

**COUNCIL:**

**27<sup>th</sup> March 2014**

---

**REPORT OF THE MONITORING OFFICER**

**AGENDA ITEM: 12**

**CONSTITUTION AMENDMENTS – VARIOUS**

---

**Reason for this Report**

1. To enable the Council to consider and approve the Constitution amendments recommended by the Constitution Committee in respect of:
  - (I) The Council Procedure Rules;
  - (II) Family absence for elected Members;
  - (III) Property and procurement decision making processes;
  - (IV) Statutory Officer functions and delegations; and
  - (V) Other delegations amendments required by law.

**Background**

2. The Constitution Committee has delegated authority to review the Council's Constitution, and to recommend to Council and/or Cabinet any changes, except that the Committee will have authority (subject to the Monitoring Officer's advice) to make the following changes on behalf of the Council:-
  - (a) Drafting improvements to enhance clarity and remove minor anomalies.
  - (b) Updating to reflect legislative changes and matters of record.
  - (c) Amendments to the Financial, Contracts and Land Procedure Rules (subject to the advice of the S.151 Officer being sought).

At its meeting on 19<sup>th</sup> March 2014, the Constitution Committee recommended various constitution amendments for approval by full Council, as set out in this report.

## Issues

### Council Procedure Rules

3. Members will be aware that, over recent months, the Council has been piloting revised Council Procedure Rules. Members have provided constructive and detailed feedback, which has been considered by the Constitution Committee, and amendments have been made to the revised rules attached at Appendix 1.
4. The main amendments made in response to Members' feedback are as follows:
  - Member Debates – these provisions have been removed from the Rules;
  - Petitions – in response to concerns about practicability, the thresholds have been amended and the ability for a petition to automatically trigger a debate has been removed;
  - Oral Questions – the provision for a 'second supplementary' has been reinstated;
  - Other Minor Amendments – several minor amendments have been made to improve the clarity of the Rules.
5. At its meeting on 19th March, the Constitution Committee resolved to recommend to full Council the adoption of the revised Council Procedure Rules appended as **Appendix 1**, to be incorporated as part of the Council's Constitution for use at all future Council meetings.

### Family Absence for Elected Members

6. Part 2 of the Local Government (Wales) Measure 2011 ("the Measure") introduces an entitlement to a period of family absence for Members of local authorities, during which a Member is entitled to be absent from authority meetings. There is provision for 5 different types of family absence:
  - (i) Maternity absence – for the mother of a child, granted up to a maximum of twenty six weeks;
  - (ii) Newborn absence – for the parent of a child other than the mother, for a period of up to two weeks;
  - (iii) Adopter's absence – for the adopter of a child, for a period of up to two weeks;
  - (iv) New adoption absence - for the partner of an adopter, for a period of up to two weeks; and
  - (v) Parental absence – for a Member who becomes responsible for a child (and does not meet the conditions for newborn absence, adopter's absence or new adoption absence), for a period of up to three months.

7. The entitlement to Family Absence under the Measure is subject to the conditions, administrative process and requirements prescribed in the Family Absence for Members of Local Authorities (Wales) Regulations 2013 (“the Regulations”), which came into force on 5<sup>th</sup> December 2013.
8. The Regulations require the Council to adopt Standing Orders securing specific provisions regarding Family Absence; and to establish an Appeals Panel to hear Members’ complaints regarding specific Family Absence decisions. There are also specific roles and responsibilities under the Regulations which need to be reflected in the Council’s delegations and other relevant parts of the Constitution.
9. The Constitution Committee considered this matter at its meeting on 19<sup>th</sup> March 2014.
10. The Constitution Committee observed that the legislation and the prescribed administrative process appeared unnecessarily complicated. However, in order to comply with the Council’s legal obligations in this regard, the Committee resolved to approve the recommendations of the report (to adopt new procedure rules; to establish an appeals panel; and to insert into the Constitution new family absence delegations and functions), subject to the following amendments to the draft procedure rules:
  - (i) The insertion of a new Procedure Rule 11 to reflect the Final Report of the Independent Remuneration Panel (which determines that Members on family absence are entitled to continue to receive their allowances); and
  - (ii) The amendment of the reference to ‘political groups’ (who are notified of family absences under Rule 4) to include ‘any other group recognised by the authority’, such as the Independent Group.
11. The amended Family Absence Procedure Rules which are recommended to Council for adoption are appended as **Appendix 2** to this report.

### **Property and Procurement Decision Making Arrangements**

12. The Constitution Committee has carried out a review of property and procurement decision making arrangements and at its meeting on 19<sup>th</sup> March 2014 approved a number of changes, subject to the approval of full Council.
13. Members will note that the key issues of concern were:
  - Member involvement in decision making; and
  - Financial thresholds for officer delegations.

### **Property**

14. Members will note that the key proposed changes are as follows:

- (i) Cabinet approval to be required for all property transactions (acquisitions, disposals & leases) valued over £1 million, reducing the current £5 million threshold in line with the recommendations of the WLGA Peer Review;
  - (ii) Officer delegations threshold to be reduced to £1 million, accordingly;
  - (iii) To amend officer delegations to reflect the transfer of responsibility for property matters from the Corporate Director, Resources, to the Director for Economic Development (under the Council's revised senior management structure);
  - (iv) To impose strengthened Member consultation and statutory officer advice requirements for all transactions valued between £100,000 and £1 million; and
  - (v) To incorporate a streamlined process for dealing with surplus land.
15. The proposed changes are incorporated in the revised Procedure Rules for the Acquisition and Disposal of Land ("the Land Procedure Rules") appended as **Appendix 3** to this report; and the revised Officer Delegations – Property, appended as **Appendix 4** to this report.
16. Pursuant to its delegated authority, the Constitution Committee at its meeting on 19<sup>th</sup> March 2014 approved the amendments to the Land Procedure Rules to take effect upon approval of the associated amendments to the Officer Delegations which are recommended in this report for approval by Council.

## Procurement

17. Members will note that the Committee proposed no changes to current procurement thresholds, as existing controls were considered to be robust. However, strengthened Member consultation requirements are recommended, specifically, that all Director level decisions (in respect of procurements valued over £1 million and any contract variations requiring Director approval in accordance with thresholds set out in the Contract Procedure Rules) should be subject to consultation with the relevant Cabinet Member/s, and allow the Cabinet Member/s consulted the right to refer any decision to the Cabinet.
18. The recommended amendment of the Directors' procurement delegations CD3 and CD4 is as follows:
- "CD3: To procure works, goods, services and/or supplies and manage all aspects of the contract (except in relation to variations - see CD4; framework arrangements - see FS20; or where the Contracts Procedure Rules make contrary provision) where the estimated contract value does not exceed £5,000,000; and in all cases, subject to consultation with the Cabinet Member for Finance and any other Cabinet Member with relevant portfolio responsibility and compliance with Financial Procedure Rules, Contracts Procedure Rules and the Policy and Budget Framework and Provided that in the event of an objection from the Cabinet Member/s, the decision shall be referred to the Cabinet.

Qualification: This may not be further delegated.

CD4: To authorise, issue or approve variations in accordance with the values, as set out in the Contracts Procedure Rules, subject to consultation with the Cabinet Member for Finance and any other Cabinet Member with relevant portfolio responsibility, and Provided that in the event of an objection from the Cabinet Member/s, the decision shall be referred to the Cabinet.

Qualification: This may not be further delegated.”

19. Members will note that the recommendation is for the proposed changes to take effect from 1<sup>st</sup> June 2014, to allow time for training and dissemination of the new arrangements, and to be subject to review after one year.
20. Members may also wish to note that a number of other recommendations were made aimed at improving transparency and Cabinet control of any potentially significant procurement in Cardiff. These recommendations are being incorporated into revised Contract Procedure Rules and supporting procurement procedures and guidance, which are due to be reported to the Committee in or around the autumn of 2014.

### **Statutory Officer Functions and Delegations**

21. At its March meeting, the Constitution Committee also instructed the Monitoring Officer to amend the constitution, subject to the approval of full Council, to ensure that the functions and responsibilities of the Council's Statutory Officers are set out in the Constitution.

#### Head of Paid Service

22. As the Council's statutory Head of Paid Service, the Chief Executive has overall responsibility for the proper management and organisation of the Council's staff in order to ensure the effective discharge of the Council's functions (pursuant to section 4 of the Local Government and Housing Act 1989). The statutory role of the Head of Paid Service is noted in Article 11.2 of the Constitution, and the Chief Executive has a suite of delegations intended to allow him to fulfill this statutory role, which are set out in delegations CE1 to CE12 (in Section 4E of the Scheme of Delegations).
23. The Constitution Committee instructed the Monitoring Officer to review the constitutional provisions relating to the statutory functions and delegations of the Chief Executive, having regard to his statutory role, and to make any amendments necessary, subject to the approval of Council.
24. The following amendments are recommended in this regard:

- (i) To amend the constitutional functions of the Head of Paid Service as set out in Article 11.2 to reflect the core roles set out in the National Assembly for Wales Guidance on Executive Arrangements 2006 (paragraph 2.27), by inserting the following:

“The core roles of the Head of Paid Service are:

- overall corporate management and operational responsibility (including co-ordinating the discharge of the authority’s different functions and overall management responsibility for all staff);
  - the provision of professional and impartial advice to all parties in the decision making process (the Cabinet, Scrutiny Committees, full Council and other committees);
  - responsibility for a system of record keeping for all the authority’s decisions;
  - representing the authority on partnership and external bodies (as required by statute or the council); and
  - service to the whole council, on a politically neutral basis.”
- (ii) To amalgamate the Chief Executive’s 2 current ‘emergency powers’ in respect of executive functions (delegation CE1) and Council functions (delegation CE5) into a single simplified emergency power, as follows:

“In cases of urgency or emergency, to exercise any Executive Function (even where such matters are reserved to the Cabinet) or take any decision on behalf of the Council, where this is necessary to protect the Council’s interests.”

Members may wish to note that under the Scrutiny Procedure Rules, Rule 13(a), ‘Decisions taken as a matter of urgency must be reported for information to the next available meeting of the Council, together with the reasons for urgency.’

- (iii) To insert a new general delegation:

“To determine any matter which is not a matter specifically reserved for full Council, a committee of the Council, the Cabinet or another Statutory Officer.”

This delegation would give the Chief Executive reserve powers to act in place of any officer, if necessary.

- (iv) To allow the Chief Executive to nominate a deputy to exercise his statutory functions in his absence, by amending the qualification to his delegations as follows:

Qualification: These may not be further delegated, save that in the absence of the Chief Executive, they may be exercised by his nominated deputy.

#### Director of Social Services

25. Council is recommended approve the insertion of a new delegation for the Director for Children Services:

“To be the Director of Social Services pursuant to section 6 of the Local Authority Social Services Act 1970 with responsibility for the social services functions of the Council, including the authority to decide on the reception of persons into guardianship of the Authority under sections 7 and 37 of the Mental Health Act 1983, the exercise of functions of nearest relative of persons so suffering and to make appointments of Approved Social Workers.”

#### Chief Education Officer

26. Council is recommended to approve the insertion of a new delegation to the Director of Education:

“To be the Chief Education Officer as required under s.532 of the Education Act 1996.”

### **Other Delegations**

#### School Organisation Proposals

27. The School Standards and Organisation (Wales) Act 2013 makes new provision regarding school organisation proposals. Certain functions under this Act, namely, (i) local authority approvals under section 51 of the Act; and (ii) local authority determinations under section 53 of the Act, have been made local choice functions, which the Council must allocate as either Cabinet or Council functions. The Constitution Committee recommends that responsibility for these functions should rest with the Cabinet, subject to the approval of Council. Section 3 of the Scheme of Delegations, ‘Local Choice Functions’ requires amendment accordingly.

#### Licensing of Scrap Metal Dealers

28. The Scrap Metal Dealers Act 2013 has repealed the earlier 1964 Act in relation to the licensing of scrap metal dealers. Whilst the functions under the 1964 Act were non-executive functions allocated in Cardiff to the Public Protection Committee, the Public Protection Committee is not authorised to exercise functions of the 2013 Act, pending further legislation to confirm responsibility for these functions. It is understood that further legislation is anticipated, but until then, the law requires that the functions of the 2013 Scrap Metal Dealers Act

must be regarded as executive functions, to be exercised (or delegated) by the Cabinet.

29. The Scheme of Delegations requires amendment to reflect this legislative change, that is, to remove the licensing of scrap metal dealers from the list of functions allocated to the Public Protection Committee (Annex 1 to the Scheme of Delegations).

### **Legal Implications**

30. The relevant legal provisions are set out in the body of the report.

### **Financial Implications**

31. The relevant financial provisions are set out in the body of the report. There are no direct financial implications arising from the recommendations of the report.

### **Recommendations**

Council is recommended to:

1. Approve the revised Council Procedure Rules appended as **Appendix 1**
2. Approve the Family Absence Procedure Rules, appended as **Appendix 2**
3. Agree the establishment of a Family Absence Appeals Panel comprising 3 Members of the Democratic Services Committee (but not including the Chair of Council), with the following terms of reference:

‘To be the Appeals Panel required pursuant to Regulation 36(1) of the Family Absence for Members of Local Authorities (Wales) Regulations 2013 and any amendment thereof; and to discharge all functions of the Panel pursuant to those Regulations.’

4. Approve the following Constitution amendments in respect of family absence:
  - (i) The Chair of Council’s role to be added to the role and functions of the Lord Mayor, in Article 5.1 of the Constitution, as follows:

‘(d) To carry out duties in respect of Members’ Family Absence, as required under the Family Absence for Members of Local Authorities (Wales) Regulations 2013’; and

- (ii) The Head of Democratic Services’ role to be reflected in the officer delegations, Constitution Part 3, Section 4E ‘Statutory Officers’, as follows:

‘Head of Democratic Services

HoDS1 To discharge the statutory role of the Head of Democratic Services pursuant to section 9 of the Local Government (Wales) Measure 2011; and to carry out duties as required under the Family



## Absence for Members of Local Authorities (Wales) Regulations 2013'

(iii) A new Monitoring Officer delegation to be added to the Constitution, Part 3, Section 4E, as follows: 'To discharge the functions of the authority in respect of cancellation of family absence pursuant to Regulation 34 of the Family Absence for Members of Local Authorities (Wales) Regulations 2013'.

5. To note the amendments to be made to the Land Procedure Rules, as appended at **Appendix 3**.
6. To approve the amendments to Officer Delegations in respect of property matters as set out in **Appendix 4**.
7. To approve the amendment to the procurement delegations CD3 and CD4 as set out in paragraph 18 of this report, with effect from 1<sup>st</sup> June 2014.
8. To approve the constitution amendments in respect of the functions and delegations of the Statutory Officers set out in paragraphs 24 to 26 inclusive of this report.
9. To approve the delegations amendments in respect of School Organisation Proposals and Scrap Metal Dealers as set out in paragraphs 27 to 29 inclusive of this report.

**Marie Rosenthal**  
**County Clerk and Monitoring Officer**

Dated: 21 March 2014

### **Appendices**

- Appendix 1 Revised Council Procedure Rules (draft)
- Appendix 2 Family Absence Procedure Rules (draft)
- Appendix 3 Revised Land Procedure Rules (draft)
- Appendix 4 Revised Officer Delegations – Property (draft)

### **Background Papers**

Report to Constitution Committee, 'Constitution Amendments – Property, Procurement, Employment and Other Matters', 22<sup>nd</sup> January 2014

Report to Constitution Committee 'Family Absence for Elected Members', 19 March 2014

Report to Constitution Committee 'Constitution Amendments – Property & Procurement Decision Making; and Statutory Officer Delegations', 19 March 2014

NAW Guidance to County and County Borough Councils in Wales on Executive Arrangements 2006 (No. 56)

**FINAL DRAFT PILOT COUNCIL MEETING PROCEDURE RULES**

**Part 1 – Format and Content of Meetings**

**1 BUSINESS OF COUNCIL MEETINGS**

- (a) The agenda and timings for items of business for any Council Meeting shall be agreed by the Chair in consultation with the Leader at least 6 Working Days prior to the date of the Council meeting.
- (b) The Chair may make any amendments to the draft agenda as they see fit.

**2 ANNUAL MEETING OF THE COUNCIL**

**Timing of the Annual Meeting**

- (a) The Annual Meeting will take place within the following periods:
  - (i) in a year when there is an ordinary election of Members, within 21 days following the retirement of the outgoing Members; or
  - (ii) in any other year, the Annual Meeting will take place in March, April or May or as may be required at law.

**Business to be transacted at the Annual Meeting**

- (b) The Annual Meeting will:
  - (i) elect a person to preside at the meeting if the existing Chair or the Deputy Chair is not present;
  - (ii) elect the new Chair;
  - (iii) appoint the new Deputy Chair;
  - (iv) approve the minutes of the last meeting;
  - (v) receive declarations of interests from Members;
  - (vi) receive from Members the Cardiff Undertaking in years where an ordinary election has taken place;
  - (vii) receive any announcements from the Chair (if any);
  - (viii) elect the Leader (where such election falls due);
  - (ix) appoint members of the Cabinet (where such election falls due);
  - (x) receive announcements from the Leader (if any) relating to the coming municipal year;
  - (xi) decide on any amendment to the standing committees of the Council, including amendments to their size and terms of reference;
  - (xii) decide on the allocation of seats on committees to political groups in accordance with the requirements of the Local Government and Housing Act 1989;
  - (xiii) receive nominations of members to serve on each of the standing committees and make such appointments;

## FINAL DRAFT PILOT COUNCIL MEETING PROCEDURE RULES

- (xiv) receive nominations and make appointments to serve on the outside bodies to which the Council may appoint members (except where doing so has been delegated by the Council or where only the Cabinet has authority to do so);
- (xv) elect a chair and a deputy chair for each of the committees;
- (xvi) approve a Scheme of Members Allowances;
- (xvii) approve a programme of ordinary meetings of the Council for the year;
- (xviii) approve a provisional programme of ordinary meetings of committees;
- (xix) agree any changes, amendments or revisions to the Council's scheme of delegation;
- (xx) for any year in which an ordinary election has taken place, receive a report from the Returning Officer of the Members elected; and
- (xxi) consider other matters which the Chair has certified urgent or appropriate.

### 3 ORDINARY MEETINGS

- (a) Ordinary Meetings of the Council will take place in accordance with a programme decided at the Council's Annual Meeting. Ordinary Meetings will:
  - (i) elect a person to preside if the Chair and Deputy Chair are not present (such person not being a member of the Cabinet);
  - (ii) approve the minutes of the last meeting;
  - (iii) receive any declarations of interest (in accordance with the Members Code of Conduct);
  - (iv) if relevant, receive through the Chair from relevant Members the Cardiff Undertaking;
  - (v) receive any petitions;
  - (vi) receive questions from the public and answers in accordance with Rule 18;
  - (vii) receive any announcements from the Chair or Leader;
  - (viii) receive any statements or reports from the Leader and/or Cabinet Members and questions and answers on them;
  - (ix) receive Member questions and answers raised in accordance with Rules 16 and 17;
  - (x) receive any reports from the Council's Committees introduced by the relevant Committee chairperson, and deal with questions and answers on any of those reports;
  - (xi) receive reports from any of the Council's statutory officers;
  - (xii) receive any reports about and any questions and answers on the business of joint arrangements and external organisations;
  - (xiii) consider Ordinary Motions;
  - (xiv) consider any other business in the summons to the meeting; and
  - (xv) consider such other matters as the Chair certifies as urgent or appropriate.

## FINAL DRAFT PILOT COUNCIL MEETING PROCEDURE RULES

### 4 EXTRAORDINARY MEETINGS

- (a) An Extraordinary Meeting of the Council may be called by:
- (i) the Council by resolution; or
  - (ii) the Chair.
- (b) The following persons may require the Chair to call an Extraordinary Meeting of the Council. If the Chair has not called a meeting (to be held within 10 Working Days of the request) within two Working Days of receipt of such a written request, then they may do so themselves:
- (i) the Leader;
  - (ii) the Head of Paid Service;
  - (iii) the Monitoring Officer or section 151 officer; or
  - (iv) any five Members of the Council.
- (c) Any request presented in accordance with this Rule must:
- (i) specify the business to be transacted at the meeting; and
  - (ii) be accompanied by a copy of any report for the meeting.
- (d) Any Extraordinary Meeting will:
- (i) elect a person to preside if the Chair and Deputy Chair are not present;
  - (ii) receive any declarations of interest from Members;
  - (iii) consider the business specified in the request; and
  - (iv) consider such other matters as the Chair considers to be urgent or appropriate.

### 5 TIME AND PLACE OF MEETINGS

- (a) The time and place of meetings will normally be determined by the Council or in the case of an Extraordinary Meeting by the Chair. In the case of meetings called under Rule 4(b) the time and place shall be set by the Proper Officer and notified in the summons.
- (b) The Proper Officer may in case of urgency or at the request of the Chair vary the date, time and place of meetings, subject to reasonable notice of the change having been given.

### 6 NOTICE OF AND SUMMONS TO MEETINGS

- (a) The Proper Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules.

**FINAL DRAFT PILOT COUNCIL MEETING PROCEDURE RULES**

- (b) At least 3 clear days (as required and defined by the relevant legislation and case law) before a meeting, the Proper Officer will send a summons (notice of meeting) by email to every Member. Any Member not wishing to receive the summons by email may request (in writing to the Proper Officer) such other reasonable method of delivery as they may wish.
- (c) The summons will give the date, time and place of each meeting, enclose the agenda and will be accompanied by such reports as are available.

DRAFT

**FINAL DRAFT PILOT COUNCIL MEETING PROCEDURE RULES**

**Part 2 – Conduct of Meetings**

**7 CHAIR OF MEETING**

**Power of person presiding at meeting**

- (a) The person presiding at the meeting may exercise any power or duty of the Chair.

**Conduct of meeting by Chair**

- (b) The Chair shall have discretion to conduct the meeting to secure proper, full and effective debate of business items. The steps the Chair may take include:
  - (i) allowing more time to any speaker or item of business;
  - (ii) permitting a Member to speak more than once;
  - (iii) allowing officers of the Council to advise the meeting as appropriate; and
  - (iv) refusing any Member the opportunity to speak or restricting their rights to speak.
- (c) The Chair's discretion provided for by Rule 7(b) shall operate in precedence to any other Rule contained in the Council Procedure Rules.

**8 QUORUM**

- (a) The quorum of a meeting will be one quarter of the whole number of Members (rounded up to the nearest whole number).
- (b) If fewer than the quorum attend the meeting or if during any meeting the Chair counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at the next meeting or a time and date fixed by the Chair.

**9 UNOPPOSED BUSINESS**

- (a) The Chair may specify in the Agenda any business that they consider to be unlikely to be opposed by any Member. For example this would include reports that deal with administrative matters and on which the various political groups have already reached agreement. All business specified in the Agenda as unopposed may be dealt with at the meeting as one agenda item and passed by one resolution.
- (b) If any Member wishes for any agenda item that is noted as being unopposed to be dealt with in the normal way, then that Member may

## FINAL DRAFT PILOT COUNCIL MEETING PROCEDURE RULES

request the Chair to remove that item from the list of unopposed business. In such circumstances the Chair will add that item of business to the agenda as a separate item.

### 10 POINT OF ORDER

- (a) A Member may raise a point of order at any time by indicating to the Chair that they wish to speak. The Chair will hear them immediately.
- (b) A point of order may only relate to an alleged breach of these Rules or the law. The Member must first state the Rule or law to which he/she is referring and then indicate the way in which they consider it has been broken.
- (c) The ruling of the Chair on the matter will be final. Points of order will only be recorded in the minutes if the Democratic Services Manager considers that such an inclusion would provide greater clarity to the minutes.

### 11 PERSONAL EXPLANATION

- (a) A Member may make a personal explanation at any time by indicating to the Chair that they wish to speak. A personal explanation may only relate to:
  - (i) some material part of an earlier speech by the Member in the present debate which may appear to have been misunderstood;
  - (ii) to reply to an allegation of misconduct made against the Member giving the explanation; or
  - (iii) to make an apology to the Council.
- (b) The ruling of the Chair on the admissibility of a personal explanation will be final.
- (c) Points of personal explanation will only be recorded in the minutes if the Democratic Services Manager considers that such an inclusion would provide greater clarity to the minutes.

### 12 DECLARATIONS OF INTEREST

- (a) A Member may at any time declare a personal interest under the Members' Code of Conduct and when a Member stands to make a declaration he/she shall be heard immediately and shall be allowed to make the declaration without interruption.

### 13 MEMBERS' CONDUCT

#### Members Speaking at Council



**FINAL DRAFT PILOT COUNCIL MEETING PROCEDURE RULES**

- (a) When a Member speaks at full Council they must address the meeting through the Chair and should stand (if able) when they are speaking. If more than one Member stands or otherwise indicates their desire to speak, the Chair will ask one to speak and the others must be quiet.
- (b) Other Members must remain seated whilst a Member is speaking unless they wish to make a point of order, a point of personal explanation or to declare an interest.

**Chair calling the meeting to order**

- (c) When the Chair calls the meeting to order or stands any Member speaking at the time must stop and sit down. The meeting must be silent.

**Member's to maintain order**

- (d) The Chair is to maintain order in meetings and must call to order any Member who:
  - (i) is engaging in conduct which the opinion of the Chair constitutes criminal behaviour or contempt of court;
  - (ii) is obstructing the business of the meeting;
  - (iii) seeks to raise a matter outside the scope of the matter at hand;
  - (iv) acts in a discourteous way;
  - (v) is using disorderly, discriminatory or offensive language;
  - (vi) refuses to conform to any Rule or other requirement for the conduct of Members; or
  - (vii) disregards the authority of the Chair.

**Member not to be heard further or to leave the meeting**

- (e) If a Member disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the Member be not heard further.
- (f) If the Member continues to behave improperly or offensively or deliberately obstructs business after such a motion is carried, the Chair may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period.

**FINAL DRAFT PILOT COUNCIL MEETING PROCEDURE RULES**

**14 GENERAL DISTURBANCE**

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

**15 DISTURBANCE BY PUBLIC**

- (a) Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules or Rule (b) below.
- (b) If a member of the public interrupts or disrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt or causes disruption, the Chair may order their removal from the meeting room.

DRAFT

**FINAL DRAFT PILOT COUNCIL MEETING PROCEDURE RULES**

**Part 3 – Procedures and Rules of Debate**

**16 QUESTIONS AND DEBATE ON REPORTS AND CABINET STATEMENTS**

- (a) On Cabinet Member Statements presented to the Council:
  - (i) A Member may ask the person presenting the report any question or otherwise comment on the subject matter of the statement without notice. Following the Cabinet Members response to such questions, the Member asking the original question shall be allowed to ask a supplementary question to clarify the response to the question.
  - (ii) One minute shall be allowed for each of the question, answer, supplementary question and supplementary answer.
- (b) On Reports presented to the Council
  - (i) The person presenting the report shall have 6 minutes to introduce it. A maximum of 3 minutes will be allowed to each Member to speak in relation to the report. 3 minutes will be allowed for the presenter of the report to make their closing remarks in response to points raised by other Members.

**17 ORAL AND WRITTEN QUESTIONS BY MEMBERS**

**General**

- (a) In accordance with this Rule 17, a Member may ask questions of:
  - (i) the Leader or any Cabinet Member;
  - (ii) the chair of any committee or sub-committee; or
  - (iii) nominated members of the Fire Authority.

**Submission of Questions**

- (b) A Member wishing to ask a Written Question should provide the question by email to the Council's mailbox for the submission of questions (as specified by the Democratic Services Manager). In doing so the Member must specify the person to whom the question is addressed.
- (c) Oral Questions shall be submitted by (or on behalf of):
  - (i) each of the spokespersons for each opposition political group recognised by the Council (or such other Member as the leader of that group may nominate); and

**FINAL DRAFT PILOT COUNCIL MEETING PROCEDURE RULES**

- (ii) a backbench Member of the ruling group(s) nominated to the Democratic Services Manager for such purpose;

by email to the Council’s mailbox for the submission of questions (as specified by the Democratic Services Manager). In doing so the Member must specify:

- (i) the name of the Member asking each question; and
- (ii) the order in which the group wishes to ask its questions.

Each such person shall be entitled to submit a maximum of the number of questions that are allocated to their political group calculated in according with the following rules:

- (i) Each political group recognised by the Council shall automatically be entitled to 3 Oral Questions; and
- (ii) In addition, a further 15 Oral Questions shall be allocated amongst the political groups in proportion to their representation on the Council.

In addition any Members who are not members of any political group recognised by the Council shall be entitled to submit one Oral Question each. Unless those Members agree otherwise, the order in which they shall be entitled to submit questions shall be determined by rotation.

- (d) Questions will be dealt with in accordance with the following procedures.

**Oral Questions**

Oral Questions will be dealt with in accordance with the following procedure:

<b>Day</b>	<b>Action</b>
12.00 noon, 2 Working Days prior to Council Meeting	Deadline for the Submission of Oral Questions
At Council Meeting questions shall be made available in writing and online at least 30 minutes prior to the start of the meeting and dealt with as set out opposite.	<p>A maximum of 90 minutes shall be allowed for Oral Questions, any questions that are not dealt with in this time limit shall fall.</p> <p>Each Oral Question will be made available in writing and online at the start of the meeting and dealt with in the following order:</p> <p>- Oral Questions shall not be read orally, but will be dealt with in rounds. In the first three rounds each political group shall each be entitled to ask one question. In subsequent rounds, only</p>

## FINAL DRAFT PILOT COUNCIL MEETING PROCEDURE RULES

	<p>political groups with remaining Oral Questions shall be entitled to ask questions.</p> <ul style="list-style-type: none"> <li>- In each round the questions ordering of the questions shall be determined by the size of each of the political groups (with the largest going first) except that the ruling group(s) shall go last.</li> <li>- Questions from Members who are not members of a political group recognised by the council shall be asked at the start of the fourth round.</li> </ul> <p>Each question shall be answered orally by the Cabinet Member that the Cabinet deem most suitable to respond (or by the relevant chair of a committee or nominated member of the fire authority if the question was so addressed). A maximum of one minute shall be allowed for the answering of the question.</p> <p>The Member who submitted the question shall then be allowed one minute to ask a supplementary question.</p> <p>The person to whom the question is addressed shall have one minute to answer the supplementary question.</p> <p>One further supplementary question may be asked by another Member provided that the asker is not a member of the same political group as the Member who submitted the original question. The Member asking the further supplementary question shall be allowed one minute to ask it, and the response shall also be limited to one minute.</p>
--	---

**Urgent Oral Questions**

(e) At the end of the period allocated for Oral Questions the Chair may allow Members to ask further Oral Question for which notice under Rule (b) above has not been given if:

- (a) the Chair and the person to whom the question is addressed has been given at least two hours written notice of the question prior to the start of the meeting; and

**FINAL DRAFT PILOT COUNCIL MEETING PROCEDURE RULES**

- (b) the Chair has confirmed to the Member asking the Question and the person to whom it is addressed that they are satisfied that the question is of urgent public importance and could not be better dealt with under any other Rule or other procedure of the Council.

**Written Questions**

- (f) Written Questions may be asked at any time and will be dealt with as set out below:

<b>Day</b>	<b>Action/Comment</b>
9.00am 9 Working Days prior to Council Meetings	Deadline for the submission of Written Questions to ensure an answer is received at the next Council Meeting.  If a question is submitted after this deadline it will be answered at the next Council Meeting.
12.00 noon on the day of the Council Meeting	Deadline for all answers to Written Questions asked before the deadline referred to above to be circulated by email to all Members.

A full copy of each Written Question (together with the answers to them) submitted prior to the deadline referred to above will be attached to the minutes of the meeting.

**Rejection of Questions**

- (g) The Chair may reject an Oral Question, Urgent Oral Question or a Written Question if in their opinion it:-
- (ii) is not in relation to Relevant Business (as defined in Rule 35);
  - (iii) is in relation to Inappropriate Business (as defined in Rule 35);
  - (iv) is substantially the same as a question which has been put at a meeting of the Council in the past six months and there has been no material change in the answer which would be given; or
  - (v) is a statement or otherwise is not a genuine enquiry.

**Withdrawal of questions**

- (h) A question may not be withdrawn except with the consent of the person it is addressed to.
- (i) If the Chair or the Monitoring Officer considers that a response to a question could be provided by a senior officer prior to the relevant Council meeting, then the Monitoring Officer may contact the Member

**FINAL DRAFT PILOT COUNCIL MEETING PROCEDURE RULES**

concerned to ascertain whether the Member agrees that the question could be withdrawn.

DRAFT

## FINAL DRAFT PILOT COUNCIL MEETING PROCEDURE RULES

### Written record of Oral Questions and Responses

- (j) A written record of Oral Questions and related supplementary questions that are put at the meeting together with the responses provided, will be circulated by or on behalf of the Democratic Services Manager to all Members and the media noted as having attended the meeting by no later than 5.00pm five Working Days following the day of the Council meeting.
- (k) Prior to issue the written note of a response to a supplementary question must be checked for accuracy by the responding person.
- (l) No written note of a response to a supplementary question will be provided to the media before being provided to Members.

### 18 PUBLIC QUESTIONS

- (a) A period of up to 15 minutes in each meeting shall be allowed for public questions.
- (b) Any person (other than Members) who resides or works in the area of the City and County of Cardiff may ask questions of Cabinet Members or of the chairpersons of committees of the Council at Ordinary Meetings of the Council.
- (c) A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the mailbox set up by the Democratic Services Manager for such purpose no later than 5pm, 6 Working Days before the day of the meeting. Each question must give the name and address of the questioner and must specify the person to whom it is to be put (by name or title).
- (d) At any one meeting no person may submit more than one question and no more than one such question may be asked on behalf of one organisation.
- (e) The number of questions that an individual can ask in a municipal year shall be limited to two, with any further questions being accepted only at the discretion of the Chair.
- (f) The Chair may reject a question if it:
  - (i) is not related to Relevant Business (as defined in Rule 35);
  - (ii) is in relation to Inappropriate Business (as defined in Rule 35);
  - (iii) is substantially the same as a question which has been put at a meeting of the Council in the past six months;
  - (iv) relates to a matter which is the subject of legal or enforcement proceedings or an appeal to a court or tribunal or to a



**FINAL DRAFT PILOT COUNCIL MEETING PROCEDURE RULES**

- Government Minister or the National Assembly or an investigation by the Local Government Ombudsman;
- (v) relates to the activities and aims of a political party or organisation;
  - (vi) relates to a Regulatory Decision or a matter which may result in a Regulatory Decision;
  - (vii) is a statement or otherwise is not a genuine enquiry; or
  - (viii) would require the expenditure of a disproportionate amount of time, money or effort to prepare the answer.

The ruling of the Chair in the above matters shall be final.

- (g) The Proper Officer will make a record of each question received and a copy of the questions to be asked at a meeting will be open to public inspection and circulated to Members prior to the meeting.
- (h) Questions will be asked in the order in which notice of them was received, except that the Chair may group together similar questions.
- (i) If the questioner is absent or fails to identify themselves then the question will be deemed to be withdrawn.
- (j) A questioner who has put a question in person may also put one supplementary question without notice to the Member who has replied to his or her original question. A supplementary question must relate to the original question or the answer given and be limited to one minute. The Chair may reject a supplementary question on any of the grounds set out in (f) above.

**Answers**

- (k) No more than five minutes will be allowed for a response to any one question.
- (l) Any question which cannot be dealt with during public question time, either because of lack of time or because of the nonattendance of the Member, to whom it was to be put, will be dealt with by a written answer and a copy of the answer will be recorded in the minutes of the meeting.

**FINAL DRAFT PILOT COUNCIL MEETING PROCEDURE RULES**

**19 GENERAL PROVISIONS RELATING TO ANSWERS TO MEMBER AND PUBLIC QUESTIONS**

- (a) An answer may take the form of:
- (i) an oral answer given by the person to whom the question is addressed or another person nominated by them;
  - (ii) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
  - (iii) where the reply cannot conveniently be given orally, a written answer circulated later to Members of the Council.
- (b) A person to whom a question is addressed may decline to answer provided that they state the reason for declining to answer.

**20 PETITIONS**

- (a) Where a Member delivers a petition to the Council the Member may outline the request by the petitioners, the reason for the request and the number of the signatories provided that in any event the Member may not speak under this rule for more than one minute.
- (b) Petitions shall be divided into four classes and shall be addressed as follows:
- (i) A petition bearing less than 20 signatures shall be dealt with by normal correspondence.
  - (ii) A petition bearing 21-50 signatures shall be noted at the meeting and passed to a relevant officer of the Council for a written response.
  - (iii) A petition bearing 51 or more signatures shall be noted and passed to the relevant Cabinet Member for consideration and a written response.

**21 GREEN PAPERS<sup>1</sup>**

**General**

- (a) An opportunity for one Cabinet Member to bring forward a Green Paper will be given at each Ordinary Meeting of the Council (but not the Annual Meeting or the budget meeting of Council).

**Procedure for the Debate of Green Papers**

- (b) Any Cabinet Member bringing forward a Green Paper must provide the Chair and the Democratic Services Manager with a copy of the Green

---

<sup>1</sup> Subject to further review following feedback from Cabinet Members.

## FINAL DRAFT PILOT COUNCIL MEETING PROCEDURE RULES

Paper at least 5 Working Days prior to the Ordinary Meeting. A copy of the Green Paper shall be attached to the Agenda for the meeting.

- (c) Members shall be given a chance to respond to the Green Paper at the meeting (as set out below) and the Green Paper must also provide an opportunity for Members to give written comments following the meeting at which the Green Paper is presented.
- (d) In the debate:
  - (i) The Cabinet Member proposing the Green Paper shall be given 15 minutes to speak, but may choose to allocate a proportion of that time to other Members provided that they:
    - (a) indicate to whom they will allocate time and how much time will be allocated to them at the start of the debate; and
    - (b) in doing so a maximum of 5 Members may speak (including the Cabinet Member proposing the Green Paper).
  - (ii) The debate shall then be opened to the floor for Members to give their initial response to and comments on the Green Paper. A maximum of 10 minutes shall be allowed for such debate and no one Member shall be permitted to speak for more than 3 minutes.

## 22 ORDINARY MOTIONS

### General

- (a) No Ordinary Motion moved by notice pursuant to this Rule 22 will be debated at the Annual Meeting of the Council.
- (b) In order to move an Ordinary Motion it must be emailed by the proposer, and seconded by email to the mailbox allocated for that purpose by the Democratic Services Manager by 5.00pm at least 7 Working Days before the date of the meeting.
- (c) Every Ordinary Motion properly delivered will be dated and registered by the Democratic Services Manager in the order in which they were received and open to Members' inspection after the deadline for receipt.
- (d) Ordinary Motions will be listed on the agenda in the order in which the notices were received.

### Number and Allocation of Ordinary Motions

- (e) Subject to Rule (f) below, the number of Ordinary Motions shall be limited to a maximum of 20 motions in each municipal year.

## FINAL DRAFT PILOT COUNCIL MEETING PROCEDURE RULES

- (f) The allocation of Ordinary Motions will be agreed between the political groups. The allocation will be reviewed annually by the leaders of the political groups in consultation with the Chair. No political group recognised by the Council shall be allocated less than two Ordinary Motions in a municipal year. If necessary, the maximum number of Ordinary Motions in a year may be increased to accommodate this.

### Scope of Ordinary Motions

- (g) Ordinary Motions must be in relation to Relevant Business and must not be Inappropriate Business (as defined in Rule 35).
- (h) Any Ordinary Motion which requires a change in the budgetary framework may only call for a report on the matter to be prepared for consideration by the Executive and or Council as appropriate.
- (i) If any Ordinary Motion appears to the Chair to be unlawful and/or not presently contained within the approved Council Budget for the year in question, it will still be included on the agenda for the meeting. However a statement from the Chair to this effect and stating that the Ordinary Motion shall be deferred to the next ordinary meeting of Council so that written legal and financial advice may be given to Members before the motion is debated.

### Urgent Ordinary Motions

- (j) The Chair has the authority to agree to take an urgent Ordinary Motion which is not on the agenda (or to place an urgent Ordinary Motion on the agenda if sufficient notice is received).
- (k) The discretion is entirely that of the Chair who alone needs to be satisfied as to the need for urgency but an urgent Ordinary Motion should not be taken unless the Chair is satisfied that:
- (i) the proposer of the motion has taken all reasonable steps to notify the Chair and the Monitoring Officer of their desire to raise an Urgent Motion at the earliest opportunity;
  - (ii) and the motion requires an urgent decision in relation to an important public interest matter and it cannot reasonably be dealt with by other means; and
  - (iii) the motion is seconded.
- (l) In all cases, the reason for the urgency shall be clearly stated, and the Chair will explain to the Council the reason why they have accepted an Urgent Ordinary Motion.

### Withdrawal or alteration of Ordinary Motions

**FINAL DRAFT PILOT COUNCIL MEETING PROCEDURE RULES**

- (m) No Ordinary Motion can be withdrawn or deferred once it has been delivered except:-
- (i) if prior to the commencement of the meeting notice of withdrawal in writing signed by the proposer, and seconder has been delivered to the Democratic Services Manager; or
  - (ii) a Member may withdraw an Ordinary Motion of which they have given notice at any time after the meeting has commenced provided that they have not moved the motion or spoken on it and they have the consent of the meeting.
- (n) A Member may alter their own motion only with the consent of the meeting. Only alterations which could be made as an amendment may be made.

**Amendments to Ordinary Motions by other Members**

- (o) An amendment to an Ordinary Motion may not be moved unless notice of the amendment has been given to the Democratic Services Manager by email, and seconded by 5.00pm 2 Working Days before the meeting.
- (p) An amendment to an Ordinary Motion must be relevant to the motion and will be:-
- (i) to leave out words;
  - (ii) to leave out words and insert or add others; or
  - (iii) to insert or add words.
- (q) Any amendments to Ordinary Motions will be called by the Chair in an order determined by the Chair, in consultation with the Monitoring Officer. The ordering shall be selected to facilitate coherent debate and to, wherever reasonably possible, allow each amendment to have the opportunity to be voted upon.
- (r) Each amendment will be proposed and seconded and then put to the vote in the order determined by the Chair.

**Right of reply and Voting on the Ordinary Motion**

- (s) Once amendments have been put to the vote, the principal motion, as amended if any amendments have been carried, will then be put to the vote.
- (t) The rights of reply before the vote on an Ordinary Motion takes place are as follows:

**FINAL DRAFT PILOT COUNCIL MEETING PROCEDURE RULES**

- (i) Before any amendment is put to the vote, the Member who proposed the Ordinary Motion shall be given an opportunity to respond to the amendment.
- (ii) If no amendments are proposed or carried to an Ordinary Motion, then the Member who proposed the motion shall be given the right of reply before the Ordinary Motion is put to the vote.
- (iii) If any amendment(s) is carried then the proposer of the amendment shall have the right of reply before the Ordinary Motion (as amended) is voted on. In the event that more than one amendment has been carried, then the Chair shall use their discretion to determine which of the proposers of the amendments shall have the final right of reply.
- (u) A Member exercising a right of reply will not introduce any new matter and after the reply, a vote shall be taken without further discussion.

**23 AMENDMENT TO MINUTES OF COMMITTEE REFERRED FOR DECISION**

- (a) An amendment to a minute of a Committee or a Sub-committee before the Council for decision can only be moved in the same way as an Ordinary Motion.

**24 AMENDMENTS TO REGULATORY DECISION**

- (a) No amendment may be moved to a Regulatory Decision.
- (b) No amendment may be moved which would have the effect of disproving the recommendation of a Committee or a Sub-Committee in relation to a Regulatory Decision.
- (c) For the purposes of this Rule a Regulatory Decision is the determination of an application for planning permission or any decision, determination, action, direction, order, approval, refusal or enforcement action in exercise of the powers of the Council as the local planning authority or those powers specified in section B of Schedule 1 of the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007.

**25 MOTIONS DURING MEETINGS**

- (a) In addition to any other provision of these Rules the following motions may be moved without notice by any Member during a meeting:-

**FINAL DRAFT PILOT COUNCIL MEETING PROCEDURE RULES**

- (i) to appoint a Member to Chair the meeting if the Chair of Council or the Deputy Chair of Council is not present;
- (ii) in relation to the accuracy of minutes of the Council;
- (iii) to change the order of business in the agenda;
- (iv) to refer something to an appropriate Committee, body or individual for consideration or reconsideration;
- (v) to appoint a Committee or Member arising from an item on the Agenda;
- (vi) to receive reports and/or to adopt recommendations of the Cabinet, committees or officers;
- (vii) to amend a motion except one to which Rule 22 applies;
- (viii) to proceed to the next business;
- (ix) that the question be put to the vote;
- (x) to adjourn a debate or a meeting;
- (xi) to extend the time limit for a speech or item of business;
- (xii) to consider Ordinary Motions submitted under rule 22 in excess of the number specified in Rule 22(e); and
- (xiii) to exclude the public and media in accordance with the Access to Information Procedure Rules, as set out in Part 4 of the Constitution.

**26 CLOSURE MOTIONS**

- (a) Subject to rule (d) below, a Member may move, without comment, the following motions at the end of a speech of another Member;
  - (i) to proceed to the next business;
  - (ii) that the question be now put;
  - (iii) to adjourn a debate; or
  - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Chair thinks the item has been sufficiently discussed, the Chair will give the mover of the original motion a right of reply and then put the closure motion to the vote.
- (c) If a motion that the question be now put is seconded and the Chair thinks the item has been sufficiently discussed, the Chair will put the closure motion to the vote. If it is passed he will give the mover of the original motion a right of reply before putting his motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chair thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, the Chair will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

## FINAL DRAFT PILOT COUNCIL MEETING PROCEDURE RULES

### 27 GENERAL RULES OF DEBATE

- (a) Unless matters are otherwise provided for by other procedures contained in these Rules, the following rules of debate shall apply to the conduct of all business of the Council.
- (b) Members may speak in English or Welsh.
- (c) No speeches may be made after the mover has moved a motion until the motion has been seconded. The Chair may allow the mover to explain the purpose of the motion if he/she thinks fit. The proposer of the motion shall have the right to make the first speech in relation to the motion which he/she has moved.
- (d) When seconding a motion or amendment, a Member may reserve their speech until later in the debate.
- (e) Unless notice of the motion has already been given, the Chair may require it to be written down and handed to the Chair before it is discussed.
- (f) Speeches must be directed to the question under discussion or to a personal explanation or point of order and avoid Irrelevant Business (as defined in Rule 35).
- (g) Proposers of motions or movers of reports may speak for up to six minutes. Unless otherwise stated in these Rules, no other speech may exceed three minutes without the consent of the Chair.
- (h) Unless the Chair is of the view that exceptional circumstances exist, a Member who has spoken on a matter may not speak again whilst it is the subject of debate.

### 28 PREVIOUS DECISIONS AND MOTIONS

#### **Motion to rescind a previous decision**

- (a) A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least twenty one Members.

#### **Motion similar to one previously rejected**

- (b) A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least twenty one Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.



**FINAL DRAFT PILOT COUNCIL MEETING PROCEDURE RULES**

**Part 5 – General Provisions**

**29 VOTING**

**Majority**

- (a) Unless this Constitution or the law provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put.

**Chair's casting vote**

- (b) Except in the case of a vote under Rules (e) and (f) below, if there are equal numbers of votes for and against, the Chair will have a second or casting vote.

**Method of Voting**

- (c) In normal circumstances voting will be carried out electronically and the names of those voting for, against or abstaining from voting will be recorded electronically and entered into the minutes.
- (d) If a matter seems to be uncontroversial (and no objection is received from any Member) the Chair may determine that a vote by a show of hands is sufficient. Where any Member requests it immediately before or after a vote on a show of hands is taken, their vote will be so recorded in the minutes to show whether they voted for or against or abstained from voting.

**Voting on appointments excluding employee appointments**

- (e) If there is one position (in a body or organisation) to be filled by a nominee of the Council and more than one person is nominated for that position then the position will be filled by the person with the greatest number of votes.
- (f) If there are two or more positions (in a body or organisation) to be filled by nominees of the Council and the number of nominations exceeds the number of such positions each Member of the Council will be able to exercise one vote for each such position (but may vote only once for each nominee) and the persons to whom more votes have been given than other persons up to the number of positions to be filled, shall be appointed.

**Voting on employee appointments**

- (g) In the event of there being more than two candidates for an appointment and no candidate receives the required majority on the

## FINAL DRAFT PILOT COUNCIL MEETING PROCEDURE RULES

first vote, the candidate with the least number of votes will be eliminated and a further vote will be taken. This procedure will be repeated until a candidate receives the required majority. If more than one candidate has the same number of votes and that is the lowest number of votes cast, a vote will be taken to decide the candidate to be eliminated from future votes. In the event of an equal number of votes being cast at this stage, the Chair will have a casting vote.

- (h) The Chair will have a casting vote only in the circumstances mentioned in the preceding paragraph.

### 30 MINUTES

#### Signing the minutes

- (a) The Chair will sign the minutes of the proceedings at the next meeting (unless it is an Extra-Ordinary Meeting). The Chair will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

#### Form of minutes

- (b) The form of the minutes will be a matter for the Proper Officer but will include:-
- (i) all motions and amendments in the exact form and order the Chair put them;
  - (ii) replies given to Oral Questions; and
  - (iii) written questions and answers (as referred to at Rule 17).

### 31 RECORD OF ATTENDANCE

- (a) All Members present during the whole or part of a meeting must accurately record their attendance on the record of attendance provided for that purpose.

### 32 RECORDINGS OF MEETINGS OF THE COUNCIL

- (a) Other than the official recording, no recording shall be made of the proceedings of meetings of the Council whether audio or visual and by whatever method except with the express authorisation of the meeting.
- (b) If a person records the proceedings of any meeting (or causes such recording to be effected) without authorisation then the Chair will order their removal from the meeting room and shall not permit them to be admitted to a further meeting except on a written undertaking to desist from such recording and on the destruction of such recordings as may have been made and anything derived from them.

**FINAL DRAFT PILOT COUNCIL MEETING PROCEDURE RULES**

**33 SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**

**Suspension**

- (a) All or any of these Council Rules of Procedure except Rule 29 may be suspended by motion on notice or without notice if at least one half of the whole number of Members is present.

**Amendment**

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

**34 OFFICER ADVICE**

- (a) Any report placed for decision before Council should contain all necessary advice to enable Members to take a decision. Reports will be circulated in advance of the meeting and if a Member requires clarification on an issue related to the report, this should be sought prior to the meeting.
- (b) Further officer advice will only be available at the meeting of Council with the consent of the Chair, in consultation with the Head of Paid Service. If there is a need for further detailed legal or financial advice to be provided, the meeting should be adjourned.

**35 INTERPRETATION**

- (a) In these Rules the following words shall have the following meanings.

*“Relevant Business”* means matters for which the Council has a responsibility and which substantially affect the well-being of the administrative area of the Council and/or the citizens (or a significant group of them) of the Council.

*“Inappropriate Business”* means matters that:

- (i) are not in relation to a matter for which the Council has a responsibility and which affects the administrative area or citizens of the Council;
- (ii) are defamatory, frivolous or offensive;
- (iii) require the disclosure of confidential or exempt information; or
- (iv) relate to the personal circumstances or conduct of any officer and Member or conditions of service of employees; or
- (v) relate to an individual, particular group or business or the questioner’s own particular circumstances.

**FINAL DRAFT PILOT COUNCIL MEETING PROCEDURE RULES**

*“Working Day”* means a normal working day in Wales when banks are open for normal business (for the avoidance of doubt, excluding weekends and public holidays).

- (b) Any reference to “in writing” or “written” shall include email.
- (c) The Chair’s ruling on the interpretation of these terms in relation to the application of these Rules shall be final.

DRAFT

## FINAL DRAFT PILOT COUNCIL MEETING PROCEDURE RULES

## Council Meeting Timetable Summary (assuming no public holidays)

	Day	General Actions	Oral Question Procedure	Written Questions		Ordinary Motions
Thu	-10					
Fri	-9			9am Deadline for asking questions to ensure answer given by meeting.		
WEEKEND						
Mon	-8					
Tue	-7					5pm - Deadline for Submission of Ordinary Motions
Wed	-6	- 5pm - Deadline for Submission of Public Questions				
Thu	-5	Deadline for submission of Green Papers				
Fri	-4	Summons and Agenda Circulated				
WEEKEND						
Mon	-3					
Tue	-2		12.00 noon – Deadline for submission of Oral Questions			5pm - Deadline for submission of amendments to Ordinary Motions
Wed	-1	9am - Deadline for submission of amendments to reports				
<b>Thu</b>	<b>0</b>	<b>Council Meeting</b>		12.00 noon - Written copies of questions and answers circulated by email		
Fri	1					

**FINAL DRAFT PILOT COUNCIL MEETING PROCEDURE RULES**

WEEKEND						
Mon	2					
Tue	3					
We d	4					
Thu	5	Circulation of written copy of Oral Question/Answers				

DRAFT

## FAMILY ABSENCE PROCEDURE RULES (draft)

### Different Types of Family Absence

1. A Member may be entitled to family absence pursuant to the Local Government (Wales) Measure 2011, subject to compliance with the Family Absence for Members of Local Authorities (Wales) Regulations 2013 (“the Regulations”), as follows:
  - (i) Maternity absence – for the mother of a child, granted up to a maximum of twenty six weeks;
  - (ii) Newborn absence – for the parent of a child other than the mother, for a period of up to two weeks;
  - (iii) Adopter’s absence – for the adopter of a child, for a period of up to two weeks;
  - (iv) New adoption absence - for the partner of an adopter, for a period of up to two weeks; and
  - (v) Parental absence – for a Member who becomes responsible for a child (and does not meet the conditions for newborn absence, adopter’s absence or new adoption absence), for a period of up to three months.

### Prescribed Conditions

2. The Regulations prescribe the conditions that Members must satisfy to be entitled to each type of family absence, make provisions regarding the durations, start, cancellation and end of periods of family absence, and set out the administrative process for dealing with family absences. A copy of the Regulations can be obtained from the Council’s Head of Democratic Services and must be referred to by any Member considering taking family absence.

### Requirement for Member to give Written Notice

3. A Member intending to take family absence is required to give written notice to the Head of Democratic Services, specifying the type of family absence the Member intends to take and the intended start date, as well as certain other specified information in respect of particular types of family absence. Any changes to, or cancellation of, family absence must similarly be notified to the Head of Democratic Services. Members should refer to the Regulations for the prescribed information which must be included in the notice, and advice is available in this respect from the Head of Democratic Services.

## **Records and Notification of Family Absence**

4. The Head of Democratic Services will keep a record of all notifications and periods of family absence taken and will inform the Chair of Council, the Chair of the Democratic Services Committee, and the leaders of each political group, and other recognised group, of the authority. The Head of Democratic Services may also inform any other persons, as he/she considers necessary, for example, fellow ward Members.

## **Cancellation of Family Absence by Council**

5. If the Head of Democratic Services reasonably suspects that a Member may not be entitled to the family absence notified, he/she shall inform the Monitoring Officer. The Monitoring Officer may cancel or end a Member's family absence if he/she is of the view that the Member is not entitled to such absence in accordance with the Regulations.
6. In the event of a decision to cancel family absence, the Head of Democratic Services will give written notice to the Member concerned setting out the decision to cancel or bring to an end the period of family absence, and the date from which the Member must return from family absence. If the Member then fails to resume duties, the Council may withhold the Member's remuneration and take any other appropriate action.

## **Members' Right to Appeal Against Cancellation**

7. (1) A Member may, within 28 days from being notified of a cancellation of family absence, complain in writing to the Head of Democratic Services regarding the cancellation.  
  
(2) The Head of Democratic Services will refer any complaint duly made regarding cancellation to the Chair of Council (or Presiding Member).  
  
(3) The Member's complaint will be considered by the Family Absence Appeals Panel, which may either confirm the decision of the Monitoring Officer, or substitute its own decision as to the Member's entitlement to family absence in accordance with the Regulations.  
  
(4) The decision of the Panel is final.

## **Performance of Duties – At Member's request**

8. (1) A Member on maternity absence or parental absence may, subject to paragraphs (2) to (6):
  - (a) Attend particular meetings;
  - (b) Attend particular descriptions of meetings;
  - (c) Perform particular duties; or
  - (d) Perform duties of a particular description.



- (2) The Member must obtain the permission of the Chair of Council (or Presiding Member) before attending any meeting or performing any duty.
- (3) The Chair of Council (or Presiding Member) will inform the leaders of each political group of the Council before granting permission under paragraph (2).
- (4) A Member may complain in writing to the Head of Democratic Services regarding a refusal under paragraph (2).
- (5) The Head of Democratic Services will refer a complaint under paragraph (4) to the Chair of Council (or Presiding Member).
- (6) The Family Absence Appeals Panel (“the Panel”) will determine a complaint made under paragraph (4).
- (7) The Panel may:
  - (a) confirm the decision of the Chair of Council (or Presiding Member) under paragraph (2); or
  - (b) substitute its own decision as to the Member attending any meeting or performing any duty.

### **Continuing Duties**

9. If a Member is on family absence leave and it would be difficult to replace that Member on a temporary basis, the Chair of Council can request that Member to attend a meeting if it might otherwise be inquorate.
10. A Member on family absence is expected to continue to observe and comply with any duties under the Members’ Code of Conduct which remain applicable, including the duty to not bring the office of Member or the Council into disrepute (Members’ Code, Rule 6(1)(a)), and the duty to not use their position or the resources of the authority improperly or for private advantage (Members’ Code, Rule 7).

### **Members’ Allowances**

11. In accordance with the determinations of the Independent Remuneration Panel for Wales, a Member on family absence is entitled, for the duration of the absence, to retain a basic salary and any senior salary for which the Member is eligible.

**PROCEDURE RULES FOR THE ACQUISITION  
OR DISPOSAL OF LAND**

**INDEX**

<b>Contents</b>	<b>Page Numbers</b>
1 <u>General</u>	xx
<del>2</del> <u>Acquisitions, Disposals and Leases - Authority</u>	<del>xx</del>
<del>1A-3</del> <u>Surplus Land</u>	xx
<del>2-4</del> <u>Invitation Of Offers - Disposals Of Land</u>	xx
<del>3-5</del> <u>Receipt, Custody And Opening Of Offers</u>	xx
<del>4-6</del> <u>Examination Of Offers</u>	xx
<del>5-7</del> <u>Evaluation And Acceptance Of Offers</u>	xx
<del>6-8</del> <u>Notification Of Results</u>	xx
<del>7-9</del> <u>Completion Of Contracts</u>	xx
<del>8-10</del> <u>Retention Of Documents</u>	xx

**1. GENERAL**

1.1 These Rules will be followed when dealing with all acquisitions and disposals of land, whether freehold, leasehold or by grant of a tenancy, except as provided below.

1.2 In the Procedure Rules for the Acquisition or Disposal of Land,

'CP&EM' shall mean the Corporate Property & Estates Manager or another qualified valuer with similar duties.

'Land' shall mean any interest in land (including buildings), or any right in, on, over or under land.

'Operational Land or Property' shall mean Council land and property held to facilitate the delivery of Council services to include without limitation land and properties such as offices, schools and associated playing fields, nurseries, youth centres, caretakers houses, libraries, community centres and halls, sports/other leisure outdoor centres and pools, residential homes, day and training centres, enterprise centres, housing area offices, depots, civic amenities sites, cemeteries, crematoria, laboratories, animal pounds, public conveniences, theatres and concert halls, historic buildings and civic residences, parks and recreation grounds, sports pitches, play areas and all associated buildings, changing rooms and ancillary residential accommodation, but excluding land held for investment or development purposes. In the case of doubt, the Section 151 Officer and the Monitoring Officer shall determine the issue.

'Non-Operational Land or Property' shall mean any Land not falling within the definition in these Rules of Operational Land or Property.

'Designated Body' shall mean:-

- (a) the Council exercising non-executive functions; or
- (b) an employee to whom powers (being non-executive functions) have been delegated by the Council; or
- (c) the Leader, the Cabinet or an officer exercising Executive Functions in accordance with the Cabinet Procedure Rules.

'Relevant Cabinet Member/s' shall mean the Cabinet Member for Finance as well as any other Cabinet Member with relevant portfolio responsibility.

1.3 These Rules apply to:-

- (a) the freehold acquisition or disposal of Land;
- (b) the grant of a lease or tenancy exceeding 7 years in duration; and
- (c) the taking of a lease or tenancy of any duration.

1.4 The Procedure Rules for the Acquisition or Disposal of Land do not apply:-

- (a) to disposals under the Leasehold Reform Act 1967 or under "Right to Buy" legislation;
- (b) to the renewal or restructuring of an existing lease or tenancy;
- (c) to the sub-letting or assignment of an existing lease or tenancy granted by the Authority;

- (d) where the Cabinet and the Council decides they will not apply in certain cases.
- 1.5 In any dealings with Land, proper regard will be had to the professional advice from a qualified Valuer at all relevant stages during the process.
- 1.6 The ~~Corporate Chief Officer – Corporate Services~~Council’s Corporate Property and Estates Manager (or another qualified valuer with similar duties) shall be designated as the Valuer for the purposes of paragraph 1.5 of the Procedure Rules for the Acquisition or Disposal of Land and no disposal shall be proposed except in consultation with him/her.
- 1.7 Procedures will be followed precisely so that due probity and accountability can be demonstrated and value for money achieved.

## **2. ACQUISITIONS, DISPOSALS AND LEASES - AUTHORITY**

2.1 Under the Scheme of Delegations, authority for approving disposals, acquisitions and leases shall be vested in:

- (a) The Director of Economic Development (or the Chief Executive), in the case of disposals where the value is not more than £1,000,000 and where:
- (i) Member consultation and advice from the Section 151 Officer and the Monitoring Officer has agreed to the exercise of the delegation;
  - (ii) The offer represents the best price reasonably obtainable; and
  - (iii) The offer so accepted is on price alone,

Provided that this power may not be sub-delegated other than pursuant to the following paragraph (b).

- (b) The CP&EM (pursuant to sub-delegated powers from the Director of Economic Development), in the case of disposals where the value is not more than £100,000 and where:
- (i) The offer represents the best price reasonably obtainable;
  - (ii) The offer so accepted is on price alone; and
  - (iii) The offer is greater than that estimated by a qualified valuer or no more than 10% below that estimate.

- (c) The Director of Economic Development (or the Chief Executive), in the case of acquisitions where the value is not more than £1,000,000 and where:
- (i) Member consultation and advice from the Section 151 Officer and the Monitoring Officer has agreed to the exercise of the delegation;
  - (ii) The Council’s offer represents no more than market value as determined by a qualified valuer; and
  - (iii) The amount offered is on price alone,

Provided that this power may not be sub-delegated other than pursuant to the following paragraph (d).

- (d) The CP&EM (pursuant to sub-delegated powers from the Director of Economic Development), in the case of acquisitions where the value is not more than £100,000 and where:

- (i) The Council's offer represents no more than market value; and
- (ii) The amount offered is on price alone.

(e) The Director of Economic Development (or the Chief Executive), in the case of the grant or taking of a lease at a rent not exceeding £1,000,000 or agreeing the renewal or reconstruction of existing leases at a rent not exceeding £1,000,000, where:

- (i) Member consultation and advice from the Section 151 Officer and the Monitoring Officer has agreed to the exercise of the delegation; and
- (ii) In the case of a grant, the offer represents the best rent reasonably obtainable by the Council as approved by a qualified valuer; or
- (iii) In the case of an acquisition, the Council's offer is no more than market value as approved by a qualified valuer,

Provided that this power may not be sub-delegated other than pursuant to the following paragraph (f).

(f) The CP&EM (pursuant to sub-delegated powers from the Director of Economic Development), in the case of the grant or taking of a lease at a rent not exceeding £100,000 or agreeing the renewal or reconstruction of existing leases at a rent not exceeding £100,000, where:

- (i) In the case of a grant, the offer represents the best rent reasonably obtainable by the Council as approved by a qualified valuer; or
- (ii) In the case of an acquisition, the Council's offer is no more than market value as approved by a qualified valuer.

(g) The Cabinet, for a disposal, acquisition or lease in any case where arrangements have not been made for discharge of that function by an officer of the Council, pursuant to the Cabinet's reserved powers 16, 17 or 42 or where a reference to Cabinet is appropriate following Member consultation under paragraph 2.2 below.

2.2 The exercise of officer delegations under paragraph 2.1 above shall be subject to the following consultation requirements:

- (i) Relevant Cabinet Member/s and Ward Members shall be consulted on Operational Land disposals valued up to £1,000,000, except for routine transactions valued up to £100,000;
- (ii) Relevant Cabinet Member/s shall be consulted on Non-Operational Land disposals and any land acquisitions, except for routine transactions valued up to £100,000;
- (iii) The Cabinet and Ward Members consulted (under sub-paragraphs (i) and (ii) above) shall be given a 7 working day consultation period, during which they may object and request that the matter be referred to Cabinet; and
- (iv) All land transactions, except for routine transactions valued up to £100,000, shall require advice from the Section 151 Officer and the Monitoring Officer.

**31A SURPLUS LAND**

The following process shall apply to Operational Land and Property and Non-Operational Land and Property which may be surplus to the Council's requirements:

- 3.1 Where a service area no longer requires Operational Land or Property, the service area will prepare a report to be approved by the relevant Director in consultation with the relevant Cabinet Member which states that the property or land is surplus to its requirements. Ward Members will be advised that consideration is being given to declaring the identified property or land as surplus to the service area's requirements.
- 3.2 Alternatively, where the Council's Corporate Property & Estates Manager ("CP&EM") (or another qualified valuer with similar duties) identifies opportunities for development or disposal of Operational Land or Property following a property review or an external enquiry, the CP&EM will discuss this with the relevant service area, identify any scope for service area re-provision/relocation if required, and institute consultation as set out in paragraph 3.1 above.
- 3.3 Where the CP&EM proposes the disposal of Non-Operational Land or Property, the business case and options for disposal will be discussed at regular frequency with the CP&EM and the Cabinet Member for Finance Business & Local Economy (or other Cabinet Member with similar duties) and appropriate actions agreed in individual cases.
- 3.4 A schedule of surplus and potentially surplus land and properties will be maintained by the CP&EM and reviewed regularly by the Asset Management Working Group (or other working group or officer with similar duties). Where alternative service area interest arises, this must feature in the relevant service area's property plan, and proposals for a re-use will be considered by the Asset Management Working Group. The relevant Director, and Relevant Cabinet Members will consider the business case for a re-use of land and property for alternative Council purposes.
- 3.5 The schedule of surplus and potentially surplus properties will be circulated to all members of the Council twice a year for information. Where questions or comments arise these will be referred to the CP&EM for a response.
- 3.6 At the earliest possible opportunity the ward Members will be advised of the proposed disposal strategy in individual cases, including planning considerations, re-development and disposal timescales. In accordance with delegated power DE4, if no ward Member objection is received, the Director of Economic Development may declare the land or property as surplus to the Council's requirements; however where a ward Member objection is received the matter will be referred to the Cabinet for a decision.

3.7 Where any proposed declaration of a property as surplus (under delegation DE4) relates to a property providing direct services to the public then the decision shall be referred to the Cabinet for its approval under its reserved power 42.

3.8 The future of Non-Operational Land will be considered by the Asset Management Working Group (or other working group or officer with similar duties) and the relevant service area who may identify future operational use and, as per the procedure set out in paragraph 3.2, such use will be determined in a similar manner. The sale of Non-Operational Land may involve freehold reversions, ground leases as initiated by tenants, or sales as an investment subject to a sitting tenancy or to third party investors if it is determined that the Council no longer has a strategic need for the property for social, economic, employment or regeneration purposes.

3.9 Marketing arrangements - determining the most appropriate marketing methodology and co-ordinating all negotiations shall be determined by the CP&EM for all property sales and major property related projects taking proper account of the statutory obligation to demonstrate best consideration.

~~1A.1A service area may prepare documentary evidence to show that Operational Land and or Property is surplus to the requirements of the service area, provided that such proposal shall be approved by the relevant Corporate Director in consultation with the Cabinet Member; and ward Members shall be informed that consideration is being given to declaring the identified Operational Land and or Property as surplus.~~

~~1A.2 Once Operational Land and or Property is determined to be surplus to that service area's operational requirements, it will be deemed to be corporate land or property (as the case may be); and the City & County Treasurer will prepare a detailed report setting out the merits of disposal or retention based on the requirements of best value, and will consult with all other service areas and the ward Members for the area concerned regarding the recommendations in the report.~~

~~1A.3 Consultation with ward Members will:~~

~~(a) be conducted through the Council's electronic mail system and Members will be requested to respond with any views through e-mail replies (in order to provide a clear and detailed trail of the ward Members consultation process), however responses will also be accepted by letter or fax; and~~

~~(b) allow a consultation period of 21 working days to ensure that ward Members have sufficient time to respond.~~

~~1A.4 If the consultation results in objections from ward Members, these objections will be indicated in the report of the Corporate Chief Officer - Corporate Services, which will be referred to the Cabinet for a decision.~~

~~1A.5~~ If there are no ward Member objections, a decision on disposal or retention will be taken by the City & County Treasurer, in consultation with the Cabinet Member for Finance & Service Delivery.

## ~~2.~~~~4.~~ INVITATION OF OFFERS - DISPOSALS OF LAND

~~2.1~~~~4.1~~ No offers for the disposal of Land will be invited except with the prior approval of a Designated Body.

~~2.2~~~~4.2~~ Only a Designated Body will determine on the advice of the Corporate ~~Chief Officer~~~~Corporate Services~~Property & Estates Manager (where he/she is not the Designated Body) whether disposals will be by way of sealed offer, private treaty or auction and such determination will be made so as to achieve the best price reasonably obtainable.

~~2.3~~~~4.3~~ There will be no disposal of Land by private treaty or where an offer has been received from only one person except where it is determined by a Designated Body, that there is only one party who could acquire the interest because, for example:-

- (a) the physical characteristics of the land so dictate, or
- (b) there is only one response following prolonged marketing of the land;

~~2.4~~~~4.4~~ The Corporate ~~Chief Officer~~~~Corporate Services~~Property & Estates Manager will advertise any proposed disposal by public notice in at least one local newspaper and, if appropriate, in specialist journals, setting out a description of the land, the terms and conditions upon which offers are to be submitted, where further particulars may be obtained and the last date and time when offers will be received. It need not be advertised when ~~2.4.2~~ above applies or if it can be demonstrated to the satisfaction of the Corporate ~~Chief Officer~~~~Corporate Services~~Property & Estates Manager that the nature of the demised land is such that to do so would serve no useful purpose.

~~2.5~~~~4.5~~ Offerors will be provided with a Form of Offer based upon a Model prepared by the Corporate ~~Chief Officer~~~~Corporate Services~~Property & Estates Manager and with the official pre-addressed envelope bearing the word "Offer" followed by the subject to which the offer relates and pre-addressed to the Corporate ~~Chief Officer~~~~Corporate Services~~Property & Estates Manager.

~~2.6~~~~4.6~~ The confidentiality of identity of offerors will be maintained until an offer has been accepted, subject to any legal obligation to disclose.

~~2.7~~~~4.7~~ No offeror will be favoured with information that is not made available to the others.

~~2.8~~~~4.8~~ Every person submitting an offer to the Authority will be required to sign a declaration to the effect that:-

- (a) they have not and will not inform any other person of the amount of their offer; and
- (b) they have not fixed the amount of any offer in accordance with a price fixing arrangement; and
- (c) they accept that the Authority is entitled to cancel the contract and to recover from them the amount of any loss arising from such cancellation if it is discovered that there has been any corrupt or fraudulent act or



omission by them which in any way induced the Authority to enter into the contract.

**3.—5. RECEIPT, CUSTODY AND OPENING OF OFFERS**

**3.1—5.1** It will be a condition of every invitation that each offer must be sent in the official envelope provided, which must be sealed.

**3.2—5.2** All offers must be delivered to the address shown on the official envelope.

**3.3—5.3** Delivery by hand will be acceptable only in exchange for an official receipt. The receipt will clearly record the time and date of receipt.

**3.45.4** All offers will be kept in safe custody until the appointed time of opening when they will be opened consecutively during the same session.

**3.55.5** All offers will be opened by two employees designated for the purpose by the ~~Corporate Chief Officer~~ Corporate Services Director of Economic Development, at least one of whom will have had no involvement in the invitation of offers.

**3.6—5.6** When opened, all offers will be recorded in a register and initialled and dated by the designated employees present at the time.

**3.7—5.7** Any offer received after the time and date specified in the invitation will not be considered unless there are exceptional circumstances and it is agreed by the ~~Corporate Chief Officer~~ Corporate Services Director of Economic Development and the ~~Chief Officer Legal and Democratic Services~~ County Solicitor.

**4.6 EXAMINATION OF OFFERS**

**46.1** If, after the offers have been opened and examined, an error in computation of an offer is detected the offeror will be given details of the error and the opportunity of confirming the total offer sum or withdrawing his/her offer.

**46.2** An offer, which attempts to qualify certain aspects of the proposals, and which would require the Authority to acquiesce, other than as planning authority, will not be considered. An offeror who submits a qualified offer will be given the opportunity to withdraw the qualification without amendment to his/her offer and if he/she does so it will be considered but if he/she fails to do so it may be rejected.

**46.3** An offer which is conditional solely upon the outcome of matters which would not require the Authority to acquiesce, other than as planning authority, will be considered.

**46.4** No post-offer negotiations will take place with an offeror unless the scope and principles of the negotiations have been approved in writing by an employee of not less than Operational Manager level; and no fewer than two employees are present at all times during the negotiations.

**46.5** A written record of all verbal communications with an offeror together with the time and date thereof will be made contemporaneously (or as near as possible) and signed by the relevant employee and an employee of not less than Operational Manager level.

**57. EVALUATION AND ACCEPTANCE OF OFFERS**

- 57.1** The offer that represents the best price reasonably obtainable by the Council will be accepted.
- 57.2** Offers may only be accepted by a Designated Body.
- 57.3** There will be no disposal at less than the best price reasonably obtainable without compliance with relevant statutory provisions, on the advice of the ~~Chief Officer Legal and Democratic Services~~County Solicitor.
- 57.4** Nothing in these Rules binds the Council to accept any offer.

**68. NOTIFICATION OF RESULTS**

- 6.1** Once an offer has been accepted the unsuccessful offerors will be informed that their offers are no longer being considered.

**79. COMPLETION OF CONTRACTS**

- 79.1** Contracts and transfers will be in writing and executed in accordance with Article 13 of the Constitution and as may be required in law to give effect to the transaction.
- 79.2** Only the Designated Body may issue instructions to the ~~Chief Officer Legal and Democratic Services~~County Solicitor for the preparation and completion of documentation in respect of any transaction in land, except as authorised in advance by the Cabinet and the Council.
- 79.3** Every contract will comply with the EC Treaty and any Directives of the European Union for the time being in force in the United Kingdom.

**810. RETENTION OF DOCUMENTS**

- 810.1** Deeds, title documents, leases, charges on land, guarantees and documents of a similar nature may only be destroyed with the consent of the ~~Chief Officer Legal and Democratic Services~~County Solicitor.
- 810.2** Details of all offers will be retained for a period of three years.

## SUB-SECTION B

### DELEGATIONS TO CHIEF EXECUTIVE AND HEAD OF PAID SERVICE, CORPORATE DIRECTORS AND DIRECTORS

**NOTE:** the following delegations must be read in conjunction with the foregoing Sub-Section A which set out the overall basis, limitations, and further provisions which apply to this scheme of delegations.

All Delegated decisions taken in this sub-section, apart from CD1 and CD2 (Council Functions), will be published in the Officer Executive Decision Register, irrespective of whether they are further delegated, that is, both the decision to delegate and the delegated decision will be published.

**PROVIDED ALWAYS** that the decision is:

- a) within budget;
- b) in accordance with the Council's policy framework;
- c) in accordance with Council's Financial and Land Procedure Rules and Contracts Procedure Rules;
- d) in accordance with their Service Area Business Plan; and
- e) not a matter specifically reserved for Full Council, a Committee of the Council, the Executive or a Statutory Officer,

The Chief Executive, Corporate Director - Operations, Corporate Director - Resources, and all Directors shall be authorised:-

- 1.1 To make any decisions relating to any matter within their area of responsibility ('General Delegation'), including, for the avoidance of doubt, any matter specifically delegated in this Scheme of Delegations to an Assistant Director, Chief Officer (or Head of Service) or Operational Manager.
- 1.2 To take appropriate action, which is necessary, to ensure the efficient, equitable and effective delivery of services.

## 1.3 To exercise the following Specific Delegations:-

Ref.	Delegation	Form of Evidence
<b>Human Resources</b> CD1	<p>Authority to manage the human resources within their area of responsibility, including the appointment, establishment, salary/grade, training, terms and conditions of employment, health and safety, discipline, suspension and dismissal of staff, in accordance with the Council's HR and financial procedures and subject to appropriate consultation as outlined therein.</p> <p><b>Qualification: This may not be further delegated.</b></p>	Relevant HR Form
CD2	<p>Authority to consider and approve, as appropriate, in consultation with the Chief HR Officer and Corporate Director, Resources and in accordance with the provisions of the Local Government Pension Scheme and the Council's approved policy and criteria, the early retirement of staff (aged 55 or over) in the following circumstances:</p> <p>(1) in the interests of the efficiency of the service (2) who request voluntary retirement</p> <p><b>Qualification: This may not be further delegated.</b></p>	Relevant HR Form
<b>Procurement</b> CD3	<p>To procure works, goods, services and/or supplies and manage all aspects of the contract (except in relation to variations - see CD4; framework arrangements - see FS20; or where the Contracts Procedure Rules make contrary provision) where the estimated contract value does not exceed £5,000,000; and in all cases, subject to compliance with Financial Procedure Rules, Contracts Procedure Rules and the Policy and Budget Framework.</p> <p><b>Qualification: This may not be further delegated.</b></p>	Pre-Tender and Contract Award Forms  Officer Decision Form and Report

Ref.	Delegation	Form of Evidence
CD4	<p>To authorise, issue or approve variations in accordance with the values, as set out in the Contracts Procedure Rules.</p> <p><b>Qualification: This may not be further delegated.</b></p>	
CD5	<p>To appoint persons to undertake management consultancy up to a value of £500,000 where the sum is allocated in the budget and for that purpose, subject to compliance with the Contracts Procedure Rules and the Policy and Budget Framework.</p> <p><b>Qualification: This may not be further delegated.</b></p>	Pre-Tender and Contract Award Forms
<b>Other</b> CD6	<p>Within Service Areas to vire sums not exceeding £250,000 provided under specific public revenue budget heads to other purposes (revenue only), subject to compliance with the Financial Procedure Rules.</p> <p><b>Qualification: This may not be further delegated.</b></p>	Virement Form
CD7	<p>Within service areas to vary the approved programme of capital expenditure by an addition or deletion or material modification of an existing project by a virement not exceeding £250,000 to or from another project but subject to the Policy and Budgetary Framework and in accordance with Financial Procedure Rules.</p> <p><b>Qualification: This may not be further delegated.</b></p>	Virement Form
CD8	<p><del>To authorise the disposal or acquisition of land and to be the Designated Body for the purposes of the Procedure Rules for the Acquisition or Disposal of Land in the following cases:</del></p> <p><del>For disposals or acquisitions not exceeding £5,000,000, where the amount offered is greater than that estimated by the Lead Strategic Estates Manager or no more than ten percent below that estimate, the offer may be accepted</del></p> <p><del>For disposals or acquisitions not exceeding £1,000,000 in value where the proposal is to accept the best offer reasonably obtainable but that is determined other than on price alone</del></p> <p><del>For taking or granting of leases at rents not exceeding £1,000,000 pa and agreeing the renewal or restructuring of existing leases for rents not exceeding £1,000,000 pa</del></p> <p><del>And provided that the offer that represents the best price reasonably obtainable by the Authority</del></p> <p><b>Qualification: This may not be further delegated.</b></p>	Acquisition/ Disposal of Land Form

Ref.	Delegation	Form of Evidence
CD9	In accordance with any policy or strategy approved by the Cabinet to consider and determine applications for financial assistance or assistance in kind and to approve or reject applications having a value not exceeding £1,000,000 per grant.	Grant Application Form
CD10	<p>To exercise the rights and responsibilities of the Council as shareholder or member of a company or other body, where no other specific provision has been made.</p> <p><b>Qualification: This may be further delegated to officers of grade OM1 or above only.</b></p>	

Back to Part 3 [Contents](#) Page

### SUB-SECTION C

DELEGATIONS TO ALL ASSISTANT DIRECTORS, THE CHIEF HR OFFICER, CHIEF FINANCE OFFICER AND HEAD OF CABINET OFFICE (to take effect when the relevant appointee is in post, pending which dates, the delegation in this Sub-Section C are to read as relating to ALL CHIEF OFFICERS AND HEADS OF SERVICE)

NOTE: the following delegations must be read in conjunction with the foregoing Sub-Section A which set out the overall basis, limitations, and further provisions which apply to this scheme of delegations.

PROVIDED ALWAYS that the decision is:

- a) within budget;
- b) in accordance with the Council's policy framework;
- c) in accordance with Council's Financial and Land Procedure Rules and Contracts Procedure Rules;
- d) in accordance with their Service Area Business Plan; and
- e) not a matter specifically reserved for Full Council, a Committee of the Council, the Cabinet, a Statutory Officer, the Chief Executive, any Corporate Director or Director

All Assistant Directors, Chief Officers and the Head of Cabinet Office shall be authorised:-

- 1.1 To make any decisions relating to any matter within their area of responsibility ('General Delegation'), including, for the avoidance of doubt, any matter specifically delegated in this Scheme of Delegations to an Operational Manager.

**1.2 To take appropriate action, which is necessary, to ensure the efficient, equitable and effective delivery of services.**



## 1.3 To exercise the following Specific Delegations:-

Ref.	Delegation	Form of Evidence
<b>Human Resources</b> CO1	<p>Authority to manage the human resources within their area of responsibility, including the appointment, establishment, salary/grade, training, terms and conditions of employment, health and safety, discipline, suspension and dismissal of staff, in accordance with the Council's HR and financial procedures and subject to appropriate consultation as outlined therein.</p> <p><b>Qualification: This may not be further delegated.</b></p>	Relevant HR Form
CO2	<p>Authority to consider and approve, as appropriate, in consultation with the Chief HR Officer and the Corporate Director, Resources and in accordance with the provisions of the Local Government Pension Scheme and the Council's approved policy and criteria, the early retirement of staff (aged 55 or over) in the following circumstances:</p> <p>(1) in the interests of the efficiency of the service (2) who request voluntary retirement</p> <p><b>Qualification: This may not be further delegated.</b></p>	Relevant HR Form
<b>Procurement</b> CO3	<p>To procure works, goods, services and/or supplies and manage all aspects of the contract (except in relation to variations - see CO4; framework arrangements - see FS20; or where the Contracts Procedure Rules make contrary provision) where the estimated contract value does not exceed £1,000,000; and in all cases, subject to compliance with Financial Procedure Rules, Contracts Procedure Rules and the Policy and Budget Framework.</p> <p><b>Qualification: This may not be further delegated.</b></p>	Pre-Tender and Contract Award Forms
CO4	<p>To authorise, issue or approve variations in accordance with the values, as set out in the Contracts Procedure Rules.</p> <p><b>Qualification: This may not be further delegated.</b></p>	
<b>Other</b> CO5	<p>To make any applications under the planning legislation to the Authority as Local Planning Authority in relation to development of land for which the Chief Officer is responsible including Planning Applications to develop any land held by the Authority or for the development of any land by the Authority whether on its own</p>	

Ref.	Delegation	Form of Evidence
	or jointly.	
CO6	To manage any operational land or premises or assets and to secure such maintenance, repair or renewal of the same, save that the purchase repair, leasing, hire, disposal and maintenance of vehicles will be managed in accordance with arrangements made by the officer who is for the time being the Authority's Transport Manager.	
CO7	<p>Within the service area to vary the approved programme of capital expenditure by an addition or deletion or material modification of an existing project by a virement not exceeding £100,000 to or from another project subject to the Policy and Budget Framework and in accordance with Financial Procedure Rules.</p> <p><b>Qualification: This may not be further delegated.</b></p>	Virement Form
CO8	<p>Within service areas to vire sums not exceeding £50,000 provided under specific published revenue budget heads to other purposes (revenue only) subject to compliance with Financial Procedure Rules.</p> <p><b>Qualification: This may not be further delegated.</b></p>	Virement Form
CO9	<p>In accordance with any policy or strategy approved by the Cabinet to consider and determine applications for financial assistance or assistance in kind and to approve or reject applications having a value not exceeding £250,000.</p> <p><b>Qualification: This may not be further delegated.</b></p>	Grant Application Form
CO10	In accordance with any policy or strategy approved by the Cabinet to set fees and charges which may be made by the Authority and to waive such fees or charges or grant concessions where it would be likely to promote the economic, social or environmental well being of the Authority's area.	Concessionary Letting Form

Ref.	Delegation	Form of Evidence
CO11	To make applications or submit bids for funding or financial assistance or assistance in kind, to any person or body and take all necessary steps to accept this assistance.	Grant Submission Form
CO12	To approve the write-off of stocks, stores and other assets where the value of the stocks, stores or other assets does not exceed £5,000.	
CO13	To settle complaints made under the Council's <a href="#">Complaint Policy</a> where appropriate, which may include an apology, rectification, or in exceptional circumstances a monetary payment up to a maximum of £100; and to settle Ombudsman's recommendations under Section 21 of the Public Services Ombudsman (Wales) Act 2005, up to a maximum of £1,000.	

## SUB-SECTION D

### DELEGATIONS TO OPERATIONAL MANAGERS

**NOTE:** the following delegations must be read in conjunction with the foregoing Sub-Section A which set out the overall basis, limitations, and further provisions which apply to this scheme of delegations.

**PROVIDED ALWAYS** that the decision is:

- a) within budget;
- b) in accordance with the Council's policy framework;
- c) in accordance with Council's Financial and Land Procedure Rules and Contracts Procedure Rules;
- d) in accordance with their Service Area Business Plan; and
- e) not a matter specifically reserved for Full Council, a Committee of the Council, the Cabinet, a Statutory Officer, the Chief Executive, any Corporate Director, Director, Assistant Director, Chief Officers or Heads of Service,

All Operational Managers shall be authorised:-

- 1.1 To make any decisions relating to any matter within their area of responsibility ('General Delegation'),
- 1.2 To take appropriate action, which is necessary, to ensure the efficient, equitable and effective delivery of services.

## 1.3 To exercise the following Specific Delegations:-

Ref.	Delegation	Form of Evidence
<b>Human Resources</b> OM1	Authority to manage the human resources within their area of responsibility as set out in the approved Human Resources policies and procedures.	Relevant HR Form
<b>Procurement</b> OM2	To procure works, goods, services and/or supplies and manage all aspects of the contract (except in relation to variations - see OM3; framework arrangements - see FS20; or where the Contracts Procedure Rules make contrary provision) where the estimated contract value does not exceed £250,000; and in all cases, subject to compliance with Financial Procedure Rules, Contracts Procedure Rules and the Policy and Budget Framework.  <b>Qualification: This may not be further delegated for procurements of £10,000 or above.</b>	Pre-Tender and Contract Award Forms
OM3	To authorise, issue or approve variations in accordance with the values, as set out in the Contracts Procedure Rules.	
<b>Other</b> OM4	In accordance with any policy or strategy approved by the Cabinet to consider and determine applications for financial assistance or assistance in kind and to approve or reject applications having a value not exceeding £50,000.  <b>Qualification: This may not be further delegated.</b>	Grant Application Form

## SUB-SECTION E

### SPECIFIC DELEGATIONS TO STATUTORY, LEGAL, FINANCIAL & HUMAN RESOURCE OFFICERS

**NOTE:** The following delegations must be read in conjunction with the foregoing Sub-Sections A, B and C which set out the overall basis, limitations, and further provisions which apply to this Scheme of Delegations and also the general delegations to the Chief Executive, Corporate Directors, Directors, Assistant Directors and Chief Officers.

All Delegated decisions taken in this sub-section by the Chief Executive will be published in the Officer Executive Decision Register.

**PROVIDED ALWAYS** that the decision is:

- a) within budget;
- b) in accordance with the Council’s policy framework;
- c) in accordance with Council’s Financial and Land Procedure Rules and Contracts Procedure Rules;
- d) in accordance with their Service Area Business Plan; and
- e) not a matter specifically reserved for Full Council, a Committee of the Council, the Cabinet, a Statutory Officer, the Chief Executive, any Corporate Director or Director.

<b>Chief Executive &amp; Head of Paid Service</b>	
CE1	To exercise any Executive Function (even where such matters are reserved to the Cabinet) in any case of urgency or where it is impracticable for the matter to be considered by the Cabinet and unless action is taken then the Authority would be likely to suffer a financial or other serious disadvantage or unlikely to be able to take advantage of a material opportunity.
CE2	To be Head of Paid Service and discharge the functions of appointment and dismissal of, and taking disciplinary action against, any member of staff, in accordance with the Council’s HR and financial procedures and subject to appropriate consultation as outlined therein, except where such functions have been reserved to the Appointments Committee.
CE3	To exercise corporate Council functions as appropriate.
CE4	To incur expenditure in the event of a civil emergency.
CE5	In cases of urgency or emergency, to take any decision on behalf of the Council (after consultation with the Leader).
CE6	For the purposes of the Local Government (Contracts) act 1997, authority for the Corporate Director, Resources and any one of the following – Chief Executive, Monitoring Officer and County Solicitor (or Chief Officer Legal and Democratic Services), to sign each certificate given under the Act.
CE7	To the Chief Executive or Nominee (Chief HR Officer) to make decisions on employee Terms and Conditions, (including procedures for dismissal), except those relating to:

	<ul style="list-style-type: none"> <li>• Chief Executive, Chief Officers and other JNC for Chief Officer posts;</li> <li>• Changes to the Council's corporate pay grade structure;</li> <li>• Changes for employee Terms and Conditions which are the subject of contention with the trade unions.</li> </ul>
CE8	Functions of the Returning Officer.
CE9	Functions of the Electoral Registration Officer.
CE10	To appoint proper officers where required at law for the performance of Executive Functions.
CE11	Re-grading applications - To determine applications for re-grading from the Chief HR Officer
CE12	To approve new operational HR employment policies and changes to existing policies as required. (CIS <u>4.HR.154</u> )
	<b>Qualification: These may not be further delegated.</b>

<b>County Solicitor; and County Clerk and Monitoring Officer, in so far as such functions are within the responsibilities of their posts (to take effect when the relevant appointee is in post); and the officer for the time being nominated as the Deputy Monitoring Officer, to the extent to which the matters below relate to the statutory functions of the Monitoring Officer and are required to discharge the role of the Deputy Monitoring Officer</b>	
LD1	To appoint proper officers or authorise an officer of the Authority for any purpose the performance of which is an Executive Function where statute requires that the officer should be appointed or authorised for that specific purpose or purposes.
LD2	All proper officer functions not allocated to other officers and to act as Solicitor to the Council.
LD3	Authority to affix the Common Seal of the Council.
LD4	<b><u>Local Government Act 1972 Part V – General Provisions as to Members &amp; Proceedings of Local Authorities</u></b>
	Section 83(1) to (4) – Witness and Receipt of Declarations of Acceptance of Office.
LD5	Section 84 – Receipt of Declaration of Resignation of Office.
LD6	Section 88(2) – Convening meeting to fill casual vacancy of Chairman.
LD7	Section 89(1)(b) – Receipt of Notices of Casual Vacancy.
LD8	Section 96(1) – Receipt of notices of Pecuniary Interest.
LD9	Section 96(2) – Keeping Record of Disclosure of Pecuniary Interest under Section 94, and of Notices under Section 96 (1).
LD10	Section 99 and Schedule 12 Paragraph 4(2)(b) – Signature of Summonses to Council Meetings.
LD11	Section 99 and Schedule 12 Paragraph 4(3) – Receipt of Notices regarding Addresses to which Summonses to Meetings to be sent.
LD12	<b><u>Part V A – Access to Information</u></b> <ul style="list-style-type: none"> <li>• Section 100B(2) – Exclusion of exempt items from public access.</li> <li>• Section 100B(7)C – Provision of copies of documents to newspapers.</li> <li>• Section 100C(2) – Provision of written summary of exempt proceedings.</li> <li>• Section 100D(1)(a) – Preparation of lists of background papers.</li> <li>• Section 100D(5) – Identification of background papers to a report.</li> <li>• Section 100F(2) – Identification of exempt information not to be disclosed.</li> </ul>
LD13	<b><u>Part XI General Provision – Documents and Notices etc</u></b> <ul style="list-style-type: none"> <li>• Section 228(3) – Inspection of accounts.</li> <li>• Section 229(5) – Certification of official documents.</li> <li>• Section 231(1) – Receipt of Notices served on the Council.</li> <li>• Section 233 – Service of Notices by the Council.</li> <li>• Section 234(1) &amp; (2) – Signing of Documents.</li> </ul>



- Section 238 - Certification of bylaws.

<b>County Solicitor; and County Clerk and Monitoring Officer, in so far as such functions are within the responsibilities of their posts (to take effect when the relevant appointee is in post); and the officer for the time being nominated as the Deputy Monitoring Officer, to the extent to which the matters below relate to the statutory functions of the Monitoring Officer and are required to discharge the role of the Deputy Monitoring Officer</b>	
LD14	<p><b><u>Local Government Housing Act 1989</u></b></p> <ul style="list-style-type: none"> <li>• Section 2(4) – Receipt of list of politically restricted posts.</li> <li>• Section 19(1) – Receipt of general notice of pecuniary interests from Members.</li> </ul>
LD15	<p><b><u>Local Government (Committees &amp; Political Groups) Regulations 1990</u></b></p> <p>Regulation 8 – Receipt of notice of formation of political groups and changes in membership of political groups.</p>
LD16	<p><b><u>Constitution (including Rules of Procedure)</u></b></p> <p>To exercise Delegations as set out in the Constitution (including Rules of Procedure)</p>
LD17	<p><b><u>Appointments</u></b></p> <p>To appoint councillors or non-councillor members to committee seats allocate to political groups or nominating bodies (or to make changes, fill vacancies or give effect to temporary membership changes – “substitutions” ) in accordance with the wishes of political groups or member nominating body.</p>
LD18	To make appointments to outside bodies in accordance with the decision of Council.
LD19	To constitute the membership of appeals and complaints committees and Council Tax/Benefit Revenue Boards from panels of trained members.
LD20	<p><b><u>Representing the Council in the Courts, Tribunals or at Public Enquiries</u></b></p> <p>To authorise the institution, defence, withdrawal of compromise of any claims or legal proceedings, and or criminal, in consultation with the relevant Chief Officer, except where power to institute proceedings is delegated to specific officers.</p>
LD21	To appear personally or authorise officers of the Council to appear on the Council’s behalf in court proceedings or at any tribunal or public or local inquiry.
LD22	To engage Counsel to represent the Council at any proceedings.
LD23	To defend and settle (subject to consultation with the relevant Director/Chief Officer and the Chief HR Officer any Employment Tribunal

	proceedings.
--	--------------

<b>County Solicitor; and County Clerk and Monitoring Officer, in so far as such functions are within the responsibilities of their posts (to take effect when the relevant appointee is in post); and the officer for the time being nominated as the Deputy Monitoring Officer, to the extent to which the matters below relate to the statutory functions of the Monitoring Officer and are required to discharge the role of the Deputy Monitoring Officer</b>	
LD24	<b><u>Applications under Section 53 of the Wildlife and Countryside Act 1981</u></b> Authority to decide (using the guidelines contained in the legislation and any guidance issued by the authority) whether a claim is supported by sufficient evidence for an order to be made and (subject to circulation of details of such claims to Members of the Planning Committee) to serve notice on applicants who have submitted insufficient evidence or not met the legal requirements that no order be made.
LD25	<b><u>Pastoral Measure 1983</u></b> Authority to determine the Council's response to any proposal received for consultation to alter ecclesiastical boundaries under the Measure, taking into account the views of ward councillors for the area and subject to any of these councillors being able to require the matter to be decided by the Cabinet.
LD26	<b><u>Orders</u></b> To make all Statutory Orders.
LD27	Instituting criminal proceedings in cases of assault against employees where it is considered appropriate to do so in the interest of the County Council and where such proceedings have not been undertaken by the Police.
<b>(i) Corporate Director, Resources, save to the extent to which the matters below can only be carried out by the designated Section 151 Officer; (ii) Section 151 Officer, to the extent to which the matters below relate to the statutory functions of the Section 151 Officer; and (iii) The officer for the time being nominated as the Deputy Section 151 Officer, to the extent to which the matters below relate to the statutory functions of the Section 151 Officer and are required to discharge the role of the Deputy Section 151 Officer</b>	
FS1	Delegated Powers conferred on the Corporate Chief Officer - Corporate Services under Financial Procedure Rules.
FS2	To be the Officer with responsibility for the proper administration of the Council's financial affairs under Section 151 of the Local Government Act 1972 and meeting the requirement under Section 113 of the Local Government Finance Act 1988 to be a member of one of the recognised accountancy bodies.
FS3	To nominate a properly qualified member of staff to deputise should the Corporate Chief Officer - Corporate Services be unable to perform his/her duties under Section 114 of the Local Government Finance Act 1988.
FS4	To facilitate and manage the co-ordination of medium term financial planning, annual budget planning, budget monitoring and the preparation of statutory and other accounts, associated grant claims and supporting records.
FS5	To manage the Council's financial affairs and services, including all matters relating to the Collection Fund, General Fund, Housing Revenue

	Account, Treasury Management, Reserves and Provisions, Subsidiary Accounts, all other funds established under statutory requirements and trust funds including charitable trust funds where the Council or its officers are trustees.
--	---

<p><b>(i) Corporate Director, Resources, save to the extent to which the matters below can only be carried out by the designated Section 151 Officer;</b>  <b>(ii) Section 151 Officer, to the extent to which the matters below relate to the statutory functions of the Section 151 Officer; and</b>  <b>(iii) The officer for the time being nominated as the Deputy Section 151 Officer, to the extent to which the matters below relate to the statutory functions of the Section 151 Officer and are required to discharge the role of the Deputy Section 151 Officer</b></p>	
FS6	For the purpose of the Local Government (Contracts) Act 1997, authority for the Corporate Director, Resources and any one of the following – Chief Executive, Monitoring Officer or County Solicitor (or the Chief Officer Legal and Democratic Services), to sign each certificate given under the Act.
FS7	To carry out the functions and exercise the powers of the Authority under Part 1 of the Local Government Finance Act 1988 (Administration and Collection of Community Charges).
FS8	To carry out the functions and exercise the powers of the Authority under Parts I and II of the Local Government Finance Act 1992 (except determinations under Sections 8 (2) or 12 (1) of the 1992 Act) (Administration and Collection of Council Tax).
FS9	To carry out the functions and exercise the powers of the Authority under Part II of the Local Government Finance Act 1988 (except Sections 47 and 56 and Schedules 7 and 7A (Administration and Collection of Non-Domestic Rates)).
FS10	To operate the Authority's main bank account and arrange for all cheques to bear the signature of the Corporate Director, Resources.
FS11	To arrange and operate other bank accounts and to nominate authorised signatories to act on behalf of the Council.
FS12	To approve arrangements for bank accounts for cheque book schools.
FS13	To write off of irrecoverable debts and to determine the payment period of debts where debtors offer to pay by instalments where the debt in question does not exceed £100,000.
FS14	To determine the level of security for the due performance of any contract and to approve Contract Guarantee Bonds.
FS15	To accept nominations of admitted bodies to participate in the Superannuation Fund.
FS16	To determine the appropriate rate of interest where chargeable under any statutory power of the Authority.
FS17	To approve deductions from pay in suitable cases when requested by staff.
FS18	To grant extensions of repayment periods under house mortgages granted by the Authority and on the repossession of mortgaged houses, to sell the same by auction or by private treaty or to foreclose in appropriate cases.
FS19	To waive the right to recovery of salaries paid in advance to employees under Section 30 of the Local Government (Miscellaneous Provisions) Act 1976.

FS20	To authorise the invitation of tenders, quotations, offers or bids and agree appropriate tender evaluation criteria for Framework/Call-off arrangements in accordance with the Contracts Procedure Rules and where appropriate for that purpose, approve select lists of contractors, suppliers and tenderers.
------	--

<b>(i)</b>	<b>Corporate Director, Resources, save to the extent to which the matters below can only be carried out by the designated Section 151 Officer;</b>
<b>(ii)</b>	<b>Section 151 Officer, to the extent to which the matters below relate to the statutory functions of the Section 151 Officer; and</b>
<b>(iii)</b>	<b>The officer for the time being nominated as the Deputy Section 151 Officer, to the extent to which the matters below relate to the statutory functions of the Section 151 Officer and are required to discharge the role of the Deputy Section 151 Officer</b>
FS21	To approve the acceptance of tender bids, quotations or estimates for Framework/Call-off arrangements in accordance with the Contracts Procedure Rules within financial estimates where: (a) Where the value of the contract does not exceed £5,000,000 and the contract is awarded to the lowest tenderer; or (b) even though the tender is not the lowest provided that the value of the contract does not exceed £1,000,000
FS22	To approve the write-off of stocks, stores and other assets where the value of the stocks, stores or other assets does not exceed £50,000.
FS23	To issue legal proceedings (and under Section 223 of the Local Government Act 1972 be authorised to appear on behalf of the County Council at the hearing of any legal proceedings in the Magistrates Court) by way of an application for the issue of a Liability Order in respect of:- <ul style="list-style-type: none"> <li>• unpaid Council Taxes and penalties under Part VI of the Council Tax (Administration and Enforcement) Regulations 1992; by way of an application for the issue of a warrant of commitment to prison under Part VI of the Council Tax (Administration and Enforcement) Regulations 1992; to require financial information, to make an Attachment of Earnings Order; to levy the appropriate amount by distress and sale goods; and to exercise all other enforcement powers of the County Council under the Council Tax (Administration and Enforcement) Regulations 1992 and any subsequent amendments of such Regulations</li> <li>• unpaid rates; by way of an application for the issue of a warrant of commitment; and to exercise all other powers of enforcement of the County Council under the Non-Domestic (Collection and Enforcement) (Local Lists) Regulations 1989 and any amendment thereto.</li> </ul>
FS24	To engage the services of bailiffs for the service of summonses and warrants of commitment, obtaining financial information, the levying of distress warrants and the sale of goods and any appropriate action for the recovery of outstanding Community Charges under the Local Government Finance Act 1988 and any regulations made there under and outstanding Council Taxes and penalties under the Local Government Finance Act 1992 and any Regulations made there under.
FS25	To engage the services of bailiffs to serve such summonses, distress warrants, liability orders or warrants of commitment, to levy distress and to sell goods as may be necessary to recover outstanding rates.
FS26	The settlement of claims, in special circumstances (individual claims for loss or damage to employees' personal effects up to a maximum of £100). (CIS 4.F.IN.021A)
FS27	To approve revenue and capital budget virements or any inter-service virements where the purpose of the budget has not been amended.



FS28	In accordance with any policy or strategy decided by the Authority to approve decisions relating to the management of the pension fund and the administration of pension benefits.
------	--

(i)	Corporate Director, Resources, save to the extent to which the matters below can only be carried out by the designated Section 151 Officer;
(ii)	Section 151 Officer, to the extent to which the matters below relate to the statutory functions of the Section 151 Officer; and
(iii)	The officer for the time being nominated as the Deputy Section 151 Officer, to the extent to which the matters below relate to the statutory functions of the Section 151 Officer and are required to discharge the role of the Deputy Section 151 Officer
FS29	<del>To authorise the disposal of land or an interest in land having a value of not more than £100,000 and to be the Designated Body for the purposes of the Procedure Rules for the Acquisition or Disposal of Land for disposal of land or an interest in land not exceeding £100,000 provided that the offer that represents the best price reasonably obtainable by the Authority and provided that the offer so accepted is on price alone</del>
FS30	<del>To approve the acquisition of land or an interest in land at a cost not exceeding £100,000 providing that the value does not exceed the market value</del>
FS31	<del>To take or grant leases at rents not exceeding £100,000 pa.</del>
FS32	<del>To agree rent reviews where the change in rent does not exceed £100,000 pa.</del>
FS33	<del>To agree renewal or restructuring of existing leases where the rent does not exceed £100,000 pa.</del>
FS34	<del>To grant tenancies at the Service's managed Workshops where the rent does not exceed £100,000 pa.</del>
FS35	<del>To be the Designated Body for the purposes of paragraphs 2.1 (Invitation of Offers); 2.2 (Determination whether disposals will be by way of sealed offer, private treaty or auction) and paragraph 7.2 (instructions to the Chief Officer Legal and Democratic Services for the preparation and completion of documentation) of the Procedure Rules for the Acquisition or Disposal of Land</del>
FS36	<del>To be the Designated Body for the purposes of paragraph 2.3 (Determination of Private Treaty or offer from one person) of the Procedure Rules for the Acquisition or Disposal of Land</del>
FS37	<del>To grant the release or modification of restrictive covenants</del>
FS38	<del>To agree the acquisition of land or an interest in land up to £100,000.</del>
FS39	<del>To accept offers for disposals of land/or an interest in land where the value does not exceed £100,000.</del>
FS40	<del>To grant grazing licences, easements, leases to utility undertakings for operational purposes, temporary licences and renewals.</del>
FS41	<del>To grant landlord's consent to alterations to land involving change of use (other than A4.8).</del>
FS42	<del>To approve the Selection Panel's selection of tenderers for individual contracts.</del>
FS43	<del>To agree the sale of residential freehold reversions.</del>
FS44	<del>To grant the release or modification of restrictive covenants for alterations to residential premises.</del>
FS45	<del>To settle Part 1 claims under the Land Compensation Act 1973.</del>
FS46	<del>To grant landlord's consent to the assignment of existing tenancies.</del>
FS47	<del>To grant landlord's consent to the subletting of existing tenancies.</del>
FS48	<del>To grant landlord's consent to alterations to land involving no change of use.</del>
FS49	<del>To agree Council House sales under Right to Buy provisions.</del>
FS50	Represent Cardiff Council at the Cardiff Bus AGM.
FS51	To carry out functions relating to local government pensions etc pursuant to Regulations under Section 7, 12 or 24 or the Superannuation Act 1972; and functions relating to pensions, allowances and gratuities pursuant to Regulations under Section 18(3A) of the Local Government and Housing Act 1989.

FS52	<del>To declare Operational Land and Property as surplus to the Council's requirements, subject to consultation with service areas and ward Members, and subject to no objections being received from ward Members. Receipt of a ward Member objection will require the report to be referred to the Cabinet for decision.</del>
------	--

<b>Chief HR Officer</b>	
HR1	Amendments to Establishment - To approve the proposals of Chief Officers to <ul style="list-style-type: none"> <li>• Determine any applications for re-grading at Operational Manager Level and below (CIS <u>4.C.134</u>)</li> <li>• Vary their establishment by:- (CIS <u>4.C.238</u>) <ul style="list-style-type: none"> <li>○ Deleting posts</li> <li>○ Creating posts (CIS <u>4.C.217</u>)</li> <li>○ Re-designating and redefining existing posts</li> </ul> </li> </ul>
HR2	Re-grading Appeals - To determine appeals against decisions made on applications for re-grading from officers graded Operational Manager and below.
HR3	Appointment of temporary staff over and above establishment for periods in excess of 12 months where the funding for the post(s) is/are from external sources. (CIS Ref. 4.C.015)
HR4	Market Supplements - To approve the payment of Market supplements of up to a maximum of 30% of salary.
HR5	Determine requests for extension of half sick pay.
HR6	To determine appeals from staff with regard to unsuccessful applications for flexible working.
HR7	Approval of applications for voluntary severance for Operational Manager and below. (CIS <u>4.C.182</u> )

## SUB-SECTION F

## DELEGATIONS TO SPECIFIC OFFICERS

- 1 The officers named below shall be authorised to exercise the following Delegations, provided always that the decision is:
- a) within budget
  - b) in accordance with the Council's policy framework
  - c) in accordance with Council's Financial and Land Procedure Rules and Contracts Procedure Rules
  - d) in accordance with their Service Area Business Plan
  - e) not a matter specifically reserved for Full Council, a Committee of the Council, the Cabinet, a Statutory Officer, the Chief Executive, Chief Operating Officer, Corporate Chief Officers, Chief Officers or Heads of Service,

Ref.	Delegation
Head of Regulatory and Supporting Services	<ul style="list-style-type: none"> <li>• To act as the Chief Inspector of Weights and Measures and to exercise the functions assigned to the Council as a weights and measures authority.</li> <li>• To act as the proper officer for the registration service and to exercise the functions assigned to the Council under the Registration Acts.</li> </ul>
Corporate Director, Operations	<ul style="list-style-type: none"> <li>• To decide on the reception of persons into guardianship of the Authority under sections 7 and 37 of the Mental Health Act 1983, exercise of functions of nearest relative of persons so suffering and to make appointments of Approved Social Workers</li> </ul>
Director, Children's Services	<ul style="list-style-type: none"> <li>• To be the Council's Lead Officer on Children's Services for the purposes of the Children Act 2004.</li> </ul>
Director of Strategic Planning, Highways and Traffic and Transportation	<ul style="list-style-type: none"> <li>• To exercise all functional responsibilities delegated by the Planning Committee.</li> </ul>
Head of Regulatory and Supporting Services	<ul style="list-style-type: none"> <li>• To exercise all functional responsibilities delegated by the Licensing Committee and the Public Protection Committee.</li> </ul>
Director of	<ul style="list-style-type: none"> <li>• To make compulsory purchase orders in respect of single houses under Part II of the Housing Act 1985 and or the</li> </ul>

Communities, Housing and Customer Services	Acquisition of Land Act 1981.
--	-------------------------------

### Director of Economic Development

<u>DE1</u>	<p><u>To authorise disposals of land or an interest in land where the value is not more than £1,000,000 and where:</u></p> <ul style="list-style-type: none"> <li><u>(i) Member consultation and advice from the Section 151 Officer and the Monitoring Officer has agreed to the exercise of the delegation;</u></li> <li><u>(ii) The offer represents the best price reasonably obtainable; and</u></li> <li><u>(iii) The offer so accepted is on price alone,</u></li> </ul> <p><u>Subject to compliance with the Procedure Rules for the Acquisition or Disposal of Land, and</u> <u>Provided that this power may not be sub-delegated other than in accordance with delegation xx below.</u></p>
<u>DE2</u>	<p><u>To authorise acquisitions of land or an interest in land where the value is not more than £1,000,000 and where:</u></p> <ul style="list-style-type: none"> <li><u>(i) Member consultation and advice from the Section 151 Officer and the Monitoring Officer has agreed to the exercise of the delegation;</u></li> <li><u>(ii) The Council's offer represents no more than market value as determined by a qualified valuer; and</u></li> <li><u>(iii) The amount offered is on price alone,</u></li> </ul> <p><u>Subject to compliance with the Procedure Rules for the Acquisition or Disposal of Land, and</u> <u>Provided that this power may not be sub-delegated other than in accordance with delegation xx below.</u></p>

<u>DE3</u>	<p><u>To authorise the grant or taking of a lease at a rent not exceeding £1,000,000 or agreeing the renewal or reconstruction of existing leases at a rent not exceeding £1,000,000, where:</u></p> <ul style="list-style-type: none"> <li><u>(i) Member consultation and advice from the Section 151 Officer and the Monitoring Officer has agreed to the exercise of the delegation; and</u></li> <li><u>(ii) In the case of a grant, the offer represents the best rent reasonably obtainable by the Council as approved by a qualified valuer; or</u></li> <li><u>(iii) In the case of an acquisition, the Council's offer is no more than market value as approved by a qualified valuer,</u></li> </ul> <p><u>Subject to compliance with the Procedure Rules for the Acquisition or Disposal of Land, and</u>  <u>Provided that this power may not be sub-delegated other than in accordance with delegation xx below.</u></p>
<u>DE4</u>	<p><u>To declare Operational Land and Property as surplus to the Council's requirements, subject to consultation with service areas and ward Members, and subject to no objections being received from ward Members. Receipt of a ward Member objection will require the report to be referred to the Cabinet for decision.</u></p> <p><u>Qualification: This may not be further delegated.</u></p>
<u>DE5</u>	<u>To grant grazing licences, easements, leases to utility undertakings for operational purposes, temporary licences and renewals.</u>
<u>DE6</u>	<u>To grant landlord's consent to alterations to land involving change of use (other than A4.8).</u>
<u>DE7</u>	<u>To agree the sale of residential freehold reversions.</u>
<u>DE8</u>	<u>To grant the release or modification of restrictive covenants for alterations to residential premises.</u>
<u>DE9</u>	<u>To settle Part 1 claims under the Land Compensation Act 1973.</u>
<u>DE10</u>	<u>To grant landlord's consent to the assignment of existing tenancies.</u>
<u>DE11</u>	<u>To grant landlord's consent to the subletting of existing tenancies.</u>
<u>DE12</u>	<u>To grant landlord's consent to alterations to land involving no change of use.</u>
<u>DE13</u>	<u>To agree Council House sales under Right to Buy provisions.</u>

Corporate Property and Estates Manager

<u>CP1</u>	<p><u>Subject to sub-delegation of delegation DE1, to authorise disposals of land or an interest in land where the value is not more than £100,000 and where:</u></p> <ul style="list-style-type: none"><li><u>(i) The offer represents the best price reasonably obtainable;</u></li><li><u>(ii) The offer so accepted is on price alone; and</u></li><li><u>(iii) The offer is greater than that estimated by a qualified valuer or no more than 10% below that estimate.</u></li></ul> <p><u>Qualification: This may not be further delegated</u></p>
<u>CP2</u>	<p><u>Subject to sub-delegation of delegation DE2, to authorise the acquisition of land or an interest in land where the value is not more than £100,000 and where:</u></p> <ul style="list-style-type: none"><li><u>(i) The Council's offer represents no more than market value; and</u></li><li><u>(ii) The amount offered is on price alone.</u></li></ul> <p><u>Qualification: This may not be further delegated</u></p>
<u>CP3</u>	<p><u>Subject to sub-delegation of delegation DE3, to authorise the grant or taking of a lease at a rent not exceeding £100,000 or agreeing the renewal or reconstruction of existing leases at a rent not exceeding £100,000, where:</u></p> <ul style="list-style-type: none"><li><u>(i) In the case of a grant, the offer represents the best rent reasonably obtainable by the Council as approved by a qualified valuer; or</u></li><li><u>(ii) In the case of an acquisition, the Council's offer is no more than market value as approved by a qualified valuer.</u></li></ul> <p><u>Qualification: This may not be further delegated</u></p>