Council upon delivery to him of the member's declaration of acceptance of office and written undertaking to observe the Code of Conduct adopted by the Council.

## **SECTION 3**

## **STANDING ORDER 3**

### **ROLE AND DUTIES OF CHAIRMAN OF COUNCIL**

The word ‘Chairman’ means the person actually presiding at a meeting and ‘Council’ includes ‘committees’, where any function has been delegated.

The Council’s instructions are conveyed by resolutions and it is the purpose of the Council’s proceedings to reach, without unreasonable delay, an intelligible and lawful decision for the right reasons. The whole duty of a Chairman is to ensure that this purpose is achieved and to this end he must:

1. Protect the Council against outside interference;
2. Ensure that everything to be discussed is lawful;
3. Ensure that the Council is invited to deal with clear issues;
4. Ensure that as far as possible information is complete;
5. Ensure that opinions expressed are relevant to the matter in hand;
6. Ensure that the business is transacted with reasonable speed;
7. Ensure as far as possible that proceedings are friendly and free from personalities;
8. Co-operate with the officers and councillors;
9. Deciding all matters of protocol, decorum, order, competency and relevancy.
10. Determining all matters of procedure for which no provision is made within Standing Orders, in reaching which determination he may be advised by the proper officer;
11. Deciding priority between two or more Members wishing to speak but with deference at all times to be paid to the authority and position of the Leader of the Council. When the Leader indicates a wish to speak, the Chairman will invite the incumbent to address the meeting before inviting other Members to address the meeting;
12. Ensuring that a fair opportunity is given to all Members to express their views on any item of business in accordance with the terms of Standing Orders;
13. Preserving order in the meeting;
14. Ordering the exclusion of any member of the public, in order to prevent or suppress disorderly conduct or other misbehaviour which impedes or is, in his opinion, impeding the business of the meeting;
15. In the event of disorder arising, adjourning the meeting to a time and date he will fix then or later having been advised by the proper officer if appropriate, and in leaving the Chair in such circumstances this will, without further procedure, have the effect of a formal adjournment of the meeting;

16. Signing the Minutes of the previous meeting, adjusted in accordance with any amendment approved by the Council. Such amendment relating to accuracy only;
17. To preside over questions relating to Standing Orders and in reaching any decisions he may be advised by the proper officer;
18. Ensuring the meeting observes Standing Orders with it being the duty of the proper officer or his authorised representative to call the attention of the Chairman to any breach of Standing Orders;
19. The authority of the Chairman is limited to matters of procedure and neither increases or decreases his right (in comparison with other Members) to discuss the merits of a particular case or item of business. While the Chair gives his authority on matters of procedure, it confers no rights (other than the casting vote) on matters of policy which are not possessed by other Members.



## **SECTION 4**

## **STANDING ORDER 7**

### **SELECTION PROCESS AND ROLE OF THE LEADER OF COUNCIL**

1. Each party group leader on the Council is elected by his group i.e. by councillors belonging to his political party or recognised group. After each ordinary Council election, the party or group with the most Council seats becomes the party/group in control, and the leader of that party/group becomes the Leader of the Council and will serve in that role for the full term of office of local councillor (normally four years) until the next set of ordinary elections. The position of Leader of Council will normally be confirmed at the Annual meeting of the Council immediately following the Council's ordinary set of elections.
2. If the outcome of the election is that there is no overall control, a process of negotiation will be used to determine which party leader will lead the Council.
3. In some instances, a coalition will produce alternate Leaders; in others, one party (and therefore, Leader) will have overall control supported by other parties. If there is a very weak political party presence, the Leader will be agreed by other means as determined by the Council.
4. The position of leader of a party group or political Leader of the Council is not regarded as employment in the legal sense, therefore, the election of Leader of Council is not subject to employment or equal opportunities law in the same way as a staff appointment would be.
5. The Leader of Council, ex-officio, shall be a voting member of every committee and sub committee of the Council.
6. The Leader of Council will be the spokesperson for the Council on all matters. The Leader will be relatively visible to citizens and able to engage with them when appropriate.
7. The Leader of Council will partner with public officials and other politicians (both internal and external to the Council) and will work effectively with other public agencies as well as the private, voluntary and community sectors for the greater good of the community.
8. The Leader will attend at meetings, external events and or civic engagements as the role so demands as and when it is necessary or applicable to promote Council business and public relations generally within the wider community.
9. The Leader is responsible for conducting the Clerk's annual performance appraisal.

## **SECTION 5**

## STANDING ORDER 23

### 1. COMPOSITION OF COMMITTEES

1.1 Each Member will be allocated two committees based on the following:-

<b>Ward</b>	<b>Recreation and Welfare</b>	<b>Finance and General Purposes</b>	<b>Planning and Liaison</b>	<b>Policy and Resources</b>
<b>Bynea</b>	2	1	1	2
<b>Dafen</b>	2	2	2	2
<b>Felinfoel</b>	1	1	1	1
<b>Glyn</b>	1	1	1	1
<b>Hengoed</b>	2	2	2	2
<b>Pemberton</b>	2	2	2	2
<b>Swiss Valley</b>	1	1	1	1
<b>Total</b>	11	10	10	11

1.2 The Chairman of Council and Leader shall sit on all the above committees; two as Ward Members and two by virtue of post.

1.3 Members who have served as Chairman of Council shall be appointed to the Civic and Ceremonial Committee. The Committee will comprise of up to nine Past Chairmen, together with the Leader of Council as an ex-officio member.

1.4 The Chairman Elect will also serve on the Civic and Ceremonial Committee when the nomination has been accepted by Council. When the total number of Members exceeds 9 at the time of the Annual Meeting, the Past-Chairman with the longest serving record will stand down from the Committee

1.5 The Learning and Development Consultative Committee shall comprise of a cross-section of 7 Members of both the Finance and General Purposes Committee and the Policy and Resources Committee; to include the Chairman of Council and Leader.

1.6 The Community Development Grants Panel shall comprise of one Member from each Ward together with the Chairman of Council and Leader. If a Member from a Ward submits apologies and is therefore unable to attend the meeting, the Member may appoint a substitute Member from the Ward to attend in their stead.

1.7 Sub-Committees will comprise of the Chairman and Vice-Chairman of Committee, Chairman of Council and Leader together with other nominated Members.

## 2. **CYCLE OF MEETINGS**

2.1 Committee meetings will be held cyclically as follows:-

- (a) Recreation and Welfare Committee shall be held on the third Tuesday of each month; (excluding August)
- (b) Policy and Resources Committee shall be held on the third Wednesday of each month; (excluding August)
- (c) Finance and General Purpose Committee shall be held on the last Wednesday of each month; (excluding August)
- (d) Planning and Liaison Committee shall be held on a three week cycle;
- (e) Civic and Ceremonial Committee shall be during February, April and December;
- (f) Learning and Development Committee shall be held on the last Thursday of January, April, July and October;
- (g) Community Development Grants Panel shall be held annually on the last Thursday of October unless otherwise determined.

## **STANDING ORDER 24**

### **TERMS OF REFERENCE**

The Terms of Reference of the committees are as follows:-

#### **1. RECREATION AND WELFARE COMMITTEE**

- 1.1 To formulate, develop and implement proposals concerning tourism, cultural, leisure, parks, open spaces and recreation.
- 1.2 To identify and undertake functions and responsibilities in relation to public rights of way, street furniture, footway lighting and structures.
- 1.3 To identify and undertake responsibilities in relation to community halls.
- 1.4 To identify and undertake functions and responsibilities in relation to children's play areas.
- 1.5 To formulate estimates of income and expenditure for capital and revenue costs and submit the proposals to Council.
- 1.6 To recommend capital schemes to Council.
- 1.7 To consider recommendations from sub-committees or working groups on recreational matters within their terms of reference.
- 1.8 To determine level of grant to be contributed to sporting organisations within the Council's area which use the facilities of other local authorities.

#### **2. POLICY AND RESOURCES COMMITTEE**

- 2.1 To consider recommendations from other committees or working groups on the establishment or amendment to policies within their terms of reference and to recommend to the Council any such proposal
  - be approved or not approved; or
  - be varied; orbe referred back to the committee by which the matter was submitted for further consideration by that committee.
- 2.2 To determine matters relating to the use of the Council's resources whether of a revenue or capital nature.
- 2.3 To review constitutional issues and make recommendations to the Council.
- 2.4 To deal with corporate or other issues not otherwise within the terms of reference of any other committees.

- 2.5 To consider correspondence from Parliamentary, Assembly, local authorities and other bodies in respect of consultative and other documents.
- 2.6 To consider and make recommendations to the Council upon electoral matters; review of local government areas and alterations in boundaries.
- 2.7 To receive and consider recommendations on members' services, Council and committee procedures.
- 2.8 To monitor the overall effectiveness of the Council's services.
- 2.9 To monitor and review the Strategic Plan and service plans of the Council.
- 2.10 To develop partnerships with other authorities, agencies and organisations for the effective delivery of services and the provision of facilities consistent with the aims, objectives, policies and programmes of the Council.
- 2.11 To determine, review, monitor and oversee the Council's Welsh Language Policy.
- 2.12 To determine matters relating to manpower planning, organisation structures and staff establishments.
- 2.13 To exercise on behalf of the Council its powers relating to:
  - (a) Recruitment, rates of remuneration, termination of service, education, training, conditions of service, career development and all other similar matters relating to employees and members of the Council.
  - (b) Organisational development reviews and surveys, efficiency reviews, work study, performance indicators, Investors in People, and ISO 9001 Quality Management System accreditations.
  - (c) All matters concerning working conditions, employee services, staff welfare, agreements regarding salaries and wages, sickness and grievance procedures, disciplinary measures, appeals and disputes and consultation with employees and their representatives.
  - (d) The exercise of any discretion in respect of any employee under the Local Government Superannuation Acts and Regulations.
  - (e) All matters relating to Safety at Work, Risk Assessment and Safety policies.
  - (f) All other routine human resource matters within the general policies of the Council.
  - (g) The management of government and other externally funded training schemes.
- 2.14 To determine on the purchase of vehicles and machinery subject to the Council's Financial Regulations.
- 2.15 To formulate estimates of income and expenditure for capital and revenue costs and submit the proposals to Council.

### **3 FINANCE AND GENERAL PURPOSES COMMITTEE**

- 3.1 To consider the financial aspects of particular matters, projects and joint schemes specifically referred to the Committee, to monitor income and expenditure of other committee budgets.
- 3.2 Routine financial matters and in particular the authorisation of payments.
- 3.3 The management of all funds and investments and the supervision of the Council's banking arrangements.
- 3.4 Any irregularity in financial transactions.
- 3.5 The collection of all monies due to the Council.
- 3.6 To fix rents and charges.
- 3.7 To authorise the writing off of bad debts and other items in accordance with approved financial regulations.
- 3.8 To identify and take responsibility in relation to the administrative office, training units and depots.
- 3.9 To administer the Council's loan management statement and to recommend policy changes to Council.
- 3.10 To superintend the finances of the Council in accordance with the law and the Council's Standing Orders and Financial Regulations.
- 3.11 To effect necessary insurance cover on all buildings and property owned by the Council and such other insurances relating to members and officers, and in respect of any other matters as may be necessary.
- 3.12 To ensure the adequate and effective system of internal audit of the Council's, accounting operations.
- 3.13 To receive reports and correspondence from the internal and external auditors.
- 3.14 To determine applications for financial assistance and financial contributions to outside bodies except as provided elsewhere within these terms of reference.
- 3.15 To determine the strategy and operational matters relating to information technology.
- 3.16 To formulate estimates of income and expenditure for capital and revenue costs and submit the proposals to Council.
- 3.17 To authorise the formulation and submission of tender contracts prepared by or on behalf of the Training Department for training programmes whether they be of a public or commercial nature.
- 3.18 To determine, monitor and review commercial training opportunities and activities of the Training Department.



#### **4. PLANNING AND LIAISON COMMITTEE**

1. To consider and respond to the Local Development Plan Framework in matters relating to control and development.
2. To consider and respond to the Planning Authority in matters relating to statutory structure and local plans.
3. To consider and respond to the relevant body in respect of highway matters.
4. To consider and respond to the relevant body in respect of listed buildings and ancient monuments.
5. To consider and respond to the relevant body in respect of conservation orders and environmental matters.
6. To consider and respond to the relevant body in respect of tree preservation.
7. To consider and respond to the relevant body in respect to street naming and matters of a like kind.

#### **5. CIVIC AND CEREMONIAL COMMITTEE**

1. To interview the Chairman Elect and Vice-Chairman Elect in accordance with the framework agreed.
2. To recommend to Council the Chairman Elect and Vice-Chairman Elect.
3. To attend to all matters relating to civic **roles and** activities.
4. To determine arrangements for civic events.
5. To formulate estimates of income and expenditure for capital and revenue costs and submit the proposals to Council.

#### **6. LEARNING AND DEVELOPMENT CONSULTATIVE COMMITTEE**

1. To meet the regulatory and legal responsibilities of the Training Department.
2. To oversee the strategic aims and mission statement of the Training Department.
3. To determine the values to be promoted by the Department.
4. To determine and review objectives.
5. The review and evaluation of strengths, weaknesses, opportunities and threats relating to the Department.
6. To determine policies, strategic and operational plans, Self-Assessment report and Quality Development Plan.

7. To ensure that the Department's organisational structure and capability is appropriate for implementing the chosen strategies.
8. To delegate authority to management and monitoring and evaluating the implementation of policies, strategies and business plans, including financial matters.

**7. COMMUNITY DEVELOPMENT GRANTS PANEL**

1. To consider and assess applications received for funding in accordance with the criteria agreed for the Community Development Fund scheme.
2. To allocate funding as deemed appropriate to applicants.
3. To promote grants awarded by attending presentation events as and when required.
4. To make recommendations on the revision of the scheme as and when required to the Policy and Resources Committee.

## **SECTION 6**

## **CLERK'S SCHEME OF DELEGATED POWERS**

### **1. INTRODUCTION**

This Scheme of Delegation is derived from the provisions contained in Sections 101 and 151 of the Local Government Act 1972.

The Clerk is authorised to make arrangements for the proper administration of the functions falling within his responsibility.

- 1.1 The Clerk may authorise officers to exercise on his behalf, functions delegated to him. Any decisions taken under this authority shall remain the responsibility of the Clerk and must be taken in the name of the Clerk who shall remain accountable and responsible for such decisions.
- 1.2 The Scheme delegates powers and duties within various functional descriptions and includes powers and duties under all legislation present and future within those descriptions. Any reference to a specific statute includes any statutory extension or modification or re-enactment of such statute and any regulations, orders or bylaws made there under.
- 1.3 In exercising delegated powers the Clerk shall comply with:-
  - (1) Any statutory provisions;
  - (2) The Council's Standing Orders and Financial Regulations;
  - (3) The Council's Policy Framework and Budget;
  - (4) The Officer's Code of Conduct;
  - (5) Agreed arrangements for recording decisions;
  - (6) Taking legal or other appropriate professional advice when required;
  - (7) The principles of Best Value by using the most efficient and effective means available;
  - (8) The need to consult persons or representatives of persons who may be affected by the decision, including where appropriate the local ward member.
- 1.4 The scheme does not delegate any matter which:-
  - (1) Is reserved by law or by these Standing Orders and Financial Regulations;
  - (2) Which may not by law be delegated to an officer.
- 1.5 The Scheme places an obligation on the Clerk to keep the appropriate member(s) properly informed of decisions made under these delegations.

Where the Clerk makes a significant decision which is based upon a power delegated from the Council, that decision must be retrospectively reported and recorded in the Council Minutes and made available on request to individual councillors and to the public, subject to any limitations on exempt or confidential information.
- 1.6 It is always open to the Council or any Committee of the Council as appropriate to take decisions on any matter falling within the delegated power of the Clerk, provided that as far as committees are concerned the matter falls within their terms of reference.

- 1.7 Where expenditure is involved, such action shall be conditional upon financial provision being included within the approved budget of the Council and Financial Procedure Rules being complied with.
- 1.8 The Council will review from time to time as may be necessary the general operation of this Scheme of Delegation with any variation or amendment requiring the approval of the Council.
- 1.9 In exercising these delegated powers the Clerk shall have broad discretion subject to complying with all relevant legislation, the Council's Procedure Rules and Financial Procedure Rules and overall Council policy, to use the most efficient and effective means available, including the deployment of staffing and other resources within his control and the procurement of other resources necessary, whether within or outside the Council.
- 1.10 The Clerk shall act so as to achieve the policies and objectives of the service area, always having regard to the overall corporate interests of the Council.
- 1.11 In exercising delegated powers, the Clerk shall consult other officers as appropriate and shall have regard to any advice given.
- 1.12 It shall always be required that the Clerk consult the Leader of Council, Chairman of Council, a Committee, or its Chairman or Vice-Chairman before exercising delegated powers.

## **2. GENERAL POWERS**

- 2.1 Determination of all matters which are not required to be considered by the Council or which have not been referred to a committee or a sub-committee for determination.
- 2.2 Determination of any urgent matter in the purview of the Council or any committee where it is impractical to convene a meeting of that body to consider the matter.
- 2.3 To incur expenditure or take any other step in the day to day operation of Council services in accordance with approved budgets of any service area.
- 2.4 To take action on behalf of the Council in consultation with the Leader of Council, Chairman of Council and/or Committee Chairman in any urgent matter which does not allow for prior authorisation to be obtained where:-
  - (1) There is a serious risk of significant cost to the Council of loss of income resulting from lack of immediate action;
  - (2) The Council's property or staff or persons in its care or for whom it has a responsibility would otherwise be placed at serious risk of suffering harm/damage.
  - (3) An emergency or disaster involving destruction or danger to life or property occurs or is imminent or there is reasonable grounds for apprehending such an emergency or disaster and such action is calculated to avert, alleviate or eradicate the effects or potential effects of the event.

### **3. ADMINISTRATION**

- 3.1 To make a major contribution to formulation, development, revision, monitoring and review of the Council's objectives and its strategies for achieving them.
- 3.2 To support initiatives of the Council through research, analysis and to advise the Council accordingly.
- 3.3 To make proposals for revision and amendments to Council policies and procedures where he feels these may be beneficial to the area, to the administration of the Council and/or to the correct conduct of Council business.
- 3.4 To be responsible for the safe, secure, convenient and accessible custody of all deeds, plans, records, correspondence and other documents concerning the Council.
- 3.5 To receive and process correspondence and documents on behalf of the Council and to deal expeditiously therewith bringing such items to the attention of the Council or appropriate committee or Chairman as appropriate. To respond on behalf of the Council and as directed to all correspondence. The Clerk shall consult the Leader of Council and the Chairman of Council or the appropriate Committee Chairman when correspondence is received outside the meeting cycle to agree appropriate action, which if left until the next ordinary cycle of meetings would not be properly considered or determined.
- 3.6 To supervise members of staff and to undertake all necessary activities in connection with the management of salaries, conditions of employment and work of other staff. To develop the skills of all employees and to identify training needs and attendance at appropriate training courses. To develop appropriate personnel policies and procedures.
- 3.7 Advise the Council on the development of the offices of Chairman and Vice Chairman of Council and to advise and assist the incumbents in the performance of their duties.
- 3.8 To develop the local profile of the Council and to establish and maintain constructive relationships with other local authorities, local groups, the press and relevant organisations who share the interests of the Council. Furthermore, to represent the Council as required at public meetings and other events and to issue statements and press releases concerning the activities or decisions of the Council.
- 3.9 To undertake statutory and non statutory publicity and consultations.

### **4. HEALTH AND SAFETY AT WORK**

- 4.1 To be responsible for all matters in relation to Health and Safety at work as defined in the Council's Health and Safety Policy and Arrangements for Implementation.

### **5. PROPER OFFICER FUNCTIONS**

- 5.1 The Clerk to the Council is the Proper Officer of the Council and, therefore, is under a statutory duty to carry out all the functions and, in particular, to serve or issue all the notifications required by law of a local authority's Proper Officer.

5.2 Proper Officer functions under the Local Government Act 1972 are delegated as follows:-

- (1) To sign summonses to attend Council, Committee and Sub-Committee meetings;
- (2) To exclude reports or parts of reports from the right of public inspection;
- (3) To receive and retain deposited documents;
- (4) To certify documents;
- (5) To sign any documents on behalf of the Council relating to land;
- (6) To attest the Common Seal of the Council as the officer authorised under the Council's Standing Orders;
- (7) To sign any contractual documents on behalf of the Council relating to any matter subject (as appropriate) to advice about the proposed signing of such document in advance of such signing;
- (8) To receive Declarations of Acceptance of Office by Llanelli Rural Councillors and Co-opted members.

5.3 The Council has made arrangements for the proper administration of its financial affairs and has appointed the Deputy Clerk (Administration) as its Responsible Financial Officer (RFO). The RFO has responsibility for the administration of those affairs in accordance with Section 151 of the Local Government Act 1972 and more specifically as prescribed in the Council's Financial Regulations.

## **6. LEGAL AGREEMENTS AND CONTRACTS**

6.1 To sign or attest the seal of the Council in respect of any contract or legal agreement.

## **7. EXTERNAL LEGAL ADVICE**

7.1 To procure external legal advice and support in relation to any proceedings or matter involving the Council or partnership in which the Council has an interest where that is considered to be appropriate.

## **8. PLANNING MATTERS**

8.1 To determine planning applications in the following instances:

8.1.1 Where a limited number of planning applications are received prior to the cut off point for despatch of the Planning and Liaison Committee agenda.

8.1.2 Delegated power is granted on the understanding that at all times, the Chairman of Committee and the local ward members serving on the Planning and Liaison Committee (to which the planning applications relate) are consulted prior to determination of the application.

8.1.3 As a general rule of thumb, controversial or high profile planning applications promoting large scale or major development proposals are excluded from the scheme of delegation. For the avoidance of doubt large scale or major developments exclude standard planning applications covering proposals such as house extensions, porches, conservatories, garages and erection of signs.

- 8.1.4 The Clerk is authorised to exercise discretion in determining when to use delegated powers based on the number and type of planning applications received at any given time, in order to further determine whether a committee meeting ought to be convened, provided always that there are no other items of correspondence or matters requiring urgent committee approval or attention and which form part of the committee agenda.
- 8.1.5 In instances where planning applications have been determined by the Clerk an information report is to be prepared and presented to the next ordinary committee meeting, providing details of the applications in order for there to be a formal record in the Council minutes.
- 8.2 To also determine planning applications in the following instances:
  - 8.2.1 All telecommunication planning applications given the strict 21 day consultation deadline imposed by the Planning Authority, when responding to such applications.
  - 8.2.2 The determination of planning correspondence associated with the submission of planning application amendments, where such applications fall outside the normal cycle of committee meetings.
  - 8.2.3 Furthermore, to retrospectively report such applications or matters referred to in 8.2.1 and 8.2.2, to committee as part of the information reporting procedure set out in 8.1.5.



## **SECTION 7**

**THE LOCAL AUTHORITIES (MODEL CODE OF CONDUCT)  
(WALES) ORDER 2008  
THE MODEL CODE OF CONDUCT – AN OVERVIEW**

**GENERAL**

1. The code of conduct applies to all elected members and co-opted members with voting rights of the following ‘relevant authorities’: county/county borough councils, community and town councils, fire and rescue authorities and national park authorities in Wales.
2. Members must observe the code whenever they:
  - conduct the business, or are present at a meeting, of their authority;
  - act, claim to act, or give the impression they are acting in the role of a member;
  - act, claim to act, or give the impression they are acting as a representative of their authority.
3. The following conduct is also covered by the code when a member is acting in other than an official capacity (i.e. conduct in private life):
  - conduct that might be regarded as bringing the office of member of their authority into disrepute;
  - using or attempting to use a member’s position improperly to secure for any person an advantage or to create or avoid a disadvantage;
  - improper use of the authority’s resources.
4. Members who are elected, appointed or nominated by their authority to serve on another relevant authority or other bodies are subject to the code of conduct for that other body. Where such a body does not have a code, members must comply with their authority’s code except where it conflicts with any lawful obligations to which that body may be subject.
5. Members must:
  - carry out their duties and responsibilities with due regard to the principle of equality of opportunity for all people;
  - show respect and consideration for others;
  - report conduct by another member or anyone who works for, or on behalf of, their authority which they reasonably believe involves criminal behaviour (this does not include offences capable of punishment by way of a fixed penalty);
  - report conduct by another member that they reasonably believe breaches the code of conduct;
  - comply with any request of the Public Services Ombudsman for Wales or the authority’s monitoring officer in connection with an investigation conducted under their statutory powers;
  - reach decisions on the basis of the merits of the circumstances involved and in the public interest, having regard to the advice of their authority’s officers;
  - give reasons for decisions in accordance with statutory requirements and any reasonable requirements imposed by their authority;

- observe the law and their authority's rules when claiming expenses and allowances;
- avoid gifts and hospitality etc. that might place, or appear to place, a member under an improper obligation.

6. Members must not:

- conduct themselves in a manner which could be regarded as bringing the office of member or their authority into disrepute;
- bully or harass any person;
- compromise or do anything likely to compromise the impartiality of those who work for their authority;
- disclose confidential information or information that should be regarded as being of a confidential nature, without the consent of a person authorised to give it, unless required by law to do so;
- prevent any person from gaining access to information to which they are entitled by law;
- make vexatious, malicious or frivolous complaints against other members or anyone working for, or on behalf of, their authority;
- use, or authorise others to use, their authority's resources improperly.

## **PERSONAL INTERESTS**

7. The code sets out a number of categories of personal interest including:

- employment or business;
- election and other expenses;
- securities;
- contracts;
- land;
- membership of other bodies where elected, appointed or nominated by the member's authority;
- membership or positions of general control or management of other bodies, companies, charitable bodies, lobby organisations, trade and professional associations;
- membership or positions of general control or management of private clubs, societies and associations operating within the authority's area.

8. Members must register the above interests by giving written notification to the authority's monitoring officer within 28 days of:

- their authority's code of conduct being adopted or the model code being applied to their authority; or
- the member's election or appointment to office (if that is later).

Any changes to personal interests must be registered within 28 days of the member becoming aware of the change.

9. Members of community councils are not required to register personal interests in advance as above. Members of such councils must disclose the existence and nature of personal interests when they become apparent, as described below.

10. Subject to the agreement of their authority's monitoring officer, members do not need to include 'sensitive information' when registering a personal interest. 'Sensitive information' is information whose availability for inspection by the public creates, or is likely to create, a serious risk that the member or a person with whom a member lives may be subjected to violence or intimidation.

## **DISCLOSURE OF PERSONAL INTERESTS AT MEETINGS ETC**

11. Members must in all matters consider whether they have a personal interest that should be disclosed.
12. In addition to the categories of interest described above (paragraph 7), members must regard themselves as having an interest in any business of their authority if:
- the public might reasonably perceive a conflict between the member's role in taking a decision on behalf of their authority as a whole and the member's constituency role;
  - a decision upon it might reasonably be regarded as affecting the well-being or pecuniary interests of the member, a person with whom the member has a close personal association, employment and business interests etc. of such persons, or other bodies of which such persons hold a position of general control or management, to a greater extent than the majority of other council tax payers and rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision (or of the authority's area for those authorities without divisions or wards).
13. Where a member has a personal interest in any business of their authority they must:
- when attending a meeting – disclose orally the existence and nature of that interest before or at the commencement of consideration of that business, or when the interest becomes apparent. Where such a disclosure is made for the first time, the member must confirm the disclosure in writing either before or immediately after the close of the meeting;
  - when making written representations to a member or officer – include details of the interest in that written communication;
  - when making oral representations to a member or officer – disclose orally the interest at the commencement of such representations or when the interest becomes apparent. Such representations and interests must be confirmed in writing within 14 days.
14. Where a member has the agreement of the monitoring officer that information relating to a personal interest is 'sensitive information', the member is required to disclose the existence of the interest and that the monitoring officer has agreed that the nature of the interest is sensitive and does not need to be disclosed.

## **PREJUDICIAL INTERESTS**

15. A member with a personal interest in any business of the authority also has 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'*.

16. A member also has a prejudicial interest in any business before an overview or scrutiny committee of their authority where:
- the business relates to a decision or action of the executive, board or another of their authority's committees; and
  - that member was a member of the executive, board or committee and was present when the decision or action was taken.
17. A member is exempt from having a prejudicial interest where the business relates to:
- another relevant authority of which they are a member;
  - another public authority or body exercising functions of a public nature in which the member holds a position of general control or management;
  - a body to which the member is elected, appointed or nominated by their authority;
  - the member's role as a school governor where the member is not appointed or nominated by their authority, unless the business relates particularly to the school of which the member is a governor;
  - the member's role as a member of a local health board where the member is not appointed or nominated by their authority.

The above exemptions do not apply where the business of the authority relates to the determination of any approval, consent, licence, permission or registration relating to the above-mentioned authorities or bodies.

18. A member is also exempt from having a prejudicial interest where the business relates to:
- housing functions of the authority where the member holds a tenancy or lease and the member does not have rent arrears of more than 2 months (provided that the functions do not relate particularly to that tenancy or lease);
  - school meals, transport and travelling expenses where the member is a guardian, parent, grandparent or has parental responsibility under the Children Act 1989 of a child in full time education, unless the business relates particularly to the school which that child attends;
  - statutory sick pay where the member is in receipt of, or are entitled to, such pay from their authority;
  - various allowances, pensions or payments to members under the Local Government Act 1972, the Local Government and Housing Act 1989 and the Local Government Act 2000.
19. Community councillors are also exempt from having a prejudicial interest where the business relates to a grant, loan or other financial assistance made by their community council to community or voluntary organisations up to a maximum of £500.

## **PARTICIPATION IN THE BUSINESS OF THE AUTHORITY**

20. A member with a prejudicial interest in any business of their authority must not, unless they have obtained a dispensation from their authority's standards committee, participate in that business (but see following paragraphs). Such a member must:
- withdraw from the room, chamber or place where a meeting considering the business is being held;

- not exercise executive or board functions in relation to that business;
  - not seek to influence a decision about that business;
  - not make written or oral representations in relation to that business.
21. A member with a prejudicial interest may attend a meeting for the purpose of making representations, answering questions or giving evidence, provided the public are also allowed to attend for the same purpose. The member must withdraw from the meeting place immediately after the period for making representations etc. has ended and in any event before further consideration of the business begins.
22. A member with a prejudicial interest is not prevented by the code from attending and participating in a meeting if the member:
- is required to attend an overview or scrutiny committee meeting;
  - has a dispensation from the standards committee. The member must state that they are relying on the dispensation and confirm the dispensation in writing before or immediately after the close of the meeting.

#### **REGISTRATION OF GIFTS AND HOSPITALITY**

23. A member must, within 28 days, provide written notification to the monitoring officer of the receipt and nature of any gift, hospitality, material benefit or advantage above a value set by their authority.

#### **REFERENCE SOURCE**

Partnership and Ethics team, Welsh Government (formerly Welsh Assembly Government) – April 2008

## **SECTION 8**

# **CODE OF CONDUCT FOR EMPLOYEES**

## **INTRODUCTION**

The public is entitled to expect the highest standards of conduct from all employees who work for the Council. This code sets out the standards expected from employees. It should be read, where appropriate, in conjunction with the Council's employment policies, other relevant policies and procedures, conditions of service, standing orders, financial regulations and statutory requirements.

Some of the issues covered will affect Senior Managerial employees more so than other employees but many aspects of the Code are applicable to all the Council's employees.

The golden rule to remember is that you should never do anything as an employee of the Council which you could not justify publicly. Your conduct will affect the reputation of the Council. It is not enough to avoid actual impropriety. You should at all times avoid any occasion for suspicion and any appearance of improper conduct.

Please read the Code carefully. It is your responsibility to make sure that what you do complies with the standards set down. If in doubt seek advice from your Line Manager.

## **1 GENERAL PRINCIPLES**

The public is entitled to expect the highest standards of conduct from all Council employees. Your role is to serve the Council by providing advice, implementing policies and delivering services to the local community. In performing your duties you must act with integrity, honesty, impartiality and objectivity.

## **2 ACCOUNTABILITY**

All employees work and serve the whole of the Authority. You are accountable to, and owe a duty to the Council. You 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.

## **3 POLITICAL NEUTRALITY**

Because employees serve the Authority as a whole, you must serve all Councillors equally and not just those of the controlling group. You must ensure that the individual rights of all Councillors are respected and that you do not compromise your political neutrality.

Employees must follow every lawful expressed policy of the Council and must not allow personal or political opinions to interfere with work.

## **4 RELATIONSHIPS**

Employees are responsible to the Council through its Senior Managers. Mutual respect between employees and councillors is essential to good local government; and working relationships should be kept on a professional basis. Close personal familiarity between employees and individual councillors, especially if an employee's



role is to give advice to Councillors, can damage the relationship and prove embarrassing to other employees and councillors. It should therefore be avoided.

Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community. It is important that you deal with the public, Members and other employees sympathetically, efficiently and without bias.

Orders and contracts must be awarded on merit and in accordance with the Council's procedures and no special favour should be shown to businesses run by, for example, friends, partners or relatives.

Any employee who places orders, award contracts or supervises contractors and has previously had or currently has a relationship in a private or domestic capacity with a contractor that you deal with in the course of duty, should declare that relationship to their manager.

## **5 EQUALITY**

All members of the local community, customers and other employees have a right to be treated with fairness and equity irrespective of race, colour, nationality, ethnic or national origin, disability, religion, political persuasion, marital status, sex, sexual orientation or age. All employees should ensure that the Council's equal opportunity policies are complied with in addition to the requirements of the law.

## **6 STEWARDSHIP**

Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner and in accordance with financial regulations. You must not utilise property, vehicles or other facilities of the Council for personal use unless authorised to do so.

## **7 INTELLECTUAL PROPERTY**

All intellectual property rights (that is, copyright, design rights and the right to patent inventions) relating to anything created or invented by an employee in the course of your duties normally belongs automatically to the Council. Employees are not entitled to use, sell or otherwise exploit the rights to any such thing without written permission from the Council.

## **8 CORRUPTION**

It is a serious criminal offence for employees 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.

## **9 PERSONAL INTERESTS**

Whilst your private life is your own concern, you must not allow your private interests to conflict with your public duty. You must not misuse your official position or information acquired in the course of your employment to further your private interests, or the interest of others. In particular, you must comply with:

- the Council's rules and declare to your Line Manager and Deputy Clerk (Administration) any financial and non-financial interests; and
- the Council's rules and procedures for declaring hospitality or gifts offered to or received by you, from any person or organisation doing or seeking to do business, or otherwise benefiting or seeking to benefit from a relationship with the Council. You must not accept benefits from a third party unless authorised to do so.

The issue of hospitality and gifts is dealt with in more detail below.

## **10 HOSPITALITY AND GIFTS**

Employees should treat with caution any offer of hospitality. Employees must consider whether the offer of hospitality could put at risk public confidence in the Council. In considering whether an offer of hospitality should be accepted, you should bear in mind:

- the possible motive behind the hospitality;
- the scale of the hospitality;
- the likely perception of others if the hospitality is accepted.

All offers of hospitality should be disclosed to an appropriate manager and recorded in the register held by the Deputy Clerk (Administration). When hospitality has to be declined those making the offer should be courteously but firmly informed of the procedures and standards operating within the Council.

Employees should not accept significant personal gifts from contractors and outside suppliers. Insignificant items of token value such as pens, diaries, etc. may be accepted but, if there is any doubt as to whether an item is classed as insignificant, or if acceptance of the gift could be perceived to jeopardise the integrity of any subsequent decision by the Council, then the gift should be recorded in the register provided.

When receiving authorised hospitality, employees should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality.

## **11 SPONSORSHIP – GIVING AND RECEIVING**

Where an outside organisation wishes to sponsor or is seeking to sponsor a Council activity, whether by invitation, tender, negotiation or voluntarily, the same conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with current or potential contractors or developers.

Where the Council wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to your Line Manager of any such interest. Similarly where the Council 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.

## **12 SEPARATION OF ROLES DURING TENDERING**

Employees involved in the tendering process must act with the utmost of integrity. Employees who are privy to confidential information on tenders or costs for contracts should not disclose that information to any unauthorised party or organisation.

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.

## **13 WHISTLE BLOWING**

In the event that an employee becomes aware of activities which that employee believes to be illegal, improper, unethical or otherwise inconsistent with the Code, the employee should report the matter, acting in accordance with the employee's rights under the Public Interest Disclosure Act 1998 and in accordance with the Council's confidential reporting procedure.

## **14 TREATMENT OF INFORMATION**

Openness in the dissemination of information and decision making should be the norm for 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 Councillor, relevant member of staff or other person who is entitled to receive it, or needs to have access to it for the proper discharge of their functions. Employees shall not disclose confidential information, nor should they use any information obtained in the course of their employment for personal gain or benefit or pass it on to others who you believe might use it in such a way.

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.

## **15 APPOINTMENTS AND OTHER EMPLOYMENT MATTERS**

Employees involved in the recruitment and appointment of staff must ensure that these are made on the basis of merit. It is unlawful for an employee to make an appointment which is based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees should not be involved in any appointment, where they are related to an applicant, or with whom they have a close personal relationship outside work.

Similarly, employees should not be involved in decisions relating to discipline, promotion or pay and conditions for any other employee who is a relative, partner, etc. or with whom they have a close personal relationship outside work.

Employees of all grades must not undertake outside work, whether paid or unpaid, if it causes a conflict of interest with their official duties, particularly if it makes use of confidential material to which they have access by virtue of their position, or if it in any way weakens public confidence in the conduct of the Council's business.

No paid or unpaid outside work of any sort should be undertaken by employees during working hours. Council premises, facilities and resources must not be used for paid or unpaid outside work.

## **16 INVESTIGATIONS BY THE MONITORING OFFICER**

Where a monitoring officer is undertaking an investigation in accordance with regulations made under Section 73(1) of the Local Government Act 2000, you must comply with any requirement made by the monitoring officer in connection with such an investigation.

## **17 BREACHES OF THE CODE OF CONDUCT**

Any employee who breaches the Code, may face disciplinary action under the Council's own disciplinary procedures for matters concerning improper conduct.

## **SECTION 9**

## **MEMBER/OFFICER PROTOCOL**

### **1. INTRODUCTION**

- 1.1 The purpose of this protocol is to guide members and officers of the Council in their relations with one another in such a way as to ensure the smooth running of the Council and to satisfy the ethical standards required.
- 1.2 Given the variety and complexity of member/officer relationships, this protocol cannot be prescriptive or cover all eventualities. However, it does aim to be instructive and offer guidance on some common issues and provide points of principle that can be applied to other issues that might arise, as well as offering clarification on respective roles and responsibilities.
- 1.3 This protocol is a written statement of current practice and convention. It seeks to promote greater clarity and certainty. Adhering to the protocol should ensure that members receive objective and impartial advice and that officers are protected from accusations of bias and any undue or overbearing influence from members.
- 1.4 This protocol builds upon the ‘Memorandum of Agreement’ issued by the Chief Executive of Carmarthenshire County Council dated 1 February, 2011. This stemmed from a meeting held by the Chief Executive and Monitoring Officer with the Rural Council’s group leaders on 25 January, 2011, where agreement was reached on a number of principles regarding the actions or conduct of members and officers. The ‘Memorandum of Agreement’ was subsequently issued to all members of Council.
- 1.5 This protocol also seeks to reflect the principles underlying the respective Codes of Conduct which applies to members and officers. The shared objective of these codes is to enhance and maintain the integrity of local government and the codes, therefore, demand very high standards of personal conduct.
- 1.6 This protocol is a local extension of the ‘Memorandum of Agreement’ and the Members’ Code of Conduct and Employees’ Code of Conduct. Consequently, a breach of the provisions of this protocol may also constitute a breach of the ‘Memorandum of Agreement’ and the respective codes. Accordingly, this protocol should be read in conjunction with the above said documents and any guidance issued to the Council by the Chief Executive/Monitoring Officer at Carmarthenshire County Council.
- 1.7 For the avoidance of doubt ‘member’ refers to any councillor of Llanelli Rural Council and ‘officer’ refers to any employee of the Council. However, the principles of this protocol also apply to members’ dealings with other people not directly employed by the Council but who are in an employment based relationship with the Council.

### **2. GENERAL REQUIREMENTS**

- 2.1 Whilst both members and officers are public servants and they are indispensable to one another their responsibilities are distinct. Members are responsible to the electorate and serve so long as their term of office lasts. Members are responsible for setting policy. Officers are responsible to the Council. Their job is to give advice and

support to members and the Council and to carry out the Council's work under the direction and control of the Council.

- 2.2 At the heart of this protocol is the importance of mutual respect. Member/officer relationships are to be conducted in a positive and constructive way. It is important that any dealings between members and officers should observe standards of courtesy and that neither party should seek to take unfair advantage of their position or seek to exert undue and overbearing influence on the other party.
- 2.3 Members must respect the impartiality and integrity of all Council officers. Similarly, all officers must respect the role of members as elected representatives.
- 2.4 Inappropriate relationships can be inferred from language/style. To protect both members and officers, officers should address members at all formal meetings through the Chair and or as Councillor X save where circumstances clearly indicate that a level of informality is appropriate. Similarly, when addressing officers at formal meetings of the Council, members should address officers by the post title.

### **3. ROLE OF MEMBERS**

3.1 Members have four main roles:

- determining the policy of the Council and giving it political leadership;
- monitoring and reviewing the performance of the Council in implementing policy and delivering services (corporate governance);
- representing the Council externally; and
- acting as advocates on behalf of their constituents and the wider community.

3.2 It is not the role of members to involve themselves in the day to day management of council services nor is the Council permitted to delegate decision-making to a member or group of members.

3.3 A member will usually belong to a particular group or groupings represented on the Council and will support the policies of the group to which they belong and may express political values.

3.4 Members may be appointed to outside bodies and the role can vary from representing the views of the Council to acting according to individual judgement.

3.5 Members collectively will:

- determine vision and values and ensure staff commitment;
- ensure standards are properly established and monitored;
- link services and corporate objectives;
- enable local people to resolve problems and issues faced by the community;
- ensure community needs are fed into strategy formulation and service provision;
- and
- develop and support community leadership.

- 3.6 Certain members will be selected to serve in the capacity of Leader of Council; Chairman and Vice-Chairman of Council and/or its committees/sub-committees and working groups.

#### Leader of Council

- 3.7 The position of Leader of Council will normally be confirmed at the Annual Meeting of the Council immediately following the Council's ordinary set of elections. Further information about the selection process and the Leader's role is set out in Section 4 of this constitution.

#### Chairman and Vice-Chairman of Council

- 3.8 The positions of Chairman and Vice-Chairman of Council are confirmed at the Annual Meeting following a selection process based on qualifying length of service with the Council and a selection framework adopted by the Council. The role and duties of the Chairman of Council are set out in Section 3 of this constitution.
- 3.9 The Chairman of Council also serves in a civic capacity representing the Council at various public engagements and local events. The position is non political and this must be reflected when invitations to functions are accepted.
- 3.10 It is reasonable for the Chairman to be supportive of local business, but the Office should not be used for commercial promotions. The Chairman should not use the position of Office, nor Council officers to by-pass recognised systems of working. Similarly, the Chairman should not use the position of Office to exert undue or overbearing influence on Council officers.
- 3.11 The authority of the Chairman is limited to matters of procedure and neither increases or decreases the Chairman's right (in comparison to other members) to discuss the merits of a particular case or item of business. While the Chair gives the Chairman authority on matters of procedure it confers no rights (other than a casting vote at meetings) on matters of policy which are not possessed by other members.

#### Committee Chairman and Vice Chairman

- 3.12 Such appointments to the Council's committees, sub-committees and working groups will normally be confirmed immediately following the Council's Annual Meeting once membership of the committees/sub-committees and working groups have been determined by the controlling political group.

### **4. THE ROLE OF OFFICERS**

- 4.1 Officers of the Council have in broad terms, the following main roles:

- initiating policy proposals;
- implementing agreed policy, managing and providing the services and being accountable for the efficiency and effectiveness of the services provided;
- providing professional advice and support to the Council, its various bodies and individual members; and
- ensuring the Council always acts in a lawful manner.



- 4.2 Officers will seek appropriate guidance on implementation of Council policies if they are unclear about any aspect of those policies.
- 4.3 When giving professional advice to members, officers will recognise the different needs of members especially when members are acting in their capacity as local ward members. Officers are under a duty to help all members and all parts of the Council equally and must take all relevant matters into account when formulating such advice.
- 4.4 Officers must not set policy other than for the smooth running of office procedures and processes and as may have been delegated through Council Standing Orders.
- 4.5 Whilst members may be consulted as part of the process of drawing up proposals for consideration in the agenda of a forthcoming meeting, it must be recognised that the Clerk is under a professional duty to provide and sign the agenda.

## **5. MEMBER/OFFICER RELATIONS**

### **5.1 Members can expect officers to:**

- maintain confidentiality;
- perform their duties effectively, efficiently and with political neutrality;
- behave in a professional and courteous manner;
- be helpful to members and respect their role;
- avoid personal close familiarity with members and not use their relationship with members to advance their personal interests or to influence decisions improperly;
- report to their line manager any time that a member asks or pressurises the officer to deal with a matter outside of Council procedure or policy or if it appears generally unreasonable;
- demonstrate an understanding of and support for respective roles, workload and pressure; and
- comply with the Employees' Code of Conduct.

### **5.2 Officers will expect members to:**

- recognise the authority and statutory roles of the Clerk, as proper officer to the Council and the Responsible Financial Officer and of the significance attached to their advice;
- provide political leadership and direction;
- treat officers with respect, dignity and courtesy;
- have an understanding of and support for respective roles, workload and pressures;
- not to subject officers to any form of bullying or harassment or undue influence or overbearing pressure;
- not use their position or relationship with officers to advance their personal interests or those of others or to influence decisions improperly; and
- comply with the Members' Code of Conduct.

### **5.3 Officers are responsible for the day to day managerial and operational decisions within the Council and will provide support to all members in their various roles.**

- 5.4 Members must not obstruct the work of officers by unnecessarily taking up their time or in any way acting to impede their ability to proceed with their professional duties. Similarly, officers must equally respect the role of members and will only request additional supporting work from members where necessary or beneficial to the Council.
- 5.5 Neither members nor officers should seek to take unfair advantage of their positions in their dealings with each other. Members should be aware that officers, especially junior officers, may sometimes be overawed and feel at a disadvantage. Such feelings are intensified given that members make decisions that directly affect officers.
- 5.6 Members should not apply pressure on officers to do anything that they are unwilling to do or are not empowered to do. Similarly, officers must not seek to use influence on an individual member to make a decision in their personal favour, as opposed to in the interests of the Council.
- 5.7 Close personal familiarity between individual members and officers can damage the principle of mutual respect. It could also, unintentionally, lead to the passing of confidential information which should not properly be passed between them, such as personal information and details. Such familiarity could also cause embarrassment to the members and/or other officers and could give rise to suspicion of favouritism. It should therefore be avoided.
- 5.8 Any close personal or family relationship between members and officers should be disclosed to the Clerk who will then decide how far this needs to be disclosed to others. Officers must also declare any such relationship with a member which might be seen as influencing their work.
- 5.9 Members and officers must conduct themselves in a way that is acceptable within a professional environment. They must have awareness of the effect of their behaviour on others and only make reasonable and manageable demands. They must start from the assumption that everyone is working to the best of their ability, considering their current stage of personal and professional development and be open to constructive criticism.
- 5.10 It is the responsibility of officers to express their professional views and to make recommendations (where appropriate) when tendering support and advice to members and when preparing and presenting professional reports. Members should not seek to pressure the officer to make a recommendation contrary to the officer's professional view because of their wish to express a contrary view.
- 5.11 The Clerk has certain statutory roles and obligations and members must understand these roles and obligations must be fulfilled and therefore must not obstruct the Clerk in the discharge of the individual's responsibilities and must not victimise, bully or harass the individual for discharging those responsibilities.
- 5.12 The following key principles reflect the way in which officers generally relate to members:
- all officers are employed by and are accountable to the Council;
  - support from officers is needed for all of the Council's functions;

- day to day managerial and operational decisions should remain the responsibility of the Clerk and other officers; and
  - all officers will be provided with training and development to help them support the various member roles effectively.
- 5.13 It must be remembered that officers within the Council are accountable to their line manager and ultimately the Clerk and that whilst officers should always seek to assist a member, they must not, in so doing, go beyond the bounds of whatever authority they have been given by their line manager or the Clerk.
- 5.14 Members must not insist that any officer take any action, or not take action that the officer considers unlawful or illegal, is in direct contradiction of any code or guidance, contrary to the Council's budget or policy framework or which would be likely to amount to maladministration.
- 5.15 Regular contact between members and senior officers is necessary to ensure the efficient working of the Council and should occur on a planned and reasonable basis in order that it is constructive and not destructive to the ability of officers to perform their duties. Planned appointments, where meetings are needed to further the interests of the Council are the best way of arranging contact between members and officers. This protects the interests of the Council and its employment responsibilities by ensuring that the ability of the officer to carry out the work of the Council is not impeded and to ensure that the officer can set aside an appropriate amount of time to meet with and concentrate on a member or group of members.

## **6. MEMBER/OFFICER RELATIONSHIPS AT FORMAL MEETINGS**

- 6.1 Members and officers will wish to discuss policy issues and officers will often require political guidance in framing proposals. However, when officers write reports for member decision they have a duty to give the advice dictated by their professional expertise and in accordance with their own professional codes of conduct. In some instances an officer will be under a duty to submit a report on a particular matter. Officers expect to have their professional integrity respected and not to be influenced or required to reduce options, withhold information or make recommendations to the Council they cannot professionally support.
- 6.2 The Clerk or other senior officers will always be responsible for the content of any report submitted in their name. This means that any such report will be amended only where the amendment reflects the professional judgement of the author of the report. Consequently, any issues arising between a member and the Clerk or other senior officer should be resolved informally if possible using appropriate line management, and where appropriate, progressing through relevant Council procedure where more formal resolution becomes necessary.
- 6.3 Reports will always contain a recommendation unless the issue is clearly one where political judgement is required. Reports will always include the report author's job title. Members should raise issues with that officer prior to the meeting if at all possible.
- 6.4 The Chairman and members shall give officers the opportunity to present any report and give any advice they wish to give. Officers' advice must be full and impartial and should include all relevant options to enable a full considered decision of the Council.

- 6.5 Members shall seek the advice of the Clerk where they consider there is a doubt about the legality and powers for a decision and to its reasonableness where they consider a decision might be contrary to Standing Orders and or pre-determined policies of the Council.
- 6.6 Members and officers should be mutually supportive in order to minimise any potential embarrassment to the Council. Criticism of officers should be dealt with in private and by the same token, officers will never be publicly critical of the Council or its policies.
- 6.7 At all times, members and officers should show respect to one another and although members are entitled to question officers at meetings they should avoid personal attacks on officers and ensure that criticism is constructive and well founded. Officers would expect to have the opportunity to explain what could appear to be a performance failure or inconsistency.
- 6.8 Whenever a public meeting is organised 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. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the ward members should be informed at the outset of the exercise.
- 6.9 The Council's committee and sub-committee meetings have executive powers and as such are run in a formal manner. They are subject to the Council's rules and procedures which can only be amended or waived by decision of the Council. Members of the relevant body are required to consider and take decisions on the matters falling within the terms of reference of the body on behalf of the Council. Officers present reports at these meetings, answer questions and provide advice and support and act as record keeper of proceedings by taking the minutes and recording members' declarations of interest.
- 6.10 From time to time the Council will set up working groups or consultative committees. These are more informal bodies and have no executive powers to make decisions. Instead they may make recommendations to the relevant body (Council, Committee or Sub-Committee as the case may be) or may advise an officer to whom delegated power has been given. Officers are more likely to have a participative role, joining in the debate and contributing their own views and comments.
- 6.11 On occasion the Council may be required to run an appeals panel whereby decisions are made and which affect the rights of subjects. There is usually a right for a person affected to appear before or make representations to the body which deliberates on the issues involved and takes a decision within legal guidance provided by officers. Officers who have not previously been involved with the case in question must provide such advice. Some of these bodies must be seen to be operating at arms' length from the original decision-maker on the matter.
- 6.12 The Council is sometimes invited and in some instances has a right to be represented on outside bodies, both statutory and voluntary. The role to be exercised by the representative(s) may be to represent the collective view of the Council or to act according to individual judgement. Members may attend meetings with outside bodies where they may be negotiating or putting forward the Council's views but cannot bind any decision on the Council when acting in such a capacity. Officers may

need to attend to provide professional advice to the member representative and may also be asked to provide appropriate briefings. Members should note that declaration of interest requirements apply to their service on outside bodies.

## **7. OFFICER SUPPORT: MEMBER AND PARTY GROUPS**

- 7.1 An officer's duty is to the Council as a whole and not to an individual member, or to a political or other group of members. However, officers may be called upon to provide advice to the majority group or leading members. This should not preclude them offering a similar service to opposition groups.
- 7.2 It is practice for the political groups to give preliminary consideration to matters of Council business in advance of consideration by the relevant Council body. Meetings between the Clerk, Leader of Council and/or group leaders and/or Chairman of Council will be held when appropriate albeit that they have no executive powers.
- 7.3 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.
- 7.4 Any particular cases of difficulty or uncertainty in this area of officer advice to political party groups should be raised with the Clerk who will then discuss them with the relevant group leader.
- 7.5 All members, not just those of the majority group, are entitled to receive confidential, but not covert, support and advice. All members shall be given timely access to information required in their role as councillor and shall have the same rights and obligations in their relationship with officers.
- 7.6 Officers will provide support services to members (e.g. stationery, typing, printing, photo-copying, transport etc.) to assist them in discharging their role as members of the Council. Such support services must only be used on Council business and must never be used in connection with party political business or political campaigning activity.
- 7.7 Officers are neutral and do not serve a political group whereas members might have an affiliation with a particular group. However, members have a responsibility to the Council and its electorate as a whole when making decisions. This does not exclude members and officers from reacting to a political issue where it affects the interests of the electorate in that area.

## **8. DELEGATED POWERS**

- 8.1 The Council may delegate power for executive functions to a committee, sub-committee or to an officer but cannot delegate to a member or group of members. There is a difference between one-off delegations to deal with a particular issue and permanent delegations which can only be agreed by the Council. Powers may be delegated to a single officer and if in practice they are sub-delegated by a scheme of management this should be recorded and open to public inspection. In some instances authority is delegated to an officer in consultation with the Chairman, etc. However, the officer must not act under the dictation of a member and the officer remains accountable for the action taken.

## **9. MEMBERS' ACCESS TO INFORMATION AND DOCUMENTS**

- 9.1 Members' rights to inspect Council documents are restricted and will not apply to certain items, for example because they relate to individual employees. Officers will provide documents, which are, on the face of it, reasonably necessary to enable members to properly perform their duties for the Council. This is often referred to as the 'need to know' principle. However, members do not have a roving commission to examine any documents nor access the computers of the Council. Mere curiosity is not sufficient.
- 9.2 A member requesting access to documents should direct their enquiry to the Clerk or other relevant senior officer. Officers will be concerned to furnish members with such information, advice and access to documents which they require for the proper performance of their duties conducted for the Council. If disclosure of a document is in the officer's view either not required or not appropriate, they will inform the member and will give reasons why disclosure would not be appropriate.
- 9.3 In some circumstances, for example, a meeting of the Council or its bodies and a member wishing to inspect documents relating to the business of that meeting, then a member's 'need to know' will normally be presumed. In other circumstances, for example, a member wishing to inspect documents which contain personal information about third parties, then the member will normally be expected to justify the request in specific terms.
- 9.4 Any Council information provided to a member must only be used by the member for the purpose for which it was provided i.e. in connection with the proper performance of the member's duties as a member of the Council, unless the information is already in the public domain.
- 9.5 Members must not disclose information given to them in confidence by anyone without the consent of the person authorised to give it, or unless they are required to do so. Equally, members must not prevent other persons from gaining access to information to which those persons are entitled by law.
- 9.6 To safeguard against possible breaches of the Data Protection Act (which applies to information of a personal nature) members should always seek advice from the Clerk before contemplating disclosing confidential information. Generally, personal information cannot be released without the consent of the person to whom it relates. Improper disclosure of confidential information can put the member and the Council at legal and financial risk.
- 9.7 Any dispute regarding a member's access to a document or information should be referred for resolution using appropriate line management and, where needed, through formal Council procedures.
- 9.8 Members should disclose interests they may have when asking for documents.

## **10. COMMUNICATIONS AND CORRESPONDENCE**

- 10.1 Save in exceptional circumstances, all letters and other communications on official Council business shall be sent out in the name of the Proper Officer (the Clerk).

Communications which create obligations or give instructions on behalf of the Council should never be sent out under the name of a member.

- 10.2 Correspondence between a member and an officer will not normally be copied (by the officer) to another member. However, if it is necessary to copy the correspondence to another member, this will be made clear to the member who originated the correspondence.

## **11. PUBLIC RELATIONS AND PRESS RELEASES**

- 11.1 The Clerk has overall responsibility for public relations and press releases on behalf of the Council. Political and lobby/action group correspondence, press releases and publicity must not be issued at the initiative of a member or officer using the resources of the Council.

However, there is nothing to prevent any member from communicating in a personal capacity with the media, but they should bear in mind that they are not doing so on behalf of the Council and should not use Council facilities or resources for this purpose.

- 11.2 Members should only use their title ‘Councillor’ when conducting official Council business, when representing the Council externally and/or when acting as advocates on behalf of their constituents and the wider community. The title should not be used for personal gain or advantage and nor should it be used to influence or support personal interests in the wider community whereby the use of the title might imply the Council’s support or backing for any such interest.

## **12. DISPUTES**

- 12.1 With goodwill, respect and integrity on both sides, there ought to be very few occasions when a disagreement between an officer and a member cannot be resolved amicably. If there is a serious dispute of substance it should be discussed in the first instance between the member and the Clerk and dealt with using appropriate line management and, where needed, Council procedures.

- 12.2 Most situations ought to be resolved outside the formal route but where this is not possible because of the circumstances then the most common formal routes of action for unresolved disputes and behaviour issues are recourse to disciplinary/grievance procedures (and in some cases employment tribunals) and reports of breach of the Members’ Code of Conduct.

- 12.3 Bullying or harassment, of whatever kind, of officers by member(s) is unacceptable. Members should not use their position and knowledge of the Council to place undue pressure on officers to take a different course of action than they would otherwise have done. Officers must be afforded suitable support and protection when they feel that members’ expectations are overbearing and unreasonably demanding or in conflict with managerial instruction or Council policy or procedure.

- 12.4 In instances where an officer wishes to raise a grievance for alleged bullying or harassment, reference should be made to the Council’s ‘Dignity at Work/Bullying and Harassment Policy Statement’ for initial guidance. The Council’s existing grievance procedure will be used as the framework for dealing with such issues. However, the

procedure may need to be varied as appropriate in order to accommodate a grievance being raised against a member(s).

12.5 Where a grievance is raised by an officer, depending on its nature and subject to the officer's agreement, it could be pursued as a civic matter in preference to it being pursued strictly as an employment matter. For example, when a grievance is raised against the Chairman of Council. In which case, the issue having been escalated using appropriate line management procedures may ultimately be referred to the Council's Civic and Ceremonial Committee for its consideration as opposed to the Council's Policy and Resources Committee.

12.6 The Civic and Ceremonial Committee may examine any dispute issues concerning the conduct of the Chairman or Vice Chairman of Council towards an officer(s) (to which section 9 of the Framework for the Guidance of the Chairman Elect and Vice Chairman Elect adopted by the Council on 10 February 2009 refers). Depending on how serious the issue is the committee may decide it can deal with the matter without referral elsewhere. If this is not possible it may decide to refer it on to the Council for it to determine what action might be appropriate and/or to consider any recommendations made by the committee.

Alternatively the Civic and Ceremonial Committee may decide to refer the matter to the Policy and Resources Committee. If the officer(s) does not wish to follow this civic route then the matter shall be escalated as an employment matter using appropriate line management procedures with it ultimately being referred to the Policy and Resources Committee. The only recourse then open to the Committee if the grievance is upheld is to refer the matter to the Public Services Ombudsman (Wales) for a potential breach of the Members' Code of Conduct, having sought advice from the Monitoring Officer at Carmarthenshire County Council if need be.

12.7 Members have the right to criticise reports or the actions taken by officers but as stated earlier they should always avoid personal attacks on officers and ensure that criticism is constructive and well founded. Members should avoid undermining respect for officers at meetings, or in any public forum. This would be damaging both to effective working relationships and to the public image of the Council. It would also undermine the mutual trust and courtesy that is an essential element of a well run Council.

12.8 Complaints about officers, council services or staffing issues will be referred to the Clerk to be dealt with in accordance with Council procedures. The Clerk will arrange for the issue to be investigated using the appropriate line management procedure available to him and will inform the complainant of the outcome and whether any action is to be taken. If action is to be taken it may be necessary to pursue the complaint using the Council's disciplinary procedure.

12.9 In the event of action being taken against an officer a member must not attempt to influence the level of disciplinary action to be taken nor insist (nor seem to insist) that an officer is disciplined.

12.10 If a member is not satisfied with the outcome then the complaint may be escalated in accordance with Council procedures.



12.11 False complaints or malicious allegations of bullying or harassment will not be tolerated and will be dealt with as serious misconduct under the disciplinary procedure and/or a referral to the Public Services Ombudsman (Wales).

### **13. RESPONSIBILITIES**

13.1 All parties to the Council have a responsibility to ensure that their conduct towards others does not harass or bully or in any way demean the dignity of others. If unacceptable behaviour is observed then each individual can challenge the perpetrator and ask them to stop.

### **14. INTERPRETATION AND FURTHER ADVICE**

14.1 Questions of interpretation of this protocol will be determined by the Clerk. Advice on its application should also be referred to the Clerk.

14.2 Copies of this protocol will be issued to all members, upon election, and all line managers.

## **SECTION 10**

# **LLANELLI RURAL COUNCIL**

## **FINANCIAL REGULATIONS**

These Financial Regulations were adopted by the Council at its Meeting held on 8 December, 2015.

### **1. GENERAL**

- 1.1 These financial regulations govern the conduct of the financial transactions of the Council and may only be amended or varied by resolution of the Council.
- 1.2 The Responsible Financial Officer (RFO), under the policy direction of the Council, shall be responsible for the proper administration of the Council's affairs.
- 1.3 The RFO shall be responsible for the production of financial management information.
- 1.4 The Council shall be responsible for ensuring that the financial management is adequate and effective and that the Council has a system of internal controls which facilitates the effective exercise of its functions and which manages risk.
- 1.5 The Council shall review at least once a year the effectiveness of its systems of internal controls and shall produce a statement on internal control with its statement of accounts
- 1.6 Each committee or sub-committee shall be responsible for the observance of the Council's financial regulations in all matters under their control.

### **2. ANNUAL ESTIMATES**

- 2.1 Detailed estimates of all income and expenditure for the forthcoming financial year shall be prepared each year by the RFO.
- 2.2 Each Committee responsible for formulating estimates shall submit proposals to the Council in respect of revenue and capital costs for the following financial year not later than mid February each year based on the estimates prepared by the RFO in 2.1 above.
- 2.3 The Council shall review the estimates not later than the end of February each year and shall agree the budget and fix the Precept to be levied for the ensuing financial year. The RFO shall supply each member with a copy of the approved budgets.
- 2.4 The annual budgets shall form the basis of financial control for the ensuing year.

### **3. BUDGETARY CONTROL**

- 3.1 Expenditure on revenue items may be incurred up to the amounts included in the approved budget.

- 3.2 Where it appears that the amount of any head of estimate of income and expenditure may be exceeded or the amount of any head of approved income may not be reached, it shall be the duty of the RFO to inform the committee concerned. The RFO may vary between subheads where required and report the action to the relevant committee.
- 3.3 The RFO shall regularly provide the Finance and General Purposes Committee with a statement of income and expenditure to date under each head of the budgets, comparing actual expenditure against that planned.
- 3.4 The Clerk and Deputy Clerks may incur expenditure on behalf of the Council, in consultation with the Chairman and Leader of Council, which is necessary to carry out any repair replacement or other work which is of such extreme urgency that it must be done at once. The action shall be reported to the appropriate committee as soon as practicable thereafter.
- 3.5 Unspent provisions in the revenue budget shall not be carried forward to a subsequent year unless specifically earmarked for essential work or identified projects.
- 3.6 Standing Committees may only make recommendations to the Council on carrying out capital schemes.
- 3.7 No expenditure shall be incurred in relation to any capital project and no contract entered into or tender accepted involving capital expenditure unless the Council is satisfied that the necessary funds are available, or the requisite borrowing approval has been obtained.
- 3.8 All capital works shall be administered in accordance with the Council's standing orders and financial regulations relating to contracts.
- 3.9 Capital schemes shall be prioritised by the Council at regular intervals.
- 3.10 The inclusion of items in approved revenue estimates or capital programmes shall constitute authority to incur such expenditure save to the extent to which the Council shall have placed a reservation on any such item or items. Expenditure on any such reserved items may be incurred only when and to the extent that such reservation has been removed.

#### **4. ACCOUNTING AND AUDIT**

- 4.1 All accounting procedures and financial records of the Council shall be determined by the RFO as required by the Accounts and Audit (Wales) Regulations ~~2005~~ **2015** (hereinafter referred to as the “Regulations”), and any subsequent amendments thereto.
- 4.2 The RFO shall be responsible for ensuring the completion of the Accounts of the Council and for submitting for approval and authorisation by the Council within the timescale set by the Regulations or set by the Auditor.
- 4.3 The RFO shall be responsible for ensuring that there is adequate and effective system of internal audit of the Council's accounting, financial and other operations in accordance with the Regulations. Any officer or member of the Council shall, if the RFO or Internal Auditor requires, make available such documents of the Council

which appear to the RFO or Internal Auditor to be necessary for the purpose of the internal audit and shall supply the RFO or Internal Auditor with such information and explanation as the RFO or Internal Auditor considers necessary for that purpose.

- 4.4 The Council shall carry out a review of the effectiveness of internal audit on an annual basis in accordance with the Regulations.
- 4.5 The Internal Auditor shall carry out the work required by the RFO and the Council, with a view to satisfactory completion of the Internal Auditor's Report. The Internal Auditor, who shall be competent and independent of the operations of the Council, shall report to Council in writing on a regular basis with a minimum of one annual report in respect of each financial year.
- 4.6 The RFO shall make arrangements for the opportunity for inspection of the accounts, books, and vouchers required by the Public Audit (Wales) Act 2004 and any subsequent amendments thereto, and the Regulations.
- 4.7 The RFO shall, as soon as practicable, bring to the attention of the Finance and General Purposes Committee any correspondence or report from the Internal or External Auditor, unless the correspondence is of a purely administrative matter.
- 4.8 The RFO or nominated officer shall have authority to enter at all reasonable times on any Council premises or land and have access to all records, documents and correspondence relating to any financial and other transactions of the Council.
- 4.9 Whenever any matter arises which involves, or is thought to involve irregularities concerning cash, stores or any other property of the Council or any suspected irregularity, the RFO shall take steps as considered necessary by way of investigation and report.

## **5. BANKING ARRANGEMENTS AND PAYMENTS**

- 5.1 The Council's banking arrangements shall be made by the RFO and approved by the Finance and General Purposes Committee. They shall be regularly reviewed for efficiency.
- 5.2 Schedule of the payments made during the prior month, forming part of the Agenda for the Meeting, shall be prepared by the RFO and, together with the relevant invoices, be presented to the Finance and General Purposes Committee. If the schedule is in order it shall be authorised by a resolution of the Committee and shall be signed by the Chairman of the Meeting. If more appropriate the detail may be shown in the Minutes of the Meeting.
- 5.3 BACS transfers, cheques, direct debits etc. drawn on the bank account in accordance with the schedule referred to in paragraph 5.2 shall be signed by two members of Council and a nominated officer.

## **6. PAYMENT OF ACCOUNTS**

- 6.1 All payments shall be effected by BACS or other order drawn on the Council's bankers.

- 6.2 All invoices for payment shall be examined, verified and certified by the RFO. The RFO shall satisfy him/herself that the work, goods or services to which the invoice relates shall have been received, carried out, examined and approved.
- 6.3 The RFO shall ensure that invoices are examined in relation to arithmetic accuracy and that they are analysed to the appropriate expenditure heading. All steps shall be taken to settle all invoices submitted within an appropriate timescale.
- 6.4 The RFO may provide petty cash to officers for the purpose of defraying operational and other expenses. Vouchers for payments made shall be made with a claim for reimbursement:
- a) Administrative Officers shall maintain a petty cash imprest for the purpose of defraying operational and other expenses. Vouchers for payments made from petty cash shall be kept to substantiate the payment.
  - b) Income received must not be paid into the petty cash float but must be separately banked, as provided elsewhere in these regulations.
  - c) Payments to maintain the petty cash float shall be shown separately on the schedule of payments presented to Council under 5.2 above.

## **7. PAYMENT OF SALARIES AND ALLOWANCES**

- 7.1 The payment of all salaries shall be made in accordance with payroll records and the rules of PAYE and National Insurance currently operating, and salaries shall be as agreed by the Policy and Resources Committee in line with the extant national pay negotiating agreements.
- 7.2 Payment of salaries and payment of deductions from salary such as may be made for tax, national insurance and pension contributions, may be made in accordance with the payroll records and on the appropriate dates, provided that the net payment is reported to the next meeting of the Finance and General Purposes Committee.
- 7.3 All claims for payment of attendance and subsistence allowances, travelling and incidental expenses must be submitted, duly certified on a form approved by the RFO, up to the 16<sup>th</sup> day of each month to the appropriate line manager for authorisation.
- 7.4 Payments to members, including co-opted members of the Council or its committees who are entitled to claim travelling or other allowances will be certified by the RFO upon receipt of the prescribed form duly completed by the 16<sup>th</sup> day of each month.
- 7.5 Salaries, wages and members' allowances shall be paid by BACS.
- 7.6 Claims submitted more than six months after the end of the financial year when the expenses were incurred, will only be paid with the approval of the RFO.

## **8. LOANS AND INVESTMENTS**

- 8.1 All loans and investments shall be negotiated in the name of the Council and shall be for a set period in accordance with Council policy.
- 8.2 The Council's Investment Policy shall be reviewed on a regular basis (at least annually).

- 8.3 All investments of money under the control of the Council shall be in the name of the Council.
- 8.4 All borrowings shall be effected in the name of the Council, after obtaining any necessary borrowing approval. Any application for borrowing approval shall be approved by Council as to terms and purpose.
- 8.5 All investment certificates and other documents relating thereto shall be retained in the custody of the RFO.

## **9. INCOME**

- 9.1 The collection of all sums due to the Council shall be the responsibility of and under the supervision of the RFO.
- 9.2 Particulars of all charges to be made for work done, services rendered or goods supplied shall be agreed annually by the appropriate committee.
- 9.3 The Council will review all fees and charges annually, following a report of the RFO.
- 9.4 Any sums found to be irrecoverable and any bad debts shall be reported to the Finance and General Purposes Committee and shall be written off in the year.
- 9.5 All sums received on behalf of the Council shall be banked intact as directed by the RFO. In all cases, all receipts shall be deposited with the Council's bankers with such frequency as the RFO considers necessary.
- 9.6 The origin of each receipt shall be entered on the paying-in slip.
- 9.7 Personal cheques shall not be cashed out of money held on behalf of the Council.
- 9.8 The RFO shall promptly complete any VAT Return that is required. Any repayment claim due shall be made quarterly.

## **10. ORDERS FOR WORK, GOODS AND SERVICES**

- 10.1 An official order or letter shall be issued for all work, goods and services unless a formal contract is to be prepared or an official order would be inappropriate. Copies of orders shall be retained and kept with the invoice relating to the purchase.
- 10.2 Order books shall be controlled by the RFO.
- 10.3 All members and officers are responsible for obtaining value for money at all times. An officer issuing an official order is to ensure as far as reasonable and practicable that the best available terms are obtained in respect of each transaction, usually by obtaining three or more quotations or estimates from appropriate suppliers, subject to any *de minimis* provisions in Regulation 11 (1) below.

## **11. CONTRACTS**

- 11.1 Procedures as to contracts are laid down as follows:

- (a) Every contract shall comply with these financial regulations, and no exceptions shall be made otherwise than in an emergency provided that these regulations shall not apply to contracts which relate to items (i) to (v) below:
  - (i) for goods or materials proposed to be purchased which are proprietary articles and/or are only sold at a fixed price.
  - (ii) for the supply of water and sewerage services;
  - (iii) for specialist professional services such as are provided by solicitors, accountants, architects and planning consultants etc;
  - (iv) for work to be executed or goods or materials to be supplied which consist of repairs to or parts for existing machinery or equipment or plant;
  - (v) for work to be executed or goods or materials to be supplied which constitute an extension of an existing contract by the Council;
- (b) Where it is intended to enter into a contract exceeding £20,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk to the Council or nominated officer shall invite tenders from at least three firms to be taken from the appropriate approved list.
- (c) Tenders may be invited from contractors for capital works listed in Carmarthenshire County Council's Contractor and Consultancy Framework in lieu of the Sell2Wales initiative.
- (d) When applications are made to waive financial regulations relating to contracts to enable a price to be negotiated without competition the reason shall be embodied in a recommendation to the Council.
- (e) Such invitation to tender shall state the general nature of the intended contract and the Clerk to the Council or other nominated officer shall obtain the necessary technical assistance to prepare a specification in appropriate cases. The invitation shall in addition state that tenders must be addressed to the Clerk to the Council or each tendering firm shall be supplied with a specifically marked envelope in which the tender is to be sealed and remain sealed until the prescribed date for opening tenders for that contract.
- (f) In some instances, where it may not be possible to draw up a specification, quotations will be invited for the goods or services required and treated in the same manner as a tender would.
- (g) All sealed tenders shall be opened at the same time on the prescribed date by the RFO, or nominated officer, in the presence of the Chairman of Council.
- (h) All details of tender documents issued and returned must be entered into the Tender Monitoring Book.



- (i) Any tender received after the specified time shall be returned promptly to the tenderer. The tender may be opened to ascertain the name of the tenderer but no details of the tender shall be disclosed.
- (j) A late tender may be considered if it can be satisfied that there is evidence of posting in time for delivering by the due date in the normal course of post delivery, or the other tenders have not been determined.
- (k) If less than three tenders are received for contracts above £20,000 or if all the tenders are identical the Council may make such arrangements as it thinks fit for procuring the goods or materials or executing the works.
- (l) When it is intended to enter into a contract less than £20,000 in value for the supply of goods or materials or for the execution of works or specialist services other than such goods, materials, works or specialist services as are excepted as set out in paragraph (a) the Clerk, Deputy Clerks or nominated officer shall obtain 3 quotations (priced descriptions of the proposed supply); where the value is below £2,000 and above £1,000 the officers shall strive to obtain 3 estimates. Otherwise, Regulation 10 (3) above shall apply.
- (m) Where examination of tenders reveal errors or discrepancies which would affect the tender figure(s) in an otherwise successful tender, the tenderer is to be given details of such errors and discrepancies and afforded an opportunity of confirming or withdrawing the offer.
- (n) If the tenderer withdraws, the next tenderer in competitive order is to be examined and dealt with in the same way. Any exception to this procedure may be authorised only by, or on behalf of, the Committee concerned after consideration of a report of the officer concerned.
- (o) The Council shall not be obliged to accept the lowest or any tender, quotation or estimate.
- (p) If the tender accepted is not the lowest received, reasons for the selection must be reported to or documented by the committee responsible for the contract.
- (q) A Member must not discuss the content of a tender document with a contractor.

## **12. PAYMENTS UNDER CONTRACTS FOR BUILDING OR OTHER CONSTRUCTION WORKS**

- 12.1 Payments on account of the contract sum shall be made within the time specified in the contract by the RFO upon authorisation by the Technical Services Officer or authorised certificates of the architect or other consultants engaged to supervise the contract (subject to any percentage withholding as may be agreed in the particular contract).
- 12.2 Where contracts provide for payment by instalments the RFO shall maintain a record of all such payments. In any case where it is estimated that the total cost of work carried out under a contract, excluding agreed variations, will exceed the contract sum of 5% or more a report shall be submitted to the Council.

- 12.3 Any variation to a contract or addition to or omission from a contract must be approved prior to the instruction being given to the Contractor. The Council would be informed where the final cost is likely to exceed the financial provision.
- 12.4 The Technical Services Officer shall examine final accounts for contracts, obtain necessary information and explanation to satisfy the accuracy of the accounts.

### **13. STORES AND EQUIPMENT**

- 13.1 The officer in charge of each section shall be responsible for the care and custody of stores and equipment in that section.
- 13.2 Delivery notes shall be obtained in respect of all goods received into store or otherwise delivered and goods must be checked as to order and quality at the time delivery is made.
- 13.3 Stocks shall be kept at the minimum levels consistent with operational requirements.
- 13.4 The officer in charge shall be responsible for periodic checks of stocks and stores at least annually.
- 13.5 Council property shall not be removed other than in the course of business or used otherwise than for Council's purposes except by direction issued by the Clerk to the Council or Deputy Clerks.

### **14. PROPERTIES AND ESTATES**

- 14.1 The Clerk shall make appropriate arrangements for the custody of all title deeds of properties owned by the Council. The RFO shall ensure a record is maintained of all properties owned by the Council, recording the location, extent, plan, reference, purchase details, nature of the interest, tenancies granted, rents payable and purpose for which held in accordance with Regulation 4(3)(b) of the Accounts and Audit Regulations 1996 as amended.
- 14.2 No property shall be sold, leased or otherwise disposed of without the authority of the Council, together with any other consents required by law, save where the estimated value of any one item of tangible movable property does not exceed £50.

### **15. INSURANCE**

- 15.1 Following an annual risk assessment, the RFO shall effect all insurances and negotiate all claims on the Council's insurers
- 15.2 The RFO should arrange insurance cover for all new risks, properties or vehicles which require to be insured and of any alterations affecting existing insurances.
- 15.3 The RFO shall keep a record of all insurances effected by the Council and the property and risks covered thereby and annually review it.
- 15.4 The RFO shall be notified of any loss liability or damage or of any event likely to lead to a claim.

15.5 All appropriate employees of the Council shall be included in a suitable fidelity guarantee insurance which shall cover the maximum risk exposure as determined by the Council.

## **16. CHARITIES**

16.1 Where the Council is sole trustee of a Charitable body the Clerk and RFO shall ensure that separate accounts are kept of the funds held on charitable trusts and separate financial reports made in such form as shall be appropriate, in accordance with Charity Law and legislation, or as determined by the Charity Commission. The Clerk and RFO shall arrange for any Audit or Independent Examination as may be required by Charity Law or any Governing Document.

## **17. RISK MANAGEMENT**

17.1 The Clerk with the RFO shall prepare and promote risk management policy statements in respect of all activities of the Council.

17.2 When considering any new activity the Clerk and Deputy Clerks shall prepare a draft Risk Management policy for the activity and shall bring a draft addressing the legal and financial liabilities and Risk Management issues that arise to Council for consideration and, if thought appropriate, adoption.

17.3 The Council shall carry out a Financial Risk Assessment.

## **18. REVISION OF FINANCIAL REGULATIONS**

18.1 It shall be the duty of the Council to review the Financial Regulations of the Council from time to time.