

T: 01495 355001

E: committee.services@blaenau-gwent.gov.uk

Our Ref./Ein Cyf.  
Your Ref./Eich Cyf.  
Contact:/Cysylltwch â: Democratic Services

**THIS IS A MEETING WHICH THE PUBLIC ARE ENTITLED TO ATTEND**

14th September 2023

Dear Sir/Madam

**ORDINARY MEETING OF THE COUNCIL**

A meeting of the Ordinary Meeting of the Council will be held in Remotely via Microsoft Teams on Thursday, 21st September, 2023 at 10.00 am.

Yours faithfully



Damien McCann  
Interim Chief Executive

**AGENDA**

**Pages**

**1. SIMULTANEOUS TRANSLATION**

You are welcome to use Welsh at the meeting, a minimum notice period of 3 working days is required should you wish to do so. A simultaneous translation will be provided if requested.

**2. APOLOGIES**

To receive.

Mae'r Cyngor yn croesawu gohebiaeth yn Gymraeg a Saesneg a byddwn yn cyfathrebu gyda chi yn eich dewis iaith, dim ond i chi rhoi gwybod i ni pa un sydd well gennych. Ni fydd gohebu yn Gymraeg yn creu unrhyw oedi.

The Council welcomes correspondence in Welsh and English and we will communicate with you in the language of your choice, as long as you let us know which you prefer. Corresponding in Welsh will not lead to any delay.

3. **DECLARATIONS OF INTEREST AND DISPENSATIONS**  
To consider any declarations of interest and dispensations received.
4. **PRESIDING MEMBER'S ANNOUNCEMENTS**  
To receive.
5. **ORDINARY MEETING OF THE COUNCIL** 7 - 20  
To consider and if thought fit, approve the decisions of the meeting held on 20<sup>th</sup> July, 2023.
6. **PLANNING COMMITTEE** 21 - 26  
To confirm the decisions of the Planning Committee held on 7<sup>th</sup> September, 2023.
7. **CABINET** 27 - 32  
To confirm the decisions of the Cabinet meeting held on 19<sup>th</sup> July, 2023.
8. **SPECIAL CABINET** 33 - 36  
To confirm the decisions of the Special Cabinet meeting held on 4<sup>th</sup> September, 2023.
9. **PLACE SCRUTINY COMMITTEE** 37 - 38  
To confirm the decisions of the Place Scrutiny Committee held on 20<sup>th</sup> June, 2023.
10. **CORPORATE AND PERFORMANCE SCRUTINY COMMITTEE** 39 - 42  
To confirm the decisions of the Corporate and Performance Scrutiny Committee held on 22<sup>nd</sup> June, 2023.
11. **SPECIAL CORPORATE AND PERFORMANCE SCRUTINY COMMITTEE** 43 - 46  
To confirm the decisions of the Special Corporate & Performance Scrutiny Committee held on 5<sup>th</sup> July, 2023.

- |            |   |           |
|------------|---|-----------|
| <b>12.</b> | <b><u>GOVERNANCE &amp; AUDIT COMMITTEE</u></b>  | 47 - 50   |
|            | To confirm the decisions of the Governance & Audit Committee held on 12 <sup>th</sup> July, 2023. |           |
| <b>13.</b> | <b><u>PEOPLE SCRUTINY COMMITTEE</u></b>   | 51 - 54   |
|            | To confirm the decisions of the People Scrutiny Committee held on 18 <sup>th</sup> July, 2023.    |           |
| <b>14.</b> | <b><u>ORDINARY MEETING OF THE COUNCIL - ACTION SHEET</u></b>                                      | 55 - 56   |
|            | To receive the Action Sheet.  |           |
| <b>15.</b> | <b><u>MEMBERS QUESTIONS</u></b>   |           |
|            | To receive questions, if any, from Members.   |           |
| <b>16.</b> | <b><u>PUBLIC QUESTIONS</u></b>  |           |
|            | To receive questions, if any, from the public.  |           |
| <b>17.</b> | <b><u>AMENDMENTS TO THE CONSTITUTION</u></b>  | 57 - 536  |
|            | To consider the report of the Head of Legal & Corporate Compliance/Monitoring Officer.            |           |
| <b>18.</b> | <b><u>TREASURY MANAGEMENT ANNUAL REVIEW REPORT 1ST APRIL 2022 TO 31ST MARCH 2023</u></b>          | 537 - 556 |
|            | To consider the report of the Chief Officer Resources.  |           |
| <b>19.</b> | <b><u>CAPITAL PROGRAMME UPDATE</u></b>  | 557 - 568 |
|            | To consider the report of the Chief Officer Resources.  |           |
| <b>20.</b> | <b><u>ADOPTION OF THE HIGHWAYS ASSET MANAGEMENT PLAN (HAMP) 2023-2028</u></b>                     | 569 - 678 |
|            | To consider the report of the Team Manager – Street Scene.  |           |

21. **ANNUAL REPORT OF THE DIRECTOR OF SOCIAL SERVICES 2022/2023** 679 - 712

To consider the report of the Interim Corporate Director of Social Services.

22. **ALN RESOURCE BASE CAPACITY - PROPOSED IMPLEMENTATION OF ADDITIONAL RESOURCE BASES** 713 - 734

To consider the report of the Interim Corporate Director of Education.

23. **MEMBERSHIPS REPORT** 735 - 736

To consider the attached report.

To: Councillor C. Smith (Presiding Member)

Councillor C. Bainton

Councillor P. Baldwin

Councillor S. Behr

Councillor D. Bevan

Councillor K. Chaplin

Councillor M. Cross

Councillor H. Cunningham

Councillor D. Davies

Councillor G. A. Davies

Councillor M. Day

Councillor S. Edmunds

Councillor J. Gardner

Councillor J. Hill

Councillor W. Hodgins

Councillor J. Holt

Councillor G. Humphreys

Councillor R. Leadbeater

Councillor E. Jones

Councillor J. Morgan, J.P.

Councillor J. C. Morgan

Councillor J. P. Morgan

Councillor L. Parsons

Councillor D. Rowberry

Councillor T. Smith

Councillor G. Thomas

Councillor J. Thomas

Councillor S. Thomas

Councillor H. Trollope

Councillor J. Wilkins

Councillor L. Winnett  
Councillor D. Woods  
Councillor D. Wilkshire

All other Members (for information)  
Interim Chief Executive  
Chief Officers

This page is intentionally left blank

**COUNTY BOROUGH OF BLAENAU GWENT**

<b>REPORT TO:</b>	<b><u>THE PRESIDING MEMBER AND MEMBERS OF THE COUNCIL</u></b>
<b>SUBJECT:</b>	<b><u>ORDINARY MEETING OF THE COUNCIL – 20<sup>TH</sup> JULY, 2023</u></b>
<b>REPORT OF:</b>	<b><u>DEMOCRATIC OFFICER</u></b>

---

PRESENT: COUNCILLOR C. SMITH (PRESIDING MEMBER, CHAIRING)

Councillors C. Bainton  
P. Baldwin  
S. Behr  
D. Bevan  
K. Chaplin  
M. Cross  
H. Cunningham  
D. Davies  
G. A. Davies  
M. Day  
S. Edmunds  
J. Gardner  
J. Hill  
W. Hodgins  
J. Holt  
G. Humphreys  
E. Jones  
R. Leadbeater  
J. Morgan, J.P.  
J. C. Morgan  
J. P. Morgan  
L. Parsons  
D. Rowberry  
T. Smith  
G. Thomas  
J. Thomas  
S. Thomas  
J. Wilkins  
D. Wilshire

L. Winnett  
D. Woods

AND: Interim Chief Executive  
Corporate Director of Regeneration and Community Services  
Acting Corporate Director of Education  
Chief Officer Resources  
Chief Officer Commercial & Customer  
Head of Adult Services  
Head of Legal & Corporate Compliance  
Head of Democratic Services, Governance & Partnerships  
Head of Organisational Development  
Press and Publicity Officer

<u>ITEM</u>	<u>SUBJECT</u>	<u>ACTION</u>
1.	<b><u>SIMULTANEOUS TRANSLATION</u></b>  It was noted that no requests had been received for the simultaneous translation service.	
2.	<b><u>APOLOGIES</u></b>  Apologies for absence were received from:  Councillor H. Trollope, Corporate Director of Education and the Interim Corporate Director of Social Services.	
3.	<b><u>DECLARATIONS OF INTEREST AND DISPENSATIONS</u></b>  The following declarations of interest were reported:  <b>Item No. 40: Silent Valley Waste Services Limited</b>  - Councillors T. Smith and L. Winnett.	



**Item No. 46: Shortlisting JNC Officers**  
**Item No. 47: Appointments Committee – JNC Officers**

- Councillor W. Hodgins

The above-named Members remained in the meeting whilst the items of business were considered.

**Item No. 45: Recruitment**

- Damien McCann, Interim Chief Executive

The Interim Chief Executive confirmed that he would leave the meeting prior to the above item being considered.

**4. PRESIDING MEMBER'S ANNOUNCEMENTS**

**Condolences**

Condolences were expressed to the family of former County Borough Councillor and Mayor, Graham Bartlett on his sad death.

Members and officers paid their respects with a minute's silence.

It was noted that a condolence letter had been forwarded to the family.

**5. – DECISION BOOK FEBRUARY – JULY 2023**  
**27.**

The Decision Book for the period February - July 2023 was submitted for consideration.

It was unanimously,

RESOLVED that the decisions be approved and confirmed as a true record of proceedings.

28.	<p><b><u>MEMBERS QUESTIONS</u></b></p> <p>There were no questions submitted by Members.</p>	
29.	<p><b><u>PUBLIC QUESTIONS</u></b></p> <p>There were no questions submitted by members of the public.</p>	
30.	<p><b><u>PROPOSED COUNCIL FORWARD WORK PROGRAMME 2023/2024</u></b></p> <p>Consideration was given to the report of the Democratic Officer.</p> <p>It was unanimously,</p> <p>RESOLVED that the report be accepted and Option 1 be endorsed, namely that the Council Forward Work Programme 2023/2024 be agreed.</p>	
31.	<p><b><u>IVF POLICY</u></b></p> <p>Consideration was given to the report of the Head of Organisational Development.</p> <p>It was unanimously,</p> <p>RESOLVED that the report be accepted and Option 1 be endorsed, namely that the paid time off be increased for two cycles of IVF treatment.</p>	

32.	<p><b><u>FIRE SAFETY AT WORK POLICY</u></b></p> <p>Members considered the report of the Head of Organisational Development.</p> <p>It was unanimously,</p> <p>RESOLVED that the report be accepted and Option 1 be endorsed, namely that the Fire Safety at Work Policy be endorsed for implementation.</p>	
33.	<p><b><u>SCHEDULE OF MEMBERS REMUNERATION 2023/2024</u></b></p> <p>The report of the Head of Organisational Development was submitted for consideration.</p> <p>It was unanimously,</p> <p>RESOLVED that the report be accepted and Option 1 be endorsed, namely that the Schedule of Members Remuneration 2023/2024 be agreed and published.</p>	
34.	<p><b><u>ANNUAL REPORT OF THE HEAD OF DEMOCRATIC SERVICES 2023</u></b></p> <p>The report of the Head of Democratic Services was submitted for consideration.</p> <p>It was unanimously,</p> <p>RESOLVED that the report be accepted and Option 1 be endorsed, namely that the report be approved on the basis that Council was satisfied there was a sufficient level of support for Elected Members.</p>	

<p>35.</p>	<p><b><u>DIVERSE COUNCIL ACTION PLAN UPDATE</u></b></p> <p>Members considered the joint Officers’ report.</p> <p>It was unanimously,</p> <p>RESOLVED that the report be accepted and Option 1 be endorsed, namely that the Council was satisfied with the action taken to date and no amendments were made to future actions.</p>	
<p>36.</p>	<p><b><u>ANNUAL SCRUTINY REPORT 2022/2023</u></b></p> <p>Consideration was given to the report of the Head of Democratic Services, Governance &amp; Partnerships.</p> <p>The Leader of the Independent Group referred to Appendix 1 of the document relating to scrutiny evaluation, in particular completion of the evaluation forms and stated that this element of the process needed to be further developed and improved.</p> <p>The Leader of the Council proposed that the Head of Democratic Services be requested to review this aspect of the scrutiny process with the aim of improving the scrutiny evaluation element going forward.</p> <p>It was unanimously,</p> <p>RESOLVED, subject to the foregoing, that the report be accepted and Option 1 be endorsed, namely that the ‘scrutiny activity’ that had been undertaken by each Scrutiny Committee during 2022/23 be approved, and the report be published on the Blaenau Gwent website.</p>	

<p>37.</p>	<p><b><u>BLAENAU GWENT COUNTY BOROUGH COUNCIL PETITIONS PROTOCOL 2023/2027</u></b></p> <p>Consideration was given to the report of the Head of Democratic Services, Governance &amp; Partnerships.</p> <p>It was unanimously,</p> <p>RESOLVED that the report be accepted and Option 1 be endorsed namely that the Blaenau Gwent County Borough Council Petitions Protocol 2023/2027 be approved.</p>	
<p>38.</p>	<p><b><u>CIVIC CENTRE INTEGRATED IMPACT ASSESSMENT (IIA)</u></b></p> <p>Consideration was given to the report of the Corporate Director of Regeneration and Community Services.</p> <p>The Leader of the Council made reference to paragraph 2.9 of the report relating to the infrastructure of the previous Civic Centre building and felt that some of the information contained therein could have been portrayed differently. He continued by stating that he had previously requested that the closure of the Civic Centre building be delayed as he felt the building could have served a purpose for the Council in the future including the use of the Council Chamber which had been large enough to accommodate all Members, officers and the public. The Leader concluded by stating that whilst he supported the report, he requested that his comments be noted and included accordingly.</p> <p>Following a lengthy discussion when concerns were raised in relation to the acoustics and parking issues within and at the General Offices, it was proposed and seconded that:</p> <ul style="list-style-type: none"> <li>➤ Investigations take place into identifying an alternative venue to hold Full Council meetings for the current time (it was noted that these meetings needed to be offered on a hybrid basis).</li> </ul>	

	<p>➤ A full Integrated Impact Assessment be completed for any alternative venue identified.</p> <p>It was unanimously,</p> <p>RESOLVED, subject to the foregoing, that the report be accepted and the retrospective Integrated Impact Assessment which had been completed in line with legislation be accepted.</p>	
<p>39.</p>	<p><b><u>ADOPTION OF THE HIGHWAYS ASSET MANAGEMENT PLAN (HAMP) 2023-2028</u></b></p> <p>Members considered the report of the Team Manager – Street Scene.</p> <p>It was proposed that the report be deferred pending investigations into identifying further funding opportunities that could be used to implement the work plan.</p> <p>RESOLVED accordingly.</p>	
<p>40.</p>	<p><b><u>SILENT VALLEY WASTE SERVICES LIMITED</u></b></p> <p>Councillors T. Smith and L. Winnett declared an interest in this item but remained in the meeting whilst it was considered.</p> <p>Consideration was given to the joint Officers’ report.</p> <p>Councillor J. Wilkins left the meeting at this juncture.</p> <p>It was unanimously,</p> <p>RESOLVED that the report be accepted and the following be noted:</p> <p>i) The position statement on the successful transfer of Silent Valley Waste Services back to the Council undertaken on 1st May, 2023 (including the transfer</p>	

	<p>of assets and liabilities on or after the transfer date up to the point of winding up of the Company).</p> <p>ii) That given the assumptions currently applied, the estimated financial impact remained within the budget envelope agreed previously.</p> <p>iii) The assessment by Silent Valley Waste Services Ltd of financial benefits to the Council since inception of the Company.</p> <p>It was further agreed that:</p> <ul style="list-style-type: none"> <li>➤ The balance of the Silent Valley Aftercare provision and the profit and loss reserve be utilised to establish appropriate provisions/earmarked reserves within the Council to support the ongoing financial commitment of aftercare and maintenance at the Silent Valley landfill site and other liabilities.</li> <li>➤ Officers continue to look at the Legal advice on the option of making the company dormant as an alternative to dissolution. Any proposal to make the company dormant would be reported to Council for consideration and agreement.</li> </ul>	
41.	<p><b><u>FREE SCHOOL MEAL HOLIDAY PAYMENTS – SUMMER HOLIDAY 2023</u></b></p> <p>Members considered the report of the Acting Director of Education.</p> <p>It was unanimously,</p> <p>RESOLVED that the report be accepted and Option 1 be endorsed, namely that one-off funding in the sum of approximately £300,000 from General Reserves to enable the extension of the free school meal holiday payments for the period outlined in paragraph 2.5 of the report be approved.</p>	

<p>42.</p>	<p><b><u>MEMBERSHIPS REPORT</u></b></p> <p><b><u>Advisory Panel for Local Authority Governors</u></b></p> <p>The following recommendations were made by the Panel on 10<sup>th</sup> July, 2023 to appoint in principle:</p> <p><b>All Saints RC Primary School – Mr Tim Baxter (with effect from 1<sup>st</sup> September, 2023)</b></p> <p><b>Ebbw Fawr 3-16 Learning Community – Ms. Joanne Davies</b></p> <p>It was, thereupon, unanimously,</p> <p>RESOLVED that the above appointments be endorsed.</p> <p><b><u>Housing and Homeless Strategy Working Group</u></b></p> <p>RESOLVED that the establishment of the above-named Working Group be ratified and the following appointments to the Group be confirmed:</p> <p>Cabinet Member – Place &amp; Environment (Chair)  Cabinet Member – Place &amp; Regeneration and Economic Development  Councillor S. Behr  Councilor W. Hodgins</p>	
<p>43.</p>	<p><b><u>TIME OF FUTURE COUNCIL MEETINGS</u></b></p> <p>Members considered the time of future Council meetings.</p> <p>It was unanimously,</p> <p>RESOLVED that all future Council meetings commence at 10.00 a.m.</p>	



<p><b>44.</b></p>	<p><b><u>EXEMPT ITEMS</u></b></p> <p>To receive and consider the following reports which in the opinion of the proper officer were exempt items taking into account consideration of the public interest test and that the press and public should be excluded from the meeting (the reasons for the decisions for the exemptions was available on a schedule maintained by the proper officer).</p> <p>The Interim Chief Executive left the meeting at this juncture.</p>	
<p><b>45.</b></p>	<p><b><u>RECRUITMENT</u></b></p> <p>Having regard to the views expressed by the Proper Officer regarding the public interest test, that on balance, the public interest in maintaining the exemption outweighed the public interest in disclosing the information and that the report should be exempt.</p> <p>RESOLVED that the public be excluded whilst this item of business is transacted as it is likely there would be a disclosure of exempt information as defined in Paragraph 15, Schedule 12A of the Local Government Act, 1972 (as amended).</p> <p>Consideration was given to the report of the Head of Organisational Development.</p> <p>It was unanimously,</p> <p>RESOLVED that the report which related to information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matters arising between the Authority and employees of or office-holders under, the Authority be accepted and the current position and the arrangements for recruiting a permanent Chief Executive be ratified.</p>	

<p>46.</p>	<p><b><u>SHORTLISTING – JNC OFFICERS</u></b></p> <p>Councillor W. Hodgins declared an interest in this item but remained in the meeting whilst it was considered.</p> <p>Having regard to the views expressed by the Proper Officer regarding the public interest test, that on balance, the public interest in maintaining the exemption outweighed the public interest in disclosing the information and that the report should be exempt.</p> <p>RESOLVED that the public be excluded whilst this item of business is transacted as it is likely there would be a disclosure of exempt information as defined in Paragraphs 12 &amp; 13, Schedule 12A of the Local Government Act, 1972 (as amended).</p> <p>Consideration was given to the report of the meeting held on 7<sup>th</sup> March, 2023.</p> <p>It was unanimously,</p> <p>RESOLVED that the report which related to staffing matters be accepted and the decisions contained therein be noted.</p>	
<p>47.</p>	<p><b><u>APPOINTMENTS COMMITTEE – JNC OFFICERS</u></b></p> <p>Councillor W. Hodgins declared an interest in this item but remained in the meeting whilst it was considered.</p> <p>Having regard to the views expressed by the Proper Officer regarding the public interest test, that on balance, the public interest in maintaining the exemption outweighed the public interest in disclosing the information and that the report should be exempt.</p> <p>RESOLVED that the public be excluded whilst this item of business is transacted as it is likely there would be a disclosure of exempt information as defined in Paragraphs 12 &amp; 13, Schedule 12A of the Local Government Act, 1972 (as amended).</p>	

<p>Consideration was given to the report of the meeting held on 21<sup>st</sup> March, 2023.</p> <p>It was unanimously,</p> <p>RESOLVED that the report which related to staffing matters be accepted and the post be offered to Lee Williams on a salary in accordance with JNC 1 (£54,103 – £59,317 per annum).</p>	
---	--

This page is intentionally left blank

**COUNTY BOROUGH OF BLAENAU GWENT**

**REPORT TO: THE PRESIDING MEMBER AND MEMBERS OF THE COUNCIL**

**SUBJECT PLANNING COMMITTEE – 7<sup>TH</sup> SEPTEMBER, 2023**

**REPORT OF: DEMOCRATIC & COMMITTEE SUPPORT OFFICER**

---

**PRESENT:** COUNCILLOR LISA WINNETT (Chair)

Councillors P. Baldwin (Vice-Chair)

M. Day

J. Holt

W. Hodgins

G. Humphreys

E. Jones

L. Parsons

D. Rowberry

J. Thomas

D. Wilkshire

**WITH:** Service Manager Development & Estates  
Team Manager – Development Management  
Team Leader – Development Management  
Planning Officer (x2)  
Team Manager – Built Environment  
Engineer – Highways  
Service Manager – Infrastructure Services  
Engineer  
Solicitor  
Press and Communications Officer

**AND: Public Speakers**

Application No. C/2023/0098

Old School Site, Troedrhiwgwair, Tredegar

Tricia Thomas (Objector)

Roger Field (Agent)

Application No. C/2023/0085  
Heathwood, 203 Badminton Grove, Ebbw Vale  
Councillor G. Thomas (on behalf of the Objectors)

Application No. C/2023/0103  
14 Bethcar Street, Ebbw Vale, NP23 6HQ  
Jude Beckett (Agent)

### **DECISIONS UNDER DELEGATED POWERS**

<b><u>ITEM</u></b>	<b><u>SUBJECT</u></b>
<b>No. 1</b>	<b><u>SIMULTANEOUS TRANSLATION</u></b>  It was noted that no requests had been received for the simultaneous translation service.
<b>No. 2</b>	<b><u>APOLOGIES</u></b>  Apologies for absence were received from Councillors C. Bainton and C. Smith.
<b>No. 3</b>	<b><u>DECLARATIONS OF INTEREST AND DISPENSATIONS</u></b>  The following declarations of interest were raised:-  <u>Item No 4 – Planning Applications Report (Application No. C/2022/0348 Land at Former Glanyrafon Court and Adjacent Grounds, Allotment Road, Ebbw Vale)</u>  Councillor E. Jones, Board Member of Tai Calon Councillor P. Baldwin, Employee of Tai Calon  <u>Item No. 4 Planning Applications Report (Application No. C/2023/0085, Heathwood, 203 Badminton Grove, Ebbw Vale)</u>  Councillor J. Holt, Applicant known to the Councillor.

---

No. 4

**PLANNING APPLICATIONS REPORT**

Consideration was given to the report of the Team Manager Development Management, whereupon:

**Application No. C/2022/0348**

**Land at Former Glanyrafon Court and Adjacent Grounds,  
Allotment Road, Ebbw Vale, NP23 5NS**

**Residential Development and Associated Works**

Upon a vote being taken, it was unanimously

RESOLVED that planning permission be **GRANTED**, subject to the conditions detailed in the report.

Councillors E. Jones and P. Baldwin did not take part in the voting process.

**Application No. C/2023/0098**

**Old School Site, Troedrhiwgwair, Tredegar**

**Provision of 4 No. Detached Leisure Pods including  
Landscaping and Services**

It was proposed and seconded that delegated powers be given to officers and a shallow ground survey be undertaken as part of the conditions.

RESOLVED accordingly.

Upon a vote being taken, 9 Members agreed the officer's recommendation and 1 Member was against the officer's recommendation. It was therefore

FURTHER RESOLVED, subject to the foregoing that planning permission be **GRANTED**, subject to conditions detailed in the report. Also delegated powers be given to officers and a shallow ground survey be undertaken as part of the conditions.

The Ward Member, Councillor J. Thomas did not take part in the voting process.

---

**Application No. C/2023/0085**  
**Heathwood, 203 Badminton Grove, Ebbw Vale, NP23 5UN**  
**Retention of Garage/Garden Room Extension**

Upon a vote being taken, it was unanimously

Councillor J. Holt did not take part in the voting process.

RESOLVED that planning permission be **GRANTED**, subject to the conditions detailed in the report.

Councillor J. Holt left the meeting at this juncture.

**Application No. C/2023/0103**  
**14 Bethcar Street, Ebbw Vale, NP23 6HQ**  
**Change of use from a Shop (Use Class A1) to an Estate Agency**  
**(Use Class A2). The proposal does not involve any internal or**  
**external alterations to the premises**

Upon a vote being taken, it was unanimously

RESOLVED that planning permission be **GRANTED**, subject to the conditions detailed in the report.

---

**No. 5**     **DEVELOPMENT OF NATIONAL SIGNIFICANCE**

Consideration was given to the email dated 22<sup>nd</sup> August.

RESOLVED that the information be noted.

---

**No. 6**     **APPEALS, CONSULTATIONS AND DNS UPDATE**  
**SEPTEMBER 2023**

Consideration was given to report of the Service Manager Development & Estates.

RESOLVED that the report be accepted and the information contained therein be noted.

---



<p><b>No. 7</b></p>	<p><b><u>LIST OF APPLICATIONS DECIDED UNDER DELEGATED POWERS BETWEEN 23<sup>RD</sup> JUNE 2023 AND 23<sup>RD</sup> AUGUST 2023</u></b></p> <p>Consideration was given to report of the Business Support Officer.</p> <p>RESOLVED that the report be accepted and the information contained therein be noted.</p>
<p><b>No. 8</b></p>	<p><b><u>AREAS FOR MEMBER BRIEFINGS AND TRAINING</u></b></p> <p>There were no areas for Member Briefings or Training requested.</p>
<p><b>No. 9</b></p>	<p><b><u>ENFORCEMENT CLOSED CASES BETWEEN 25<sup>TH</sup> MAY AND 15<sup>TH</sup> AUGUST, 2023</u></b></p> <p>Having regard to the views expressed by the Proper Officer regarding the public interest test, that on balance the public interest in maintaining the exemption outweighed the public interest in disclosing the information and that the report should be exempt.</p> <p>RESOLVED that the public be excluded whilst this item of business is transacted as it is likely there would be a disclosure of exempt information as defined in Paragraph 12, Schedule 12A of the Local Government Act 1972 (as amended).</p> <p>Consideration was given to the report of the Service Manager Development.</p> <p>RESOLVED that the report which contained information relating to a particular individual be accepted and the information contained therein be noted.</p>

This page is intentionally left blank

**COUNTY BOROUGH OF BLAENAU GWENT**

**REPORT TO: THE PRESIDING MEMBER AND MEMBERS OF THE COUNCIL**

**SUBJECT: CABINET – 19<sup>th</sup> JULY, 2023**

**REPORT OF: DEMOCRATIC & COMMITTEE SUPPORT OFFICER**

---

**PRESENT: Leader/  
Cabinet Member - Corporate Overview & Performance  
Councillor S. Thomas**

**Deputy Leader/Cabinet Member – Place & Environment  
Councillor H. Cunningham**

**Cabinet Member – Place and Regeneration  
Councillor J.C. Morgan**

**Cabinet Member – People & Social Services  
Councillor H. Trollope**

**Cabinet Member – People & Education  
Councillor S. Edmunds**

**WITH:**  
Interim Chief Executive  
Chief Officer Resources  
Corporate Director Regeneration & Community Services  
Interim Corporate Director Education  
Chief Officer Customer and Commercial  
Head of Legal and Corporate Compliance  
Head of Adult Services  
Partnerships Team Leader  
Policy Officer  
Press Officer

## **DECISIONS UNDER DELEGATED POWERS**

<b><u>ITEM</u></b>	<b><u>SUBJECT</u></b>
<b>No. 1</b>	<b><u>SIMULTANEOUS TRANSLATION</u></b>  It was noted that no requests had been received for the simultaneous translation service.
<b>No. 2</b>	<b><u>APOLOGIES</u></b>  The following apologies for absence were received:-  Interim Corporate Director Social Services Head of Democratic Services, Partnerships & Governance
<b>No. 3</b>	<b><u>DECLARATIONS OF INTEREST AND DISPENSATIONS</u></b>  No declarations of interest or dispensations were reported.
	<b><u>DECISIONS</u></b>
<b>No. 4</b>	<b><u>CABINET</u></b>  Consideration was given to the decisions of the Cabinet Meeting held on 7 <sup>th</sup> June, 2023.  RESOLVED that the decisions be received as a true record of proceedings.
<b>No. 5</b>	<b><u>SPECIAL CABINET</u></b>  Consideration was given to the decisions of the Cabinet Meeting held on 21 <sup>st</sup> June, 2023.  RESOLVED that the decisions be received as a true record of proceedings.

	<b><u>CORPORATE AND PERFORMANCE PORTFOLIO</u></b>
<b>No. 6</b>	<p><b><u>PROPOSED CABINET FORWARD WORK PROGRAMME 2023-24</u></b></p> <p>Consideration was given to the report of the Scrutiny and Democratic Officer.</p> <p>RESOLVED that the report be accepted and the Forward Work Programme for Cabinet for 2023/24 be agreed.</p>
<b>No. 7</b>	<p><b><u>GRANTS TO ORGANISATIONS</u></b></p> <p>Consideration was given the report of the Chief Officer Resources.</p> <p>RESOLVED that the report be accepted and the information contained therein be noted.</p>
<b>No. 8</b>	<p><b><u>WELSH LANGUAGE ANNUAL REPORT 2022/23 /</u></b> <b><u>ADRODDIAD BLYNYDDOL YR IAITH GYMRAEG 2022/23</u></b></p> <p>Consideration was given to the report of the Head of Democratic Services, Governance and Partnerships.</p> <p>RESOLVED that the report be accepted and the Welsh Language Annual Report 2022/23, as published on 30th June 2023 be noted (Option 1).</p>
<b>No. 9</b>	<p><b><u>REVENUE BUDGET MONITORING 2022/2023 –</u></b> <b><u>PROVISIONAL OUTTURN</u></b></p> <p>Consideration was given to the report of the Chief Officer Resources.</p> <p>RESOLVED that the report be accepted, the appropriate challenge to the financial outcomes in the report was provided and Cabinet noted the net use of specific reserves (Option 1).</p>

<b>No. 10</b>	<p><b><u>CAPITAL BUDGET MONITORING, PROVISIONAL OUTTURN 2022/2023 FINANCIAL YEAR (AS AT 31 MARCH 2023)</u></b></p>
	<p>Consideration was given to the report of the Chief Officer Resources.</p>
	<p>RESOLVED that the report be accepted and</p>
	<ul style="list-style-type: none"> <li>(a) the appropriate challenge was provided to the financial outcomes in the report;</li> <li>(b) continued to support the appropriate financial control procedures agreed by Council; and</li> <li>(c) noted the budgetary control and monitoring procedures in place within the Capital Team, to safeguard Authority funding (Option 1).</li> </ul>
<b>No. 11</b>	<p><b><u>MEETING SPECIFIC REQUIREMENTS OF THE EQUALITY ACT 2010: STRATEGIC EQUALITY POLICY DEVELOPMENT</u></b></p>
	<p>Consideration was given to the report of the Head of Democratic Services, Governance and Partnerships.</p>
	<p>RESOLVED that the report be accepted and supported the proposed approach for developing the Strategic Equality Plan 2024/28 and Equality Objectives to be approved by Cabinet (Option 1).</p>
<b>No. 12</b>	<p><b><u>CHARTER OF COMMON AGREEMENT BETWEEN THE TOWN &amp; COMMUNITY COUNCILS AND BLAENAU GWENT COUNTY BOROUGH COUNCIL</u></b></p>
	<p>Consideration was given to the report of the Service Manager – Policy and Partnerships.</p>
	<p>RESOLVED that the report be accepted and a return to the existing Charter of Common Agreement arrangements be approved with the four TCCs, with a revised Charter for 2023/24 onwards to be presented for agreement at a future meeting (Option 1).</p>

No. 13	<p><b><u>COUNCIL TAX PREMIUMS ON LONG-TERM EMPTY AND SECOND HOMES</u></b></p> <p>Consideration was given to the report of the Chief Officer Resources.</p> <p>The Deputy Leader noted the consultation questions outlined in Appendix 2 and proposed that the word ‘feel’ in question 2 be amended to read ‘views’ as the consultation was seeking people’s views. The Deputy Leader also proposed an extra open question which would allow people to include any further comments they feel are relevant when responding to the consultation.</p> <p>The Deputy Leader also suggested it would be useful when considering the consultation responses that we are aware of what capacity people are responding to the consultation. It was felt that a response from a housing or homelessness charity would be quite different from a landlord and potentially an RSL.</p> <p>The proposals were supported and seconded by Cabinet Members.</p> <p>RESOLVED accordingly.</p> <p>FURTHER RESOLVED, subject to the foregoing, that the report be accepted and the details of the discretionary powers that Councils have relating to council tax premiums be noted, and it was agreed that a public consultation exercise be undertaken on proposals to introduce a council tax premium for long term empty properties and second homes within Blaenau Gwent. The proposed consultation questions are in Appendix 2 (Option 1).</p>
No. 14	<p><b><u>PEOPLE AND EDUCATION PORTFOLIO</u></b></p> <p><b><u>SAFEGUARDING PERFORMANCE INFORMATION (INCLUDING SOCIAL SERVICES 1ST JANUARY TO 31ST MARCH AND EDUCATION SPRING TERM – 2023 AND CORPORATE SERVICES)</u></b></p> <p>Consideration was given to the joint report of the Interim Corporate Director Social Services and Interim Corporate Director Education.</p> <p>RESOLVED that the report and approach be accepted and the revised Safeguarding in Education Policy as shown in Appendix 3 be agreed (Option 1).</p>

This page is intentionally left blank



**COUNTY BOROUGH OF BLAENAU GWENT**

**REPORT TO: THE PRESIDING MEMBER AND MEMBERS OF THE COUNCIL**

**SUBJECT: SPECIAL CABINET – 4<sup>TH</sup> SEPTEMBER, 2023**

**REPORT OF: DEMOCRATIC & COMMITTEE SUPPORT OFFICER**

---

**PRESENT: Leader/  
Cabinet Member - Corporate Overview & Performance  
Councillor S. Thomas**

**Deputy Leader/Cabinet Member – Place & Environment  
Councillor H. Cunningham**

**Cabinet Member – Place and Regeneration  
Councillor J.C. Morgan**

**Cabinet Member – People & Social Services  
Councillor H. Trollope**

**Cabinet Member – People & Education  
Councillor S. Edmunds**

**WITH:** Interim Chief Executive  
Chief Officer Resources  
Interim Corporate Director Education  
Interim Corporate Director Social Services  
Head of Legal and Corporate Compliance  
Head of Democratic Services, Governance & Partnerships  
Head of Organisational Development

**DECISIONS UNDER DELEGATED POWERS**

<b><u>ITEM</u></b>	<b><u>SUBJECT</u></b>
<b>No. 1</b>	<b><u>SIMULTANEOUS TRANSLATION</u></b>

	It was noted that no requests had been received for the simultaneous translation service.
<b>No. 2</b>	<p><b><u>APOLOGIES</u></b></p> <p>No apologies for absence were received.</p>
<b>No. 3</b>	<p><b><u>DECLARATIONS OF INTEREST AND DISPENSATIONS</u></b></p> <p>No declarations of interest or dispensations were reported.</p>
	<p><b><u>DECISIONS</u></b></p>
<b>No. 4</b>	<p><b><u>CABINET</u></b></p> <p>Consideration was given to the decisions of the Cabinet Meeting held on 19<sup>th</sup> July, 2023.</p> <p>RESOLVED that the decisions be received as a true record of proceedings.</p>
	<p><b><u>PEOPLE AND EDUCATION PORTFOLIO</u></b></p>
<b>No. 5</b>	<p><b><u>ALN RESOURCE BASE CAPACITY – PROPOSED IMPLEMENTATION OF ADDITIONAL RESOURCE BASES</u></b></p> <p>Consideration was given to report of the Service Manager, Education Transformation &amp; Business Change.</p> <p>RESOLVED that the report be accepted, and Cabinet support Option 1, namely:</p> <ul style="list-style-type: none"> <li>• Recommend that Council considers and accepts this Objections report, with evidence from the Statutory Notice (<b>Appendix 1</b>) and grants approval to proceed to the implementation stage; and</li> <li>• The full business case (<b>Appendix 2</b>) be accepted in relation to the implementation of the resources bases from September 2023 onwards.</li> </ul>



This page is intentionally left blank

**COUNTY BOROUGH OF BLAENAU GWENT**

**REPORT TO: THE PRESIDING MEMBER AND MEMBERS OF THE COUNCIL**

**SUBJECT: PLACE SCRUTINY COMMITTEE – 20<sup>th</sup> JUNE, 2023**

**REPORT OF: DEMOCRATIC & COMMITTEE SUPPORT OFFICER**

**PRESENT: COUNCILLOR M. CROSS (CHAIR)**

Councillors R. Leadbeater  
 S. Behr  
 K. Chaplin  
 G. Davies  
 J. Gardener  
 W. Hodgins  
 L. Parsons  
 D. Rowberry

**WITH:** Corporate Director Regeneration and Community Services  
 Head of Community Services  
 Service Manager – Community Services  
 Team Manager – Streetscene  
 Streetworks Inspector  
 Communications Officer  
 Scrutiny and Democratic Officer

<b><u>ITEM</u></b>	<b><u>SUBJECT</u></b>
<b>No. 1</b>	<p><b><u>SIMULTANEOUS TRANSLATION</u></b></p> <p>It was noted that no requests had been received for the simultaneous translation service.</p>
<b>No. 2</b>	<p><b><u>APOLOGIES</u></b></p> <p>No apologies for absence were received.</p>

<p><b>No. 3</b></p>	<p><b><u>DECLARATIONS OF INTEREST AND DISPENSATIONS</u></b></p> <p>No declarations of interest or dispensations were reported.</p>
<p><b>No. 4</b></p>	<p><b><u>TIME OF FUTURE MEETINGS</u></b></p> <p>The Committee AGREED the following:-</p> <p>9.00 am Agenda Meeting 9.30 am Place Scrutiny Committee</p>
<p><b>No. 5</b></p>	<p><b><u>PLACE SCRUTINY COMMITTEE</u></b></p> <p>Consideration was given to the decisions of the meeting held on 14<sup>th</sup> March, 2023.</p> <p>The Committee AGREED that the decisions be accepted as a true record of proceedings.</p>
<p><b>No. 6</b></p>	<p><b><u>ACTION SHEET</u></b></p> <p>Consideration was given to the action sheet.</p> <p>The Committee AGREED that the report be accepted and the action sheet be noted.</p>
<p><b>No. 7</b></p>	<p><b><u>ADOPTION OF THE HIGHWAYS ASSET MANAGEMENT PLAN (HAMP) 2023-2028</u></b></p> <p>Consideration was given to the report of the Team Manager – Streetscene.</p> <p>The Vice-Chair proposed that it be recommended to Cabinet/Corporate Leadership Team to identify funds to implement a future Capital Works Programme. This proposal was agreed and seconded.</p> <p>The Committee thereupon AGREED, subject to the foregoing, that the report be accepted and supported the adoption of the Highways Asset Maintenance Plan (HAMP) 2023-2028 (Option 1) and asked that Cabinet/Corporate Leadership Team seek to identify appropriate funds to implement a future Capital Works Programme.</p>

**COUNTY BOROUGH OF BLAENAU GWENT**

**REPORT TO: THE PRESIDING MEMBER AND MEMBERS OF THE COUNCIL**

**SUBJECT: CORPORATE AND PERFORMANCE SCRUTINY COMMITTEE – 22<sup>ND</sup> JUNE, 2023**

**REPORT OF: DEMOCRATIC & COMMITTEE SUPPORT OFFICER**

**PRESENT: COUNCILLOR J. WILKINS (CHAIR)**

Councillors J. Thomas  
 J. Hill  
 J. Holt  
 E. Jones  
 R. Leadbeater  
 C. Smith  
 T. Smith

**WITH:** Interim Chief Executive  
 Chief Officer Resources  
 Head of School Improvement  
 Head of Democratic Services, Governance & Partnerships  
 Head of Organisational Development  
 Professional Lead for Strategic Partnerships  
 Service Manager – Policy and Partnerships  
 Service Manager – Performance and Democratic  
 Team Leader - Partnerships  
 Scrutiny and Democratic Officer  
 Communications/Press Officer

<b><u>ITEM</u></b>	<b><u>SUBJECT</u></b>
<b>No. 1</b>	<p><b><u>SIMULTANEOUS TRANSLATION</u></b></p> <p>It was noted that no requests had been received for the simultaneous translation service.</p>

No. 2	<p><b><u>APOLOGIES</u></b></p> <p>An apology for absence was received from Councillor C. Bainton.</p>
No. 3	<p><b><u>DECLARATIONS OF INTERESTS AND DISPENSATIONS</u></b></p> <p>No declarations of interest or dispensations were reported.</p>
No. 4	<p><b><u>TIME OF FUTURE MEETINGS</u></b></p> <p>The Committee AGREED the following:-</p> <p>Agenda Meeting – 9.30 a.m. Committee – 10.00 a.m.</p>
No. 5	<p><b><u>CORPORATE AND PERFORMANCE SCRUTINY COMMITTEE</u></b></p> <p>Consideration was given to the decisions of the meeting held on 27<sup>th</sup> April, 2023.</p> <p>The Committee AGREED that the decisions be accepted as a true record of proceedings.</p>
No. 6	<p><b><u>ACTION SHEET</u></b></p> <p>Consideration was given to the Action Sheet.</p> <p>The Committee AGREED that the report be accepted and the information therein be noted.</p>
No. 7	<p><b><u>PROPOSED SCRUTINY COMMITTEE FORWARD WORK PROGRAMME 2023-24</u></b></p> <p>Consideration was given to the report of the Scrutiny and Democratic Officer.</p> <p>The Committee AGREED that the report be accepted and the Forward Work Programme for the Corporate Overview and Performance Scrutiny Committee be agreed (Option 1).</p>



<b>No. 8</b>	<p data-bbox="352 194 1007 277"><b><u>BLAENAU GWENT ENGAGEMENT &amp; PARTICIPATION STRATEGY</u></b></p> <p data-bbox="352 327 1417 409">Consideration was given to the report of the Professional Lead for Strategic Partnerships.</p> <p data-bbox="352 454 1417 707">The Committee AGREED that the report be accepted and the planning and consultation process for a new Engagement &amp; Participation Strategy be noted and agreed to a joint Corporate Overview &amp; Performance Scrutiny and Democratic Services Committees Workshop on 18th July 2023 to shape development of the initial Strategy. (Option 1)</p>
<b>No. 9</b>	<p data-bbox="352 748 1198 792"><b><u>WELSH LANGUAGE ANNUAL REPORT 2022/23</u></b></p> <p data-bbox="352 837 1417 920">Consideration was given to the report of the Head of Democratic Services, Governance and Partnerships.</p> <p data-bbox="352 965 1417 1137">The Committee AGREED that the report be accepted and the Corporate Overview and Performance Scrutiny Committee to supported the draft Welsh Language Annual Report 2022/23, as presented. (Option 1).</p>
<b>No. 10</b>	<p data-bbox="352 1178 938 1223"><b><u>FIRE SAFETY AT WORK POLICY</u></b></p> <p data-bbox="352 1267 1417 1350">Consideration was given to the report of the Head of Organisational Development.</p> <p data-bbox="352 1395 1417 1568">The Committee AGREED that the report be accepted and supported the Health and Safety compliance by recommending that Council approve the implementation of the Fire Safety Policy. (Option 1).</p>

This page is intentionally left blank

**COUNTY BOROUGH OF BLAENAU GWENT**

**REPORT TO: THE PRESIDING MEMBER AND MEMBERS OF THE COUNCIL**

**SUBJECT: SPECIAL CORPORATE AND PERFORMANCE SCRUTINY COMMITTEE – 5<sup>TH</sup> JULY, 2023**

**REPORT OF: DEMOCRATIC & COMMITTEE SUPPORT OFFICER**

**PRESENT: COUNCILLOR J. WILKINS (CHAIR)**

Councillors J. Thomas (Vice-Chair)

- J. Hill
- J. Holt
- E. Jones
- R. Leadbeater
- C. Smith
- T. Smith

**WITH:** Interim Chief Executive  
 Corporate Director Regeneration and Community Services  
 Chief Officer Resources  
 Service Manager - Accountancy  
 Chief Officer Customer and Commercial  
 Head of School Improvement  
 Head of Democratic Services, Governance & Partnerships  
 Service Manager – Policy and Partnerships  
 Service Manager – Performance and Democratic Scrutiny and Democratic Officer

<b><u>ITEM</u></b>	<b><u>SUBJECT</u></b>
<b>No. 1</b>	<b><u>SIMULTANEOUS TRANSLATION</u></b>  It was noted that no requests had been received for the simultaneous translation service.
<b>No. 2</b>	<b><u>APOLOGIES</u></b>

	<p>An apology for absence was received from Councillor C. Bainton.</p>
<b>No. 3</b>	<p><b><u>DECLARATIONS OF INTERESTS AND DISPENSATIONS</u></b></p> <p>No declarations of interest or dispensations were reported.</p>
<b>No. 4</b>	<p><b><u>REVENUE BUDGET MONITORING 2022/2023 – PROVISIONAL OUTTURN</u></b></p> <p>Consideration was given to the report of the Chief Officer Resources.</p> <p>The Committee AGREED that the report be accepted and</p> <ul style="list-style-type: none"> <li>(a) Members considered and provided the appropriate challenge to the financial outcomes in the report; and</li> <li>(b) noted the net use of specific reserves (Option 1).</li> </ul>
<b>No. 5</b>	<p><b><u>CAPITAL BUDGET MONITORING, PROVISIONAL OUTTURN 2022/2023 FINANCIAL YEAR (AS AT 31 MARCH 2023)</u></b></p> <p>Consideration was given to the report of the Chief Officer Resources.</p> <p>The Committee AGREED that the report be accepted and</p> <ul style="list-style-type: none"> <li>(a) Members considered the information included within the report and provided the appropriate challenge to the financial outcomes in the report;</li> <li>(b) continued to support appropriate financial control procedures agreed by Council; and</li> <li>(c) noted the budgetary control and monitoring procedures in place within the Capital Team, to safeguard Authority funding (Option 1).</li> </ul>
<b>No. 6</b>	<p><b><u>MEETING SPECIFIC REQUIREMENTS OF THE EQUALITY ACT 2010: STRATEGIC EQUALITY POLICY DEVELOPMENT</u></b></p>

---

Consideration was given to the report of the Head of Governance and Partnerships.

The Committee AGREED that the report be accepted and supported the proposed approach for developing the Strategic Equality Plan 2024/28 and Equality Objectives to be approved by Cabinet (Option 1).

---

This page is intentionally left blank

**COUNTY BOROUGH OF BLAENAU GWENT**

**REPORT TO:** **THE PRESIDING MEMBER AND MEMBERS OF THE COUNCIL**

**SUBJECT:** **GOVERNANCE & AUDIT COMMITTEE**  
**12<sup>TH</sup> JULY, 2023**

**REPORT OF:** **DEMOCRATIC OFFICER**

**PRESENT:** JOANNE ABSALOM (CHAIR)

Councillors S. Behr  
W. Hodgins  
C. Smith

Martin Veale

**WITH:** Chief Officer Resources  
Head of Democratic Services, Governance & Partnerships  
Service Manager – Development & Estates  
Business & Regeneration Service Manager  
Professional Lead – Internal Audit  
Data Protection & Governance Officer  
Communications & Marketing Manager

**AND:** Charlotte Owen, Audit Wales  
Mike Jones, Audit Wales

**DECISIONS UNDER DELEGATED POWERS**

<b><u>ITEM</u></b>	<b><u>SUBJECT</u></b>	<b><u>ACTION</u></b>
<b>No. 1</b>	<b><u>SIMULTANEOUS TRANSLATION</u></b>  It was noted that no requests had been received for the simultaneous translation service.	
<b>No. 2</b>	<b><u>APOLOGIES</u></b>  Apologies for absence were received from:	

	<p>Councillors D. Bevan, K. Chaplin, J. Wilkins, Audit &amp; Risk Manager, Chief Officer Commercial &amp; Customer and Deborah Woods, Audit Wales.</p>	
<b>No. 3</b>	<p><b><u>DECLARATIONS OF INTEREST AND DISPENSATIONS</u></b></p> <p>There were no declarations of interests or dispensations reported.</p>	
<b>No. 4</b>	<p><b><u>GOVERNANCE &amp; AUDIT COMMITTEE</u></b></p> <p>The decisions of the Governance &amp; Audit Committee held on 21<sup>st</sup> June, 2023 were submitted.</p> <p>It was unanimously,</p> <p>RESOLVED that the decisions be accepted as a true record of proceedings.</p>	
<b>No. 5</b>	<p><b><u>ACTION SHEET – 21<sup>ST</sup> JUNE, 2023</u></b></p> <p>The Action Sheet arising from the meeting held on 21<sup>st</sup> June, 2023 was submitted, whereupon:</p> <p><b><u>Item 7 – Forward Work Programme 2023/2024 - Annual Report of the Governance &amp; Audit Committee</u></b></p> <p>It was noted that this action had been completed as an item relating to the Annual Report had been included on the Forward Work Programme. However, the production of the report would be the responsibility of the principal adviser to the Committee (in liaison with the Chair) and not the Chief Officer Resources/Head of Democratic Services, Governance &amp; Partnerships as previously reported.</p>	



	<p><b><u>Item No. 11 – Civic Centre Integrated Impact Assessment (IIA) – Ebbw Vale Town Centre Visitor Footfall</u></b></p> <p>The Business &amp; Regeneration Service Manager provided a verbal update in relation to the challenges and accuracy of footfall data that had been collated for Ebbw Vale Town Centre and suggested that as a number of queries had been received from several Members regarding footfall data, that a Member Briefing be arranged to outline the methodology around footfall counters, how the data was collected and the algorithms used to quantify the data.</p> <p>RESOLVED accordingly.</p> <p>It was unanimously,</p> <p>FURTHER RESOLVED, subject to the foregoing, that the Action Sheet be noted.</p>	
<p><b>No. 6</b></p>	<p><b><u>FORWARD WORK PROGRAMME 2023/2024</u></b></p> <p>Consideration was given to report of the proposed Forward Work Programme 2023/2024.</p> <p>It was noted that the additional items discussed at the June Committee would be incorporated within the Forward Work Programme going forward.</p> <p>It was unanimously,</p> <p>RESOLVED that the report be accepted Option 1 be endorsed, namely that the Forward Work Programme be accepted.</p>	
<p><b>No. 7</b></p>	<p><b><u>AUDIT WALES: REVIEW OF THE PLANNING SERVICE – BLAENAU GWENT COUNTY BOROUGH COUNCIL</u></b></p> <p>Consideration was given to the report of the Service Manager Development &amp; Estates.</p> <p>It was unanimously,</p>	

	<p>RESOLVED that the report be accepted and Option 1 be endorsed, i.e. the Committee was assured that the Management Response responded to the identified recommendations within the Audit Wales report relating to the Review of the Planning Service.</p>	
<b>No. 8</b>	<p><b><u>STATEMENT OF ACCOUNTS 2021/2022</u></b></p> <p>Consideration was given to report of the Chief Officer Resources.</p> <p>It was unanimously,</p> <p>RESOLVED that the report be accepted and Option 2 be endorsed, namely that the Statement of Accounts be not approved at this stage and reconsidered following receipt and consideration of the Appointed Auditors Audit of Accounts Report.</p>	
<b>No. 9</b>	<p><b><u>ANNUAL GOVERNANCE STATEMENT 2021/2022</u></b></p> <p>Consideration was given to report of the Chief Officer Resources.</p> <p>It was unanimously,</p> <p>RESOLVED that the report be accepted and Option 1 be endorsed, namely that the Annual Governance Statement 2021/2022 be approved and adopted in its current state and the Annual Governance Statement 2022/2023 be received in due course.</p>	

**COUNTY BOROUGH OF BLAENAU GWENT**

**REPORT TO: THE PRESIDING MEMBER AND MEMBERS OF THE COUNCIL**

**SUBJECT: PEOPLE SCRUTINY COMMITTEE - 18<sup>th</sup> JULY, 2023**

**REPORT OF: DEMOCRATIC & COMMITTEE SUPPORT OFFICER**

**PRESENT:** Councillor T. Smith (Chair)

Councillors Jen Morgan, J.P.

C. Bainton

D. Bevan

J. Gardner

G. Thomas

D. Wilkshire

L. Parsons (*substituting for G. Humphreys*)

Mr. T. Baxter (Co-opted Member)

**WITH:**

Interim Corporate Director of Education

Service Manger Education Transformation & Business Change

Service Manager Young People & Partnerships

Head of Children’s Services

Head of Adult Services

Head of Democratic Services, Governance & Partnerships

Service Manager Children’s Services

<b><u>ITEM</u></b>	<b><u>SUBJECT</u></b>	<b><u>ACTION</u></b>
<b>No. 1</b>	<p><b><u>SIMULTANEOUS TRANSLATION</u></b></p> <p>It was noted that no requests had been received for the simultaneous translation service.</p>	
<b>No. 2</b>	<p><b><u>APOLOGIES</u></b></p> <p>Apologies for absence were reported for Councillor G.</p>	

	Humphreys, J. Wilkins ( <i>invited for Item No. 7</i> ) and the Interim Corporate Director of Social Services.	
<b>No. 3</b>	<p><b><u>DECLARATIONS OF INTEREST AND DISPENSATIONS</u></b></p> <p>No declarations of interest or dispensations were reported.</p>	
<b>No. 4</b>	<p><b><u>TIME OF FUTURE MEETINGS</u></b></p> <p>The Committee AGREED that meetings be held at 10.00 a.m.</p>	
<b>No. 5</b>	<p><b><u>PEOPLE SCRUTINY COMMITTEE</u></b></p> <p>The decisions of the People Scrutiny Committee held on 28<sup>th</sup> April, 2023 were submitted.</p> <p>The Committee AGREED that the decisions be accepted as a true record of proceedings.</p>	
<b>No. 6</b>	<p><b><u>PROPOSED SCRUTINY COMMITTEE FORWARD WORK PROGRAMME 2023-24</u></b></p> <p>Consideration was given to report of the Scrutiny &amp; Democratic Officer.</p> <p>The Committee AGREED that the Forward Work Programme for the People Scrutiny Committee be accepted (Option 1).</p>	
<b>No. 7</b>	<p><b><u>SAFEGUARDING PERFORMANCE INFORMATION (INCLUDING SOCIAL SERVICES 1ST JANUARY TO 31ST MARCH AND EDUCATION SPRING TERM-2023 AND CORPORATE SERVICES)</u></b></p> <p>Consideration was given to the joint report of the Interim Corporate Director of Social Services and the Interim Corporate Director of Education.</p> <p>The Committee AGREED to recommend (Option 1), namely:</p> <p>a) The approach and information detailed in the report (Appendix 1) be accepted as provided; and</p>	

	b) Recommend that Cabinet agree the revised Safeguarding in Education Policy as shown in Appendix 3.	
--	--	--

This page is intentionally left blank

**Blaenau Gwent County Borough Council**

**Action Sheet**

**Ordinary Meeting of the Council**

Meeting Date	Action to be Taken	By Whom	Action Taken
20 <sup>th</sup> July, 2023	<p><b><u>Item No. 36 – Annual Scrutiny Report 2022-2023</u></b></p> <p>➤ Reference was made to Appendix 1 of the document relating to scrutiny evaluation, in particular completion of the evaluation forms when it stated that this element of the process needed to be further developed and improved.</p> <p>The Head of Democratic Services be requested to review this aspect of the evaluation process in order to provide a more modern and better performing completion of the scrutiny evaluation process going forward.</p>	Head of Democratic Services, Governance & Partnerships	<p>Service Manager Performance and Democratic and Scrutiny Officer met with the Chairs and Vice-Chairs of Scrutiny on 2<sup>nd</sup> August, 2023, where the following was agreed and actioned:</p> <ul style="list-style-type: none"> <li>• To review the Chairs Evaluation.</li> <li>• To provide evaluative comments and statistics to each individual Chair following every Scrutiny Committee Meeting.</li> <li>• For a standing item to be included on all future Chairs and Vice-Chairs meeting agendas to review the commentary received from the evaluation process across all committees.</li> <li>• For the Chairs of Scrutiny to encourage evaluative discussion from Members in the Scrutiny Committee, evaluation sessions and to also complete the evaluation form.</li> </ul> <p><b>Action: Complete</b></p>

Meeting Date	Action to be Taken	By Whom	Action Taken
20 <sup>th</sup> July, 2023	<p><b><u>Item 38 – Civic Centre Integrated Impact Assessment (IIA)</u></b></p> <ul style="list-style-type: none"> <li>➤ Investigations take place into identifying an alternative venue to hold Full Council meetings for the current time (it was noted that these meetings needed to be offered on a hybrid basis).</li> </ul> <p>A full Integrated Impact Assessment be completed for any alternative venue identified.</p>	Head of Democratic Services, Governance & Partnerships	<p>The format and mechanism for holding formal meetings is set out in the Council’s Multi Location Meetings Policy. This policy will be reviewed on a regular basis and is on the forward work programme for Democratic Services Committee for 2023/24. Potential venues will also be discussed at the Local Wellbeing Partnership Meeting. As we legally have to provide a hybrid option for people to join remotely, any potential venue will need to have access to such equipment to avoid additional costs.</p> <p><b>Action: Complete</b></p>



# Agenda Item 17

*Cabinet and Council only*

Date signed off by the Monitoring Officer: 08.09.2023

Date signed off by the Section 151 Officer: 10.09.2023

Committee: **Council**

Date of Meeting: **21<sup>st</sup> September, 2023**

Report Subject: **Amendments to the Constitution**

Portfolio Holder: **Councillor Steve Thomas – Leader/Cabinet Member  
Corporate Overview & Performance**

Report Submitted by: **Head of Legal and Corporate Compliance/ Monitoring  
Officer**

Reporting Pathway								
Directorate Management Team	Corporate Leadership Team	Portfolio Holder / Chair	Governance Audit Committee	Democratic Services Committee	Scrutiny Committee	Cabinet	Council	Other (please state)
	X						X	

## 1. Purpose of the Report

The purpose of the report is for Council to approve and adopt proposed changes to the Constitution.

## 2. Scope and Background

By virtue of the Local Government Act 2000 there is a statutory requirement upon Councils to adopt a Constitution. The current Constitution was last amended in September 2022.

The Monitoring Officer has a duty to review the Constitution in order to ensure that it reflects the current structure and operation of Council functions and decision making.

The purpose of the Constitution is to describe functions, membership, delegated powers and procedural rules which will:-

- Enable the Council to provide clear leadership to the Community in partnership with citizens, businesses and other organisations;
- Support the active involvement of citizens in the process of local authority decision making;
- Help Councillors represent their constituents more effectively;
- Enable decisions to be taken fairly, efficiently and effectively;
- Create an effective means of holding decision makers to public account;
- Ensure that no one will scrutinise a decision in which they are

directly involved;

- Ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions;
- Provide a means of improving the delivery of services to the community;
- Promote the principles of democracy

The amendments are proposed as a consequence of changes arising out of the Council's Annual General meeting, and also to reflect current operational practice and any changes in legislative requirements.

The proposed changes are summarised at Appendix 1.

Details of the changes are attached on the 2022 version (current version) of the Constitution and proposed changes are shown for the purposes of clarity as tracked changes.

The Constitution Working Group considered and approved the proposed amendments at a meeting held on 7<sup>th</sup> September 2023.

### 3. **Options for Recommendation**

#### 3.1 Option 1:

Consider and approve the suggested amendments and incorporate these into the existing Constitution.

#### Option 2:

Do not approve some or all of the amendments and revert back to the Constitutional Working Group for further consideration.

### 4. **Evidence of how this topic supports the achievement of the Corporate Plan / Statutory Responsibilities / Blaenau Gwent Well-being Plan**

There is a statutory responsibility upon all Councils to adopt a Constitution and keep it under review.

### 5. **Implications Against Each Option**

#### 5.1 ***Impact on Budget (short and long term impact)***

There are no financial implications associated with this report.

#### 5.2 ***Risk including Mitigating Actions***

If the Constitution is not revised on a regular basis there is a risk of non-compliance with legislation and the risk of successful challenge in a number of areas would be increased.

- 5.3 **Legal**  
There is a legal duty on the Monitoring Officer to review the Constitution
- 5.4 **Human Resources**  
There are no staffing implications arising out of this report.
- 5.5 **Health and Safety**  
There are no Health and Safety implications arising out of this report.
6. **Supporting Evidence**
- 6.1 **Performance Information and Data**  
The changes are necessary to keep the Constitution up to date and relevant in accordance with the requirements of the Local Government Act 2000.
- 6.2 **Expected outcome for the public**  
A Constitution that accurately sets out how the Council operates, how decisions are made and the procedures which are followed in the democratic process.
- 6.3 **Involvement (consultation, engagement, participation)**  
The Constitution Working Group were consulted on 7th September and key officers have been consulted in the past 6 weeks.
- 6.4 **Thinking for the Long term (forward planning)**  
This review will ensure the Council meets its current statutory obligations and plans for the longer term, providing assurance in respect of the Council's governance arrangements.
- 6.5 **Preventative focus**  
The review and amendments will lessen the risk of the Council operating *ultra vires* and reduce the chances of a successful challenge through the courts or other regulatory avenues.
- 6.6 **Collaboration / partnership working**  
It should be noted that the Monitoring Officer is currently working with others on an All-Wales basis to produce an updated Constitution template which will reflect all the changes arising as a consequence of the Local Government Wales Act 2021.
- 6.7 **Integration (across service areas)**  
The report potentially impacts all areas of the Council's services.
- 6.8 **Decarbonisation and Reducing Carbon Emissions**  
There are no implications to the decarbonisation and reducing carbon emissions plans as a consequence of this report.

- 6.9 ***Integrated Impact Assessment (IIA)*** *(All decisions, policy reviews or policy implementation will now require a completed Integrated Impact Assessment)*  
There are no Equality implications in relation to the suggested amendments.

7. **Monitoring Arrangements**

- 7.1 The Constitution is published on the Council's Corporate website. Any future amendments will be subject to consultation with Heads of Service, the Corporate Leadership Team and the Constitution Working Group before proceeding to full Council for formal approval.

**Background Documents /Electronic Links**

- *Appendix 1 – Constitution Amendments Record*
- *Appendix 2 – 2023 Constitution Draft (with tracked changes)*

# Constitution Amendments Record 2023

Section	Paragraph	Page Number	Title/Area	Current Wording	Amendment	Incorporated into document?
3 Getting information and getting involved	3.1.4	23	Information Available to Officers	The Monitoring Officer, the Section 151 Officer and the Chief Executive s may see...	Remove the 's' highlighted in yellow	Added
4 Full Council	4.2	30	The Policy Framework	Single Education Plan - The Single Education Plan (Wales) Regulations 2006 (SI 2006/877 (W82))	Changed to "Education Strategic Plan for Wales 2015 "	Added
4 Full Council	4.2	30	The Policy Framework	Council Plan - Local Government (Wales) Measure 2007	Amended to Corporate Plan	Amended
4 Full Council	4.2	30	The Policy Framework	Health and Safety Well Being Strategy	Delete, no longer in place	Added
4 Full Council	4.2	30	The Policy Framework	Welsh Language Scheme	Rename to WL Strategy	Added
4 Full Council	4.2	30	The Policy Framework	Youth Justice Plan	Changed to Strategy	Added
4 Full Council	4.2	31	The Policy Framework	Young People's Partnership Strategic Plan and Children and Young Peoples Framework Partnership - Section 123, 124 and 125 of	These partnerships are no longer in place – the PSB arrangements would now cover these areas	Added

				the Learning and Skills Act 2000 (c21)	Add "Gwent Public Service Board Strategies"	
4 Full Council	4.2	31	The Policy Framework	Housing Strategy	Removed – devolved to Tai Calon	Added
4 Full Council	4.2	31	The Policy Framework	The Council has resolved that in addition to the plans and strategies referred to above it will reserve to itself the adoption or approval of the:- <ul style="list-style-type: none"> <li>• Corporate Plan (including Well-being Plans and Objectives)</li> <li>• Freedom of Information Publication Scheme</li> <li>• Treasury Strategy Statement</li> </ul>	remove Corporate Plan as now included above	Added
4 Full Council	4.2	31	The Policy Framework	The Council has resolved that in addition to the plans and strategies referred to above it will reserve to itself the adoption or approval of the:- <ul style="list-style-type: none"> <li>• Corporate Plan (including Well-being Plans and Objectives)</li> <li>• Freedom of</li> </ul>	Add in "Council Annual Self Assessment"	Added


				Information Publication Scheme • Treasury Strategy Statement		
4 Full Council	4.6	32	Functions of Full Council	Amendments to wording	Minor amendments to grammar and wording	Added
4. Full Council	4.26.1	58	Signing of the minutes	“Signing of the Minutes”	Minutes are no longer signed so re-worded to “approval”	Added
5 Cabinet	5.8.2	67	<u>Cabinet Meetings – When and Where?</u>	The frequency and timing of meetings of the Cabinet will be determined by the Leader. Cabinet	Remove ‘Cabinet’ highlighted in yellow	Added
7. Scrutiny Committees	7.3	75	Role, Scope and Membership	Partnership Scrutiny Committee • Public Service Board (PSB) • Cardiff Capital Region City Deal (CCRCD) • Education Achievement Service (EAS) • Regional Partnership Board (RPB) • Tech Valleys	Remove • Public Service Board (PSB) • Cardiff Capital Region City Deal (CCRCD) • Regional Partnership Board (RPB) • Tech Valleys Add in: • <b>Gwent Crematoria</b>	Added

				<ul style="list-style-type: none"> <li>• Shared Resource Service (SRS)</li> <li>• Aneurin Leisure Trust (ALT)</li> <li>• Corporate Joint Committees (CJs)</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Gwent Archives</b></li> </ul> <p>Additional partnership arrangements will include:</p> <ul style="list-style-type: none"> <li>• Library Services</li> <li>• Shared Resource Service</li> <li>• Local Well-being Partnership Local Delivery Programme</li> </ul>	
Cabinet and Scrutiny Meetings	5.9 and 7.27	68 and 93	Cabinet and Scrutiny Meetings	NOTE: under ordinary meetings of Council 4.11 (page 36) it includes the order of business at Ordinary Meetings will be as follows: Simultaneous Translation	Similar sections are included for Cabinet and Scrutiny but Simultaneous Translation is not included and should be for consistency	Page 93 and 68 Added.
Appendix 4 Section 7		109	Gwent Public Service Board (PSB)	NB. The role of the Public Service Board Scrutiny Committee has now been	The Gwent Public Service Board has its own partnership scrutiny	Removed. PSB has its own Gwent scrutiny arrangements



				included in the remit of the Partnership Scrutiny Committee.	arrangements in place in which Blaenau Gwent is represented.	
Section 9	New para added 9.8	Page 115	Regulatory Committees		<p>Planning voting amendments to exclude ward members suggested wording - <i>Where a ward councillor for a planning application is a member of the Planning Committee, they are excluded from taking part in the debate and vote on that planning application.</i></p> <p>Planning Committee members who cannot vote or take part in the debate will retain the right to speak for their constituents as per the public speaking policy so insert the text below onto the one above</p> <p><i>They may however address Planning</i></p>	Added

					<p><i>Committee in their role as a Ward Member under the terms of Planning Committee Public Speaking Policy. Once they have made verbal representations, they must take no part in the debate and not vote.</i></p>	
Section 13	Portfolio Responsibilities	143	Portfolio Responsibilities - Leader / Cabinet Member Corporate Overview and Performance	<p>Leader / Cabinet Member Corporate Overview and Performance</p> <ul style="list-style-type: none"> <li>• Leadership Role</li> <li>• Corporate Services Role, incorporating: <ul style="list-style-type: none"> <li>o Cardiff Capital Region City Deal</li> <li>o Local Service Board / Public Service Board</li> <li>o Well Being of Future Generations</li> <li>o Reforming Local Government</li> <li>o Culture, Customs and Practices of Council</li> <li>o Policy and Performance</li> </ul> </li> </ul>	<p>Amend: Local Service Board / Public Service Board</p> <p>to</p> <p>Local Well-being Partnership / Gwent Public Service Board</p> <p>Transforming Blaenau Gwent Programme renamed to more generic term to future proof</p>	Added

				(Strategy) and Regulatory Engagement o Transforming Blaenau Gwent Programme o Collaboration o Remuneration Panel o Member Development		
Section 13	Portfolio Responsibilities	144	Portfolio Responsibilities - Deputy Leader / Cabinet Member Place & Environment	Deputy Leader / Cabinet Member Place & Environment	Add Climate Change and Decarbonisation	Added
Various		Page 197		 SS summary July 23 Scheme of Delegation	Implement changes for planning as outlined in this document	Added
Section 15	New provision added to 15.3.3	Page 234	Provisions for developing the Budget		Provision for alternative budget proposals being submitted in a timely manner	Added
Section 13	4	Page 203	Miscellaneous		Add references to Rights of way, Public Path Orders, and Orders made under the Wildlife & Countryside Acts	Added




DRAFT

DRAFT


# Constitution

August

~~2022~~ September

2023



Cyngor Bwrdeisdref Sirol

**Blaenau Gwent**

County Borough Council

## Contents

SECTION 1 .....	8
1. INTRODUCTION.....	8
1.1 Purpose and Content of the Constitution.....	8
1.2 How the Council Operates.....	9
SECTION 2 .....	11
2. PURPOSE, DEFINITION INTERPRETATION AND AMENDMENT OF THE CONSTITUTION .....	11
2.1 The purpose of the Constitution is to:-.....	11
2.2 Definitions in the Constitution.....	11
2.3 Interpretation of the Constitution .....	17
2.4 Duty to Monitor and Review the Constitution .....	18
2.5 Protocol for Monitoring and Review of Constitution by Monitoring Officer .....	18
2.6 Changes to the Constitution .....	19
2.7 Suspension of the Constitution.....	20
2.8 Publication .....	20
SECTION 3 .....	21
3. GETTING INFORMATION AND GETTING INVOLVED.....	21
3.1 Getting Information .....	21
3.2 Getting Involved.....	24
3.3 Getting Involved – Members .....	<del>26</del> 27
SECTION 4 .....	30
4. FULL COUNCIL .....	30
4.1 Introduction .....	30
4.2 The Policy Framework.....	30
4.3 The Well-being Plan.....	31
4.4 The Budget.....	31
4.5 Housing Land Transfer .....	<del>32</del> 31
4.6 Functions of the Full Council.....	32
4.7 Membership.....	33
4.8 Council Meetings .....	<del>35</del> 34
4.9 Rules of Procedure and Debate .....	35
4.10 Council Procedure Rules – Annual Meeting of the Council .....	35
4.11 Ordinary Meetings .....	36
4.12 Extraordinary Meetings .....	37
4.13 Time, Place and Duration of Meetings .....	38
4.14 Notice of and Summons to Meetings .....	<del>39</del> 38
4.15 Chair of the Meeting.....	39
4.16 Quorum.....	39
4.17 Remote Attendance .....	39
4.18 Questions by the Public .....	<del>40</del> 41
4.19 Questions by Members.....	43
4.20 Motions on Notice .....	<del>46</del> 47
4.21 Motions without Notice.....	<del>48</del> 49



4.22	Rules of Debate.....	<u>4950</u>
4.23	State of the County Borough Debate.....	<u>5556</u>
4.24	Previous Decisions and Motions.....	<u>5657</u>
4.25	Voting.....	<u>5657</u>
4.26	Minutes.....	<u>5859</u>
4.27	Record of Attendance.....	<u>5859</u>
4.28	Exclusion of Public.....	<u>5960</u>
4.29	Members' Conduct.....	<u>5960</u>
4.30	Disturbance by Public.....	<u>6061</u>
4.31	Filming and Use of Social Media During Meetings.....	<u>61</u>
4.32	Suspension and Amendment of Council Procedure Rules.....	<u>6162</u>
4.33	Application to Committees and Sub-Committees.....	<u>6162</u>
4.34	Appointment of Substitute Members on Council Bodies.....	<u>6263</u>
SECTION 5.....		<u>6465</u>
5.	THE CABINET.....	<u>6465</u>
5.1	Introduction.....	<u>6465</u>
5.2	Form and Composition of the Cabinet.....	<u>6465</u>
5.3	Leader.....	<u>6465</u>
5.4	Deputy Leader.....	<u>6566</u>
5.5.	Other Cabinet Members.....	<u>6566</u>
5.6	Delegation of Functions.....	<u>6566</u>
5.7	Rules of Procedure and Debate.....	<u>6667</u>
5.8	How does the Cabinet Operate?.....	<u>6667</u>
5.9	How are Cabinet Meetings Conducted?.....	<u>6769</u>
5.10	Disturbance by the Public, Filming and Use of Social Media.....	<u>7071</u>
SECTION 6.....		<u>7172</u>
6.	THE LEADER.....	<u>7172</u>
6.1	Election.....	<u>7172</u>
6.2	Term of Office.....	<u>7172</u>
6.3	Resignation, Dismissal, Disqualification and Suspension.....	<u>7172</u>
6.4	Deputy Leader.....	<u>7273</u>
6.5	Functions and Delegated Authority.....	<u>7273</u>
SECTION 7.....		<u>7475</u>
7.	OVERVIEW AND SCRUTINY COMMITTEES.....	<u>7475</u>
7.1	Introduction.....	<u>7475</u>
7.2	Overview and Scrutiny Committees.....	<u>7475</u>
7.3	Role, Scope and Membership.....	<u>7576</u>
7.4	Specific Functions.....	<u>7680</u>
7.5	Head of Democratic Services.....	<u>7882</u>
7.6	Who May Sit on Overview and Scrutiny Committees?.....	<u>7882</u>
7.7	Co-optees.....	<u>7982</u>
7.8	Education Representatives.....	<u>7983</u>
7.9	Who Chairs?.....	<u>7983</u>
7.10	Role of the Chair and the Overview and Scrutiny Committees.....	<u>8083</u>
7.11	Work Programme.....	<u>8184</u>

7.12	Meetings .....	<u>8184</u>
7.13	Joint Overview and Scrutiny Committees.....	<u>8185</u>
7.14	Rules of Procedure and Debate .....	<u>8285</u>
7.15	What will be the Number and Arrangements for Overview and Scrutiny Committees .....	<u>8285</u>
7.16	Meetings of the Overview and Scrutiny Committees.....	<u>8387</u>
7.17	Quorum.....	<u>8487</u>
7.18	Agenda Items .....	<u>8487</u>
7.19	Policy Review and Development .....	<u>8588</u>
7.20	Reports from the Overview and Scrutiny Committees.....	<u>8689</u>
7.21	Making sure that Overview and Scrutiny Reports are considered by the Cabinet.....	<u>8690</u>
7.22	Rights of Members of the Overview and Scrutiny Committees to Documents.....	<u>8791</u>
7.23	Members and Officers Giving Account .....	<u>8791</u>
7.24	Attendance by Others.....	<u>8993</u>
7.25	Call-In .....	<u>8993</u>
7.26	The Party Whip .....	<u>9397</u>
7.27	Procedure at Overview and Scrutiny Committee Meetings .....	<u>9397</u>
7.28	Matters within the Remit of more than one Overview and Scrutiny Committee .....	<u>9599</u>
7.29	Councillor Call for Action .....	<u>9599</u>
	Councillor Call for Action – Guidance for Councillors.....	<u>96100</u>
	Public Service Board (PSB) Scrutiny Committee .....	<u>108112</u>
SECTION 8 .....		<u>110117</u>
8.	THE STANDARDS COMMITTEE .....	<u>110117</u>
8.1	Membership.....	<u>110117</u>
8.2	Term of Office .....	<u>110117</u>
8.3	Quorum.....	<u>111118</u>
8.4	Voting.....	<u>111118</u>
8.5	Chairing the Committee.....	<u>111118</u>
8.6	Role and Function .....	<u>112119</u>
8.7	Work Programme .....	<u>112119</u>
8.8	Rules of Procedure and Debate .....	<u>112119</u>
SECTION 9 .....		<u>113120</u>
9.	REGULATORY COMMITTEES.....	<u>113120</u>
9.1	Regulatory and Other Committees.....	<u>113120</u>
9.2	The Governance and Audit Committee .....	<u>113120</u>
9.3	The Democratic Services Committee.....	<u>113120</u>
9.4	Other Committees and Sub-Committees .....	<u>114121</u>
9.5	Rules of Procedure and Debate .....	<u>114121</u>
9.6	Quorum.....	<u>114121</u>
9.7	Substitute Members in the Planning Committee .....	<u>115122</u>
SECTION 10 .....		<u>116123</u>
10.	JOINT COMMITTEES.....	<u>116123</u>
10.1	Introduction .....	<u>116123</u>
10.2	Arrangements to Promote Wellbeing.....	<u>116123</u>
10.3	Joint Arrangements.....	<u>116123</u>
10.4	Access to Information.....	<u>117124</u>

10.5	Delegation to and from Other Local Authorities .....	<u>118</u> <del>125</del>
10.6	Contracting Out .....	<u>118</u> <del>125</del>
SECTION 11	.....	<u>119</u> <del>126</del>
11.	OFFICERS.....	<u>119</u> <del>126</del>
11.1	Management Structure .....	<u>119</u> <del>126</del>
11.2	Functions of the Chief Executive .....	<u>122</u> <del>129</del>
11.3	Functions of the Monitoring Officer .....	<u>123</u> <del>130</del>
11.4	Functions of the Chief Officer – Resources (Section 151 Officer) .....	<u>125</u> <del>132</del>
11.5	Functions of the Head of Democratic Services.....	<u>126</u> <del>133</del>
11.6	Duty to Provide Sufficient Resources to the Chief Executive, Monitoring Officer, Chief Officer - Resources and Head of Democratic Services.....	<u>128</u> <del>135</del>
11.7	Conduct.....	<u>129</u> <del>136</del>
11.8	Employment.....	<u>129</u> <del>136</del>
11.9	Remuneration .....	<u>129</u> <del>136</del>
11.10	Officer Employment Procedure Rules.....	<u>129</u> <del>136</del>
SECTION 12	.....	<u>135</u> <del>142</del>
12.	FINANCE CONTRACTS AND LEGAL MATTERS.....	<u>135</u> <del>142</del>
12.1	Financial Management .....	<u>135</u> <del>142</del>
12.2	Contracts.....	<u>135</u> <del>142</del>
12.3	Legal Proceedings .....	<u>135</u> <del>142</del>
12.4	Authentication of Documents .....	<u>136</u> <del>143</del>
12.5	Common Seal of the Council.....	<u>137</u> <del>144</del>
SECTION 13	.....	<u>138</u> <del>145</del>
13.	RESPONSIBILITY FOR FUNCTIONS – SUMMARY.....	<u>138</u> <del>145</del>
13.1	Who can be Decision Makers?.....	<u>138</u> <del>145</del>
13.2	Principles of Decision Making .....	<u>138</u> <del>145</del>
13.3	Functions fall into the following categories: .....	<u>139</u> <del>146</del>
13.4	Other Bodies .....	<u>140</u> <del>147</del>
13.5	Who Decides – Non-Cabinet Functions? .....	<u>140</u> <del>147</del>
13.6	Who Decides – Cabinet Functions? .....	<u>141</u> <del>148</del>
13.7	Removal of Delegation.....	<u>141</u> <del>148</del>
13.8	Who May Exercise Officer Delegations?.....	<u>141</u> <del>148</del>
	Portfolio Responsibilities .....	<u>143</u> <del>150</del>
	Delegation of Functions .....	<u>147</u> <del>154</del>
SECTION 14	.....	<u>221</u> <del>225</del>
14.	ACCESS TO INFORMATION PROCEDURE RULES.....	<u>221</u> <del>225</del>
14.1	Scope.....	<u>221</u> <del>225</del>
14.2	Additional Rights to Information .....	<u>221</u> <del>225</del>
14.3	Rights to Attend Meetings.....	<u>221</u> <del>225</del>
14.4	Notices of Meeting .....	<u>221</u> <del>225</del>
14.5	Access to Agenda and Reports Before the Meeting.....	<u>221</u> <del>225</del>
14.6	Supply of Copies.....	<u>222</u> <del>226</del>
14.7	Access to Minutes after the Meeting .....	<u>222</u> <del>226</del>
14.8	Background Papers .....	<u>223</u> <del>227</del>
14.9	Summary of Public’s Rights.....	<u>223</u> <del>227</del>

14.10	Exclusion of Access by the Public to Meetings .....	<u>224228</u>
14.11	Public Interest Test .....	<u>225229</u>
14.12	Exclusion of Access by the Public to Reports.....	<u>226230</u>
14.13	The Forward Work Programme .....	<u>226230</u>
14.14	Consultation on Proposals to be considered by the Cabinet.....	<u>227231</u>
14.15	Record of Decisions of the Cabinet.....	<u>228232</u>
14.16	Overview and Scrutiny Committees and other Committees and Members' Access to Documents.....	<u>229233</u>
14.17	Additional Rights of Access for Members of Overview and Scrutiny Committees.....	<u>230234</u>
SECTION 15	.....	<u>232236</u>
15.	BUDGET AND POLICY FRAMEWORK PROCEDURE RULES .....	<u>232236</u>
15.1	The Framework for Cabinet Decisions.....	<u>232236</u>
15.2	Process for Developing the Framework.....	<u>232236</u>
15.3	Process for Developing the Budget .....	<u>234238</u>
15.4	Decisions Outside the Budget or Policy Framework.....	<u>235239</u>
15.5	Urgent Decisions Outside the Budget or Policy Framework .....	<u>236240</u>
15.6	Virement .....	<u>237240</u>
15.7	In-Year Changes to Policy Framework .....	<u>237241</u>
15.8	Call-In of Decisions Outside the Budget or Policy Framework .....	<u>238241</u>
SECTION 16	.....	<u>241244</u>
16.	FINANCIAL PROCEDURE RULES .....	<u>241244</u>
16.1	INTRODUCTION.....	<u>241244</u>
16.2	DEFINITIONS.....	<u>242245</u>
16.3	FINANCIAL MANAGEMENT - GENERAL RESPONSIBILITIES .....	<u>242245</u>
16.4	CODES OF PRACTICE .....	<u>243246</u>
16.5	REVENUE EXPENDITURE ESTIMATES .....	<u>244247</u>
16.6	CAPITAL EXPENDITURE ESTIMATES .....	<u>246249</u>
16.7	PAYMENT OF ACCOUNTS.....	<u>249252</u>
16.8	PETTY CASH IMPREST ACCOUNTS.....	<u>249252</u>
16.9	INCOME.....	<u>250253</u>
16.10	BANKING ARRANGEMENTS.....	<u>250253</u>
16.11	TREASURY MANAGEMENT.....	<u>250253</u>
16.12	SALARIES AND WAGES .....	<u>252255</u>
16.13	STORES.....	<u>252255</u>
16.14	INVENTORIES .....	<u>253256</u>
16.15	DISPOSALS.....	<u>253256</u>
16.16	INSURANCES .....	<u>253256</u>
16.17	INTERNAL AUDIT .....	<u>253256</u>
16.18	FINANCIAL STATIONERY .....	<u>254257</u>
16.19	IRREGULARITIES .....	<u>254257</u>
16.20	EXCEPTIONS .....	<u>255258</u>
16.21	RECORDS.....	<u>255258</u>
16.22	ORDER FOR WORK, GOOD AND SERVICES.....	<u>255258</u>
16.23	PROTECTION OF PRIVATE PROPERTY .....	<u>256259</u>
16.24	SECURITY.....	<u>256259</u>

16.25	MONEY LAUNDERING POLICY .....	<u>257260</u>
16.26	INFORMATION SECURITY .....	<u>257260</u>
SECTION 17	.....	<u>258261</u>
17.	CONTRACT PROCEDURE RULES.....	<u>258261</u>
SECTION 18	THE MEMBERS' CODE OF CONDUCT.....	<u>312315</u>
	THE MEMBERS CODE OF CONDUCT.....	<u>312315</u>
	PART 1 - INTERPRETATION .....	<u>312315</u>
	PART 2 - GENERAL PROVISIONS .....	<u>314317</u>
	PART 3 - INTERESTS.....	<u>317320</u>
	PART 4 - THE REGISTER OF MEMBERS' INTERESTS .....	<u>324327</u>
	Conduct of Members – The Principles.....	<u>326329</u>
	Protocol - Standard of Conduct Expected by Members .....	<u>328331</u>
	Local Procedure for dealing with allegations that a Member has breached the Code of Conduct or the Protocol on Member/Officer relations.....	<u>330333</u>
	Social Media Protocol .....	<u>334337</u>
SECTION 19	.....	<u>336339</u>
19.	PROTOCOL FOR PUBLIC SPEAKING AT PLANNING COMMITTEE.....	<u>336339</u>
	Who May Speak? .....	<u>336339</u>
	How to Register to Speak? .....	<u>336339</u>
	Length of Speaking.....	<u>337340</u>
	What Can Be Said? .....	<u>337340</u>
	At the Committee .....	<u>338341</u>
	What happens if the application is deferred? .....	<u>338341</u>
SECTION 20	.....	<u>339342</u>
20.	CODE OF CONDUCT FOR EMPLOYEES OF THE COUNCIL.....	<u>339342</u>
SECTION 21	.....	<u>367370</u>
21.	Protocol on Member / Officer Relations.....	<u>367370</u>
	21.1 Introduction .....	<u>367370</u>
	21.2 Roles of Members .....	<u>367370</u>
	21.3 Roles of Employees .....	<u>368371</u>
	21.4 Respect and Courtesy .....	<u>368371</u>
	21.5 Provision of Advice and Information to Members.....	<u>369372</u>
	21.6 Confidentiality.....	<u>371374</u>
	21.7 Provision of Support Services to Members.....	<u>372375</u>
	21.8 The Council's Role as Employer .....	<u>373376</u>
	21.9 Political Activity.....	<u>373376</u>
	21.10 Sanctions .....	<u>375378</u>
	21.11 Conclusion.....	<u>375378</u>
SECTION 22	.....	<u>378381</u>
22.	Confidential Reporting (“Whistleblowing”) Code .....	<u>378381</u>
SECTION 23	.....	<u>387390</u>
23.	Member Role Descriptions .....	<u>387390</u>

# **BLAENAU GWENT COUNTY BOROUGH COUNCIL CONSTITUTION**

## **SECTION 1**

### **1. INTRODUCTION**

#### **1.1 Purpose and Content of the Constitution**

1.1.1 The Constitution describes the various bodies that make up the Council, their functions, Membership and procedural rules.

1.1.2 In Section 3 (Getting Information and Getting Involved) we have provided information for members of the public and Councillors on how you can get information about the Council, and how you can get involved. We hope that this will help people who have an interest in the Council's work, or a particular matter it is dealing with, understand where they can get more information, and how they can contribute to Council activities.

1.1.3 You can get a better understanding of what each of the Council's bodies do in Sections 4 to 10 of this Constitution, including Full Council, Cabinet, Overview and Scrutiny Committees, Standards Committee and Regulatory Committees. Section 11 provides information on the Management and Officer structures of the Council. Some Officers have a specific duty to ensure that the Council operates within the law and uses resources wisely. Responsibility for functions at Section 13 says which Council bodies, and which Officers have authority to make which decisions.

- 1.1.4 The procedural rules that apply to the different Council bodies are contained in the sections relating to those bodies, e.g. Full Council (Section 4), the Cabinet (Section 5) and Overview and Scrutiny (Section 7). You may find these useful if you want to attend a meeting, particularly if you want to be able to ask questions, have a matter discussed, or put your point of view.
- 1.1.5 Sections 18 to 20 have the Codes of Conduct and Protocols which Officers and Members have agreed to comply with. They set the standards of behaviour.
- 1.1.6 The Contents pages at the beginning of this Constitution provide a guide on what is in the Constitution and where you can find it.

## **1.2 How the Council Operates**

- 1.2.1 The Council is comprised of 33 Councillors elected every five years. Each Councillor is democratically accountable to the residents of their electoral division as well as those who live in Blaenau Gwent. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those that did not vote for them.
- 1.2.2 All Councillors have agreed to follow a Code of Conduct, to ensure high standards in the way they undertake their duties. The Standards Committee is responsible for training and advising on the Code of Conduct.
- 1.2.3 All Councillors meet together regularly as the Council. Meetings of the Council are normally open to the public. Here Councillors decide the Council's overall Policy Framework and set the budget each year. The Council appoints the Leader of the Council annually. The Full

Council then decides the size and Membership of the Cabinet i.e. the role of individual Members of the Cabinet and arrangements for the exercise and delegation of Cabinet functions. The Cabinet is appointed to carry out all of the Council's functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution, together with making decisions within the Budget and Policy Framework set by the Council.



## **SECTION 2**

### **2. PURPOSE, DEFINITION INTERPRETATION AND AMENDMENT OF THE CONSTITUTION**

#### **2.1 The purpose of the Constitution is to:-**

- 2.1.1 Enable the Council to provide clear leadership to the Community in partnership with citizens, businesses and other organisations;
- 2.1.2 Support the active involvement of citizens in the process of local authority decision making;
- 2.1.3 Help Councillors represent their constituents more effectively;
- 2.1.4 Enable decisions to be taken efficiently and effectively;
- 2.1.5 Create a powerful and effective means of holding decision makers to public account;
- 2.1.6 Ensure that no one will scrutinise a decision in which they are directly involved;
- 2.1.7 Ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
- 2.1.8 Provide a means of improving the delivery of services to the community.

#### **2.2 Definitions in the Constitution**

- 2.2.1 The Constitution of the Council is this document (Sections 1 to 23).

## 2.2.2

Within the Constitution the following words and phrases have the meaning set out below:

“Budget”	the overall revenue and capital budget approved by Full Council (Section 4);
“Chief Officer”	any Officer as defined by legislation as being a Chief Officer (other than a person whose duties are solely secretarial or administrative or whose duties are otherwise in the nature of support services);
“Corporate Leadership Team”	the senior management body for Officers (Section 11). It includes those Officers designated by the Chief Executive from time to time as Members of the Corporate Leadership Team;
“Councillor”	a person elected to the Council to represent an area (called an electoral division) within Blaenau Gwent also referred to as “Elected Members”;
“Deputy Chief Officer” (also known as Heads of Service”)	any Officer as defined by law (other than a person whose duties are solely secretarial or administrative or whose duties are otherwise in the nature of support services) who reports directly to a Chief Officer in respect of all or most of his/her duties;
“Cabinet”	the Cabinet or a Member or

Members of the Cabinet when exercising Cabinet Functions;

“Cabinet Decision”

any decision taken by the Cabinet to exercise or refrain from exercising an Cabinet Function. It also includes decisions made by persons or Member bodies to whom the Cabinet has delegated Cabinet functions to exercise or refrain exercising those functions;

“Cabinet Function”

- (a) Cabinet functions are defined by the Local Government Act 2000, subsidiary legislation and associated guidance. Any function that is not exercisable only by Full Council or delegated to another Member body is an Cabinet function
- (b) Contractual matters, the acquisition and disposal of land and financial support to organisations and individuals are also Cabinet functions.

It should be noted that Regulatory functions such as planning, licensing and building control, are not Cabinet functions;

“Forward Work Programme”

the Forward Work Programme is a document which lists all of the decisions that the Council and the Cabinet intend to take and what business the Overview and

Scrutiny Committee will be considering and when those matters will be discussed. This does not prevent urgent or unforeseen matters being considered;

“Full Council”

the body where all Councillors act to exercise functions of the Council;

“Chief Executive”

an Officer who must be appointed by law to carry out certain functions. See Section 11 for more details.

“Local Choice Functions”

there are some functions which the Council may treat as being the responsibility of the Cabinet (in whole or in part) or as being non-Cabinet, at its discretion;

“Local Government (Wales) Measure 2011”

referred to as “The Measure”. Legislation introduced, inter alia, to strengthen local democracy, deal with changes to Cabinet arrangements, Overview and Scrutiny, County Councils and Member payments;

“Member”

either a Councillor or a person chosen by the Council to serve on one of its Member Bodies (called a “Co-Opted Member”);

“Member Body”

any of the following:

- Full Council;

- Cabinet
- An Overview and Scrutiny Committee joint arrangements;
- Licensing Committee;
- Standards Committee (or one of its Sub-Committees);
- Planning Committee;
- Appeals Panel;
- Governance and Audit Committee;
- Democratic Services Committee;

Note – references to Committee also includes Sub-Committee;

“Monitoring Officer”

an Officer who must be appointed by law to carry out certain functions. See Section 11 for a description of those functions. The Officer will usually have other duties and a different job title. See Section 11 for which Officer is the Monitoring Officer.

“Non-Cabinet Functions”

any function which may only be exercised by Full Council (whether by local choice or as a matter of law) or which is delegated to a Member body other than the Cabinet.

“Planning Application”

any of the following:

- Application for planning permission (including renewal);
- Application for approval of reserved matters;
- Application for listed building consent;
- Application relating to trees;
- Proposal to serve an urgent works notice or acquire a listed building in need of repair;
- Application for conservation area consent;
- Application for advertisement consent;
- Application to vary or remove conditions on a planning condition;

“Policy Framework”

See Section 4.2;

“Section 151 Officer”

an Officer who must be appointed by law to carry out certain functions in relation to financial administration. See Section 11 for a description of those functions. The Officer will usually have other duties and a different job title. See Section 11 for which Officer is the Section 151 Officer.

“Service”	one of the services provided by the Council;
“Well-Being Plan”	The Well-being of Future Generations (Wales) Act 2015 places a statutory collective duty on the Council and other public service providers and interested parties in the local area, to work in partnership through a statutory Public Services Board (PSB) to put in place a local well-being plan which sets out collective local objectives and the proposed steps to take to meet them. A new well-being plan will be set every five years.
“Corporate Plan (including the Well-being objectives”	This is the Council’s business plan and identifies the key priorities that are to be implemented, based on the needs of the local community. All Council business should be informed by the priorities of this Plan.

## 2.3 Interpretation of the Constitution

2.3.1 We have tried to make the Constitution as clear and easy to understand as possible. Inevitably, people will have different views about what certain passages mean.

2.3.2 During meetings, the person Chairing or presiding at the meeting may interpret the relevant procedure rules.

2.3.3 In all other situations, the Monitoring Officer will determine the interpretation and application of the Constitution.

## **2.4 Duty to Monitor and Review the Constitution**

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. The Section 151 Officer shall be responsible for keeping under review the Financial Procedure Rules set out in Section 16 of the Constitution and shall make any necessary amendments and revisions as are required from time to time. He/she shall report any amendments made to Section 16 to the next available Council meeting for noting.

## **2.5 Protocol for Monitoring and Review of Constitution by Monitoring Officer**

A key role for the Monitoring Officer is to make recommendations for ways in which the Constitution could be amended in order to better achieve the purposes set out in this Section. In undertaking this task, the Monitoring Officer may:

2.5.1 observe meetings of different parts of the Member and Officer structure;

2.5.2 undertake an audit trail of a sample of decisions;

2.5.3 record and analyse issues raised with him/her by Members, Officers, the public and other relevant stakeholders; and

2.5.4 compare practices in this Council with those in comparable Authorities, or national examples of best practice.



## **2.6 Changes to the Constitution**

### **2.6.1 Approval**

Subject to paragraphs 2.6.2 and 2.6.3 below, the changes to the Constitution will only be approved by the Full Council after consideration of a proposal by the Constitution Working Group being advised by the Monitoring Officer .

### **2.6.2 Minor Changes**

If, in the reasonable opinion of the Monitoring Officer, a change is:

- a. A minor variation; or
- b. Required to be made to remove any inconsistency, ambiguity or typographical correction; or
- c. Required to be made so as to put into effect any decision of the Council or its Committees or the Cabinet;

In which case the Monitoring Officer may make such a change. Any such change made by the Monitoring Officer shall come into force with immediate effect. Such changes shall be reported to the next Full Council meeting for information.

### **2.6.3 Legislative Change**

Any part of the Constitution may be amended by the Monitoring Officer where such amendment is required to be made so as to comply with any legislative provision. Such amendments shall take effect when the Monitoring Officer so decides or the legislation (where relevant) so provides. Such changes shall be reported to the next Full Council meeting for information.

## **2.7 Suspension of the Constitution**

### **2.7.1 Limit to Suspension**

Any of the procedure rules contained in the Constitution may be suspended to the extent permitted within these rules and the law.

### **2.7.2 Procedure to Suspend**

A motion to suspend any Rules will not be moved without notice unless at least one half of the whole number of Councillors is present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in this Section.

## **2.8 Publication**

2.8.1 The Monitoring Officer will ensure that copies of this Constitution are available on the Council's website.

2.8.2 The Monitoring Officer will provide a link to a copy of this Constitution to each Member of the Council upon delivery to him/her of that individual's declaration of acceptable of office on the Member first being elected to the Council, and thereafter ensure that an up to date version is available and published on the Council's website.

2.8.3 The Monitoring Officer will ensure that the Constitution is updated as necessary in accordance with paragraph 2.6.

## **SECTION 3**

### **3. GETTING INFORMATION AND GETTING INVOLVED**

#### **3.1 Getting Information**

##### **3.1.1 Information Available to Members of the Public**

(a) *When Meetings of the Member Bodies will take place*

A programme of meetings is available by contacting the Council direct or via the website.

(b) *Forward Work Programme*

From the Forward Work Programme, see what decisions will be taken by the Cabinet or Council and what issues the Overview and Scrutiny Committee will be considering and when these matters will be discussed.

(c) *Information Available Prior to a Meeting*

Three working days before a meeting, the agenda, any report likely to be discussed and background papers to that report shall be available for inspection on the website. If an item is added to the agenda later, the revised agenda will be open to inspection from the time when the item is added to the agenda and any report will be made available to the public as soon as it is available and sent to Councillors.

(d) *Information Available at a Meeting*

The Council will on request make available to the public present at a meeting access to the agenda and

reports for the meeting (save during any part of the meeting to which the public are excluded).

(e) *Information Available After a Meeting*

For a period of six years the agenda, reports and the minutes of the meeting shall be available for inspection by electronic means. The background information shall remain open for inspection for a period of four years.

(f) *Council's Accounts*

Inspect the Council's accounts and make views known to the external auditor (Sections 29 and 30 Public Audit (Wales) Act 2004). Under the Accounts and Audit (Wales) Regulations 2014, the accounts will be available for public inspection for twenty 20 working days after the date appointed by the auditor.

Information which is confidential or exempt (as defined in paragraphs 14.10.3 and 14.10.4) will not be disclosed to members of the public at any time.

3.1.2 Information Available to Members of the Council

- (a) Members can see any information, which is available to a member of the public.
- (b) In addition, a Member may see any information which he or she needs to know in order to fulfil his or her role as a Member of the Council (otherwise known as "need to know"). A Member will not make public information which is confidential or exempt (as defined in Section 14) without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or person(s) or organisations(s) entitled to know it.

### 3.1.3 Members of an Overview and Scrutiny Committee

A Member of an Overview and Scrutiny Committee may also see any document containing material relating to:

- (a) any business transacted at or meeting of the Cabinet ;
- (b) any decision taken by an individual Member of the Cabinet .

An Overview and Scrutiny Member is not entitled to:

- (c) any document in draft form;
- (d) any part of a document which contains confidential or exempt information unless that information is relevant to an action or decision they are reviewing or scrutinising or intending to scrutinise and is included in the Committee's Forward Work Programme.

N.B. No Member is entitled to see any information relating to a matter in which he or she has a prejudicial interest.

### 3.1.4 Information Available to Officers

The Monitoring Officer, the Section 151 Officer and the Chief Executive~~s~~ may see any papers or records held by any part of the Council or its Officers. Other Officers may see any information held by the Council provided:

- (a) they need to see the information to do their job; and
- (b) that information is processed lawfully in accordance with Data Protection legislation .

## 3.2 Getting Involved

### 3.2.1 Members of the Public

Members of the public can get involved in the following ways:

(a) *Voting for Councillors*

*If they are over 16 years and registered as a local elector with a Council.*

(b) *Suggesting Items of Business for Meetings*

*A member of the public can seek to get a matter included in an agenda by:*

(i) *asking the Chair of any Member Body to add an item to the agenda, subject to reasonable advance notice being given;*

(ii) *attending a meeting of the body and suggest that it looks at an issue when it is considering “items of future business relating to the functions of the Member Body”.*

(c) *Taking Part in Meetings*

(i) *Members of the public can come to and speak at any meeting which the Council has resolved should include participation by members of the public. The rules on when you may speak and for how long are contained in Section 4.*

(ii) *You can also ask Formal Questions at meetings of Full Council (Section 4).*

(d) *Views of the Public*

*Under the arrangements put in place by the Authority under Section 62 of the Local Government (Wales) Measure 2011, to bring to the attention of the relevant (Overview and Scrutiny Committee) their views on any matter under consideration by the relevant Committee, the relevant Overview and Scrutiny Committee must take into account any views brought to their attention under these arrangements.*

(e) *When are Meetings Open to the Public?*

Meetings will be open to the public wherever possible. The public must be excluded from meetings whenever it is likely that confidential information will be disclosed. The public may be excluded from meetings where it is likely that exempt information will be disclosed. (See Section 14.10 for definition of exempt information and Section 14.11 for definition of public interest).

(f) *Making Comments/Complaints*

- (i) A member of the public may comment or complain about Council services by:
  - (A) contacting their local Councillor;
  - (B) contacting the Member of the Cabinet responsible for the service;
  - (C) contacting the Officer responsible for delivering the service or their manager;
  - (D) using the Council's complaints procedure;

(E) contacting the Public Services Ombudsman at 1 Ffordd Yr Hen Gae, Pencoed, CF35 5LJ. Telephone 0845 601 0987 or via the website [www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk).

(ii) Comments or complaints can be made about an Officer or Member by:

(A) *Officer*

Contacting the Officer or the Officer's Manager.

(B) *Members*

If the complaint is against a Member then the complaint should be referred to the Public Services Ombudsman for Wales (contact details above).

(g) *Engage with Overview and Scrutiny*

All members of the public who live or work in the area of the Council may bring to the attention of an Overview and Scrutiny Committee their views on any matter under consideration by that Committee. An Overview and Scrutiny Committee must take into account any views brought to its attention by a member of the public.

### **3.3 Getting Involved – Members**

Members can get involved by:



### 3.3.1 Suggesting Items of Business for the Agenda

As a Member of the Council, you have the same rights as members of the public. In addition to these rights you also have the following rights:

- (a) Member bodies in Column A can request that Member bodies in Column B consider or reconsider an issue.

<b>Column A</b>	<b>Column B</b>
Democratic Services Committee	Council
Overview and Scrutiny Committee	Cabinet

- (b) Any Member can submit a Notice of Motion to Council (Section 4) and also ask questions (Section 4).

### 3.3.2 Participating in Meetings

Members of the Council are entitled to attend any formal meeting of the Council, its Committees or Sub-Committees or the Cabinet .

- (a) The following is subject to the general rules relating to participation and speaking at Council meetings (Section 4).
  - (i) Members of the Council may attend and speak at any meetings where they are a Member of that body.
  - (ii) Where they are not a Member of that body, other than in respect of public meetings, their attendance is at the discretion of the Chair of the body. However, if the Member wishes to ask questions or speak in relation to any business then they must give 3 working days' notice of the question or point, prior to the

meeting. Notice is to be given to the Chair of the body, who may consult with Officers prior to determining whether to permit the question or point.

(iii) Cabinet members may only attend Scrutiny Committee meetings by invite of the Committee.

- (b) Members of the Council may be allowed to remain in the meeting for exempt items, subject to the discretion of the Chair although any personal or prejudicial interests relating to that Member needs to be highlighted.
- (c) Members of the Cabinet have a special role to play within the Council. They are entitled to exercise any Cabinet function provided the Cabinet function has been delegated to them by the Leader of the Council.
- (d) Attendance of non-Councillors as Co-opted Members/Expert Witnesses to attend meetings will be considered, as long as they add value in their professional role or experience to the Committee.

### 3.3.3 Comments and Complaints

- (a) Members may comment, subject to restrictions in the Code of Conduct for Members (Section 18) on any aspect of Council business by:
  - (i) talking to Officers;
  - (ii) talking to the Leader or Member of the Cabinet ;
  - (iii) talking to the Chair of an Overview and Scrutiny Committee.
- (b) If a Member wishes to complain about an:
  - (i) *Officer*

The procedure set out in the Protocol on Member/Officer Relations may be used (Section 21).

(ii) *Member*

The procedure set out in Appendix 3 to Section 18 may be followed.

## **SECTION 4**

### **4. FULL COUNCIL**

#### **4.1 Introduction**

The Full Council is a formal meeting of all Councillors. The Full Council is required by law to take certain important decisions including setting the Council's budget and Council Tax and approving a number of key plans and strategies, which together form the Policy Framework . It is responsible for all of the functions not the responsibility of the Cabinet . It will carry out some functions itself, but others will be delegated to Committees or specified Posts/Officers. In Wales functions and responsibilities are prescribed by regulation.

#### **4.2 The Policy Framework**

The Policy Framework means the following plans and strategies:

- ~~Single Education Plan - The Single Education Plan (Wales) Regulations 2006 (SI 2006/877 (W82))~~ Education Strategic Plan for Wales 2015
  - ~~Council Plan - Local Government (Wales) Measure 2007~~ Corporate Plan (including Well-being Plans and Objectives)
- 
- ~~Crime and Disorder Reduction Strategy - Section 5 and 6 of the Crime and Disorder Act 1998 (c37)~~
- ~~Health and Safety Well Being Strategy - Section 24 of the National Health Service Reform and Health Care Professions Act 2002 (c17)~~
- Local Transport Plan - Section 108 of the Transport Act 2000 (c38)
- Plans and alterations which together comprise the Development Plan Section 10A of the Town and Country Planning Act 1990 (c8)
- Welsh Language ~~Scheme Strategy - Section 5 of the Welsh Language Act 1993 (c38)~~

- Youth Justice ~~Plan Strategy - Section 40 of the Crime and Disorder Act 1998 (c37)~~
- ~~Young People's Partnership Strategic Plan and Children and Young Peoples Framework Partnership - Section 123, 124 and 125 of the Learning and Skills Act 2000 (c21) Gwent Public Service Board Strategies~~
- Housing Strategy - Section 87 of the Local Government Act 2003 (c26) 26

The Council has resolved that in addition to the plans and strategies referred to above it will reserve to itself the adoption or approval of the:-

- ~~Corporate Plan (including Well-being Plans and Objectives)~~
- Freedom of Information Publication Scheme
- Treasury Strategy Statement
- Council Annual Self Assessment

### 4.3 The Well-being Plan

The Well-being of Future Generations (Wales) Act 2015 places a statutory collective duty on the Council and other public service providers and interested parties in the local area, to work in partnership through a statutory Public Services Board (PSB) to put in place a local well-being plan which sets out collective local objectives and the proposed steps to take to meet them. A new well-being plan will be set every five years.

### 4.4 The Budget

The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council Tax base, setting the Council Tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits. The Full Council will decide the Council's overall revenue budget and

overall capital budget and any changes to these. (See Section 15 for how the Council can change the Policy Framework or Budget referred to it for approval by the Cabinet ).

#### **4.5 Housing Land Transfer**

Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the National Assembly for Wales for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under Section 32 or 43 of the Housing Act 1985.

#### **4.6 Functions of the Full Council**

Only the Full Council will exercise the following functions:

4.6.1 adopting and changing the Constitution;

4.6.2 approving or adopting the Well-being Plan, Corporate Plan, Council's Well-being Objectives, Policy Framework [decisions](#), the Budget, and [determining](#) any application to the Welsh Government Ministers in respect of [relevant matters any Housing Land Transfer](#);

4.6.3 subject to the urgency procedure contained in the Access to Information Procedure Rules in Section 14 of this Constitution, making decisions about any matter in the discharge of an Cabinet function which is covered by the Policy Framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the Policy Framework or contrary to/or not wholly in accordance with the budget;

- 4.6.4 appointing The Leader, Cabinet Portfolios, Scrutiny Committees and other Committees;
- 4.6.5 agreeing and/or amending the terms of reference for Committees, deciding on their composition and making appointments to them (in accordance with the Local Government and Housing Act 1989) unless the appointments have been delegated by the Council;
- 4.6.6 changing the name of the area or conferring the title of freedom of the Borough;
- 4.6.7 making or confirming the appointment of the Chief Executive and other Chief Officers/Heads of Service;
- 4.6.8 making, amending, revoking re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal bills;
- 4.6.9 all Local Choice Functions set out in Section 13 of this Constitution which the Council decides should be undertaken by itself rather than the Cabinet ; and
- 4.6.10 all matters which by law must be reserved to the Council. For example, appointing the Chair of the Democratic Services Committee and the pay policy statement;
- 4.6.11 appointing representatives to outside bodies unless the appointment has been delegated by the Council.

## **4.7 Membership**

- 4.7.1 All Members of the Council shall be Members of Full Council.
- 4.7.2 Substitution is not possible at meetings of the Full Council.

#### 4.7.3 Chairing the Council

- (a) The Councillor elected annually by the Council as its chair will be called the Presiding Member.
- (b) The Presiding Member will cease to be the Chairperson if they resign, are dismissed by a vote of Full Council, cease to be a Member of the Council, or are unable to act as a Member of the Council. They continue to act as Presiding Member after an election until their successor has been appointed.

#### 4.7.4 Role and Function of the Presiding Member

The Presiding Member of the Council and in his/her absence, the Deputy Presiding Member will have the following roles and functions;

##### *Responsibilities of the Presiding Member*

- (i) to uphold and promote the purpose of the Constitution, and assist to interpret the Constitution when necessary;
- (ii) to preside over meetings of the Council so that its business can be carried out fairly and efficiently and with regard to the rights of Councillors and the interests of the community;
- (iii) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Members who are not on the Cabinet are able to hold the Cabinet and Committee Chair to account;
- (iv) to promote public involvement in the Council's activities;



- (v) to be the conscience of the Council; and
- (vi) to attend such civic functions as the Council and he/she determines appropriate.

## **4.8 Council Meetings**

There are three types of Council meeting:

4.8.1 the Annual Meeting;

4.8.2 Ordinary meetings; and

4.8.3 Extraordinary Meetings.

## **4.9 Rules of Procedure and Debate**

The Council Procedure Rules contained in the Sections below will apply to the meetings of the Full Council.

## **4.10 Council Procedure Rules – Annual Meeting of the Council**

### **4.10.1 Timing and Business**

In a year when there is an ordinary election of Councillors, the Annual Meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the Annual Meeting will take place in March, April or May. The Annual Meeting will:

- (a) elect a person to preside if the Presiding Member and Deputy Presiding Member of the Council is not present;
- (b) elect the Presiding Member of the Council;

- (c) elect the Deputy Presiding Member of the Council;
- (d) approve the minutes of the last meeting;
- (e) receive any announcements .

4.10.2 At the Annual Meeting, the Council meeting will:

- (a) decide which Committees and Sub-Committees to establish for the municipal year;
- (b) decide the size and terms of reference for those Committees;
- (c) decide the allocation of seats to political groups in accordance with the political balance rules;
- (d) make appointments to outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Cabinet .

#### **4.11 Ordinary Meetings**

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's Annual Meeting. The order of business at Ordinary Meetings will be as follows:

- 4.11.1 elect a person to preside if the Presiding Member and Deputy Presiding Member are not present;
- 4.11.2 Simultaneous Translation;
- 4.11.3 Receive apologies;
- 4.11.4 receive any declarations of interest from Members;

- 4.11.5 receive any announcements from the Presiding Member;
- 4.11.6 confirm the minutes of the last Council meeting;
- 4.11.7 confirm minutes from the Cabinet . Only questions relating to accuracy of the minutes may be considered;
- 4.11.8 confirm minutes from the Council's Committees. Only questions relating to accuracy of the minutes may be considered;
- 4.11.9 deal with questions from Members in accordance with Rule 4.19;
- 4.11.10 receive questions from, and provide answers to, the public in relation to matters which in the opinion of the Presiding Member are relevant to the Council's functions;
- 4.11.11 receive and consider reports (including recommendations / motions) and receive questions and answers on the reports including the business of joint arrangements and external organisations.
- 4.11.12 consider any other business specified in the summons to the meeting;

## **4.12 Extraordinary Meetings**

### 4.12.1 Calling Extraordinary Meetings

The Proper Officer (Chief Executive ) may call Council meetings in addition to ordinary meetings. Those

listed below may request the Proper Officer (Chief Executive ) to call additional Council meetings:-

- (a) the Council by resolution;
- (b) the Presiding Member;
- (c) any five Members of the Council if they have signed a requisition presented to the Presiding Member of the Council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

#### 4.12.2 Business

The business to be conducted at an extraordinary meeting shall be restricted to the item or items of business contained in the request for the extraordinary meeting and there shall be no consideration of previous minutes or reports from Committees, etc., except that the Presiding Member may at his/her absolute discretion permit other items of business to be conducted for the efficient discharge of the Council's business.

### **4.13 Time, Place and Duration of Meetings**

#### 4.13.1 Time and Place of Meetings

The time and place of meetings will be determined by the Chief Executive and notified in the summons.

#### **4.14 Notice of and Summons to Meetings**

The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules in Section 14. At least 3 working days before a meeting, the Chief Executive will send a summons signed by him/her to every Member of the Council. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

#### **4.15 Chair of the Meeting**

The person presiding at the meeting may exercise any power or duty of the Presiding Member. Where these rules apply to Committee and Sub-Committee meetings, references to the Presiding Member should instead be read as reference to the Chair of that Committee or Sub-Committee.

#### **4.16 Quorum**

The quorum of a meeting shall be one quarter of the whole number of Members. During any meeting if the Presiding Member counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Presiding Member. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

#### **4.17 Remote Attendance (2011 Measure as amended by Democracy Act 2013 and Local Government (Wales) Act 2021)**

Since July 2020, as a consequence of the Covid Regulations, the Council has held meetings by remote attendance. The ability to

hold remote meetings in totality has been made permanent by virtue of section 47 of the Local Government & Elections (Wales) Act 2021. The Council will hold remote meetings in accordance with that Act and in line with the Council policy and procedures in connection with multi-location meetings.

## **4.18 Questions by the Public**

### **4.18.1 General**

- (a) Members of the public may ask questions of Members of the Council at ordinary meetings of the Council.
- (b) The total time allocated for questions by the public should be limited to 30 minutes.

### **4.18.2 Order of Questions**

Questions will be asked in the order notice of them was received, except that the Presiding Member may group together similar questions.

### **4.18.3 Notice of Questions**

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Head of Governance and Partnerships and the Monitoring Officer no later than midday, three clear working days before the day of the meeting. Each question must give the name and address of the questioner. For example, if a meeting is to be held at 10am on a Thursday, notice of questions must be received by 9.59am on the Monday immediately before.

4.18.4 Number of Questions

At any one meeting no person may submit more than one question and no more than one such question may be asked on behalf of one organisation.

4.18.5 Scope of Questions

The Chief Executive having consulted with the Monitoring Officer and the Head of Governance & Partnerships may reject a question if it:

- (a) is not about a matter for which the Council has a responsibility or which substantially affects the County Borough; or
- (b) is defamatory, frivolous or offensive; or
- (c) is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- (d) requires the disclosure of confidential or exempt information.

4.18.6 Record of Questions

The Chief Executive or the Head of Governance & Partnerships will record each question open to public inspection and will immediately send a copy of the question to the Councillor to whom it is to be put. Rejected questions will include reasons for rejection.

4.18.7 Asking the Question at the Meeting

The Presiding Member will invite the questioner to put the question to the Councillor named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Presiding Member to put the question on their behalf. The Presiding Member may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

4.18.8 Supplementary Question

A questioner who has put a question in person may also put one supplementary question without notice to the Councillor who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Presiding Member may reject a supplementary question on any of the grounds set out in Rule 4.18.5 above.

4.18.9 Written Answers

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

4.18.10 Reference of Question to the Cabinet or a Committee

Unless the Presiding Member decides otherwise, no discussion will take place on any question, but any Member may move that a matter raised by a question be referred to the Cabinet or the appropriate Committee or Sub-Committee. Once seconded, such a motion will be voted on without discussion.



## **4.19 Questions by Members**

### **4.19.1 On Reports of the Cabinet or Committee**

A Member of the Council may ask the Leader or the Chair of a Committee any question without notice directly arising from a report under consideration at the Council meeting. NB. This provision is not intended to apply to items in connection with confirmation of minutes from previous meetings.

### **4.19.2 Questions on Notice at Full Council**

Subject to Rule 4.19.4, a Member of the Council may ask:

- (a) the Presiding Member ;
- (b) a Member of the Cabinet ;
- (c) the Chair of any Committee or Sub-Committee;

a question on any matter in relation to which the Council has powers or duties or which substantially affects the County Borough of Blaenau Gwent.

### **4.19.3 Questions on Notice at Committees and Sub-Committees**

Subject to Rule 4.19.4, a Member of a Committee or Sub-Committee may ask the Chair of it a question on any matter in relation to which the Council has powers or duties or which substantially affects the County Borough and which falls within the terms of reference of that Committee or Sub-Committee.

#### 4.19.4 Notice of Questions

A Member may ask a question under Rule 4.19.2 or 4.19.3 if either:

- (a) they have given at least 3 working days' notice in writing of the question to the Chief Executive / Head of Legal & Corporate Compliance/Head of Governance & Partnerships.

#### 4.19.5 Order of Questions

Questions of which notice has been given under Rule 4.19.2 or 4.19.3 will be listed on the agenda in the order determined by the Presiding Member, Committee or Sub-Committee.

#### 4.19.6 Content of Questions

Questions under Rule 4.19.2 or 4.19.3 must, in the opinion of the Presiding Member :

- (a) contain no expressions of opinion;
- (b) relate to matters on which the Council has or may determine a policy;
- (c) not relate to questions of fact.

#### 4.19.7 Response

An answer may take the form of:

- (a) a direct or oral answer at the meeting;

- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally, a written answer circulated within 5 working days to the questioner.

4.19.8 Supplementary Question

A Member asking a question under Rule 4.19.2 or 4.19.3 may ask one supplementary question without notice of the Member to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply.

4.19.9 Length of Speeches

A Member asking a question under Rule 4.19.2 or 4.19.3 and a Member answering such a question may speak for no longer than five minutes unless the Presiding Member consents to a longer period.

4.19.10 Time Allowed for Questions at Council Meetings

- (a) The time allowed for consideration of questions submitted under Rule 4.19.2 shall not, without the consent of the Council, exceed 30 minutes.
- (b) At the conclusion of the answer to the question under consideration at the expiry of 30 minutes (or such longer period to which the Council has consented) from the time when the first questioner started to speak, the Presiding Member shall conclude the meeting.
- (c) Any remaining questions shall be responded to in writing before the next ordinary meeting of the Council.

## **4.20 Motions on Notice**

### **4.20.1 Notice**

Except for motions which can be moved without notice under Rule 4.21 and in cases of urgency, written notice of every motion must be delivered to the Chief Executive , signed by at least 5 Members, not later than 5.00 p.m. on the fifth working day before the Council meeting at which it is to be considered. Motions received will be open to public inspection.

### **4.20.2 Motion Set Out in Agenda**

Motions for which notice has been given will be listed on the agenda in the order determined by the Presiding Member .

### **4.20.3 Scope**

Motions must be about matters for which the Council has a responsibility or which affect the wellbeing of the administrative area of the Council.

### **4.20.4 Motion to Remove the Leader**

(a) A motion to remove the Leader cannot be moved unless the notice of motion is signed by a number of Councillors which is at least equivalent to 15% (5 Members of the current Council) of the total number of Councillors on the Council and which includes Councillors from at least two political groups. See Section 6.3.2.

- (b) In order for such a motion to be carried it must have the support of at least two thirds (ie 22 Members) of those Members voting and present in the room at the time the question was put.
- (c) A motion to remove the Leader cannot be moved more than once in any rolling 12 month period.

#### 4.20.5 One Motion per Member

No Member may give notice of more than one motion for any Council meeting, except with the consent of the Presiding Member .

#### 4.20.6 Time Allowed for Motions

The time allowed for consideration of motions submitted under this Rule shall not, without the consent of the Council, exceed five minutes. At the conclusion of the speech being delivered at the expiry of five minutes (or such longer period to which the Council has consented) from the commencement of the Council's consideration of the first such motion, the Presiding Member shall put to the vote, without further discussion, all the questions necessary to dispose of the motion then under debate provided that:

- (a) if the speech to be concluded is a speech proposing a motion, the Presiding Member shall allow the motion to be formally seconded (without comment);
- (b) if the speech to be concluded is a speech moving an amendment, the Presiding Member shall allow the amendment to be formally

seconded (without comment) and the mover of the motion to exercise his right of reply; and

- (c) otherwise, the Presiding Member shall allow the mover of the motion to exercise his right of reply.

Any remaining motions submitted under this Rule shall be deferred to the next ordinary meeting of the Council and shall be dealt with at that meeting in the same order and before any other motions of which notice is given for that meeting.

#### **4.21 Motions without Notice**

The following motions may be moved without notice:

- 4.21.1 to appoint a Chair of the meeting at which the motion is moved;
- 4.21.2 in relation to the accuracy of the minutes;
- 4.21.3 to change the order of business in the agenda;
- 4.21.4 to refer something to an appropriate body or individual;
- 4.21.5 to appoint a Committee or Member arising from an item on the summons for the meeting;
- 4.21.6 to receive reports or adoption of recommendations of Committees or Officers and any resolutions following from them;
- 4.21.7 to withdraw a motion;
- 4.21.8 to amend a motion;

- 4.21.9 to proceed to the next business
- 4.21.10 that the question be now put;
- 4.21.11 to adjourn a debate;
- 4.21.12 to adjourn a meeting;
- 4.21.13 to suspend a particular Council Procedure Rule;
- 4.21.14 to exclude the public and press in accordance with the Access to Information Procedure Rules;
- 4.21.15 to not hear further a Member named under Rule 4.29.3 or to exclude them from the meeting under Rule 4.29.4;
- 4.21.16 to give the consent of the Council where its content is required by this Constitution.

## **4.22 Rules of Debate**

### 4.22.1 No Speeches until Motion Seconded

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

### 4.22.2 Right to Require Motion in Writing

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

### 4.22.3 Secunder's Speech

When seconding a motion or amendment, a Member may reserve their speech until later in the debate.

#### 4.22.4 Content and Length of Speeches

Speeches must be directed to the question under discussion or to a person explanation or point of order no speech may exceed 5 minutes without the consent of the Presiding Member .

#### 4.22.5 When a Member May Speak Again

A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another Member;
- (b) to move a further amendment if the motion has been amended since he last spoke;
- (c) if his speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which he spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.

#### 4.22.6 Amendments to Motions

- (a) An amendment to a motion must be relevant to the motion and will either be:



- (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
- (ii) to leave out words;
- (iii) to leave out words and insert or add others; or
- (iv) to insert or add words

As long as the effect of 4.22.6(a)(ii) to 4.22.6(a)(iv) is not to negate the motion.

- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been decided.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, the Presiding Member will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

#### 4.22.7 Alteration of Motion

- (a) A Member may alter a motion of which he has given notice with the consent of the meeting.

The meeting's consent will be signified without discussion.

- (b) A Member may alter a motion which he has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

#### 4.22.8 Withdrawal of Motion

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

#### 4.22.9 Right of Reply

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- (c) The mover of the amendment has no right of reply to the debate on his amendment.

#### 4.22.10 Motions which may be Moved During Debate

When a motion is under debate, no other motion may be moved except the following procedural motions:

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) to exclude the public and press in accordance with the Access to Information Procedure Rules; and
- (h) to not hear further a Member named under Rule 4.29.3 or to exclude them from the meeting under Rule 4.29.4.

#### 4.22.11 Closure Motions

- (a) A Member may move, without comment, the following motions at the end of a speech of another Member;
  - (i) to proceed to the next business;
  - (ii) to act 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 Presiding Member thinks the item has been sufficiently discussed, he will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (c) If a motion that the question be now put is seconded and the Presiding Member thinks the item has been sufficiently discussed, he will put the procedural 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 Presiding Member thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

#### 4.22.12 Point of Order

A point of order is a request from a Member to the Presiding Member to rule on an alleged irregularity in the procedure of the meeting. A Member may raise a point of order at any time. The Presiding Member will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The Member must indicate the rule or law and the way in which he considers it has

been broken. The ruling of the Presiding Member on the matter will be final.

#### 4.22.13 Personal Explanation

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

### **4.23 State of the County Borough Debate**

#### 4.23.1 Calling of Debate

The Leader may call a state of the County Borough debate annually on a date and in a form to be agreed with the Presiding Member .

#### 4.23.2 Form of Debate

The Leader will decide the form of the debate with the aim of enabling the widest possible public involvement and publicity. This may include holding workshops and other events prior to or during the debate.

#### 4.23.3 Chairing of Debate

The debate will be Chaired by the Presiding Member .

#### 4.23.4 Results of Debate

The results of the debate will be disseminated as widely as possible within the community and to agencies and organisations in the area which work in active partnership with the Council and considered by the Leader in proposing the Budget and Policy Framework to the Council for the coming year.

## **4.24 Previous Decisions and Motions**

### **4.24.1 Motion to Rescind a Previous Decision**

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of the motion is signed by at least five Members, except in the case of new information becoming available.

### **4.24.2 Motion Similar to One Previously Rejected**

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

## **4.25 Voting**

### **4.25.1 Majority**

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

#### 4.25.2 Council Presiding Member's Casting Vote

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

#### 4.25.3 Method of Voting

Unless a recorded vote is demanded under Rule 4.25.4 the Presiding Member will take the vote by show of hands, or by use of the Council's electronic voting system if any, or if there is no dissent, by the affirmation of the meeting.

#### 4.25.4 Recorded Vote

If any Member present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be recorded and entered into the minutes.

#### 4.25.5 Right to Require Individual Vote to be Recorded

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

#### 4.25.6 Voting on Appointments

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

## **4.26 Minutes**

### **4.26.1 Signing-Approval of the Minutes**

The Presiding Member will approve the minutes of the proceedings at the next suitable meeting. The Presiding Member will move that the minutes of the previous meeting be approved as a correct record. The only part of the minutes that can be discussed is their accuracy.

### **4.26.2 No Requirement to approve Minutes of Previous Meeting at Extraordinary Meeting**

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

### **4.26.3 Form of Minutes**

Minutes will contain all motions and amendments in the form and order the Presiding Member put them.

## **4.27 Record of Attendance**

All Members present during the whole or part of a meeting will be recorded as being in attendance before the conclusion of every meeting.



Where members attend meetings virtually they must ensure their presence is known to the minute taker in order to ensure their presence is recorded.

#### **4.28 Exclusion of Public**

Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Section 14 of this Constitution or Rule 4.30 (Disturbance by Public).

#### **4.29 Members' Conduct**

##### **4.29.1 Speaking at Meetings**

When a Member speaks at Full Council he/she must address the meeting through the Presiding Member . If more than one Member signifies their intention to speak, the Presiding Member will ask one to speak. Other Members must remain silent whilst a Member is speaking unless they wish to make a point of order or personal explanation.

##### **4.29.2 Presiding Member Speaking**

When the Presiding Member speaks during a debate, any Member speaking at the time must stop.

##### **4.29.3 Member not to be Heard Further**

If a Member persistently disregards the ruling of the Presiding Member by behaving improperly or offensively or deliberately obstructs business, the

Presiding Member may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.

4.29.4 Member to Leave the Meeting

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

4.29.5 General Disturbance

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

**4.30 Disturbance by Public**

4.30.1 Removal of Member of the Public

If a member of the public interrupts proceedings, the Presiding Member will warn the person concerned. If they continue to interrupt, the Presiding Member will order their removal from the meeting room.

4.30.2 Clearance of Part of Meeting Room

If there is a general disturbance in any part of the meeting room open to the public, the Presiding Member may call for that part to be cleared.

#### **4.31 Filming and Use of Social Media During Meetings**

In meetings which are open to the public, filming and use of social media is permitted during meetings so long as there is no disturbance to the conduct of the meeting. Recording will be provided at any public meetings/Committees.

#### **4.32 Suspension and Amendment of Council Procedure Rules**

##### 4.32.1 Suspension

All of these Council Rules of Procedure except Rule 4.20.5, 4.25.5 and 4.26.2 may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Council are present. Suspension can only be for the duration of the meeting. Rule 4.20.5 can only be suspended by motion on notice and the motion must have the support of at least two thirds (22) of those Members present and voting.

##### 4.32.2 Amendment

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

#### **4.33 Application to Committees and Sub-Committees**

All of the Council Rules of Procedure apply to meetings of Full Council. None of the rules apply to meetings of the Cabinet . Only Rules 4.13 to 4.16, 4.19 to 4.22, 4.24 to 4.33 (but not Rule 4.29.1) apply to meetings of Committees and Sub-Committees.

#### **4.34 Appointment of Substitute Members on Council Bodies**

- 4.34.1 The substitution rules will not apply to meetings of the Cabinet, the Standards Committee or the Governance and Audit Committee. NB. There are also special rules in relation to the Planning Committee – see below.
- 4.34.2 Subject to any other restrictions elsewhere in the Constitution (see section 9) any Member of the Council will be permitted to act as a substitute on a Council Body.  
Note: Planning Committee - The Size and Composition of Local Planning Authority Committees (Wales) Regulations 2017 precludes the use of substitutes at Planning Committees), Working parties or task groups shall be entitled to set out their own rules in relation to substitutions.
- 4.34.3 The Head of Legal & Corporate Compliance will allow a request from a Member of a Council Body to appoint a substitute Member, providing that substitute Member is from the same political group.
- 4.34.4 In order to be eligible to sit as substitutes on regulatory or quasi-judicial Committees or panels or staff appointments or disciplinary bodies established by the Council, Members must have received recent formal training in relevant procedures and the law.
- 4.34.5 Substitute Members will have all the powers and duties of any ordinary Member of the Committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

4.34.6 Substitute Members may attend meetings in that capacity only:

- (a) to take the place of the ordinary Member for whom they are designated substitute;
- (b) where the ordinary Member will be absent for the whole of the meeting; and
- (c) where the ordinary Member or that Member's political group has notified the Chief Executive/Head of Legal & Corporate Compliance/Head of Governance & Partnerships of the intended substitution at least one hour before the start of the relevant meeting.

## **SECTION 5**

### **5. THE CABINET**

#### **5.1 Introduction**

The Cabinet is appointed to carry out all of the Council's functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution.

#### **5.2 Form and Composition of the Cabinet**

The Cabinet will consist of:

5.2.1 the Leader of the Council (the "Leader"); and

5.2.2 at least two but not more than nine other Councillors appointed to the Cabinet by the Council.

NB. The requirements in relation to political balance and proportionality do not apply to the composition of the Cabinet .

#### **5.3 Leader**

##### **5.3.1 Election**

The Leader will be a Councillor elected to the position of Leader by the Council.

##### **5.3.2 Term of Office**

The Leader is appointed on an annual basis at the annual meeting of the Council.

### 5.3.3 Role of the Leader

The Leader will Chair meetings of the Cabinet and determine the portfolios of Members of the Cabinet . Further information is contained in Section 6.

## 5.4 Deputy Leader

5.4.1 The Council will appoint a Deputy Leader to act as Leader in the Leader's absence and may also if it thinks fit remove the Deputy Leader from the Office at any time.

5.4.2 The Deputy Leader may exercise all of the functions of the Leader where the position is vacant or where the Leader is absence or otherwise unable to act.

## 5.5. Other Cabinet Members

Other Cabinet Members will be Councillors elected to the position of Cabinet Member by the Council. Each Cabinet Member shall hold office until:

5.5.1 he/she resigns from that office; or

5.5.2 he/she is removed from that office by the Leader upon such notice (if any) as the Leader considers appropriate; or

5.5.3 he/she ceases to be a Councillor.

The Council may at any time appoint a Cabinet Member to fill any vacancies.

## 5.6 Delegation of Functions

The Council will determine Cabinet functions to:

5.6.1 the Cabinet as a whole;

5.6.2 a Committee of the Cabinet (comprising Cabinet Members only);

5.6.3 an individual Cabinet Member;

5.6.4 a Joint Committee;

5.6.5 another Local Authority or the Cabinet of another Local Authority;

5.6.6 a delegated Officer.

## **5.7 Rules of Procedure and Debate**

The proceedings of the Cabinet shall take place in accordance with the Cabinet Procedure Rules in Section 5.9 below.

## **5.8 How does the Cabinet Operate?**

Following the annual meeting the Chief Executive, in consultation with the Leader, will prepare and submit for approval a Cabinet Scheme of Delegation setting out the delegations of Cabinet functions.

### **5.8.1 Conflicts of Interest**

- (a) If any Member of the Cabinet has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Section 18 of this Constitution.
- (b) If the exercise of an Cabinet function has been delegated to a Committee of the Cabinet, or an



Officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Section 18 of this Constitution.

#### 5.8.2 Cabinet Meetings – When and Where?

The frequency and timing of meetings of the Cabinet will be determined by the Leader. **Cabinet**

#### 5.8.3 Public or Private Meetings of the Cabinet?

The Cabinet will hold its meetings in public, except in the circumstances set out in the Access to Information Procedure Rules in Section 14, for example where confidential or exempt information is being discussed.

#### 5.8.4 Quorum

- (a) The quorum for a meeting of the Cabinet shall be not less than 3 Councillors, including the Leader or Deputy Leader.

#### 5.8.5 How are Decisions to be Taken by the Cabinet?

Cabinet decisions made by the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Procedure Rules in Section 14 of this Constitution.

### **5.9 How are Cabinet Meetings Conducted?**

#### 5.9.1 Who Presides?

The Leader will preside at any meeting of the Cabinet or its Committees at which he is present. In his absence, the Deputy Leader will preside. In his/her absence, then a person appointed to do so by those present shall preside.

#### 5.9.2 Who May Attend?

These details are set out in the Access to Information Procedure Rules in Section 14 of this Constitution. See also Section 3 in relation to Member participation in meetings.

#### 5.9.3 What Business?

At each meeting of the Cabinet the following business will be conducted:

- (a) consideration of the minutes of the last meeting;
- (b) declarations of interest, if any;
- (c) Simultaneous translation;
- (d) Apologies;
- (e) matters referred to the Cabinet (whether by Overview and Scrutiny Committees or other Committees or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Sections 7 and 15 of this Constitution;
- (f) consideration of reports from Overview and Scrutiny Committees and other Committees;

(ge) consideration of reports from Cabinet Committees;

(hf) reports from Officers of the Authority.

#### 5.9.4 Consultation

All reports to the Cabinet from any Member of the Cabinet or an Officer on proposals relating to the Budget and Policy Framework must contain details of the nature and extent of consultation undertaken with stakeholders and with the Overview and Scrutiny Committees or other Committees, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

#### 5.9.5 Who can put items on the Cabinet Agenda?

- (a) The Leader will decide upon the schedule for meetings of the Cabinet. He/she may put any matter on the agenda of any Cabinet meeting whether or not authority has been delegated to the Cabinet, a Committee of it or any Member or Officer in respect of that matter.
- (b) Any Member of the Cabinet may require the Chief Executive to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration.
- (c) The Chief Executive, the Monitoring Officer and/or the Chief Finance Office may include an item for consideration on the agenda of a Cabinet meeting and may require that such a

meeting be convened in pursuance of their statutory duties.

- (d) In other circumstances, where any two of the Chief Executive, the Chief Officer - Resources and Monitoring Officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision they may jointly include an item on the agenda of a Cabinet meeting. If there is no meeting to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be considered at which the matter will be considered.

## **5.10 Disturbance by the Public, Filming and Use of Social Media**

- 5.10.1 The provisions in Council Procedure Rules in Section 4.30 in relation to disturbance by the public may apply to meetings of the Cabinet.
- 5.10.2 The provisions in Council Procedure Rules in Section 4.31 relating to filming and use of social media apply to meetings of the Cabinet.

## **SECTION 6**

### **6. THE LEADER**

#### **6.1 Election**

6.1.1 The Leader will be elected by Full Council.

6.1.2 The Leader will usually be elected on an annual basis at the Annual Council meeting for a term of one year. However, where the post of Leader becomes vacant between Council elections the Leader will be elected at the next meeting of the Full Council.

#### **6.2 Term of Office**

The Leader is appointed on an annual basis at the annual meeting of the Council. The Leader is appointed for a term of one year.

#### **6.3 Resignation, Dismissal, Disqualification and Suspension**

6.3.1 The Leader may resign the position of Leader by writing to the Chief Executive.

6.3.2 The Leader can be dismissed where the Council passes a resolution removing him/her from office in accordance with the Rules below.

6.3.3 The Leader shall cease to be Leader if he/she is suspended or disqualified as a Councillor, or, for other such reasons, cannot fulfil the role of Leader.

6.3.4 The Leader will cease to be Leader upon death or upon suffering any disability which will, or is likely to, prevent them from undertaking the role of Leader for a period of three months or more.

## **6.4 Deputy Leader**

### **6.4.1 Appointment**

The Council may designate one of the Members of the Cabinet as Deputy Leader.

### **6.4.2 Duties of the Deputy Leader**

The Deputy Leader may exercise all the functions of the Leader where the position is vacant or where the Leader is absent or is otherwise unable to act.

### **6.4.3 Removal from Office**

The Leader may, if he/she thinks fit, remove the Deputy Leader from office at any time.

## **6.5 Functions and Delegated Authority**

### **6.5.1 Membership of the Cabinet**

The Council appoints and dismisses the Members of the Cabinet subject only to there being a minimum of two, and a maximum of nine Members of the Cabinet (not counting the Leader) at any time.

### **6.5.2 Role of the Leader**

The Leader will chair meetings of the Cabinet.

### 6.5.3 The Cabinet Scheme of Delegations

The Chief Executive / or Monitoring Officer in consultation with the Leader, will prepare and submit for approval an Cabinet Scheme of Delegations setting out the delegations of Cabinet functions, including where the principle has been approved as part of the Council's Cabinet arrangements, the Cabinet and thereafter keep this under review and submit updates to the Scheme, as appropriate. In addition, the Leader has powers under Section 15(4) of the Local Government Act 2000 to discharge personally or to arrange for discharge under other delegated powers, any Cabinet functions not covered by the Scheme for the time being.

(N.B. No Member of the Cabinet may have a Deputy, other than the Leader. This means that no Member of the Cabinet can have responsibilities which mean that they will work to, or under, another Member of the Cabinet, except the Leader).

### 6.5.4 Meetings of the Cabinet

Subject to the requirement to publish notice of each meeting three clear days before it takes place, and other conditions contained in Section 4 pages 43/44, the Leader can call meetings of the Cabinet at such times and places as he/she chooses (N.B: the Chief Executive , the Section 151 Officer, and the Monitoring Officer can all, should be the need arise, call meetings of the Cabinet as well).

### 6.5.5 Chairing Cabinet Meetings

The Leader shall chair Cabinet meetings. In the Leader's absence the Deputy Leader will chair. If the Deputy Leader is not available the Cabinet will appoint a Member of the Cabinet to chair the meeting on their behalf (subject to quorum).

## **SECTION 7**

### **7. OVERVIEW AND SCRUTINY COMMITTEES**

#### **7.1 Introduction**

7.1.1 The Council is required by law to discharge certain overview and scrutiny functions. These functions are an essential component of local democracy. Overview and Scrutiny Committees should be powerful Committees that can contribute to the development of Council policies and also hold the Cabinet to account for its decisions. Another key part of the Overview and Scrutiny role is to review existing policies, consider proposals for new policies and suggest new policies.

7.1.2 Overview and Scrutiny should be carried out in a constructive way and should aim to contribute to the delivery of efficient and effective services that meet the needs and aspirations of local inhabitants. Overview and Scrutiny Committees should not shy away from the need to challenge and question decisions and make constructive criticism.

#### **7.2 Overview and Scrutiny Committees**

In order to achieve this, the Council have appointed four Overview and Scrutiny Committees which between them will:

7.2.1 review or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions whether by the Cabinet or another part of the Council;

7.2.2 make reports or recommendations to the Council or the Cabinet in connection with the discharge of any functions;



7.2.3 consider any matter which affects the Council's area or its inhabitants; and

7.2.4 exercise the right to call in or reconsider decisions made by not yet implemented by the Cabinet and Officers.

### 7.3 Role, Scope and Membership

The role, scope and membership of the Overview and Scrutiny Committees are described in the table below:-

Scrutiny Committee	Remit
People Scrutiny Committee	<ul style="list-style-type: none"> <li>• Social Services</li> <li>• Education</li> <li>• Corporate Safeguarding</li> </ul>
Partnership Scrutiny Committee	<ul style="list-style-type: none"> <li>• <del>Public Service Board (PSB)</del></li> <li>• <del>Cardiff Capital Region City Deal (CCRCDD)</del></li> <li>• Education Achievement Service (EAS)</li> <li>• <del>Regional Partnership Board (RPB)</del></li> <li>• <del>Tech Valleys</del></li> <li>• Shared Resource Service (SRS)</li> <li>• Aneurin Leisure Trust (ALT)</li> <li>• Corporate Joint Committees (CJCs)</li> <li>• <u>Gwent Crematoria</u></li> <li>• <u>Gwent Archives</u></li> <li>• <u>Library Services</u></li> <li>• <u>Local Well-Being</u></li> </ul>

	<a href="#"><u>Partnership Local Delivery Programme</u></a>
--	---

Scrutiny Committee	Remit
Place Scrutiny Committee	<ul style="list-style-type: none"> <li>• Regeneration</li> <li>• Community Services</li> <li>• Decarbonisation / Climate Change</li> <li>• Community Safety including CCTV</li> </ul>

Scrutiny Committee	Remit
Corporate and Performance Scrutiny Committee	<ul style="list-style-type: none"> <li>• Corporate Overview</li> <li>• Performance</li> <li>• Finance (including remit of the former Joint Budget Scrutiny Committee)</li> </ul>

**7.4 Specific Functions**

7.4.1 Policy Development and Review

The Overview and Scrutiny Committees may:

- (a) assist the Council and the Cabinet in the development of its Budget and Policy Framework by in depth analysis of policy issues;
- (b) conduct research, community and other consultation in the analysis of policy issues and possible options;
- (c) question Members of the Cabinet and/or Committees and Chief Officer from the council about their views on issues and proposals affecting the area;
- (d) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interest of local people are enhanced by collaborative working; and
- (e) consider the impact of policies to assess if they have made a difference.

#### 7.4.2 Scrutiny

The Overview and Scrutiny Committees may:

- (a) review and scrutinise the decisions by and performance of the Cabinet and/or Committees and Council Officers in relation to individual decisions and over time;
- (b) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- (c) question Members of the Cabinet and/or Committees and Chief Officers from the Council about their decisions and performance, whether generally in comparison with service plans and targets over a

period of time, or in relation to particular decisions, initiatives or project;

- (d) make recommendations to the Cabinet and/or appropriate Committee and/or Council arising from the outcome of the scrutiny process;
- (e) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Overview and Scrutiny Committees and local people about their activities and performance; and
- (f) question and gather evidence from any person (with their consent).

#### 7.4.3 Annual Report

The Overview and Scrutiny Committee must report annually to the Full Council on the activity over the year including any recommendations for their future work programme or amended working methods if appropriate.

### **7.5 Head of Democratic Services**

One of the roles of the Head of Democratic Services under Section 8 of The Measure is to promote the role of the Council's Overview and Scrutiny Committees and to promote support and guidance to Council Members and Officers generally about the functions of the Overview and Scrutiny Committees.

### **7.6 Who May Sit on Overview and Scrutiny Committees?**

All Councillors except Members of the Cabinet may be Members of the Overview and Scrutiny Committees. However, no Member

may be involved in scrutinising on decisions in which he/she has been directly involved.

Although an Cabinet Member is not a Member of a Scrutiny Committee, they may participate by invitation only. The purpose of a Cabinet member attending Scrutiny is to advocate for specific portfolio issues and be questioned by the Committee regarding the specific portfolio items on the agenda. The Cabinet Member is not in attendance to ask questions of the officers or for information.

## **7.7 Co-optees**

Each Overview and Scrutiny Committee shall be entitled to recommend to Council the appointment of a maximum of two people as non-voting co-optees in order to provide expertise to specific areas of the Scrutiny programme. Co-optees can will sit on a Committee as expert witnesses to undertake specific pieces of work. In exercising or deciding whether to exercise a co-option, the Authority must, under Section 76 of The Measure, have regard to guidance given by the Welsh Ministers and comply with directions given by them.

Each Scrutiny Committee will consider their individual requirements and review co-optees on an annual basis to ensure they are fit for purpose. No co-optee shall remain on a Committee indefinitely.

## **7.8 Education Representatives**

The People Scrutiny Committee shall include in its membership voting representatives of religious faiths and of parent governors, as required by law and guidance from Welsh Government .

## **7.9 Who Chairs?**

The arrangements included in Sections 66-75 of the Local Government (Wales) Measure 2011 will be followed for appointing persons for chairs of Overview and Scrutiny Committees.

## **7.10 Role of the Chair and the Overview and Scrutiny Committees**

7.10.1 The role of the Chair of the Overview and Scrutiny Committees will be essential in implementing the new method of working. The Chairs will liaise with the Cabinet and supervise the Work Programme and identify cross cutting themes arising from the various Overview and Scrutiny Committees.

7.10.2 In summary, therefore, the Chair will:

- (a) be accountable for delivering the new way of working for scrutiny;
- (b) will meet regularly to monitor Work Programmes with the Committee and Support Officer;
- (c) will liaise with the Cabinet on issues affecting the Scrutiny Work Programme; and
- (d) have a responsibility for the development of a forward work programme linked to the priorities of the Council found within the Council's Corporate Plan.
- (e) when a recommendation is added to or amended the Scrutiny Chair is required to attend the Cabinet Committee to present the Scrutiny Committee's recommendation to explain the rationale.

## **7.11 Work Programme**

The Overview and Scrutiny Committees will be responsible for setting their own Work Programme and in doing so they should take into account wishes of Members of that Committee who are not Members of the largest political group on the Council. It may also consider urgent and unforeseen matters not included in the Work Programme.

## **7.12 Meetings**

- 7.12.1 The cycle of each overview and scrutiny committee will be determined at the beginning of each cycle linked to the business within the Forward Work Programme
- 7.12.2 Special meetings may be called from time to time in order to deal with call-ins (Section 7.25) where the Chair of an Overview and Scrutiny Committee and the Chair of Council agree it is necessary for that Overview and Scrutiny Committee to consider the called in decision before the Committees next programmed meeting.
- 7.12.3 The quorum of an Overview and Scrutiny Committee will be one third (3 Members).

## **7.13 Joint Overview and Scrutiny Committees**

Under Section 58 of The Measure, regulations may be made to permit two or more Local Authorities to appoint a Joint Overview and Scrutiny Committee. This is set out in the Local Authority (Joint Overview and Scrutiny) (Wales) Regulations 2012.

## **7.14 Rules of Procedure and Debate**

The Overview and Scrutiny Procedure Rules will apply to meetings of the Overview and Scrutiny Committees.

## **7.15 What will be the Number and Arrangements for Overview and Scrutiny Committees**

7.15.1 The Council will have four Overview and Scrutiny Committees set out in the table in Section 7.3 and will appoint to them as it considers appropriate from time to time. The Committees may appoint smaller groups to carry out detailed examination of particular topics to report back to them. Such groups may be appointed for a fixed period on the expiry of which they shall cease to exist.

7.15.2 The terms of reference of the various Overview and Scrutiny Committees will be:

7.15.3 Each Overview and Scrutiny Committee will be chaired by a Chair appointed by the Council. In the absence of both the chair and deputy chair, a member appointed at the meeting will preside.

(a) there will be proportionate cross party Membership of all Overview and Scrutiny Committees;

(b) the Overview and Scrutiny Committees shall undertake the following:

(i) investigate or review a particular matter in depth and without delay, reporting their conclusions and making any recommendations to the Council or Cabinet as appropriate;



- (ii) conduct research, community (and other) consultation for the purposes of analysing issues and developing where appropriate; possible options, through liaison with the area/community partnerships;
- (iii) consider and report on mechanisms to encourage and enhance community participation in the development of service delivery options;
- (iv) question Cabinet Members and Officers about their views and actions on issues and proposals affecting the County Borough;
- (v) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working; and
- (vi) question and gather evidence from any person (with his/her consent) whilst conducting investigative and reporting processes.

## **7.16 Meetings of the Overview and Scrutiny Committees**

The Council will determine a cycle of meetings for the Overview and Scrutiny Committees. If the Council do not set the cycle, each such Committee shall determine their own cycle of meetings. The Chair, (in consultation with the Chief Executive) or in their absence the Vice-Chair, may change the date or cancel meetings, or call additional meetings as they consider necessary to deal with the Committee's Work Programme. A meeting of an

Overview and Scrutiny Committee may be called by the Chair (or in his or her absence, the Vice-Chair) or by the Chief Executive if he or she considers it necessary or appropriate. Any Member may sit on a Task and Finish Group if they have a specific interest or knowledge and are invited to do so, as long as there are no prejudicial interests.

## **7.17 Quorum**

The quorum for an Overview and Scrutiny Committee shall be one third (3 members).

## **7.18 Agenda Items**

7.18.1 Any Member of a particular Overview and Scrutiny Committee shall be entitled to give notice to the Chief Executive that he wishes an item relevant to the functions of that Committee to be included on the agenda for the next available meeting. Seven working days' notice of the item should be given to the Head of Democratic Services together with sufficient information to enable the Officer to advise about the nature and purpose of the item, linked to the forward work programme criteria.

7.18.2 On receipt of such a request, so long as it is an appropriate matter to be considered and is appropriate to the priorities within the Council's Corporate Plan and the Forward Work Programme, the Chief Executive/ will ensure that it is included on the next available agenda.

7.18.3 An Overview and Scrutiny Committee shall also respond, as soon as their work programme permits, to requests from the Council and/or the Cabinet to

review particular areas of Council activity. Where they do so, the particular Overview and Scrutiny Committee shall report their findings and any recommendations back to the Cabinet and/or Council. The Council and/or Cabinet shall consider the report of the Overview and Scrutiny Committee within one month of receiving it.

- 7.18.4 If, in considering a recommendation from any scrutiny committee, the Cabinet partly or wholly reject a recommendation, the relevant scrutiny committee can require the relevant Cabinet member attend the next meeting to explain the rationale for the decision and answer any questions.

## **7.19 Policy Review and Development**

- 7.19.1 The role of the Overview and Scrutiny Committee in relation to the development of the Council's Budget and Policy Framework is set out in detail in the Budget and Policy Framework Procedure Rules in Section 15.
- 7.19.2 In relation to the development of the Council's approach to other matters not forming part of its Budget and Policy Framework, and Overview and Scrutiny Committee may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference.
- 7.19.3 An Overview and Scrutiny Committee may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider

necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expense for doing so.

## **7.20 Reports from the Overview and Scrutiny Committees**

- 7.20.1 All formal reports from the Overview and Scrutiny Committees will be submitted to the Chief Executive / for consideration by the Cabinet (if the proposals are consistent with the existing Budget and Policy Framework), or to the Council as appropriate (eg if the recommendation would require a departure from or a change to the Budget and Policy Framework).
- 7.20.2 If an Overview and Scrutiny Committee cannot agree on one single final report to the Council or Cabinet as appropriate, one minority report may be prepared and submitted for consideration by the Council or Cabinet with the majority report.
- 7.20.3 The Council or Cabinet shall consider the report of an Overview and Scrutiny Committee one month of it being submitted to the Chief Executive.

## **7.21 Making sure that Overview and Scrutiny Reports are considered by the Cabinet**

Any recommendations made in respect of reports which have been considered by Overview and Scrutiny Committees will be brought back to Cabinet as soon as practicably possible. Where

an item is not considered by the Cabinet within three months, the Cabinet will give an explanation of the reasons for the delay to the Chair of the relevant Overview and Scrutiny Committee as soon as practicable.

## **7.22 Rights of Members of the Overview and Scrutiny Committees to Documents**

7.22.1 In addition to their rights as Councillors, Members of the Overview and Scrutiny Committees have the additional right to documents and to notice of meetings as set out in the Access to Information Procedure Rules in Section 14 of this Constitution.

7.22.2 Nothing in this paragraph prevents more detailed liaison between the Cabinet and the Overview and Scrutiny Committees as appropriate depending on the particular matter under consideration.

## **7.23 Members and Officers Giving Account**

7.23.1 The Overview and Scrutiny Committees may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the Scrutiny role, it may require any Member of the Cabinet, the Chief Executive and/or any Senior Officer to attend before it to explain in relation to matters within their remit:

- (a) any particular decision or series of decisions;
- (b) the extent to which the actions taken implement Council policy in an effective and timely way.

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

7.23.2 For this purpose, Senior Officer includes any Chief Officer or Deputy Chief Officer/Head of Service. Where there are concerns about the appropriateness of the Officer who should attend, the relevant Chief Officer shall discuss this with the appropriate Overview and Scrutiny Committee Chair or Vice-Chair with a view to achieving consensus.

7.23.3 Where any Member or Officer is required to attend an Overview and Scrutiny Committee under this provision, the Chair of that Committee will inform the Head of Governance & Partnerships . The Head of Governance & Partnerships will make arrangements to inform the Member or Officer, if necessary in writing, giving at least three working days' notice of the meeting at which he or she is required to attend (unless agreed otherwise). Any notice will state the nature of the item on which he or she is required to attend to give account and whether any papers are required to be produced for the Committee.

7.23.4 Where the account to be given to an Overview and Scrutiny Committee will require the production of a report, then the Member or Officer concerned will be given sufficient notice to allow for preparation of that documentation.

7.23.5 Where, in exceptional circumstances, the Member or Officer is unable to attend on the required date, then the Overview and Scrutiny Committee shall in consultation with the Member or Officer arrange an alternative date for attendance.

## **7.24 Attendance by Others**

An Overview and Scrutiny Committee may invite people other than those people referred to in paragraph 7.23 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and Members and Officers in other parts of the public sector and shall invite such people to attend.

## **7.25 Call-In**

### **7.25.1 Rules**

- (a) Where a decision is made by the Cabinet, or a Committee of the Cabinet or under joint arrangements, the decision shall be published by the Head of Governance & Partnerships by electronic means, and shall be available at the main offices of the Council normally within five clear working days of it being made. All Members of the Overview and Scrutiny Committee will be sent copies of the records of all such decisions within the same time scale, by a person responsible for publishing the decision. All relevant decisions of the Cabinet will be included on the next agenda for the appropriate Scrutiny Committee.

- (b) The notice of decision will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of five clear working days after the publication of the decision, unless an Overview and Scrutiny Committee objects to it and calls it in for review.
  
- (c) During that period ie. the period between publication of the decision and the expiry of five clear working days, and subject to the rules set out below, the Monitoring Officer may call-in a decision for scrutiny by an Overview and Scrutiny Committee if so requested in the specified format by five Members of that Overview and Scrutiny Committee and, shall then notify the decision taker of the call-in. He/she shall arrange to call a meeting of that Overview and Scrutiny Committee on such a date as he/she may determine, where possible after consultation with the chair or Vice-Chair of that Overview and Scrutiny Committee, and in any case within fifteen clear working days of the decision to call-in (only in exceptional circumstances will the Chair of the Overview and Scrutiny Committee consider extending this time limit).
  
- (d) If, having considered the decision, the Overview and Scrutiny Committee is still concerned about it, then it may refer it back to the decision making body for reconsideration, setting out in writing the nature of its concerns, or refer the matter to Full Council. If referred to the decision maker they shall then reconsider within a further 10 clear working days, amending the decision or not, before adopting a final decision.



- (e) If following an objection to the decision, an Overview and Scrutiny Committee does not meet within the period set out above, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the Overview and Scrutiny Committee meeting, or the expiry of that further 10 working day period, whichever is the earlier.
  
- (f) If the matter was referred to Full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, the Council will refer any decisions to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Cabinet as a whole, or a Committee of it, a meeting will be convened to reconsider within five working days of the Council's request. Where the decision was made by an individual, the individual will reconsider within five working days of the Council's request.
  
- (g) If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is earlier.

- (h) In order to ensure that call-in is not abused, nor causes unreasonable delay, certain limitations are placed on its use. These are:
  - (i) an Overview and Scrutiny Committee may only call-in a total of three decisions per three month period;
  - (ii) five Members of an Overview and Scrutiny Committee are needed for a decision to be called in and their signatures must be placed upon the request which must also contain valid written reasons for the call-in request;
  - (iii) once a Member has signed a request for call-in under this paragraph, he/she may not do so again until the period of three months has expired;
- (i) The Monitoring Officer in consultation with the Chief Executive may veto any request for call-in if it falls outside the remit of this scheme.
- (j) Save in exceptional circumstances all Members requesting a matter be called in must attend the meeting at which the matter is being considered.

#### 7.25.2 Call-in Urgency

- (a) The call-in procedure set out above shall not apply where the decision being taken by the Cabinet is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would, for example, seriously prejudice the Council's or other public interests. The record of the decision, and notice by which it is made public, shall state whether in the opinion of the decision making person or body, the

decision is an urgent one, and therefore not subject to call-in. The Presiding Member must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Presiding Member the Deputy Presiding Member's consent shall be required. In the absence of both, the Chief Executive or his/her nominee's consent should be required. Decisions taken as a matter of urgency must be reported at the next available meeting of the Council, together with the reasons for urgency.

- (b) The operation of the provisions relating to call-in and urgency shall be monitored annually and a report submitted to Council with proposals for review if necessary.

## **7.26 The Party Whip**

If a Member of an Overview and Scrutiny Committee is subject to a party whip in respect of an issue to be considered by it, that Member must declare the existence of the whip and the nature of it before the commencement of deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting.

## **7.27 Procedure at Overview and Scrutiny Committee Meetings**

7.27.1 An Overview and Scrutiny Committee shall consider the following business:

- (a) minutes of the last meeting;
- (b) declarations of interest;
- (c) Simultaneous Translation;

(d) Apologies

- (ee) consideration of any matter referred to that Overview and Scrutiny Committee;
- (fe) responses of the Cabinet to reports of that Overview and Scrutiny Committee;
- (ge) the business otherwise set out on the agenda for the meeting;
- (hf) Consideration of agenda items for the next meeting.

The Rules of Procedure at an Overview and Scrutiny Committee will be the same as the Council Procedure Rules except that the Chair of the meeting may allow the rules of debate to be relaxed to enable a full contribution by those attending the meeting whether a Member of an Overview and Scrutiny Committee or in any other capacity which allows them to contribute to the worth of the meeting.

7.27.2 An Overview and Scrutiny Committee may ask people to attend to give evidence or answer questions about any items on their agenda. Meetings should be conducted in accordance with the following principles:

- (a) that the business be conducted fairly and all Members of the Overview and Scrutiny Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
- (b) that those assisting by giving evidence be treated with respect and courtesy;

- (c) that the business be conducted as efficiently as possible.

7.27.3 Following any investigation or review, an Overview and Scrutiny Committee shall prepare a report, for submission to the Cabinet and/or Council as appropriate detailing the discussions of the Committee and its recommendations and shall make its report and findings public.

## **7.28 Matters within the Remit of more than one Overview and Scrutiny Committee**

Where a matter for consideration by an Overview and Scrutiny Committee also falls within the remit of one or more other Committees, the decision as to which Committee will consider it will be resolved by the respective Chairs or, if they fail to agree, the Chief Executive or Head of Democratic Services.

## **7.29 Councillor Call for Action**

7.29.1 The Councillor Call for Action is a mechanism for enabling elected Members to bring matters of local concern to the attention of the Council via the Scrutiny process. It should be an option of “last resort”.

7.29.2 Any Member may request that an item is placed on the agenda of an Overview and Scrutiny Committee for consideration.

7.29.3 The procedure for dealing with a Call for Action is set out in the Councillor Call for Action – Guidance for Councillor attached to these Rules at Appendix 1.

## **APPENDIX 1 TO SECTION 7**

### **Councillor Call for Action – Guidance for Councillors**

#### **1. INTRODUCTION**

- 1.1 The Local Government Wales Measure 2011 introduced a number of new provisions aimed at strengthening local democracy. Section 63 of the Measure introduced a provision for “Councillor Calls for Action” (CCfA) which enables Councillors to refer issues of local importance to Overview and Scrutiny Committees.
- 1.2 CCfAs are intended to enable local Councillors and their electors to obtain a response from their Council Leadership on issues of local importance. CCfAs should be regarded as one of a series of tools which elected Members have at their disposal to resolve local issues and make a positive difference in their community. Previously in Wales, only local Crime and Disorder issues could be referred by the local Member to the designated Crime and Disorder Scrutiny Committee (role undertaken by the Corporate Overview and Performance Scrutiny Committee) for action and it should be noted that these local crime and disorder referrals will remain in place under separate legislation.
- 1.3 As part of their community leadership role, Councillors have always attempted to resolve issues on behalf of their local residents and CCfAs provide an additional avenue for Councillors to follow if the normal ways of resolving an issue have not been successful and the issue meets the criteria for a referral. It should be noted that a referral under this process should be seen as a last resort after all other avenues have been exhausted.
- 1.4 CCfAs have been introduced alongside other powers for scrutiny, including powers to scrutinise a wide range of bodies not previously subject to local authority scrutiny. CCfAs are intended to enable any Member for the Council to refer to the Scrutiny

Committees, 'a local government matter' which falls within the Scrutiny Committee's remit.

2. **HOW SHOULD I NORMALLY ATTEMPT TO RESOLVE A LOCAL ISSUE IN MY AREA?**

- 2.1 Local issues can be resolved in a number of ways by Councillors on behalf of their residents as listed in the Welsh Government's Statutory Guidance from the Local Government Measure 2011:
- 2.1.1 informal discussions with Officers or other Councillors;
  - 2.1.2 informal discussions with partner representatives;
  - 2.1.3 referral to other "scrutiny" bodies such as Community Health Councils or internal audit committee;
  - 2.1.4 formal discussions with Officers and Councillors;
  - 2.1.5 formal letters to the Cabinet Members;
  - 2.1.6 asking questions at Full Council;
  - 2.1.7 submitting a motion to Full Council;
  - 2.1.8 organising public meetings;
  - 2.1.9 use of petitions;
  - 2.1.10 making a complaint;
  - 2.1.11 questions at Full Council;
  - 2.1.12 freedom of information requests;
  - 2.1.13 communication with local AMs or MPs;

2.1.14 use of social media or email based campaigns.

2.2. This is not an exhaustive list and Councillors may choose different routes for specific issues. If an issue has not been resolved after exhausting all possible alternative routes, then a local Councillor can refer it to the appropriate Overview and Scrutiny Committee.

### 3. **WHAT IS A COUNCILLOR CALL FOR ACTION**

3.1 In order for the Committee to accept a CCfA as an agenda item for discussion at one of their meetings, the issue must affect either all or part of a Councillor's electoral area or it must affect someone who lives or works in that area.

3.2 A Councillor does not however need a referral from a constituent in order to start the process. It is important to recognise that a CCfA is not guaranteed to solve a given problem, though it can provide a method for discussing such problems and, through discussion, attempt to overcome them.

### 4. **HOW AND WHEN SHOULD MAKE A CCFA**

4.1 A flowchart showing the process is provided at Appendix 2. A Councillor may initiate the process by completing the form at Appendix 3. Further copies are available from the Democratic Services section. It is important that the local Councillor specifies what outcome is expected from the referral. After completion, the form should be returned to the Democratic Services section who will log and acknowledge the referral within five working days, to track its progress and forward a copy of the form to the Head of Legal and Corporate Compliance (The Monitoring Officer).

4.2 The Proper Officer will confirm whether or not the referral satisfies the requirements outlined in section 3 above to enable it to be placed on the agenda for discussion at a meeting of the Committee. The Proper Officer reserves the right to exclude from the agenda any matter which is vexatious, discriminatory or



otherwise potentially unlawful; and the Councillor will be informed of this outcome as soon as practicable.

5. **CRITERIA TO BE FOLLOWED BY AN OVERVIEW AND SCRUTINY COMMITTEE**

5.1 It is up to the Members of the Corporate Overview and Performance Scrutiny Committee to decide whether, and in what form, to take the matter further. The Corporate Overview and Performance Scrutiny Committee will use the following criteria to decide whether or not the referral is appropriate to be considered by that Committee.

5.1.1 Is that the Corporate Overview and Performance Scrutiny Committee satisfied that all reasonable attempts have been made to resolve the issue by the local Councillor? Do the responses received by the referring Councillor demonstrate that the matter is not being progressed?

5.1.2 Has that Committee considered a similar issue recently? If so, have the circumstances or evidence changed?

5.1.3 Is there a similar or related issue which is the subject of a review on the current work programme? It may be more appropriate to link the new issue to an existing review, rather than hold a separate CCfA hearing. Relevant time pressures on resolving the CCfA should be taken into account.

5.1.4 Have all relevant service areas or partner organisations been informed and been given enough time to resolve the issue? What response has the Councillor received?

5.1.5 Is this a case that is being or should be pursued via the Council's corporate complaints procedure?

5.1.6 Is it relating to a "quasi-judicial" matter or decision such as planning or licensing?

5.1.7 Is the matter an issue of genuine local concern which

impacts on the local community rather than a personal matter?

5.1.8 Is this an issue currently being looked at by another form of local scrutiny?

5.1.9 And, as with all scrutiny, does the matter have the potential for scrutiny to produce recommendations which could realistically be implemented and lead to improvements for anyone living or working in the Member's electoral division?

NB: Crime and Disorder referrals should be directed to the Place Scrutiny Committee.

5.2 If the Corporate Overview and Performance Scrutiny Committee decides not to accept the CCfA, it must inform the Councillor of the decision and the reasons for it.

5.3 If the Corporate Overview and Performance Scrutiny Committee decides to accept the CCfA, the Councillor will be informed and advised of the agreed Protocol, e.g. the Councillor will be given adequate notice (a minimum of 10 clear days) of the date of the Scrutiny Committee meeting. The Councillor will be requested to attend the Committee and informed that he/she will have five minutes in which to address the Committee. The Committee may then wish to question the Councillor further before deciding how it intends to take the matter forward. This could include:

5.3.1 asking the relevant responsible authorities to respond to the CCfA;

5.3.2 setting up a research or task and finish group to undertake a more in-depth review;

5.3.3 asking for further evidence and / or witnesses to be brought to a future meeting. The Corporate Overview and Performance Scrutiny Committee has the power to request "designated persons" such as representatives from other

public bodies / agencies to attend, where relevant, and to request information.

## 6. **POTENTIAL OUTCOMES FROM A CCFA**

6.1 The Corporate Overview and Performance Scrutiny Committee could:

6.1.1 determine that it is a complex issue that requires further investigation and commission a scrutiny review of the issue;

6.1.2 write a response and make recommendations on the CCfA to a relevant responsible authority;

6.1.3 decide that further action is not appropriate giving its reasons.

6.2 Once Corporate Overview and Performance Scrutiny Committee has completed its work, the Councillor who made the referral will receive a copy of any response or recommendations made.

## 7. **TIMESCALES FOR DEALING WITH A CCFA**

7.1 In exceptional circumstances, for example where there are unavoidable time constraints, a special Committee meeting may be convened.

7.2 Should a CCfA result in recommendations to the Cabinet responsible authorities, they will be requested to make a response to the recommendations within 28 days and two months respectively.

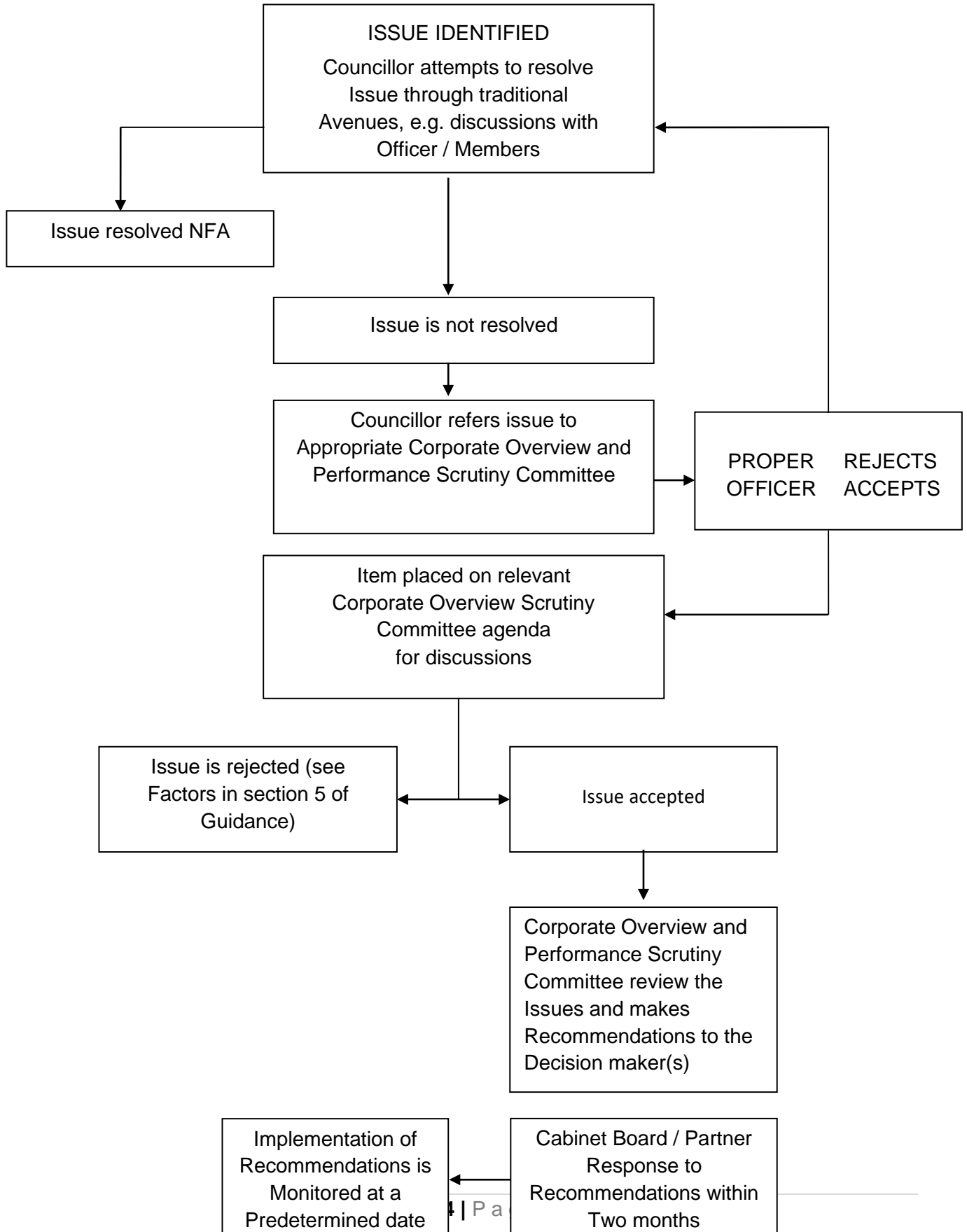
7.3 The Corporate Overview and Performance Scrutiny Committee will monitor implementation of any recommendations as part of its Forward Work Programme.

## 8. **REVIEW OF THIS GUIDANCE**

This guidance is based on a model prepared and approved by the Association of County Secretaries and Solicitors (ACSeS) in October 2009. ACSeS will review their model guidance in light of experience of the use of these procedures by local authorities in Wales, and this guidance may therefore be modified accordingly.

## APPENDIX 2 TO SECTION 7

### Flow Chart for Councillor Call for Action



**APPENDIX 3 TO SECTION 7**  
**Councillor Call for Action Referral**

<b>For the attention of (name and title of Proper Officer)</b>	
<b>From</b>	
<b>Electoral Division</b>	
<b>Contact details</b>	
<b>Telephone</b>	
<b>E-mail</b>	
<b>SUBJECT</b>	
<b>Details</b> Please briefly explain what the issue is and how it affects your electoral division.	
<b>Action taken to date</b> Please explain what steps have been taken, with whom, to try to resolve the issue (please tick the actions you have taken to date) or add additional.	<ul style="list-style-type: none"> <li>● Informal discussions with Officers or other Councillors</li> <li>● Informal discussions with partner representatives</li> <li>● Referral to other “scrutiny” bodies such as Community Health Councils or internal audit committee</li> <li>● Formal discussions with Officers and Councillors</li> <li>● Formal letters to the Cabinet Members</li> <li>● Asking questions at Full Council</li> <li>● Submitting a motion to Full Council</li> <li>● Organising public meetings</li> <li>● Use of petitions</li> <li>● Making a complaint</li> <li>● Questions at Full Council</li> <li>● Freedom of Information requests</li> <li>● Communication with local AMs or MPs</li> <li>● Use of social media or email based campaigns</li> </ul>
<b>Expected Outcome</b> Please describe the outcome you hope to gain via this referral.	
<b>Papers attached</b> Please list documents attached which should evidence the impact of the issue, the steps taken and any responses received.	

1. The following criteria will be taken into consideration when the Corporate

Overview Scrutiny Committee decide whether to progress with your CCfA:

- 1.1 Have all reasonable attempts been made to resolve the issue? Do the responses received by you demonstrate that the matter is not being progressed?
- 1.2 Has the Committee considered a similar issue recently – if yes, have the circumstances or evidence changed?
- 1.3 Is there a similar or related issue which is the subject of a review on the current work programme? It may be more appropriate to link the new issue to an existing review, rather than hold a separate LCDR hearing. Relevant time pressures on resolving the LCDR should be taken into account.
- 1.4 Have all relevant service areas or partner organisations been informed and been given enough time to resolve the issue? What response have you received?
- 1.5 Is this a case that is being or should be pursued via the Council’s corporate complaints procedure?
- 1.6 Is it relating to a “quasi-judicial” matter or decision such as planning or licensing?
- 1.7 Is the matter an issue of genuine local concern, which impacts on the local community rather than a personal matter?
- 1.8 Is this an issue currently being looked at by another form of local scrutiny?
- 1.9 And, as with all scrutiny, does the matter referred have the potential for scrutiny to produce recommendations, which could realistically be implemented and lead to improvements for anyone living or working in your electoral division.



2. Please consider whether your referral might be considered premature by the Corporate Overview and Performance Scrutiny Committee. Consider whether other potential remedies have been exhausted, before a referral is made. Members should be aware that if a premature referral is made, the Committee is likely to refuse to deal with the issue, based on the criteria outlined above. If the Proper Officer believes that the referral is premature, he / she will advise you accordingly.

## APPENDIX 4 TO SECTION 7 Gwent Public Service Board (PSB)

### Purpose of the Public Service Board

The purpose of the Public Service Board is to improve the economic, social, environmental and cultural well-being of the people living in the Blaenau Gwent area. In pursuing this purpose, the Board will deliver against the national well-being goals that are:

- A more prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh Language
- A globally responsible Wales

The Board will operate within sustainable development principles. This means acting in a manner that seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

This means that decision making by the board will need to take into account five key areas:

- **Long term:** The importance of balancing short-term needs with the need to safeguard the ability to also meet long-term needs.
- **Prevention:** How acting to prevent problems occurring or getting worse may help, public bodies meet their objectives.
- **Integration:** Considering how the public body's well-being objectives may impact upon each of the well-being goals, on their other objectives, or on the objectives of other public bodies.
- **Collaboration:** Acting in collaboration with any other person (or different parts of the body itself) that could help the body to meet its well-being objectives.
- **Involvement:** The importance of involving people with an interest in achieving the well-being goals, and ensuring that those people reflect the diversity of the Blaenau Gwent area.

Purpose of Public Service Board Scrutiny

~~NB. The role of the Public Service Board Scrutiny Committee has now been included in the remit of the Partnership Scrutiny Committee.~~

## **SECTION 8**

### **8. THE STANDARDS COMMITTEE**

#### **Composition**

##### **8.1 Membership**

The Standards Committee is composed of Nine Members. Its Membership includes:-

8.1.1 Five “independent” Members, who are not either a Councillor or an Officer or the spouse of a Councillor or an Officer of this Council or any other relevant Authority as defined by the Local Government Act 2000, appointed in accordance with the procedure set out in the Standards Committee (Wales) Regulations 2001 (as amended);

8.1.2 Three Councillors other than the Leader and not more than one Member of the Cabinet; and

8.1.3 One Community Council Member(s).

##### **8.2 Term of Office**

8.2.1 Independent Members are appointed for a period of not less than four and not more than six years and may be reappointed for a consecutive term not exceeding four years.

8.2.2 Members of Local Authorities who are Members of the Standards Committee will have a term of office of no more than four years or until the next ordinary local government election following their reappointment, whichever is the

shorter. They may be reappointed for one further consecutive term.

### **8.3 Quorum**

A meeting of the Standards Committee shall only be quorate when:

8.3.1 at least three Members, including the Chairperson, are present; and

8.3.2 at least half the Members present (including the Chairperson) are independent Members (ie. not an Elected Member of the Council).

### **8.4 Voting**

Independent Members and Community Council Members will be entitled to vote at meetings.

### **8.5 Chairing the Committee**

8.5.1 Only an independent Member of the Standards Committee may be the Chair.

8.5.2 The Chair and Vice-Chair will be elected by the Members of the Standards Committee for whichever is the shortest period of:

- (i) not less than four years or no more than six years; or
- (ii) until the term of office of the independent Member comes to an end.

## **8.6 Role and Function**

The Standards Committee will have the following roles and functions:

8.6.1 promoting and maintaining high standards of conduct by Councillors and co-opted Members of the Authority;

8.6.2 assisting the Councillors and co-opted Members to observe the Members' Code of Conduct;

8.6.3 advising the Council on the adoption or revision of the Members' Code of Conduct;

8.6.4 monitoring the operation of the Members' Code of Conduct;

8.6.5 advising, training or arranging to train Councillors and co-opted Members on matters relating to the Members' Code of Conduct.

## **8.7 Work Programme**

The Committee will prepare a work programme, which will be reviewed and approved at each Committee meeting.

## **8.8 Rules of Procedure and Debate**

8.8.1 The Council Procedure Rules at Section 4 will apply to the meetings of the Standards Committee Members.

8.8.2 When considering the conduct of individual Councillors, the procedures outlined in Appendix 3 to Section 18 will apply.

## **SECTION 9**

### **9. REGULATORY COMMITTEES**

#### **9.1 Regulatory and Other Committees**

The Council will appoint Committees to discharge the functions set out in Section 13 of this Constitution.

#### **9.2 The Governance and Audit Committee**

9.2.1 The Council will appoint a Governance and Audit Committee to discharge the functions described in Section 13 of this Constitution and in accordance with Sections 81-87 of The Measure.

9.2.2 The Committee shall comprise of Councillor Members (being at least two thirds of the Membership) and at least one third lay members. No more than one Member of the Cabinet (which Cabinet Member must not be the Leader).

9.2.3 The Chair and Deputy Chair of the Governance and Audit Committee is appointed by it. The Committee Chair must be a lay person and the Deputy Chair must not be a member of the Council's Executive or an assistant to its Executive.

9.2.4 Members of the Governance and Audit Committee may vote on any matter from the Committee.

#### **9.3 The Democratic Services Committee**

9.3.1 The Council will appoint a Democratic Services Committee to discharge the functions described in Section 13 of this Constitution.

9.3.2 The Committee shall comprise of Councillor Members but no more than one Member of the Cabinet (which Cabinet Member must not be the Leader).

9.3.3 The Chair of the Democratic Services Committee is appointed by Full Council and must not be a member of a Cabinet group.

#### **9.4 Other Committees and Sub-Committees**

9.4.1 The Council will appoint such other Committees as it considers appropriate to the exercise of its functions. These will include a Planning and Licensing Committees.

9.4.2 Any Committee appointed by the Council may at any time appoint additional Sub-Committees and panels throughout the year. The terms of reference and delegation of powers to them shall be explicit and within the appointment Committees terms of reference.

#### **9.5 Rules of Procedure and Debate**

The Council Procedure Rules in Section 4 will apply.

#### **9.6 Quorum**

9.6.1 Regulatory Committees requirement for quorate shall be in accordance with the Council Procedure Rules in Section 4, ie. one quarter unless there are overriding legislative requirements applicable, such as is the case in respect of the Planning Committee which requires that one half is required for a Planning meeting to be quorate.



## 9.7 Substitute Members in the Planning Committee

Substitute Members are not permitted in respect of the Planning Committee in accordance with schedule 2A of the Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2017 which states that, 'A relevant authority is not to appoint another of their members to act as a member of a committee in the absence of the member appointed in accordance with the Size and Composition of Local Planning Authority Committees (Wales) Regulations 2017(7)'.

## 9.8 Voting at Planning Committee

Where a Ward Councillor in respect of a planning application is also a member of the Planning Committee, they shall be excluded from taking part in the debate relevant to that application within their Ward, and shall not vote on that application. However, they may address Planning Committee on the application in their role, as a Ward Councillor, under the terms of Planning Committee Public Speaking Policy. Once they have made verbal representations, they must take no further part in the debate and will not be permitted to vote.

## **SECTION 10**

### **10. JOINT COMMITTEES**

#### **10.1 Introduction**

There are a number of circumstances where the Council or the Cabinet is entitled to carry out certain functions jointly with another Local Authority, including to promote the economic, social or environmental wellbeing of its area.

#### **10.2 Arrangements to Promote Wellbeing**

The Cabinet in order to promote the economic, social or environmental wellbeing of its area may:

- 10.2.1 enter into arrangements or agreements with any person or body;
- 10.2.2 co-operate with, or facilitate or co-ordinate the activities of any person or body; and
- 10.2.3 exercise on behalf of that person or body any functions of that person or body.

#### **10.3 Joint Arrangements**

- 10.3.1 The Council may establish joint arrangements with one or more Local Authorities and/or their Cabinets to exercise functions which are not Cabinet functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a Joint Committee with these other Local Authorities.

- 10.3.2 The Cabinet may establish joint arrangements with one or more Local Authorities to exercise functions which are Cabinet functions. Such arrangements may involve the appointment of Joint Committees with these other Local Authorities. Except as set out below, or as permitted or required by law, the Cabinet may only appoint Cabinet Members to such Joint Committees and those Members need not reflect the political composition of the Council as a whole.
- 10.3.3 The Cabinet may appoint Members to a Joint Committee from outside the Cabinet where the Joint Committee has functions for only part of the area of the Council and that area is smaller than two fifths of that Local Authority, by area or population. In such cases, the Cabinet may appoint to the Joint Committee any Councillor who is Member for an electoral division contained within the area. Political balance requirements do not apply to such appointments.

#### **10.4 Access to Information**

- 10.4.1 The Access to Information Procedure Rules in Section 14 apply.
- 10.4.2 If all the Members of a Joint Committee are Members of the Cabinet in each of the participating Authorities, then its access to information regime is the same as that applied to the Cabinet.
- 10.4.3 If the Joint Committee contains Members who are not on the Cabinet of any participating Authority, then the Access to Information Rules in Part VA of the Local Government Act 1972 (as amended) will apply.

## **10.5 Delegation to and from Other Local Authorities**

- 10.5.1 The Council can delegate Non-Cabinet Functions to another Local Authority or, where those functions are the responsibility of the Cabinet of another Local Authority, to that Cabinet.
- 10.5.2 The Cabinet can delegate Cabinet functions to another Local Authority or the Cabinet of another Local Authority in certain circumstances.
- 10.5.3 The decision whether or not to accept such a delegation from another Local Authority is reserved to the Full Council.

## **10.6 Contracting Out**

The Council (in respect of Non-Cabinet Functions) and the Cabinet (in respect of Cabinet Functions) may contract out to another body or organisation functions:

- 10.6.1 which may be exercised by an Officer and which are subject to an order under Section 70 of the Deregulation and Contracting Out Act 1994; or
- 10.6.2 under contracting arrangements where the Contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

## **SECTION 11**

### 11. OFFICERS

#### **11.1 Management Structure**

##### 11.1.1 General

The Full Council may engage such staff (referred to as Officers) as it considers necessary to carry out its functions.

##### 11.1.2 Chief Officers

The Full Council will engage person for the following posts, who will be designated Chief Officers, which designation includes person acting temporarily in such capacity:

<b>Post</b>	<b>Functions and Areas of Responsibility</b>
Chief Executive	<ul style="list-style-type: none"><li>• Overall corporate management and operational responsibility including overall management responsibility for Officers.</li><li>• Principal advisor to the Council on general policy.</li><li>• The provision of professional and impartial advice to all parties in the decision making process to the Cabinet, to Overview and Scrutiny Committees, the Full Council and other Committees.</li></ul>

- Together with the Monitoring Officer, responsibility for a system of record keeping for all the Authority’s decisions (Cabinet or otherwise).
- Representing the Authority on partnership and external bodies (as required by statute or the Council).
- Service to the whole Council, on a politically neutral basis.
- Policy & Performance, Business Support Services, Central Democratic Support Services, Corporate Administration, Governance Support, Organisational Development, Transformation and Resilience.

Corporate Director of Regeneration & Community Services

- Highways, Transportation and Fleet Management, Waste and other Technical functions including Public Protection, Leisure and Cultural Services, Regeneration, Housing, Estates and Strategic Asset Management.

Corporate Director Social Services

- Social Services Community Care functions.
- Children’s Services including child protection, looked after children and children in need.
- Safeguarding of children and adults at risk.

- |                                 |  |
|---------------------------------|--|
| Corporate Director of Education | <ul style="list-style-type: none"> <li>• Education Services including schools and continuing education.</li> </ul>   |
| Chief Officer – Resources       | <ul style="list-style-type: none"> <li>• Section 151 Officer. Responsibility to administer financial affairs and financial information as appropriate. Responsible for risk management, accountancy, internal audit, payments, insurance, Council Tax, commercial rates and other income. Deputy Returning Officer. Senior Information Risk Owner (SIRO).</li> </ul> |
| Chief Officer – Commercial      | <ul style="list-style-type: none"> <li>• Responsible for provision of payroll, Human Resources, Organisational Development, Internal Health &amp; Safety, Business Support, Joint Workforce Development Team, Customer Services (Benefits &amp; C2BG), Communications, Workforce Management, Digital and IT, Procurement and Strategic Transformation.</li> </ul>    |

11.1.3 Chief Executive , Monitoring Officer, Chief Officer - Resources and Head of Democratic Services

The Council will designate the following posts as shown:

Post	Designation
Chief Executive	Chief Executive
Head of Legal & Corporate Compliance	Monitoring Officer
Chief Officer - Resources	Section 151 Officer
Head of Governance and Partnerships	Head of Democratic Services

Such posts will have the functions described in Sections 11.2 to 11.5.

## 11.2 Functions of the Chief Executive

### 11.2.1 Discharge of Functions by the Council

The Local Government Acts imposes a duty on authorities to designate one of their Officers as Chief Executive . The Chief Executive will report to Full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of staff required for the discharge of functions, the organisation of the Authority's staff and the appointment and proper management of the Authority's staff.

### 11.2.2 Restrictions on Functions

The Chief Executive may not be the Monitoring Officer or the Head of Democratic Services but may



hold the post of Chief Officer - Resources if a qualified accountant.

### **11.3 Functions of the Monitoring Officer**

These are set out in Section 5 of the Local Government and Housing Act 1989 as amended.

#### **11.3.1 Maintaining the Constitution**

The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Members, staff and the public.

#### **11.3.2 Ensuring Lawfulness and Fairness of Decision Making**

After consulting with the Chief Executive and Chief Officer - Resources, the Monitoring Officer will report to the Full Council or to the Cabinet in relation to any function if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

#### **11.3.3 Supporting the Standards Committee**

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

#### **11.3.4 Receiving Reports**

The Monitoring Officer will receive and act on reports made by the Ombudsman and decisions of the case tribunals.

11.3.5 Conducting Investigations

The Monitoring Officer will oversee investigations into matters referred by the Ombudsman and make reports or recommendations in respect of them to the Standards Committee.

11.3.6 Proper Officer for Access to Information

The Monitoring Officer, in conjunction with the Head of Governance, will ensure that Cabinet decisions, together with the reasons for those decisions and relevant Officer reports and background papers are made publicly available as soon as possible.

11.3.7 Advising whether decisions of the Cabinet are within the Budget and Policy Framework

The Monitoring Officer will, in conjunction with the Chief Officer - Resources, advise whether decisions of the Cabinet – are in accordance with the Budget and Policy Framework.

11.3.8 Providing Advice

The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to the Councillors.

11.3.9 Restrictions on Posts

The Monitoring Officer cannot be the Chief Officer - Resources, or the Chief Executive .

## **11.4 Functions of the Chief Officer – Resources (Section 151 Officer)**

These are set out in Section 6 of the Local Government and Housing Act 1989.

### **11.4.1 Ensuring Lawfulness and Financial Prudence of Decision Making**

After consulting with the Chief Executive and the Monitoring Officer, the Chief Officer - Resources will report to the Full Council or to the Cabinet in relation to a Cabinet function and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

### **11.4.2 Administration of Financial Affairs**

The Chief Officer - Resources will have responsibility for the administration of the financial affairs of the Council.

### **11.4.3 Contributing to Corporate Management**

The Chief Officer - Resources will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

### **11.4.4 Providing Advice**

The Chief Officer - Resources will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all Councillors and will support and advise Councillors and Officers in their respective roles.

11.4.5 Give Financial Information

The Chief Officer - Resources will provide financial information to the media, members of the public and the community.

11.4.6 Advising whether Decisions of the Cabinet are within the Budget and Policy Framework

The Chief Officer - Resources will, in conjunction with the Monitoring Officer, advise whether decisions of the Cabinet are in accordance with the Budget and Policy Framework.

11.4.7 Restrictions on Posts

The Chief Officer - Resources cannot be the Monitoring Officer or the Head of Democratic Services.

## **11.5 Functions of the Head of Democratic Services**

These are set out in Section 9 of The Measure. The functions of the Head of Democratic Services are:

11.5.1 to provide support and advice to the Authority in relation to its meetings, subject paragraph 11.5.10;

11.5.2 to provide support and advice to Committees of the Authority (other than the Committees mentioned in

paragraph 11.5.5) and the Members of those Committees, subject to paragraph 11.5.10;

- 11.5.3 to provide support and advice to any Joint Committee which a Local Authority is responsible for organising and the Members of that Committee, subject to paragraph 11.5.10;
- 11.5.4 to promote the role of the Authority's Overview and Scrutiny Committee;
- 11.5.5 to provide support and advice to:
- (a) the Authority's Overview and Scrutiny Committee and the Members of that Committee or those Committees; and
  - (b) the Authority's Democratic Services Committee and the members of that Committee;
  - (c) to provide support and advice in relation to the functions of the Authority's Overview and Scrutiny Committee and Governance and Audit Committee to each of the following:
    - (i) Members of the Authority;
    - (ii) Members of the Cabinet of the Authority;
    - (iii) Officers of the Authority;
  - (d) to provide support and advice to each Member of the Authority in carrying out the role of Member of the Authority, subject to paragraph 11.5.11;
- 11.5.7 to make reports and recommendations in respect of any of the following:

- (a) the number and grades of staff required to discharge democratic services functions;
- (b) the appointment of staff to discharge democratic services functions;
- (c) the organisation and proper management of staff discharging democratic services functions;

11.5.8 such other functions as may be prescribed by law.

11.5.9 Restrictions on Posts

There are no restrictions on the post. ,

11.5.10 The function of providing advice about whether or how the Authority's functions should be, or should have been exercised, only applies to advice concerning the functions of the Overview and Scrutiny Committees and Democratic Services Committee.

11.5.11 Advice to a Member does not include advice in connection with their role as a Cabinet Member and does not include advice about a matter being or to be considered at a meeting (other than a meeting of an Overview and Scrutiny Committee) or Democratic Services Committee.

**11.6 Duty to Provide Sufficient Resources to the Chief Executive , Monitoring Officer, Chief Officer - Resources and Head of Democratic Services**

The Council will provide the Chief Executive , the Monitoring Officer, the Chief Officer - Resources and the Head of Democratic Services with such Officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

## **11.7 Conduct**

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in Sections 20 and 21 of this Constitution.

## **11.8 Employment**

The recruitment, selection and dismissal of Officers will comply with the Officer Employment Rules set out below.

## **11.9 Remuneration**

Under Section 112 of the Local Government Act 1972 the Council has the power "to appoint officers on such reasonable terms and conditions as the Council thinks fit". The Council's Pay Policy Statement sets out the Council's approach to Pay in accordance with the requirements of Section 38 - 43 of the Localism Act 2011.

The Full Council will determine the level and any change in the level of the remuneration to be paid to Chief Officers. Remuneration is defined in accordance with Section 43(3) of the Localism Act 2011.

## **11.10 Officer Employment Procedure Rules**

### **11.10.1 Recruitment and Appointment**

#### **(a) *Declarations***

- (i)** The Council has drawn up procedures which include a requirement that any candidate for an appointment as an Officer must state in writing whether they have

any relationship with any Councillor or Officer of the Council.

- (ii) No candidate so related to a Councillor or a Senior Officer will be appointed without the authority of the relevant Chief Officer or an Officer nominated by him.

(b) *Seeking Support for Appointment*

- (i) The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- (ii) No Councillor or employee of the Council will seek support for any person for any appointment with the Council.

11.10.2 Recruitment of Chief Officers and Deputy Chief Officers (Head of Service)

Where the Council proposes to appoint a Chief Officer or Deputy Chief Officer (Head of Service) (within the meaning of the Local Authorities (Standing Orders) (Wales) Regulations 2006) and as defined in this Constitution, and it is not proposed that the appointment be made exclusively from among their existing Officers, the Council will:

- (a) draw up a statement including the following:
  - (i) the duties of the Officer concerned; and
  - (ii) any qualifications or qualities to be sought in the person to be appointed;



- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (c) make arrangements for a copy of the procedures mentioned in paragraph (a) to be sent to any person on request.

11.10.3 Appointment of Chief Executive

- (a) The Full Council will approve the appointment of the (Chief Executive ), following the recommendation of such appointment by a Committee or Sub-Committee of the Council. The Committee or Sub-Committee must include at least one Member of the Cabinet.
- (b) The Full Council may only make or approve the appointment of the (Chief Executive ) where no well-founded objection has been made by any Member of the Cabinet.

11.10.4 Appointment and Dismissal of Chief Officers, Deputy Chief Officers (Heads of Service)

- (a) In this paragraph:  
  
“the Committee” means the Appointments Committee; and
- (b) Subject to the provisions of the Local Authorities (Standing Orders) (Wales) Regulations 2006, the recommendation for any appointment and dismissal of the Chief Executive , Chief Officers, Deputy Chief Officers (Heads of Service), is the responsibility of the Committee.

- (c) At least one Member of the Cabinet must be a Member of the Committee and not more than half the Members of that Committee should be Members of the Cabinet (Schedule 3 of the Local Authorities (Standing Orders) (Wales) Regulations 2006).
- (d) Where the Committee is proposing to appoint or dismiss the Chief Executive , the Full Council must approve that appointment before the offer of appointment is made or must approve that dismissal before notice of dismissal is given.

#### 11.10.5 Other Officers

- (a) Appointment and dismissal of Officers below Chief Officer, Deputy Chief Officer/Head of Service level as defined by the Local Authorities (Standing Orders) (Wales) Regulations 2006 and by Council Policy is the responsibility of the Chief Executive ) or his/her nominee, and may not be undertaken by Councillors.
- (b) Councillors will not be involved in disciplinary action against any Officer below Chief Officer, Deputy Chief Officer (Heads of Service) as defined by the Local Authorities (Standing Orders) (Wales) Regulations 2006 and by Council Policy except where such involvement is necessary for any investigation or inquiry into alleged misconduct or where the Council's disciplinary, capability and related procedures, as adopted from time to time, allow a right of appeal to Members.

#### 11.10.6 Disciplinary Action

(a) In this paragraph “disciplinary action” includes proposed dismissal for any reason other than redundancy, permanent ill health or failure to renew a fixed term contract, planned retirement and early retirement and unsatisfactory probationary periods.

(b) *Written Procedures*

(i) Disciplinary action against the Chief Executive, the Monitoring Officer and the Chief Officer - Resources will be taken in accordance with the Council’s Chief Officer Procedures (this includes an officer who was employed in one of the above posts at the time of the alleged misconduct, but at the time of the proposed disciplinary action is no longer in that post).

(ii) Disciplinary action against all other Officers will be taken in accordance with the Local Conditions of Service.

(c) *Independent Person*

No disciplinary action may be taken under paragraph (b)(i) above except in accordance with a recommendation in a report made by a designated independent person under regulation 9 of the Local Authorities (Standing Orders) (Wales) Regulations 2006 (investigation of alleged misconduct).

(d) *Suspension*

An Officer may be suspended whilst an investigation takes place into alleged misconduct. The suspension will be on full pay.

#### 11.10.7 Appeals

None of the above shall prevent a Councillor serving as a Member of an Appeals Committee or body established to consider an appeal by:

- (a) any person against any decision relating to the appointment of that person as a Member of staff of the Authority; or
- (b) a Member of staff of the Authority against any decision relating to the dismissal of, or taking disciplinary action against, that Member of staff unless the dismissal relates to a capability issue, misconduct, some other substantial reason, some other statutory enactment or planned retirement where the Member of staff has less than six months' notice. In these instances the appeal shall be conducted by a Senior Officer.

## **SECTION 12**

### **12. FINANCE CONTRACTS AND LEGAL MATTERS**

#### **12.1 Financial Management**

The management of the Council's financial affairs will be conducted in accordance with the financial rules set out in Section 16 of this Constitution.

#### **12.2 Contracts**

Every contract made by the Council will comply with the Contracts Procedure Rules set out in Section 17 of this Constitution.

#### **12.3 Legal Proceedings**

12.3.1 The Head of Legal & Corporate Compliance is authorised to institute, defend, participate in or settle any legal proceedings and take all necessary steps in any case where such action is necessary to give effect to decisions of the Council or in any case where the Head of Legal & Corporate Compliance considers that such action is necessary to protect the Council's interests.

12.3.2 The Head of Legal & Corporate Compliance has delegated powers to authorise Officers to appear in court on the Council's behalf.

## 12.4 Authentication of Documents

- 12.4.1 Where any document is necessary to instigate any legal proceedings on behalf of the Council, it will be signed by the Head of Legal & Corporate Compliance or other person authorised by him/her, unless any enactment or otherwise authorises or requires, or the Council has given requisite authority to some other person.
- 12.4.2 Any contract with a value exceeding £50,000, entered into on behalf of the Council shall be made in writing. Subject to the Contracts Procedure Rules, such contracts must be signed by at least two Officers of the Council or made under common seal of the Council attested by at least one Officer if they exceed £50,000 in value.
- 12.4.3 In addition to any other person who may be authorised by resolution of the Council, the Proper Officer for the purposes of authentication of documents under the Local Government Acts shall be:
- (a) the Chief Executive/ ;
  - (b) the Head of Legal & Corporate Compliance;
  - (c) any Chief Officer of the Council concerned with the matter to which the document relates; or
  - (d) any Officer authorised in writing by such Chief Officer.

## 12.5 Common Seal of the Council

### 12.5.1 Common Seal

- (a) The Common Seal of the Council shall be kept securely.
- (b) A decision of the Council, including decisions under delegated powers, will be sufficient authority for sealing any document necessary to give effect to the decision.

### 12.5.2 Sealing and Execution of Documents

- (a) Any Officer of grade JNC 2 and above shall have authority to affix the Common Seal and execute under Seal any deed or document.
- (b) Any Officer with the appropriate authorised signatory status shall have authority to execute any deed or document not required by law to be under seal which is necessary to effect the decisions of the Council.
- (c) This function can be delegated further in writing by the persons referenced in (a) above.

### 12.5.3 Record of Sealing of Documents

Any entry of the sealing of every deed or document to which the Common Seal has been affixed shall be made and consecutively numbered in a record to be provided for the purpose.

## **SECTION 13**

### **13. RESPONSIBILITY FOR FUNCTIONS – SUMMARY**

The purpose of this Section of the Constitution is to set out who is responsible for making the various decisions in the Council.

#### **13.1 Who can be Decision Makers?**

Under this Constitution, there are a number of different decision makers:

- 13.1.1 Full Council;
- 13.1.2 a Committee or Sub-Committee of Council;
- 13.1.3 the Cabinet;
- 13.1.4 a Committee of Cabinet;
- 13.1.5 a Joint Committee;
- 13.1.6 an Officer.

The Council will issue and keep up to date a record of which individual has responsibility for particular types of decisions. This record is set out in Section 13 of this Constitution.

#### **13.2 Principles of Decision Making**

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

- 13.2.1 proportionately (i.e. the action must be proportionate to the desired outcome);



- 13.2.2 due consideration and the taking of professional advice from Officers;
- 13.2.3 respect for human rights;
- 13.2.4 a presumption in favour of openness;
- 13.2.5 clarity of aims and desired outcomes;
- 13.2.6 consideration of any alternative options; and
- 13.2.7 the giving and recording of reasons for the decision and the proper recording of these reasons.

### **13.3 Functions fall into the following categories:**

#### 13.3.1 Functions of the Full Council

The Council is the supreme decision making body and may, with some exceptions, exercise any of the functions vested in the Council by law. It may also delegate many of those functions to a Committee, Sub-Committee or Officer. The functions of the Full Council are set out in Section 4.

#### 13.3.2 Non-Cabinet Functions

These are functions which, by law, may not be the responsibility of the Cabinet. In some cases, only the Full Council meeting may take the decision. In other cases, the Council may delegate the responsibility for taking the decision to a Committee or an Officer.

#### 13.3.3 “Local Choice” Functions

There are some functions which the Council may treat as being the responsibility of the Cabinet in whole or in part, or as being non-Cabinet, at its discretion.

#### 13.3.4 Cabinet Functions

All other functions are Cabinet functions.

### **13.4 Other Bodies**

#### 13.4.1 Advisory Bodies

The Council and/or the Leader can also set up Advisory Committees and Joint Advisory Committees.

#### 13.4.2 Overview and Scrutiny Committees

Overview and Scrutiny Committees are responsible for the overview and scrutiny function. They cannot exercise other functions and make decisions.

#### 13.4.3 Officer Delegations

Officer delegations are also contained in this Section of the Constitution.

### **13.5 Who Decides – Non-Cabinet Functions?**

13.5.1 The Council may decide whether to delegate Non-Cabinet functions to a Committee, Sub-Committee, delegated Officer or Joint Committee.

13.5.2 Where a Non-Cabinet function has been delegated to a Committee, the Committee may further delegate to a Sub-Committee or delegated Officer.

- 13.5.3 Where a Non-Cabinet Function has been delegated to a Sub-Committee, the Sub-Committee may further delegate to a delegated Officer.

### **13.6 Who Decides – Cabinet Functions?**

The Council may decide whether to delegate Cabinet Functions to a Committee of the Cabinet, delegated Officer or a Joint Committee.

### **13.7 Removal of Delegation**

- 13.7.1 Where a function has been delegated, the body that delegated the function may withdraw the delegation generally or in any particular case, and may exercise the function itself.
- 13.7.2 Where a function has been delegated, the decision maker is not required to exercise the delegation and may refer any particular matter to the body that made the delegation or any other body that has power to exercise the function.

### **13.8 Who May Exercise Officer Delegations?**

Where a function has been delegated to an Officer(s) (“delegated Officer(s)”), the decision may be taken in the name of or on behalf of (but not necessarily personally by) such delegated Officer(s) (“authorised Officer(s)”) in accordance with arrangements made from time to time by such delegated Officer(s) for this purpose. The Officer with delegated powers can only delegate to a third party if that Officer is given delegated powers to “delegate on” that decision making.

Please see the note on Delegated Authority under ‘Delegation of Functions’ below.



## Portfolio Responsibilities

### Leader / Cabinet Member Corporate Overview and Performance

- Leadership Role
- Corporate Services Role, incorporating:
  - Cardiff Capital Region City Deal
  - ~~Local Service Board / Public Service Board~~ Local Well-being Partnership / Gwent Public Service Board
  - Well Being of Future Generations
  - Reforming Local Government
  - Culture, Customs and Practices of Council
  - Policy and Performance (Strategy) and Regulatory Engagement
  - ~~Transforming Blaenau Gwent Programme~~ Financial Planning (MTFS)
  - Collaboration
  - Remuneration Panel
  - Member Development

### Financial Management and Strategy

- Accountancy
- Revenues and Benefits
- Interface with and monitoring of the Shared Resource Service
- Audit
- Procurement
- Strategic Financial Management
- Exchequer Services
- Insurance
- Payroll
- Benefits

### Corporate Services

- Equalities
- Welsh Language
- Organisational Development
- Business Support
- Policy and Performance

- Democratic Services
- Communications & Marketing
- Customer Services / C2BG
- Civil Contingencies
- Health and Safety
- Legal
- Registration
- Workforce Management
- Digital and IT
- Procurement

### **Deputy Leader / Cabinet Member Place & Environment**

- Deputise for the Leader
- Waste Management and Recycling
- Street Lighting
- Highways Maintenance and Winter Maintenance
- Transport
- Cemeteries
- Grounds Maintenance
- Meals on wheels, Schools Catering, Building Cleaning
- Markets
- Energy
- Bio Diversity
- Trading Standards & Licensing
- Environmental Health (incl. Private Sector Housing Standards Enforcement & Empty Property Strategy)
- Housing Solutions (Homelessness & Common Housing Register)
- Private Sector Housing Renewal Policy (Adaptations Grants & Improvement Loans & Domestic Energy Efficiency Schemes)
- Travellers (Strategy & Operations)
- Flood Management
- Transportation Strategy/Joint Passenger Transport Unit
- Roads and Street Works
- Road Safety
- Reservoirs, Mines and Quarries
- Highways and Engineering
- Corporate Landlord
- Community Safety
- CCTV
- Climate Change and Decarbonisation

## **Cabinet Member Place and Regeneration**

- Strategic [Regeneration](#) Projects ~~including the Energy Programme, Digital Programme and Waste Procurement Programme~~
- Economic Development and Tourism
- [External](#) Business Support and Enterprise
- Industrial Units Portfolio (Development and Management)
- Community and Social Regeneration
- Planning Policy/Local Development Plan
- Town Centre Development
- Employability
- Skills Development
- Preparing Young People for Work (supported by the Education portfolio)
- Housing Strategy (Development & Support)
- Affordable Housing Development Plan
- Estates and Asset Management (Supported by Leader)
- Cardiff Capital Region City Deal

## **Cabinet Member People and Education**

- School Improvement and the interface and monitoring of the Education Achievement Service, Ethnic Minority Achievement Service, VI/HL Service and ALN Service
- Education Psychology Service: SEN and ALN
- Education Welfare Service
- Traveller Service
- Healthy Schools
- Youth Service
- Education Transformation and 21<sup>st</sup> Century School Programme
- School Admissions and Surplus Places

- Schools, Special School and Pupil Referral Unit
- Safeguarding in Education
- Interface with and monitoring of Aneurin Leisure Trust

## **Cabinet Member People and Social Services**

- Social Services and Well-Being Act;
- Assessment and Case Management in Children's Services;
- Safeguarding children;
- Fostering;
- South East Wales Adoption Service;
- Residential Placements for Children;
- Families First;
- Flying Start;
- Play and Early Years;
- Carers including young carers;
- Direct Payments;
- Social Services Complaints;
- Assessment and care management in Adult Services;
- Safeguarding adults;
- Commissioning domiciliary care, residential and nursing homes;
- Supporting People;
- In house Home Care Service;
- In house Residential Home;
- In house respite provision;
- Community Options (Adult day service provision);
- Interface between Social Care and Health;
- Partnership working between Social Care, health, Police, other local authorities, third sector and independent and private sector.



## Delegation of Functions

**NOTE 1 – An Officer to whom a power, duty or function is delegated may nominate or authorise another officer to exercise that power, duty or function, provided that officer reports to or is responsible to the delegator.**

**NOTE 2 - Where the Constitution states that matters of policy are reserved to Cabinet or Council, approval of the introduction of basic operational policies and minor amendments to existing policy in relation to operational issues may be undertaken through delegated powers without Cabinet approval by the relevant Director or Head of Service and after consultation with the relevant Cabinet Member. If there is any doubt about whether a proposed policy requires Cabinet or Council approval, or if any amendment to existing policy is minor in nature, advice should be sought from the Council’s Monitoring Officer.**

## LEADER / CABINET PORTFOLIO FOR CORPORATE SERVICES SUBJECT TO SCRUTINY BY THE CORPORATE OVERVIEW SCRUTINY COMMITTEE

### CABINET BUSINESS MANAGER ROLE

#### FUNCTION

#### DELEGATION

- |     |                                    |   |
|-----|------------------------------------|---|
| 1.  | Leadership of the Council          | Cabinet<br>Chief Executive              |
| 2.  | Representation with WLGA           | Council                                 |
| 3.  | Constitutional Issues              |   |
| (a) | Policy                             | Council                                 |
| (b) | Operational                        | Head of Legal &<br>Corporate Compliance |
| 4.  | Public Relations & Media Interface |   |
| (a) | Policy                             | Cabinet                                 |

(b)	Operational	Chief Officer Commercial and Customer
<b>5.</b>	<b>Business Transformation &amp; Business Support</b>	
(a)	Policy	Cabinet
(b)	Operational	Chief Officer Commercial and Customer
<b>6.</b>	<b>Workplace Transformation (including rationalisation of buildings/agile working)</b>	
(a)	Policy	Cabinet
(b)	Operational	Corporate Director of Regeneration and Community Services
<b>7.</b>	<b>Collaboration</b>	
(a)	Policy	Cabinet
(b)	Operational	Appropriate Director(s)
<b>8.</b>	<b>Remuneration Panel</b>	
(a)	Policy	Council
(b)	Operational	Chief Officer - Resources
<b>9.</b>	<b>Member Development</b>	
(a)	Policy	Cabinet
(b)	Operational	Chief Executive
<b>10.</b>	<b>Policy, Performance &amp; Strategy and Regulatory Engagement</b>	
(a)	General	Cabinet
(b)	Policy	Chief Executive



## **LEADER / CABINET PORTFOLIO FOR CORPORATE SERVICES**

### **FINANCIAL MANAGEMENT AND STRATEGY**

#### **FUNCTION**

#### **DELEGATION**

- |   |                                      |
|---|--------------------------------------|
| <p>1. Write-off of Debts</p>  | <p>Chief Officer -<br/>Resources</p> |
| <p>2. Institution of prosecutions or proceedings under any statutory provisions or the taking of any civil proceedings within the purview of the Committee.</p> | <p>Chief Officer –<br/>Resources</p> |
| <p>3. Setting of Mortgage Interest Rates</p>  | <p>Chief Officer -<br/>Resources</p> |
| <p>4. Recovery action for arrears of Council Tax, Rates and Industrial Rates.</p>   | <p>Chief Officer -<br/>Resources</p> |
| <p>5. Rates of interest on sums recoverable – Section 1(6) Local Government Planning &amp; Land Act 1980</p>  | <p>Chief Officer -<br/>Resources</p> |
| <p>6. To make recommendation to the Council on the estimates required for the financial year and undertake appropriate consultation.</p>                        | <p>Cabinet</p>                       |
| <p>(a) To consider reports of consultation meetings</p>   | <p>Cabinet</p>                       |
| <p>7. Functions in respect of the calculation of Council Tax base in accordance with any of the following:-</p>   |                                      |
| <p>(a) The determination of the Council Tax base in section 33 (1) and 44 (1) of the Local</p>  |                                      |

- Government Act 1982.
- (b) The determination of an amount of precept from town/community councils in sections 34(3) 45(3) 48(3) and 48(4) of the Local Government Finance Act 1992.
- (c) The determination of an amount required for determining an amount for the items mentioned in paragraph (a) or (b) above.
- |         |           |                              |
|---------|-----------|------------------------------|
| (a)-(c) | Policy    | Cabinet                      |
| (a)-(c) | Operation | Chief Officer -<br>Resources |
- 8.** (a) The implementation and monitoring of the Treasury Strategy Statement Chief Officer - Resources
- (b) To receive and consider at least two reports in each financial year on the activities of Treasury Management. Cabinet
- (c) To make Cabinet decision on borrowing, investments and leasing. Chief Officer - Resources (within approved policy)
- 9.** To approve adjustments to reserves and provisions as necessary when finalising the accounts in compliance with relevant accounting principles and the Accounting Code of Practice. Chief Officer - Resources
- 10.** Superannuation Fund
- |     |                        |                              |
|-----|------------------------|------------------------------|
| (a) | Policy                 | Cabinet                      |
| (b) | Operational Management | Chief Officer -<br>Resources |
- 11.** The terms and the taking up of such

insurance policies as may be necessary to provide adequate and cost-effective insurance cover in accordance with:-

- |   |                                      |
|---|--------------------------------------|
| <p>(a) The Authority's risk management policies</p>   | <p>Chief Officer -<br/>Resources</p> |
| <p>(b) Risks notified by Chief Officers</p>   | <p>Chief Officer -<br/>Resources</p> |
| <br>  |                                      |
| <p><b>12.</b> Management of Authority's insurance portfolio including the approval of insurance provisions and application of the insurance reserve to risk management.</p> | <p>Chief Officer -<br/>Resources</p> |
| <p><b>13.</b> Operation of bank account(s) and authorised users.</p>  | <p>Chief Officer -<br/>Resources</p> |
| <p><b>14.</b> Exercising 'options to tax' on property and other assets.</p>   | <p>Chief Officer -<br/>Resources</p> |
| <p><b>15.</b> Grants Welsh Church Fund Act, recreational and entertainments grants to voluntary organisations, senior citizens and allotments associations.</p>             | <p>Cabinet</p>                       |
| <p><b>16.</b> V.S.S. Grants</p>   | <p>Cabinet</p>                       |

## **LEADER / CABINET PORTFOLIO FOR CORPORATE SERVICES PORTFOLIO**

### **CORPORATE SERVICES**

#### **FUNCTION**

#### **DELEGATION**

- |           |  |  |
|-----------|--|--|
| <b>1.</b> | Local Land Charges and Common Land                   | Head of Legal and Corporate Compliance |
| <b>2.</b> | Pay and grading, conditions of service and HR Policy | Council                                |
| <b>3.</b> | People Strategy                                      |  |
| (a)       | Policy   | Cabinet                                |
| (b)       | Operational Management                               | Chief Officer – Commercial             |
| <b>4.</b> | Customer Strategy / C2BG                             |  |
| (a)       | Policy   | Cabinet                                |
| (b)       | Operational Management                               | Chief Officer – Commercial             |
| <b>5.</b> | Corporate Governance                                 |  |
| (a)       | Policy   | Cabinet                                |
| (b)       | Co-ordination  | Chief Executive                        |
| (c)       | Operational Management                               | Chief Officer                          |
| <b>6.</b> | Policy & Performance and Regulation Engagement       |  |
| (a)       | Policy   | Cabinet                                |
| (b)       | Operational Management                               | Chief Executive                        |

- |            |  |  |
|------------|--|--|
| <b>7.</b>  | Registration of Births, Deaths & Marriages   | Proper Officer for<br>Registration of Births,<br>Deaths & Marriages<br>(Head of Legal) |
| <b>8.</b>  | Civil Contingencies  |  |
| (a)        | Policy   | Cabinet  |
| (b)        | Operational  | Chief Executive  |
| <b>9.</b>  | Policy and Performance (including<br>engagement, community safety and<br>scrutiny development) |  |
| (a)        | Policy   | Cabinet  |
| (b)        | Operational  | Chief Executive  |
| <b>10.</b> | CCTV   |  |
| (a)        | Policy   | Cabinet  |
| (b)        | Operational  | Chief Officer -<br>Commercial  |
| <b>11.</b> | Acceptance of Tenders  | Relevant Director as<br>determined by the<br>Contract Procedure<br>Rules (section 17)  |



# **CABINET PORTFOLIO FOR ENVIRONMENT SUBJECT TO SCRUTINY BY THE PLACES SCRUTINY COMMITTEE**

## **FUNCTION**

## **DELEGATION**

### **HOUSING**

**6. Housing Letting and Allocations**

- (a) General Policy
- (b) Operational Management

Cabinet  
Corporate Director of  
Regeneration and  
Community Services

**7. Statutory duty for homelessness**

- (a) Homelessness Strategy
- (b) Operational Management

Cabinet Committee  
Corporate Director of  
Regeneration and  
Community Services

### **PRIVATE SECTOR HOUSING**

**8. Housing Loans, Disabled Facilities Grants and Improvement Grants (including recovery of Grants) and declaration of Renewal Areas.**

- (a) General policy
- (b) Operational Management and Approval of all forms of housing repair, improvement or adaptation grants.

Cabinet  
Corporate Director of  
Regeneration and  
Community Services /  
Authorised Signatories

**9. Functions relating to Housing Enforcement**

under the Housing Act 2004, including any Regulations, Orders, Byelaws or other statutory legislation made thereunder or replacing or amending the same

- |   |   |
|---|---|
| (a) General Policy                                | Cabinet   |
| (b) Procedures relating to Operational Management | Corporate Director of Regeneration and Community Services |

## **Part 1 - Housing Conditions**

Section 4 – To carry out inspections to see whether any category 1 or 2 hazards exist.	Corporate Director of Regeneration and Community Services
--	---

Section 4 – To be the Proper Officer to whom any official complaint about the condition of residential premises must be made.	Corporate Director of Regeneration and Community Services
---	---

### **FUNCTION**

### **DELEGATION**

Section 11 – To serve an Improvement Notice for Category 1 hazard	Corporate Director of Regeneration and Community Services
---	---

Section 12 – To serve an Improvement Notice for a Category 2 hazard	Corporate Director of Regeneration and Community Services
---	---

Section 14 – To suspend an Improvement Notice	Corporate Director of Regeneration and Community Services
---	---

Section 16 – To revoke or vary an Improvement Notice	Corporate Director of Regeneration and Community Services
--	---

Section 17 – To review a suspended Improvement Notice and give notice of the decision on a review	Corporate Director of Regeneration and Community Services
Section 20 – To make and serve a Prohibition Order in respect of Category 1 Hazards	Corporate Director of Regeneration and Community Services
Section 21 – To make and serve a prohibition order in respect of Category 2 hazards	Corporate Director of Regeneration and Community Services
Section 23 – To suspend a Prohibition Order	Corporate Director of Regeneration and Community Services
Section 25 – To revoke or vary a Prohibition Order	Corporate Director of Regeneration and Community Services
Section 26 – To review a suspended Prohibition Order and to serve notice of the decision of any review	Corporate Director of Regeneration and Community Services
Section 28 – To serve a Hazard Awareness Notice relating to a category 1 hazard	Corporate Director of Regeneration and Community Services
Section 29 – to serve a Hazard Awareness Notice for a category 2 hazard	Corporate Director of Regeneration and Community Services
Section 31 and Schedule 3 – To take action in respect of an Improvement Notice	Corporate Director of Regeneration and Community Services

Section 31 and Schedule 3 – To recover related expenses following action.	Corporate Director of Regeneration and Community Services
Sections 40 and 41 – To take emergency remedial action where there is a category 1 hazard and to serve the requisite notices	Corporate Director of Regeneration and Community Services
Section 42 – To recover expenses after taking emergency remedial action	Corporate Director of Regeneration and Community Services
Section 43 – To serve an emergency prohibition order for category 1 hazard	Corporate Director of Regeneration and Community Services
Section 46 (Housing Act 1985 S 265) – To serve a demolition order for category 1 or 2 hazards	Cabinet
Section 47 (Housing Act 1985, S 289) – To declare a clearance area	Cabinet
Sections 49 and 50 – To make a charge for enforcement action and to recover costs	Corporate Director of Regeneration and Community Services / Head of Legal & Corporate Compliance or any solicitor in the division

**Part 2 – Licensing of Houses in Multiple Occupation**

Section 62 – To serve a temporary exemption from the licensing requirement for HMOs	Corporate Director of Regeneration and Community Services
---	---

Sections 64, 69 and 70 – To grant or refuse a licence for an HMO, to vary or revoke the licence. Corporate Director of Regeneration and Community Services

Section 73 – To apply for a rent repayment order, and to serve the requisite notices Corporate Director of Regeneration and Community Services

### **Part 3**

Section 96 – To apply for a rent repayment order and to serve the requisite notices Corporate Director of Regeneration and Community Services

### **Part 4 – Additional control provisions in relation to residential accommodation**

Sections 102, 111 and 112 – To make, vary and revoke interim management orders Corporate Director of Regeneration and Community Services

Sections 113, 121 and 122 – To make, vary and revoke final management orders Corporate Director of Regeneration and Community Services

Section 131 – Power of entry to carry out works where management order is in force, and to appoint, in writing, persons to enter the premises to carry out the work. Corporate Director of Regeneration and Community Services, Head of Legal & Corporate Compliance or any solicitor in the division.

Section 133 – To make an interim empty dwelling management order	Corporate Director of Regeneration and Community Services
Section 136 – To make a final empty dwelling management order	Corporate Director of Regeneration and Community Services
Section 139 – To serve an overcrowding notice	Corporate Director of Regeneration and Community Services
Section 144 – To revoke and vary overcrowding notices	Corporate Director of Regeneration and Community Services
Section 235 – To serve notice requiring documents to be produced	Corporate Director of Regeneration and Community Services
Section 239 – To enter premises for purposes of carrying out a survey or examination	Corporate Director of Regeneration and Community Services
Section 239 - To be the Proper Officer for determining if a survey or examination is necessary	Corporate Director of Regeneration and Community Services
Section 243 – To be the Appropriate Officer for Authorisations for Enforcement Purposes	Corporate Director of Regeneration and Community Services
Section 255 and 256 – To serve, and to revoke, an HMO declaration notice	Corporate Director of Regeneration and Community Services

**FUNCTION**

**DELEGATION**

- 10.** Functions under the Housing Act 1985 and any Regulations, Orders, Byelaws or other statutory legislation made thereunder or replacing or amending the same.
- (a) General Policy Cabinet
  - (b) Procedures relating to Operational Management Corporate Director of Regeneration and Community Services
  - (c) Implementation & Enforcement Corporate Director of Regeneration and Community Services
- 11.** Institution of prosecutions or proceedings under any statutory provisions or the taking of civil proceedings within the purview of the portfolio. Head of Legal & Corporate Compliance or any solicitor in the Council
- 12.** Acceptance of Tenders As determined by the Contract Procedure Rules (see section17)
- 13.** Functions relating to Empty Properties
- (a) General Policy Cabinet
  - (b) Procedures relating to Operational Management Corporate Director of Regeneration and Community Services
- 14.** Functions under the Law of Property Act 1925 relating to Enforced Sale and any Regulations, Orders, Byelaws or other statutory legislation made thereunder or replacing or amending the same
- (a) General Policy Cabinet
  - (b) Procedures relating to Operational Management Corporate Director of

- |            |  |  |
|------------|--|--|
| (c)        | Implementation & Enforcement   | Regeneration and<br>Community Services<br>Corporate Director of<br>Regeneration and<br>Community Services /<br>Head of Legal &<br>Corporate Compliance<br>or any solicitor in the<br>Council |
| <br>       |  |  |
| <b>15.</b> | Functions under all Food Safety and Food Standards Legislation where the Authority is the enforcing Authority with the exception of the following:-  |  |
|            | <ul style="list-style-type: none"> <li>• the power to register and license premises for the preparation of food under Section 19 of the Food Safety Act 1990; and</li> <li>• the duty to enforce and execute Regulations (EC) No. 852/2004 and 853/2004 in relation to food business operators as further specified in regulation 5 of the Food (Hygiene) (Wales) Regulations 2006;</li> </ul> |  |
| (a)        | General Policy   | Cabinet  |
| (b)        | Service Delivery Planning, Implementation & Enforcement  | Corporate Director of<br>Regeneration and<br>Community Services  |
| (c)        | Appointment of Public Analyst  | Corporate Director of<br>Regeneration and<br>Community Services  |
| <br>       |  |  |
| <b>16.</b> | Functions under the National Assistance Act 1948 Section 47 as amended by the National Assistance (Amendment) Act 1951 and any Regulations, Orders, Byelaws or other statutory legislation made thereunder or replacing or   |  |



amending the same.

- |   |  |
|---|--|
| <p>(a) General Policy</p> <p>(b) Implementation &amp; enforcement</p>   | <p>Cabinet</p> <p>Corporate Director of<br/>Regeneration and<br/>Community Services or<br/>Corporate Director of<br/>Social Services</p>                         |
| <br>  |  |
| <p><b>17.</b> Functions under the Public Health (Control of Diseases) Act 1984 (as amended by the Health and Social Care Act 2008) the Health Protection (Notification) (Wales) Regulations 2010, the Health Protection (Part 2A Orders) (Wales) Regulations 2010, the Health Protection (Local Authority Powers) (Wales) Regulations 2010, and any other Regulations, Orders, Byelaws or other statutory legislation made thereunder or replacing or amending the same</p> <p>(a) General Policy</p> <p>(b) Implementation &amp; enforcement</p> <p>(c) Appointment of Proper Officers</p> | <p>Cabinet</p> <p>Corporate Director of<br/>Regeneration and<br/>Community Services</p> <p>Corporate Director of<br/>Regeneration and<br/>Community Services</p> |
| <br>  |  |
| <p><b>18.</b> Functions under the Sunday Trading Act 1994</p> <p>(a) General Policy</p> <p>(b) Implementation &amp; Enforcement</p>   | <p>Cabinet</p> <p>Corporate Director of<br/>Regeneration and<br/>Community Services</p>  |
| <br>  |  |
| <p><b>19.</b> Functions relating to statutory nuisance and</p>  |  |

noise control and any Regulations, Orders, Byelaws or other statutory legislation made thereunder or replacing or amending the same.

- |     |   |   |
|-----|---|---|
| (a) | General Policy                                | Cabinet   |
| (b) | Procedures relating to Operational Management | Corporate Director of Regeneration and Community Services |
| (c) | Implementation & Enforcement                  | Corporate Director of Regeneration and Community Services |

**20.** Functions relating to pollution prevention and control measures, including Local Authority Integrated Pollution Prevention and Control [LA-IPPC] and Local Authority Pollution Prevention and Control [LAPPC] as provided for in the Pollution Prevention and Control Act 1999, and any Regulations, Orders, Byelaws or other statutory legislation made thereunder or replacing or amending the same.

- |     |  |   |
|-----|--|---|
| (a) | General Policy                             | Cabinet   |
| (b) | Operational Management                     | Corporate Director of Regeneration and Community Services |
| (c) | Permitting of prescribed activities        | Corporate Director of Regeneration and Community Services |
| (d) | Authorisation of the following actions:-   |   |
|     | - Variation Notice                         | Corporate Director of Regeneration and Community Services |
|     | - Revocation Notice                        |   |
|     | - Suspension notice                        | Corporate Director of Regeneration and Community Services |
|     | - Enforcement notice                       |   |
|     | - Prevention and/or remedying of pollution |   |
|     | - Acceptance of the surrender of a permit  |   |
| (e) | Implementation & enforcement including the | Corporate Director of                                     |

service of notices requiring information.

Regeneration and  
Community Services

**21.** Functions in relation to air pollution control and local air quality management (including the review and assessment of local air quality as required by the Environment Act 1995) (as amended)), and any Regulations, Orders, Byelaws or other statutory legislation made thereunder or replacing or amending the same.

(a) General Policy

Cabinet

(b) Operational Management

Corporate Director of  
Regeneration and  
Community Services

(c) Implementation & Enforcement

Corporate Director of  
Regeneration and  
Community Services

**22.** Legislative provisions in relation to contaminated land as contained in the Environmental Protection Act 1990, Environment Act 1995 and any Regulations, Orders, Byelaws or other statutory legislation made thereunder or replacing or amending the same.

(a) General Policy & Strategy

Cabinet

(b) Implementation of Policy/Strategy

Corporate Director of  
Regeneration and  
Community Services

(c) Enforcement

Corporate Director of  
Regeneration and  
Community Services

(d) Implementation of remedial works, where appropriate

Corporate Director of  
Regeneration and  
Community Services

(e) Acceptance of tenders relevant to contaminated land remediation

Corporate Director of  
Regeneration and

- 23.** Legislative functions in relation to Animal Health and Welfare
- (a) General Policy Cabinet
  - (b) Procedures relating to Operational Management Corporate Director of Regeneration and Community Services
  - (c) Implementation & Enforcement Corporate Director of Regeneration and Community Services
- 24.** Legislative provisions in relation to the control of dogs.
- (a) General Policy Cabinet
  - (b) Operational Management Corporate Director of Regeneration and Community Services
  - (c) Implementation & Enforcement Corporate Director of Regeneration and Community Services
- 25.** Legislative provisions in relation to the control of pests and provision of Pest Control Service.
- (a) General Policy Cabinet
  - (b) Operational Management Corporate Director of Regeneration and Community Services
  - (c) Implementation & Enforcement Corporate Director of Regeneration and Community Services
- 26.** Health Education & Promotion Functions
- (a) General Policy Cabinet

(b)	Operational Management	Corporate Director of Regeneration and Community Services
(c)	Implementation	Corporate Director of Regeneration and Community Services
<b>27.</b>	Home Safety Functions	
(a)	General Policy	Cabinet
(b)	Operational Management	Corporate Director of Regeneration and Community Services
(c)	Implementation	Corporate Director of Regeneration and Community Services
<b>28.</b>	Climatological and Meteorological Services	
(a)	General Policy	Cabinet
(b)	Operational Management	Corporate Director of Regeneration and Community Services
(c)	Implementation	Corporate Director of Regeneration and Community Services
<b>29.</b>	Burials under section 46 Public Health (Control of Disease) Act 1984 and any Regulations, Orders, Byelaws or other statutory legislation made thereunder or replacing or amending the same	Corporate Director of Regeneration and Community Services
<b>30.</b>	Statutory duties under Weights & Measures Legislation	
(a)	General Policy, including fee setting	Cabinet
(b)	Enforcement	Corporate Director of Regeneration and Community Services

- 31.** Agriculture Acts and any Regulations, Orders, Byelaws or other statutory legislation made thereunder or replacing or amending the same
- (a) General Policy Cabinet
- (b) Implementation & Enforcement Corporate Director of Regeneration and Community Services
- 32.** Other Trading Standards Legislation/ Complementary Trading Standards Legislation
- (a) General Policy Cabinet
- (b) Implementation & Enforcement Corporate Director of Regeneration and Community Services
- 33.** Children & Young Persons Protection from Tobacco Acts and any Regulations, Orders, Byelaws or other statutory legislation made thereunder or replacing or amending the same.
- (a) Policy Cabinet
- (b) Implementation & Enforcement Corporate Director of Regeneration and Community Services
- 34.** Consumer Advice/Education
- (a) General Policy Cabinet
- (b) Day to Day Operation Corporate Director of Regeneration and Community Services
- 35.** Business Advice/Partnerships
- (a) General Policy Cabinet
- (b) Day to Day Operation Corporate Director of Regeneration and Community Services

- |            |  |  |
|------------|--|--|
| <b>36.</b> | Duty to appoint one or more persons to act as Agricultural Analysts for the Purposes of the Agriculture Act 1970 or other statutory legislation made thereunder or replacing or amending the same. | Cabinet  |
| <b>37.</b> | Scientific Services  |  |
| (a)        | Appointment of Scientific Adviser  | Corporate Director –<br>Regeneration & Community<br>Services               |
| (b)        | General Policy   | Cabinet  |
| <b>38.</b> | Institution of prosecutions or proceedings under any statutory provisions or the taking of civil proceedings within the purview of the portfolio.  | Head of Legal &<br>Corporate Compliance or<br>any Solicitor in the Council |
| <b>39.</b> | Consideration of Consultative Documents affecting the duties/functions of the portfolio.   | Corporate Director –<br>Regeneration & Community<br>Services               |
| <b>40.</b> | Enforcement of legislative provisions in relation to the control of litter and waste   |  |
| (a)        | General Policy   | Cabinet  |
| (b)        | Operational Management   | Corporate Director of<br>Regeneration and<br>Community Services            |
| (c)        | Implementation & Enforcement   | Corporate Director of<br>Regeneration and<br>Community Services.           |
| <b>41.</b> | Legislative provisions in relation to Abandoned Vehicles   |  |
| (a)        | General Policy   | Cabinet  |

- |            |  |   |
|------------|--|---|
| (b)        | Operational Management   | Corporate Director of<br>Regeneration and<br>Community Services |
| (c)        | Implementation & enforcement   | Corporate Director of<br>Regeneration and<br>Community Services |
| <br>       |  |   |
| <b>42.</b> | Enforcement of legislative provisions in<br>relation to sewerage, drainage and sanitary<br>conveniences                        |   |
| (a)        | General Policy   | Cabinet   |
| (b)        | Operational Management   | Corporate Director of<br>Regeneration and<br>Community Services |
| (c)        | Implementation & Enforcement   | Corporate Director of<br>Regeneration and<br>Community Services |
| <br>       |  |   |
| <b>43.</b> | Monitoring and enforcement of legislation in<br>relation to the monitoring and control of public<br>and private water supplies |   |
| (a)        | General Policy   | Cabinet   |
| (b)        | Operational Management   | Corporate Director of<br>Regeneration and<br>Community Services |
| (c)        | Implementation & Enforcement   | Corporate Director of<br>Regeneration and<br>Community Services |



44. Legislative provisions available under the following legislation:-

- Public Health Act 1961 (as amended)
- Public Health Act (Control of Disease) Act 1984 (as amended)
- Public Health Act 1936 (as amended)
- Clean Air Act 1993 (as amended)
- Local Government (Miscellaneous Provisions) Act 1974 (as amended)
- Local Government (Miscellaneous Provisions) Act 1976 (as amended)
- Local Government (Miscellaneous Provisions) Act 1982 (as amended)
- Clean Neighbourhoods and Environment Act 2005 (as amended)
- Control of Pollution Act 1974 (as amended)
- Control of Pollution (Amendment) Act 1989
- Refuse Disposal (Amenity) Act 1978
- Environment Act 1995
- Building Act 1984
- Antisocial Behaviour Act 2003
- Slaughterhouse Act 1974
- Housing (Wales) Act 2004
- Anti-Social Behaviour, Crime & Policing Act 2014
- Public Health (Wales) Act 2017
- The Safety of Sports Grounds Act 1975
- The Fire Safety and Safety of Places of Sport Act 1987
- The Safety of Sports Grounds Regulations 1987
- The Safety of Places of Sport Regulations 1988
- Energy Act 2011
- Energy Efficiency (Private Rented Property (England & Wales) Regulations 2015
- The Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007

and any Regulations, Orders, Byelaws or other statutory legislation made thereunder or replacing or amending the same, with the exception of provisions available under the above legislation which have been specifically mentioned elsewhere in this document.

- |     |                              |   |
|-----|------------------------------|---|
| (a) | General Policy               | Cabinet   |
| (b) | Operational Management       | Corporate Director of<br>Regeneration and<br>Community Services |
| (c) | Implementation & Enforcement | Corporate Director of   |

- 45.** Functions under the European Communities Act 1972 and any Regulations, Orders, Byelaws or other statutory legislation made thereunder or replacing or amending the same
- (a) General Policy Cabinet
  - (b) Operational Management Corporate Director of Regeneration and Community Services
- (b) Implementation & Enforcement Corporate Director of Regeneration and Community Services
- 46.** Functions under the Health Act 2006 relating to Smoke Free Premises, Places and Vehicles and any Regulations, Orders, Byelaws or other statutory legislation made thereunder or replacing or amending the same.
- (a) General Policy Cabinet
  - (b) Operational Management Corporate Director of Regeneration and Community Services
- (c) Implementation & Enforcement Corporate Director of Regeneration and Community Services
- 47.** Poisons Legislation
- (a) General Policy, including fees Cabinet
  - (b) Registration of Premises Corporate Director of Regeneration and Community Services
- (c) Implementation & Enforcement Corporate Director of

- 48.** Functions under the Sunbeds (Regulation) Act 2010 and any Regulations, Orders, Byelaws or other statutory legislation made thereunder or replacing or amending the same.
- (a) General Policy Cabinet
  - (b) Procedures relating to Operational Management Corporate Director of Regeneration and Community Services
  - (c) Implementation & Enforcement Corporate Director of Regeneration and Community Services
- 49.** Functions under the Climate Change Act 2008 and any Regulations, Orders, Byelaws or other statutory legislation made thereunder or replacing or amending the same.
- (a) General Policy Cabinet
  - (b) Operational Management Corporate Director of Regeneration and Community Services
  - (c) Implementation & Enforcement Corporate Director of Regeneration and Community Services
- 50.** Public Convenience, Cemeteries and Impounding Animals
- (a) Policy Cabinet
  - (b) Operational Management Corporate Director of Regeneration and Community Services
- 51.** Acceptance of Tenders
- As determined by the Contract Procedure Rules (s.17)

- |            |  |  |
|------------|--|--|
| <b>52.</b> | Catering Services (including Education)  |  |
| (a)        | Policy   | Cabinet  |
| (b)        | Operational Management   | Corporate Director of<br>Regeneration and<br>Community Services                            |
| <b>53.</b> | Functions under the Caravan Site and Control<br>of Development Act 1960 (as amended) and the<br>Caravan Sites Act 1968 |  |
| (a)        | Policy   | Cabinet  |
| (b)        | Operational Management   | Corporate Director of<br>Regeneration and<br>Community Services                            |
| (c)        | Implementation & Enforcement   | Corporate Director of<br>Regeneration and<br>Community Services                            |
| <b>54.</b> | Management of Local Authority owned Caravan<br>Sites and provisions relating to illegal<br>encampments of Travellers   |  |
| (a)        | General Policy   | Cabinet  |
| (b)        | Operational Management   | Corporate Director of<br>Regeneration and<br>Community Services                            |
| (c)        | Implementation & enforcement relating to illegal<br>encampments  | Corporate Director of<br>Regeneration and<br>Community Services                            |
| <b>55.</b> | Scrap metal dealers and motor salvage<br>operators   |  |
| (a)        | Policy and conditions  | Cabinet  |
| (b)        | Licence Fees   | Corporate Director of<br>Regeneration and<br>Community Services<br>(subject to Scrutiny by |

		General Licensing Committee)
(c)	Initial Grant/Renewal of Licenses – where in compliance with the appropriate policy	Corporate Director of Regeneration and Community Services
(d)	Determination of applications (new and renewals) – where not in compliance with the relevant policy	Corporate Director of Regeneration and Community Services
(e)	Licence reviews, and Appeals where an oral representation is requested	Corporate Director of Regeneration and Community Services
(f)	Enforcement	Corporate Director of Regeneration and Community Services
<b>56.</b>	<b>Grounds Maintenance</b>	
(a)	Policy	Cabinet
(b)	Operational Management	Corporate Director of Regeneration and Community Services
<b>57.</b>	<b>Hackney Carriage &amp; Private Hire Vehicles</b>	
(a)	Power to fix rates or fares for hackney carriages and private hire vehicles	Corporate Director of Regeneration and Community Services (subject to Scrutiny by General Licensing Committee)
<b>58.</b>	<b>Refuse and Recycling</b>	
(a)	Policy	Cabinet
(b)	Operational Management	Corporate Director of Regeneration and Community Services

(c)	Implementation & enforcement	Corporate Director of Regeneration and Community Services
<b>59.</b>	<b>Street Cleansing</b>	
(a)	Policy	Cabinet
(b)	Operational Management	Corporate Director of Regeneration and Community Services
(c)	Implementation & enforcement	Corporate Director of Regeneration and Community Services
<b>60.</b>	<b>Open air Markets</b>	
(a)	Policy	Cabinet
(b)	Operational Management	Corporate Director of Regeneration and Community Services
<b>61.</b>	<b>Building Cleaning</b>	
(a)	Policy	Cabinet
(b)	Operational Management	Corporate Director of Regeneration and Community Services
<b>62.</b>	<b>Transport</b>	
(a)	Local Transport Plan & Policy	Council
(b)	Operational Management	Corporate Director of Regeneration and Community Services
<b>63.</b>	<b>Biodiversity Strategies</b>	
(a)	Policy	Cabinet
(b)	Operational	Corporate Director of Regeneration and Community Services
<b>64</b>	<b>Landscape Improvement Schemes</b>	
(a)	Policy	Cabinet

(b)	Implementation	Corporate Director of Regeneration and Community Services
<b>65</b>	Arboriculture Services and Tree Preservation Orders	
(a)	Policy	Cabinet
(b)	Operational Management	Corporate Director of Regeneration and Community Services
(c)	Issue and confirmation of Tree Preservation Orders. Applications to fell, prune or other work to a protected tree.	Corporate Director of Regeneration and Community Services in consultation with the relevant Cabinet portfolio Member, provided there are no objections. If objections, referral to Cabinet.
<b>66</b>	Corporate Landlord Function	
(a)	Policy	Cabinet
(b)	Operational Management	Corporate Director of Regeneration and Community Services

**DEPUTY LEADER / CABINET PORTFOLIO FOR REGENERATION & ECONOMIC DEVELOPMENT SUBJECT TO SCRUTINY BY THE PLACES SCRUTINY COMMITTEE, EXCEPT PARAGRAPH 34 WHICH IS SUBJECT TO SCRUTINY BY THE EDUCATION AND LEARNING SCRUTINY COMMITTEE.**

**FUNCTION**

**DELEGATION**

- |   |  |
|---|--|
| <p><b>1.</b> Car Parking (Control Charges, etc.)</p> <p>(a) Policy</p> <p>(b) Operational Management</p>                  | <p>Cabinet</p> <p>Corporate Director of Regeneration and Community Services</p>  |
| <p><b>2.</b> Safe Routes to Schools</p> <p>(a) Policy</p> <p>(b) Operational Management</p>                               | <p>Cabinet</p> <p>Corporate Director of Regeneration and Community Services in consultation with the Director of Education</p> |
| <p><b>3.</b> Functions relating to New Roads and Street Works Act</p> <p>(a) Policy</p> <p>(b) Operational Management</p> | <p>Cabinet</p> <p>Corporate Director of Regeneration and Community Services</p>  |
| <p><b>4.</b> Street Works and Consent Orders</p> <p>(a) Policy</p> <p>(b) Operational Management</p>                      | <p>Cabinet</p> <p>Corporate Director of Regeneration and Community Services</p>  |
| <p>(c) Implementation &amp; Enforcement</p>   | <p>Corporate Director of Regeneration and Community Services</p>   |



- |           |  |  |
|-----------|--|--|
| <b>5.</b> | General highways matters including Highway structures including Trunk Road Agency Agreement, Highways Act 1980 |  |
| (a)       | Policy   | Cabinet  |
| (b)       | Procedures relating to Operational Management  | Corporate Director of Regeneration and Community Services                              |
| (c)       | Implementation & Enforcement   | Corporate Director of Regeneration and Community Services                              |
| <b>6.</b> | Sewers and sewerage water supplies, land drainage schemes  |  |
| (a)       | General Policy   | Cabinet  |
| (b)       | Operational Management   | Corporate Director of Regeneration and Community Services                              |
| <b>7.</b> | Ebbw Valley Railway  |  |
| (a)       | Policy   | Cabinet  |
| (b)       | Operational Management   | Corporate Director of Regeneration and Community Services                              |
| <b>8.</b> | Transportation Strategy (including Heads of the Valleys dualling)  |  |
| (a)       | Policy   | Cabinet  |
| (b)       | Operational Management   | Corporate Director of Regeneration and Community Services                              |
| <b>9.</b> | Street (re)naming and (re)numbering schemes.   | Corporate Director of Regeneration and Community Services after consultation with Ward |

Members

- |  |  |
|--|--|
| <p><b>10.</b> Alteration and provision of Street Lighting</p> <p>(a) Policy</p> <p>(b) Operational</p>   | <p>Cabinet</p> <p>Corporate Director of Regeneration and Community Services</p>  |
| <p><b>11.</b> Institution of prosecutions or proceedings under any Statutory Provisions or the taking of any civil proceedings within the purview of the Committee</p> | <p>Head of Legal &amp; Corporate Compliance or any Solicitor in the Division</p> |
| <p><b>12.</b> Road Traffic Regulation matters, including temporary closures</p>  | <p>Corporate Director of Regeneration and Community Services</p>                 |
| <p><b>13.</b> Road Safety – Traffic Management &amp; Disabled Parking</p> <p>(a) Policy</p> <p>(b) Operational Management</p>  | <p>Cabinet</p> <p>Corporate Director of Regeneration and Community Services</p>  |
| <p><b>14.</b> Provision of Bus Shelters</p> <p>(a) Policy</p> <p>(b) Operational Management</p>  | <p>Cabinet</p> <p>Corporate Director of Regeneration and Community Services</p>  |
| <p><b>15.</b> Stands for Hackney Carriages (Taxi Ranks)</p> <p>(a) Appointment of stands for hackney carriages (taxis)</p> <p>(b) Implementation &amp; Enforcement</p> | <p>Cabinet</p> <p>Corporate Director of Regeneration and Community Services</p>  |
| <p><b>16.</b> Service of any notices under any Statutory</p>   | <p>Corporate Director of</p>   |

	Provisions under the Committee's Terms of Reference	Regeneration and Community Services
<b>17.</b>	Reservoirs, Mines, Quarries, Tips and Unstable Ground.	
	(a) Policy	Cabinet
	(b) Operational Management	Corporate Director of Regeneration and Community Services
<b>18.</b>	Markets & Fairs	
	(a) Policy	Cabinet
	(b) Operational Management	Corporate Director of Regeneration and Community Services
<b>19.</b>	War Memorials & Cenotaphs (other than Town or Community Councils)	
	(a) Policy	Cabinet
	(b) Operational Management	Corporate Director of Regeneration and Community Services
<b>20.</b>	Public Transport	
	(a) Policy	Cabinet
	(b) Operational Management	Corporate Director of Regeneration and Community Services
<b>21.</b>	(a) Local Development Plan	Cabinet/Council
	(b) Operational Management	Corporate Director of Regeneration and Community Services
<b>22.</b>	Making routine observations upon consultations from other bodies and agencies on planning and other applications.	Corporate Director of Regeneration and Community Services

- 23.** Economic Development, attraction of new industry, existing industrial sites and other matters of an economic development nature including marketing and promotion of sites and premises
- (a) Policy Cabinet
- (b) Operational Management Corporate Director of Regeneration and Community Services
- 24.** Economic Development Grants and Loans
- (a) Policy Cabinet
- (b) Implementation and Award of Grants / Repayable Loans Corporate Director of Regeneration and Community Services
- 25.** Commercial and Industrial Improvement Areas
- (a) Declaration of Areas Cabinet
- (b) Grants Corporate Director of Regeneration and Community Services
- 26.** To implement the Council's and Regional Regeneration Strategies, major regeneration projects and Associated Funding Programmes
- (a) Policy/Strategy Cabinet
- (b) Operational Management Corporate Director of Regeneration and Community Services
- 27.** Repayable Funding Town Centre Loan Scheme & Property Recyclable Loan Scheme
- (a) Policy Cabinet
- (b) Operational Management (Implementation and Award of Loans) Corporate Director of Regeneration and Community Services

<b>28.</b>	Industrial Estates Maintenance	
(a)	Policy	Cabinet
(b)	Operational Management	Corporate Director of Regeneration and Community Services
<b>29.</b>	Skills and Employability (18+)	
(a)	Policy	Cabinet
(b)	Operational	Corporate Director of Regeneration and Community Services
<b>30.</b>	Acceptance of Tenders	As determined by the Council's Contract Procedure Rules (s 17)
<b>31.</b>	Tredegar Townscape Heritage initiative	
(a)	Policy	Cabinet
(b)	Operational (Implementation and Award of Grants)	Corporate Director of Regeneration and Community Services
<b>32.</b>	Adult and Continuing Education	
(a)	Policy	Cabinet
(b)	Operational	Corporate Director of Education
<b>33.</b>	Destination Management	
(a)	Policy	Cabinet
(b)	Operational Management	Corporate Director of Regeneration and Community Services
<b>34.</b>	Management of the Council's portfolio of Industrial Units	
(a)	Policy	Cabinet
(b)	Operational Management	Corporate Director of Regeneration and

- 35.** Approval of Heads of Terms for lettings of Industrial Units when occupancy to be governed by Licence Agreement or Standard Form Tenancy Agreement (Contracted-Out of LTA 1954)
- (a) Policy Cabinet
  - (b) Operational Management Corporate Director of Regeneration and Community Services
- 36.** Approval of Heads of Terms for lettings of Industrial Units when occupancy to be governed by Lease Agreement rather than a Licence agreement or Standard Form Tenancy Agreement (Contracted-Out of LTA 1954)
- (a) Policy Cabinet
  - (b) Operational Management Corporate Director of Regeneration and Community Services
- 37.** Winter Maintenance
- (a) Policy Cabinet
  - (b) Operational Management Corporate Director of Regeneration and Community Services
- 38.** Housing Strategy
- (a) Policy Council
  - (b) Operational Management Corporate Director of Regeneration and Community Services
- 39.** Housing Grant administration
- (a) Annual Investment Programme Corporate Director of

(b)	Operational Management	Regeneration and Community Services Corporate Director of Regeneration and Community Services
-----	------------------------	---

**Function**

The Disposal and Acquisitions of Land and Property Policy sets out the approved framework and detail under this Part, below is a summary of the main provisions

**Delegation**

- |            |  |   |
|------------|--|---|
| <b>40.</b> | Disposal and Acquisition of Land and Property Policy   | Cabinet   |
|            | Community Asset Transfer Policy  | Cabinet   |
| (a)        | To consider and approve reports which propose a disposal or purchase of land and property, including approving their valuation terms, subject to (b) below | Corporate Director of<br>Regeneration and<br>Community Services |
| (b)        | Disposal of any property where value is in excess of £500,000  | Cabinet   |
| (c)        | All statutory sales and compensation   | Corporate Director of<br>Regeneration and<br>Community Services |
| <b>41.</b> | Arranging and agreeing small rentals, tenancies and short-term leases and extensions of leases, including approving their terms.                           | Corporate Director of<br>Regeneration and<br>Community Services |
| <b>42.</b> | Land for Grazing   |   |
| (a)        | Policy   | Cabinet   |
| (b)        | Operational Management, including approving their terms  | Corporate Director of<br>Regeneration and<br>Community Services |
| <b>43.</b> | Easements, Licences, etc.  |   |
| (a)        | Policy   | Cabinet   |

(b)	Operational Management, including approving their terms	Corporate Director of Regeneration and Community Services
<b>44.</b>	Village Greens	Corporate Director of Regeneration and Community Services



**CABINET PORTFOLIO FOR EDUCATION SUBJECT TO SCRUTINY BY THE  
EDUCATION AND LEARNING SCRUTINY COMMITTEE**

**FUNCTION**

**DELEGATION**

- |   |  |
|---|--|
| <p><b>1.</b> To exercise the Council’s functions as Local Education Authority subject to the exercise by School Governors of those functions stipulated in the Instruments of Government.</p>   | <p>Cabinet</p>                         |
| <p><b>2.</b> To consider all major issues of educational policy (including the approval and/or determination of school organisation proposals (including those which receive objections) except for those that are required to be considered by Welsh Ministers).</p> | <p>Cabinet</p>                         |
| <p><b>3.</b> Pupil Services</p>   |  |
| <p>(a) Policy</p>   | <p>Cabinet</p>                         |
| <p>(b) (i) Admission of pupils to schools</p>   | <p>Corporate Director of Education</p> |
| <p>(ii) Appeals</p>   | <p>Appeals Committee</p>               |
| <p>(c) (i) Eligibility to home-school transport (including provision on danger grounds).</p>  | <p>Corporate Director of Education</p> |
| <p>(ii) Appeals</p>   | <p>Appeals Committee</p>               |
| <p>(d) (i) Approval for early admission to school.</p>  | <p>Corporate Director of Education</p> |
| <p>(ii) Appeals</p>   | <p>Appeals Committee</p>               |
| <p>(e) (i) Policy</p>   | <p>Cabinet</p>                         |
| <p>(ii) Grants</p>  | <p>Corporate Director of Education</p> |
| <p>(iii) Operational Management</p>   | <p>Corporate Director of Education</p> |
| <p>(f) Consideration of disciplinary matters on</p>   | <p>Appeals Committee</p>               |

reference by school governing bodies

- |           |   |                                 |
|-----------|---|---------------------------------|
| <b>4.</b> | Student Awards  | Corporate Director of Education |
| <b>5.</b> | Education Psychology Service  |                                 |
| (a)       | Policy  | Cabinet                         |
| (b)       | Operational Management  | Corporate Director of Education |
| <b>6.</b> | Education Welfare Service   |                                 |
| (a)       | Policy  | Cabinet                         |
| (b)       | Operational Management  | Corporate Director of Education |
| <b>7.</b> | Home and Hospital Tuition Services  |                                 |
| (a)       | Policy  | Cabinet                         |
| (b)       | Determination   | Corporate Director of Education |
| <b>8.</b> | Building Programme  |                                 |
| (a)       | Policy  | Cabinet                         |
| (b)       | Construction  | Corporate Director of Education |
| (c)       | Approval of school's self help and benefaction schemes  | Corporate Director of Education |
| <b>9.</b> | Building and Environmental Engineering Maintenance  |                                 |
| (a)       | Policy  | Cabinet                         |
| (b)       | Operational Management  | Corporate Director of Education |
| (c)       | School's self help and benefaction schemes  | Corporate Director of Education |
| (d)       | Approval of expenditure to a value of £15,000 in respect of accommodation matters – use of security firms – action to eliminate safety hazards. | Corporate Director of Education |

<b>10.</b>	<ul style="list-style-type: none"> <li>(a) Governor Support &amp; Training Policy</li> <li>(b) Determination of Training</li> </ul>	<ul style="list-style-type: none"> <li>Cabinet</li> <li>Corporate Director of Education</li> </ul>
<b>11.</b>	<ul style="list-style-type: none"> <li>Curriculum Advice, Training &amp; Inspection</li> <li>(a) Policy</li> <li>(b) <ul style="list-style-type: none"> <li>(i) Approval of parental applications to educate their children otherwise than at school.</li> <li>(ii) Appeals</li> </ul> </li> <li>(c) Determination of GEST Programmes</li> </ul>	<ul style="list-style-type: none"> <li>Cabinet</li> <li>Corporate Director of Education</li> <li>Appeals Committee</li> <li>Corporate Director of Education</li> </ul>
<b>12.</b>	<ul style="list-style-type: none"> <li>(a) Policy and provision for pupils with Special Education Needs.</li> <li>(b) Determination of distribution of S.E.N. Funding to schools in accordance with the Scheme of Local Management</li> <li>(c) Issue of statements of special educational need in accordance with the principles approved by the Council.</li> </ul>	<ul style="list-style-type: none"> <li>Cabinet</li> <li>Corporate Director of Education</li> <li>Corporate Director of Education</li> </ul>
<b>13.</b>	<ul style="list-style-type: none"> <li>Ethnic Minority Pupil Support</li> <li>(a) Policy</li> <li>(b) Operational Management</li> </ul>	<ul style="list-style-type: none"> <li>Cabinet</li> <li>Corporate Director of Education</li> </ul>
<b>14.</b>	<ul style="list-style-type: none"> <li>Music Support</li> <li>(a) Policy</li> <li>(b) Operational Management</li> </ul>	<ul style="list-style-type: none"> <li>Cabinet</li> <li>Corporate Director of Education</li> </ul>
<b>15.</b>	<ul style="list-style-type: none"> <li>Provision of Transport</li> <li>(a) Policy</li> <li>(b) Determination</li> </ul>	<ul style="list-style-type: none"> <li>Cabinet</li> <li>Corporate Director of Education</li> </ul>

(c)	Operational Management	Corporate Director of Regeneration and Community Services / Corporate Director of Education
<b>16.</b>	Consideration of consultative documents affecting the duties/functions of the Portfolio	Cabinet
<b>17.</b>	Consultation with professional associations within the Education Service	Cabinet
<b>18.</b>	School Support	
(a)	Policy	Cabinet
(b)	Expenditure on L.E.A. initiative, within the Budget determined by the Council	Corporate Director of Education
(c)	Determination of action to be taken by school governors in relation to school budget deficits	Corporate Director of Education
<b>19.</b>	Approval of temporary closure of schools	
(a)	Implementation	Corporate Director of Education
(b)	Formal warning notice to a Governing Body	Corporate Director of Education after consultation with the Cabinet member
(c)	Suspension of a Schools Devolved Budget	Cabinet
(d)	Appointment of Additional Governors	Cabinet
<b>20.</b>	School Library	
(a)	Policy	Cabinet
(b)	Operational Management	Corporate Director of Education
<b>21.</b>	The Learning Campus	
(a)	Policy	Cabinet
(b)	Operational Management	Corporate Director of

## Education

- 22.** Playing fields and recreation grounds
- (a) Policy
  - (b) Operational Management
- 23.** Playing fields and recreation grounds, schools if the LEA so direct or agrees.
- (a) Policy
  - (b) Operational Management
- 24.** General Policy on the fixing of general charges and letting of buildings (including waiving or reducing of fixed charges) for the use of facilities within the Portfolio
- 25.** Playschemes
- (a) Policy
  - (b) Operational Management
- 26.** Archives
- (a) Policy
  - (b) Operational Management
- 27.** Museum Education

(a)	Policy	Cabinet
(b)	Operational Management	Corporate Director of Regeneration and Community Services / Corporate Director Education
<b>28.</b>	<b>Youth Service</b>	
(a)	Policy	Cabinet
(b)	Operational Management	Corporate Director of Education
<b>29.</b>	<b>Outdoor Education</b>	
(a)	Policy	Cabinet
(b)	Operational Management	Corporate Director of Education
<b>30.</b>	<b>Allotments</b>	
(a)	Policy	Cabinet
(b)	Lettings to Allotment Association	Corporate Director of Regeneration and Community Services
<b>31.</b>	<b>Acceptance of Tenders</b>	Relevant Director as determined by the Contract Procedure Rules (s.17)
<b>32.</b>	<b>Interface with EAS, but not Cabinet role</b>	Corporate Director of Education

**CABINET PORTFOLIO FOR SOCIAL SERVICES SUBJECT TO SCRUTINY  
BY THE SOCIAL SERVICES SCRUTINY COMMITTEE**

**FUNCTION**

**DELEGATION**

- |   |  |
|---|--|
| <p><b>1.</b> Children &amp; Families Services</p> <p>(a) Policy</p> <p>(b) Operational</p>  | <p>Cabinet</p> <p>Corporate Director of Social Services</p>  |
| <p><b>2.</b> Child and Adult Protection</p> <p>(a) Policy</p> <p>(b) Monitoring and Evaluation</p> <p>(c) Operational</p>                                     | <p>Cabinet</p> <p>Corporate Director of Social Services and Local Safeguarding Children’s Board</p> <p>Corporate Director of Social Services</p> |
| <p><b>3.</b> Adoption</p> <p>(a) Policy</p> <p>(b) Implementation</p>   | <p>Cabinet</p> <p>Corporate Director of Social Services</p>  |
| <p><b>4.</b> Families First, Flying Start, Early years and play</p> <p>(a) Policy</p> <p>(b) Operational</p>  | <p>Cabinet</p> <p>Director of Social Services</p>  |
| <p><b>5.</b></p> <p>(a) To exercise the Council’s functions at Social Services Authority.</p> <p>(b) Statutory duties of the Director of Social Services.</p> | <p>Cabinet</p> <p>Corporate Director of Social Services</p>  |
| <p><b>6.</b> Strategic Planning</p>   |  |

(a)	Policy	Cabinet
(b)	Operational Management	Corporate Director of Social Services
<b>7.</b>	Special Training (In-House)	Corporate Director of Social Services
<b>8.</b>	Emergency out of hours Social Work Service	
(a)	Policy	Cabinet
(b)	Operational Management	Corporate Director of Social Services / Joint Arrangement
<b>9.</b>	Older People & Physically Disabled People	
(a)	Policy	Cabinet
(b)	Operational Management	Corporate Director of Social Services
<b>10.</b>	Mental Health and Substance Abuse Services	
(a)	Policy	Cabinet
(b)	Operational Management	Corporate Director of Social Services
(c)	Guardianship	Corporate Director of Social Services
<b>11.</b>	Learning Disabilities Services	
(a)	Policy	Cabinet
(b)	Operational Management	Corporate Director of Social Services
<b>12.</b>	Visually Impaired (except education)	
(a)	Policy	Cabinet
(b)	Operational Management	Corporate Director of Social Services
<b>13.</b>	Building Programme	
(a)	Policy	Cabinet
(b)	Operational Management	Corporate Director of



		Regeneration and Community Services
<b>14.</b>	Social Services premises including maintenance	
(a)	Policy	Cabinet
(b)	Implementation	Corporate Director of Regeneration and Community Services
<b>15.</b>	Provisions of Transport	
(a)	Policy	Cabinet
(b)	Operational Management	Corporate Director of Social Services
(c)	Fleet Management Provision	Corporate Director of Regeneration and Community Services
<b>16.</b>	Individual Care Plans and Placements	Corporate Director of Social Services
<b>17.</b>	Care in the Community	
(a)	Policy	Cabinet
(b)	Operational Management	Corporate Director of Social Services
<b>18.</b>	Complaints Management	
(a)	Policy	Cabinet
(b)	Operational Management	Director of Social Services
(c)	Appeals	Appointed panel
<b>19.</b>	Consideration of consultative documents affecting the duties/functions of the Portfolio.	Cabinet
<b>20.</b>	Meals on Wheels	

<p>(a) Policy</p> <p>(b) Implementation</p>	<p>Cabinet</p> <p>Corporate Director of Social Services / Corporate Director of Regeneration and Community Services</p>
<p><b>21.</b> Grants to Independent/Voluntary Bodies relevant to the functions of this Committee</p> <p>(a) Policy</p> <p>(b) Implementation</p>	<p>Cabinet</p> <p>Corporate Director of Social Services</p>
<p><b>22.</b> Grounds Maintenance (Client) (Social Services)</p> <p>(a) Policy</p> <p>(b) Operational Management</p>	<p>Cabinet</p> <p>Corporate Director of Social Services</p>
<p><b>23.</b> Statutory duty for homelessness</p> <p>Operational</p>	<p>Corporate Director of Social Services</p> <p>Corporate Director of Regeneration and Community Services</p>
<p><b>24.</b> Acceptance of Tenders</p>	<p>Relevant Director as determined by the Council's Contract Procurement Rules</p>

**PLANNING COMMITTEE**  
**(PLEASE NOTE THE PROVISIONS IN RELATION TO QUORATE**  
**MEETINGS re PLANNING ITEMS – see Section 9, para 9.6)**

	<u>Function</u>	<u>Delegation</u>

1. **BUILDING REGULATION FUNCTIONS**

Determination of Building Regulation applications  
~~(inc applications for relaxation of regs)~~

Corporate Director of  
 Regeneration and  
 Community Services

~~Enforcement action under Building Act 1984~~All  
~~relevant enforcement matters~~

Corporate Director of  
 Regeneration and  
 Community Services

~~Issue of Dangerous Structure Notice and related  
 enforcement action~~

~~Corporate Director of  
 Regeneration and  
 Community Services  
 in conjunction with the  
 Head of Legal &  
 Corporate Compliance~~

~~Determine level of application fees Fee setting~~

Corporate Director of  
Regeneration and  
Community Services

~~Corporate Director of  
Regeneration and  
Community Services~~

~~2 To exercise powers/duties under provisions of  
Safety of Sports Grounds Act 1975.~~

~~Corporate Director of  
Regeneration and  
Community Services~~

## **PLANNING CONTROL - APPLICATIONS**

~~The **APPROVAL** of all planning and related  
applications with the exception of those listed  
below...~~

Planning Committee

~~Major applications.  
Major defined as residential 10 or more units; site  
area 0.5ha or larger; floorspace 1000sqm or  
greater.~~

Planning Committee

Planning Committee

~~Where third party and the Council to enter into a  
S106 agreement~~

~~Where a Member submits a written request that an  
application be heard at Committee (must be within  
21 days of application appearing on weekly list and  
giving material planning reasons)~~

Planning Committee

~~Where, in the opinion of Corporate Director of  
Regeneration and Community Services, the  
application is of wider public interest or should be~~

heard by Planning Committee given the circumstances of the proposal.

<p><u>Screening and scoping opinions relating to Environmental Impact Assessment</u><del>The <b>REFUSAL</b> of planning permission (or related application) where the proposal is, in the opinion of the Corporate Director of Regeneration and Community Services, clearly contrary to planning policy contained in Councils Development Plan or adopted SPG.</del></p>	<p>Corporate Director of Regeneration and Community Services (subject to 24 hours notification to Ward Members)</p>
<p><del>Refusal on grounds of lack of information</del></p>	<p><del>Corporate Director of Regeneration and Community Services</del></p> <p><del>Planning Committee</del></p>
<p><del>All other refusals of planning permission (or related application).</del></p>	<p><del>Corporate Director of Regeneration and Community Services</del></p>
<p><del>Power to determine details submitted pursuant to conditions imposed on extant planning permission</del></p>	<p><del>Corporate Director of Regeneration and Community Services</del></p>
<p><del>Power to decline to determine planning application</del></p>	<p><del>Corporate Director of Regeneration and Community Services</del></p>
<p><del>Determination of need for Environmental Impact Assessment</del></p>	<p><del>Corporate Director of Regeneration and Community Services</del></p>
<p><del><b>Approval / Refusal</b> of prior approvals for demolition, forestry/agricultural buildings &amp; telecommunications development.</del></p>	<p><del>Corporate Director of Regeneration and Community Services</del></p>
<p><del>The power to “finally dispose” of application under article 25(11) of GDPO</del></p>	<p><del>Corporate Director of Regeneration and Community Services</del></p>

<p><del>Consultation from neighbouring local planning authority on any planning matter</del></p> <p><del>Certificates of Lawfulness for existing or proposed development</del></p> <p><del>Certificate of Appropriate Alternative Development (CAAD)</del></p> <p><u>Screening and scoping opinions relating to Environmental Impact Assessment</u></p> <p><u>1 To offer professional planning advice under the local or national scheme for preliminary planning advice. Includes responding to pre-application (PAC) consultations for DNS.</u></p> <p><u>2 Consultation by neighbouring Local Planning Authority</u></p> <p><u>Determination of all planning and related applications unless otherwise specified in the scheme of delegation. This shall include TPO, listed buildings, adverts, lawful development certificates, CAAD, CAC, s73, discharge of conditions, non-material amendments, prior notifications, reserved matters and hazardous substances consent. 3 To include cases where s106 obligations are applicable.</u></p> <p><u>4 To decline to entertain an application when s70A of the Act applies</u></p>	<p><del>Corporate Director of Regeneration and Community Services</del></p> <p><del>Corporate Director of Regeneration and Community Services</del></p> <p><del>Planning Committee</del></p> <p><u>Corporate Director of Regeneration and Community Services</u></p> <p><u>Corporate Director of Regeneration and Community Services</u></p> <p><u>Corporate Director of Regeneration and Community Services</u></p> <p><u>Corporate Director of Regeneration and Community Services</u></p> <p><u>Corporate Director of Regeneration and Community Services</u></p> <p><u>Corporate Director of Regeneration and Community Services</u></p>
--	--

<p><u>Major 5 residential applications of 10 or more units or site area 0.5ha or more.</u></p>	<p><u>Planning Committee</u></p>
<p><u>Approval of applications that are deemed to be a 6 material departure from the Local Development Plan.</u></p>	<p><u>Planning Committee</u></p>
<p><u>7 Applications for non-domestic renewable energy schemes (solar, hydro and wind) which give rise to concerns of noise, visual impact or other material concerns.</u></p>	<p><u>Planning Committee</u></p>
<p><u>8 Local Impact Report relating to Development of National Significance</u></p>	<p><u>Corporate Director of Regeneration and Community Services</u></p>
<p><u>(Note: Members wishing to express a view on the merits of a scheme to submit representations direct to the Inspector by the prescribed deadline)</u></p>	
<p><u>Applications <a href="#">which</a> in the opinion of the <a href="#">Director/Service Manager</a> are of wider public interest.</u></p>	<p><u>Planning Committee</u></p>
<p><u>Where a Member submits a written request (within 21 days of application appearing on the published weekly list) citing material planning reasons that an application be heard at Planning Committee.</u></p>	<p><u>Planning Committee</u> <u>9 (Subject to call in request being approved by the Chair)</u></p>
<p><u>10 Applications submitted by an Officer of the Development &amp; Estates team, an officer directly involved in the planning process or an elected Member of the Council (or on land/buildings in their ownership).</u></p>	<p><u>Planning Committee</u></p>
<p><u>11 To agree extensions of time on planning and related applications</u></p>	<p><u>Corporate Director of Regeneration and Community Services</u></p>
<p><u>12 To respond to consultations from Welsh</u></p>	<p><u>Corporate Director of</u></p>

	<p><u>Government on changes to policy, regulations and primary legislation.</u></p>	<p><u>Regeneration and Community Services</u></p>
<p>3.</p>	<p><b><u>PLANNING CONTROL – ENFORCEMENT</u></b></p> <p><del>All Enforcement Decisions</del></p> <p><u>The service of a planning contravention notice (or other requisition for information), enforcement notice, breach of condition notice, s215 notice or enforcement under advertisement regulations.</u></p> <p><u>Determination that no further action be taken where it is considered no breach or that it is not expedient</u></p>	<p><del>Corporate Director of Regeneration and Community Services. Alternatively, Planning Committee if, in the opinion of the Service Manager Development the case is of wider public interest, requires interpretation of policy or would otherwise be of interest to Planning Committee</del></p> <p><u>Corporate Director of Regeneration and Community Services</u></p> <p><u>Corporate Director of Regeneration and</u></p>



	<p><u>to take enforcement action.</u></p> <p><u>In emergencies, the service of a stop notice or injunction.</u></p> <p><u>To instigate proceedings for non-return or non-compliance with a notice.</u></p> <p><u>Cases which in the opinion of the Service Manager are of wider public interest given the circumstances of the case.</u></p> <p><u><sup>43</sup> RIPA Authorisations</u></p>	<p><u>Community Services</u></p> <p><u>Corporate Director of Regeneration and Community Services in consultation with the Head of Legal</u></p> <p><u>Corporate Director of Regeneration and Community Services</u></p> <p><u>Planning Committee</u></p> <p><u>Appropriate authorised officer signatory in accordance with the Council's RIPA Policy</u></p>
<p>4.</p>	<p><b><u>MISCELLANEOUS</u></b></p> <p>Appointing Officer for the purpose of Section 10(8) of the Party Wall Act 1996</p> <p>Powers relating to footpaths and bridleways</p> <p>Powers relating to protection of important</p>	<p>Corporate Director of Regeneration and Community Services</p> <p>Corporate Director of Regeneration and Community Services in consultation with the Chair of Planning</p>

<p>hedgerows.</p> <p><u>Determination and confirmation of Public Path Orders under the Highways Act 1980 or Town and Country Planning Act 1990, where objections have been received at pre-order consultation stage</u></p> <p><u>Determination and confirmation of Public Path Orders under the Highways Act 1980 or Town and Country Planning Act 1990, where <b>no objections</b> are received at pre-order consultation stage</u></p> <p><u>Functions in respect of the management, maintenance, enforcement, changing and recording of Public Rights of Way, Countryside Access &amp; Active Travel other than where specifically delegated otherwise</u></p> <p><u>Determination and confirmation of evidential Definitive Map Modification Orders received under s53(3)(b) or s53(3)(c) of the Wildlife and Countryside Act, where no objections are received at pre-order consultation stage</u></p> <p><u>Determination and confirmation of evidential Definitive Map Modification Orders received under s53(3)(b) or s53(3)(c) of the Wildlife and Countryside Act, where objections have been received at pre-order consultation stage</u></p> <p><u>Confirmation of Definitive Map Modification Orders under s53(3)(a) of the Wildlife and Countryside Act (Legal Event Modification Orders)</u></p> <p><u>Dedication of Public Rights of Way on land owned</u></p>	<p>Corporate Director of Regeneration and Community Services</p> <p><u>Planning Committee</u></p> <p><u>Corporate Director of Regeneration and Community Services</u></p> <p><u>Corporate Director of Regeneration and Community Services</u></p> <p><u>Corporate Director of Regeneration and Community Services</u></p> <p><u>Corporate Director of Regeneration and Community Services</u></p> <p><u>Planning Committee</u></p> <p><u>Corporate Director of Regeneration and Community Services</u></p> <p><u>Corporate Director of</u></p>
---	--

[by the Council](#)

[Regeneration and  
Community Services](#)

**GENERAL LICENSING COMMITTEE**

**FUNCTION**

**DELEGATION**

1. Duty to enforce and execute Regulations (EC)852/2004 and 853/2004 in relation to food business operators as further specified in Regulation 5 of the Food (Hygiene) (Wales) Regulations 2006 in relation to the issuing, approval and refusal of licences/registration/ approval (as appropriate),

(a) General Policy

(b) Approval under EC Regulation 853/2004 (food premises processing products of animal origin)

(c) Implementation & Enforcement

2. Power to register and licence premises for the preparation of food under Section 19 of the Food Safety Act 1990

(a) General Policy

(b) Implementation & Enforcement

3. All functions under any of the “relevant statutory

General Licensing  
Committee

Corporate Director of  
Regeneration and  
Community Services

Corporate Director of  
Regeneration and  
Community Services

General Licensing  
Committee

Corporate Director of  
Regeneration and  
Community Services

provisions” within the meaning of Part I of the Health and Safety at Work etc. Act 1974 (including any associated Regulations, Orders, Byelaws or other statutory legislation, with the exception of provisions available under the above legislation which have been specifically mentioned elsewhere in this document), to the extent that those functions are discharged otherwise than in the Authority’s capacity as an employer

- |     |                                |   |
|-----|--------------------------------|---|
| (a) | General Policy, including fees | Corporate Director of Regeneration and Community Services                             |
| (b) | Implementation & Enforcement   | Inspectors appointed by the Corporate Director of Regeneration and Community Services |

4. Power to licence dealers in game and the killing and selling of game in pursuance of Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831 (c.32); Sections 2 to 16 of the Game Licences Act 1869 (c.90), Section 4 of the Customs and Inland Revenue Act 1883 (c.10), Section 27 of the Local Government Act 1894 (c.73), and Section 213 of the Local Government Act 1972 (c.70)

- |     |                              |   |
|-----|------------------------------|---|
| (a) | General Policy               | General Licensing Committee                               |
| (b) | Implementation & Enforcement | Corporate Director of Regeneration and Community Services |

**6.** Powers to licence hackney carriage and private hire vehicles, hackney carriage and private hire vehicle driver's and private hire vehicle operators in accordance with the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976:-

- |     |  |  |
|-----|--|--|
| (a) | Licence conditions/policies  | General Licensing Committee  |
| (b) | Licence Fees   | Corporate Director of Regeneration and Community Services (subject to Scrutiny by General Licensing Committee) |
| (c) | Determination of applications – where in compliance with the relevant policy     | Corporate Director of Regeneration and Community Services  |
| (d) | Determination of applications – where not in compliance with the relevant policy | General Licensing Committee  |
|     | <i>New</i>   | General Licensing Committee  |
|     | <i>Renewal</i>   |  |
| (e) | Determination of reviews – urgent or non-contentious                             | Corporate Director of Regeneration and Community Services  |

- |           |  |   |
|-----------|--|---|
| (f)       | Determination of reviews – contentious and non-urgent  | General Licensing Committee                               |
| (g)       | Enforcement/General Implementation   | Corporate Director of Regeneration and Community Services |
| <b>7.</b> | Powers under the Police, Factories etc. (Miscellaneous Provisions) Act 1916, as amended, the House to House Collections Act 1939, the Charities Act 1992 and the Charitable Institutions (Fund Raising) Regulations 1994 in respect of street collection permits and house to house collection licences relating to charitable collections |   |
| (a)       | Policies/Licence Conditions  | General Licensing Committee                               |
| (b)       | Determination of applications – where in compliance with the relevant policies   | Corporate Director of Regeneration and Community Services |
| (c)       | Determination of applications – where not in compliance with the relevant policies   | General Licensing Committee                               |
| (d)       | Determination of review of consents  | Corporate Director of Regeneration and Community Services |
| (e)       | Enforcement/General Implementation   | Corporate Director of Regeneration and Community Services |
| <b>8.</b> | Street Trading   |   |
| (a)       | Licence conditions/policies  | General Licensing Committee                               |
| (b)       | Licence Fees   | Corporate Director of Regeneration and                    |

		Community Services (subject to Scrutiny by General Licensing Committee)
(c)	Determination of applications – where in compliance with the relevant policy	Corporate Director of Regeneration and Community Services
(d)	Determination of applications – where not in compliance with the relevant policy	
	<i>New</i>	General Licensing Committee Panel
	<i>Renewal</i>	General Licensing Committee Corporate Director of Regeneration and Community Services
(e)	Determination of reviews – urgent or non- contentious	General Licensing Committee
(f)	Determination of reviews – contentious and non-urgent	Corporate Director of Regeneration and Community Services
(g)	Enforcement/General Implementation	
<b>9.</b>	<b>Sex Shops &amp; Sex Cinemas</b>	
(a)	Licence conditions/policies	General Licensing Committee
(b)	Licence Fees	Corporate Director of

		Regeneration & Community Services (subject to Scrutiny by General Licensing Committee)
(c)	Determination of all applications	General Licensing Committee
(d)	Determination of all reviews of applications	General Licensing Committee
(e)	Enforcement/General Implementation	Corporate Director of Regeneration and Community Services
<b>10.</b>	Issue or refusal of licences/registration/approval (as appropriate), the determination of such conditions, terms or limitations as may be appropriate and the enforcement of such conditions/terms/limitations for the following:-	
(a)	Caravan Sites	Corporate Director of Regeneration and Community Services
(b)	Pet Shops	Corporate Director of Regeneration and Community Services
(c)	Animal Breeding and Boarding Establishments	Corporate Director of Regeneration and Community Services
(d)	Riding Establishments	Corporate Director of Regeneration and Community Services
(e)	Zoos and Performing Animals	Corporate Director of Regeneration and



(f)	Dangerous Wild Animals	Community Services Corporate Director of Regeneration and Community Services
(g)	Tattooing, cosmetic piercing, semi permanent skin colouring, electrolysis, acupuncture or any other cosmetic procedures of a similar nature and any other special procedures or intimate piercings*	Corporate Director of Regeneration and Community Services
<p>*as provided for in the Public Health (Wales) Act 2017 (including any associated Regulations, Orders, Byelaws or other statutory legislation, with the exception of provisions available under the above legislation which have been specifically mentioned elsewhere in this document)</p>		
(h)	Petroleum	Corporate Director of Regeneration and Community Services
(i)	Explosives	Corporate Director of Regeneration and Community Services
(j)	Safety Certificates at Sports Grounds	Corporate Director of Regeneration and Community Services
(k)	Premises for Solemnisation Marriages and the Registration of Civil Partnerships	Head of Legal & Corporate Compliance
(l)	Power to Licence the use of moveable dwellings and camping sites	Corporate Director of Regeneration and Community Services

**STATUTORY LICENSING COMMITTEE**  
**FUNCTION**

**DELEGATION**

1. Functions under the Licensing Act 2003 (as amended)
  - (a) Licensing Policy Council
  - (b) Premise Licences and Club Corporate Director of  
Premises Certificate Applications /  
variations / transfer / provisional  
statements – no representations  
received Regeneration and Community  
Services
  - (c) Premise Licences and Club Premise Certificate applications/variations/  
Transfer/provisional statements –  
representations received Statutory Licensing Committee  
/ Sub-Committee
  - (d) Personal Licence applications – no  
representations received Corporate Director of  
Regeneration and Community  
Services
  - (e) Personal Licence applications –  
representations received or where  
applicant has relevant convictions Statutory Licensing Committee  
/ Sub-Committee
  - (f) Reviews of licences and certificates Statutory Licensing Committee  
/ Sub-Committee
  - (g) Temporary Event Notices – no  
representations received Corporate Director of  
Regeneration and Community  
Services
  - (h) Temporary Event Notices –  
representations received Statutory Licensing Committee  
/ Sub-Committee
  - (i) Application to vary/remove  
Designated Premises Supervisor –  
no representations received Corporate Director of  
Regeneration and Community  
Services
  - (j) Application to vary/remove  
Designated Premises Supervisor –  
representations received Statutory Licensing Committee  
/ Sub-Committee /
  - (k) Application for interim authorities –  
no representations Corporate Director of  
Regeneration and Community  
Services
  - (l) Applications for interim authorities – Statutory Licensing Committee

- |           |  |   |
|-----------|--|---|
|           | representations received   | / Sub-Committee /   |
| (m)       | Decision to object when Local Authority is consultee, and not the relevant Authority considering the application | Corporate Director of Regeneration and Community Services |
| (n)       | Enforcement/General Implementation   | Corporate Director of Regeneration and Community Services |
| <b>2.</b> | <b>Functions under the Gambling Act 2005 (as amended)</b>  |   |
| (a)       | Licensing Policy   | Council   |
| (b)       | Licence Fees   | Statutory Licensing Committee                             |
| (c)       | Policy to permit casinos   | Council   |
| (d)       | Premise Licence applications/variation/ Transfers and provisional statements – no representations                | Corporate Director of Regeneration and Community Services |
| (e)       | Premise Licence applications/variations/ Transfers and provisional statements – representations received         | Statutory Licensing Committee/ Sub-Committee              |
| (f)       | Reviews of Premise Licences and Permits  | Statutory Licensing Committee/ Sub-Committee              |
| (g)       | Application for club gaming/club machine permits – no representations  | Corporate Director of Regeneration and Community Services |
| (h)       | Application for club gaming/club machine permits – representations received                                      | Statutory Licensing Committee/ Sub-Committee              |
| (i)       | Cancellation of club gaming/club machine permits   | Corporate Director of Regeneration and Community Services |
| (j)       | Cancellation of licensed premises gaming machine permits   | Corporate Director of Regeneration and Community Services |
| (k)       | Application for other permits/consideration of temporary   | Corporate Director of Regeneration and Community          |

	use notice	Services
(l)	Decision to give a counter notice to temporary use notice	Corporate Director of Regeneration and Community Services
(m)	Enforcement/General Implementation	Corporate Director of Regeneration and Community Services

## **DEMOCRATIC SERVICES COMMITTEE**

To exercise the following functions:-

- (a) To designate the Head of Democratic Services.
- (b) To consider reports by the Head of Democratic Services in accordance with Section 9(1)(h) of the Local Government (Wales) Measure 2011 (adequacy of resources to discharge democratic services functions) within 3 months and make recommendations to Council, as appropriate.
- (c) To ensure that all reports of Democratic Services Committee under Section 11 of the Local Government (Wales) Measure 2011 (recommendations regarding the adequacy of resources to discharge democratic services functions) are circulated to all Members and considered within 3 months.
- (d) To require the attendance of any Members or Officers of the Council to answer questions and invite other persons to attend meetings, as required.
- (e) To require any Member or Officer attending meetings to answer any questions (unless they are to refuse on legal grounds).

- (f) To appoint one or more Sub-Committees and to arrange for the discharge of any of its function by such a Sub-Committee.
- (g) To review and monitor the effectiveness of the Council's democratic services functions, including:-
  - The provision of support and advice to meetings of the Council, Committees, Sub-Committees and Joint Committees.
  - Promoting the role of Scrutiny.
  - The provision of support and advice to Scrutiny.  
The provision of support and advice to individual Councillors in carrying out their roles as Members.
  - Such other democratic services functions as may be prescribed from time to time by Regulations made by the Welsh Ministers and make recommendation to Cabinet and Council, as appropriate.
- (h) To review the adequacy of the Council's democratic services resources and to make recommendations, where necessary.
- (i) To review and monitor the effectiveness of the Council's corporate governance and decision-making processes and the terms of the Council's Constitution and make recommendations, as necessary, to Cabinet and/or the Council.
- (j) Review the Role Descriptions for elected Members.
- (k) Annual reports for Members.
- (l) Remuneration Panel reports.
- (m) Remote attendance for Members/hybrid meetings/recording/live broadcasting.

## **APPEALS COMMITTEE**

### **Terms of Reference**

#### **Education Matters**

- (i) Pupil Services – Admission of pupils to schools
- (ii) Eligibility for home to school transport
- (iii) Approval for early admission to school
- (iv) Consideration of disciplinary matters on reference from School Governing Bodies

#### **Public Protection Matters**

- (i) Tree Preservation Orders

#### **Human Resources Matters**

- (i) Appeals against disciplinary actions in respect of dismissals.

## **APPOINTMENTS COMMITTEE – JNC OFFICERS**

### **Terms of Reference**

- (i) Interview and Appointment of JNC Officers where appropriate.

## **DISCIPLINARY COMMITTEE – JNC OFFICERS**

- (i) To consider disciplinary action in respect of Directors/Heads of Service/Statutory Officers

## **GOVERNANCE AND AUDIT COMMITTEE**

### **PURPOSE**

1. The Governance and Audit Committee should:-
  - (a) Review, scrutinise and issue reports and recommendations in relation to the Authority's financial affairs;
  - (b) Provide independent assurance of the adequacy of the risk management framework and the associated control environment;
  - (c) Provide independent scrutiny of the Council's financial and non-financial performance to the extent that it affects the Council's exposure to risk and weakens the control environment;
  - (d) Oversee the financial reporting process.
  - (e) Oversee the effectiveness of the Council's complaints process (service complaints).
2. To achieve these objectives the Governance and Audit Committee should:-
  - (a) Approve (but not direct) internal Audit's strategy, plan and performance;
  - (b) Review the planned activity and results of both Internal Audit and External Audit and receive regular reports accordingly;
  - (c) Review summary Internal Audit reports and the main issues arising, consider the adequacy of management responses, and seek assurances that action has been taken where necessary;
  - (d) Receive the annual report of the Head of Internal Control and monitor action in response to the issues raised in the report;



- (e) Consider the effectiveness of the Council's risk management arrangements and the control environment;
- (f) Approve the Council's formal policies for combating fraud and anti corruption and arrangements for special investigations, together with associated policies such as Whistle Blowing and Benefit Fraud prosecutions;
- (g) Consider arrangements for raising the profile of probity within the Council and receive ad hoc reports on any issues relating to the above;
- (h) Receive reports from the Section 151 Officer or his/her representatives on the strategic processes for financial risk, control and governance;
- (i) Seek assurances that action is being taken on risk related issues identified by auditors and regulators;
- (j) Obtain satisfaction that the Council's assurance statements, including the Annual Governance Statement, properly reflect the risk environment and any actions required to improve it;
- (k) Ensure there are effective relationships between External and Internal audit, regulation/inspection agencies and other relevant bodies and that the value of the audit process is actively promoted;
- (l) Review the annual financial statements with the Section 151 Officer, including the level and nature of any significant errors identified, together with the Section 151 Officer's letter of representation to the External Auditor;
- (m) Review the External Auditor's opinion and reports to Members on these annual financial statements and consider the adequacy of management responses and action in relation to the issues raised by External Audit;
- (n) The Chief Officer - Resources, the Head of Financial Service, the Head of Internal Audit, the Monitoring Officer and the representative of the External Auditor will have free and confidential access to the Chair of the Committee.

- 3.** As and when appropriate, the Committee will also be provided each financial year with:-
- (a) Details of any significant amendments to the terms of reference of Internal Audit;
  - (b) The Internal Audit Plan;
  - (c) The financial statements of the Council, including the Annual Governance Statement, and audit opinion to be provided by the External Auditor;
  - (d) External audit outputs including: the Regulatory Plan; ISA260 Report to 'Those Charged with Governance'; Audit Opinion; Financial Accounts Memorandum and Annual Audit Letter; and
  - (e) Consideration of the Policy regarding the Regulation of Investigatory Powers Act.

## **SECTION 14**

### **14. ACCESS TO INFORMATION PROCEDURE RULES**

#### **14.1 Scope**

These rules apply to all meetings of the Council, the Cabinet, Overview and Scrutiny Committee, Governance and Audit Committee, Democratic Services Committee, Standards Committee, and Regulatory Committees.

#### **14.2 Additional Rights to Information**

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

#### **14.3 Rights to Attend Meetings**

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

#### **14.4 Notices of Meeting**

Unless a meeting is convened at short notice, the Council will give at least three clear days' notice of any meeting by posting details of the meeting on its website.

#### **14.5 Access to Agenda and Reports Before the Meeting**

The Council will make copies of the agenda and reports open to the public available for inspection at the designated office and on its website at least three clear days before the meeting. If an item is added to the agenda later, the revised agenda (where reports

are prepared after the summons has been sent out, the designated Officer shall make each such report available to the public as soon as the report is completed and sent to Councillors) will be open to inspection from the time the item was added to the agenda.

#### **14.6 Supply of Copies**

The Council will supply copies of:

- 14.6.1 any agenda and reports which are open to public inspection;
- 14.6.2 any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- 14.6.3 if the Chief Executive thinks fit, copies of any other documents supplied to Councillors in connection with an item

to any person either electronically or on payment of a charge for postage and any other printing and handling costs.

#### **14.7 Access to Minutes after the Meeting**

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

- 14.7.1 the minutes of the meeting or record of decisions taken by the Cabinet, excluding any part of the minutes of proceedings when the meeting was not open to the public because exempt or confidential information was being considered;
- 14.7.2 a summary of any proceedings not open to the public, where the minutes open to inspection would not provide a reasonably fair and coherent record;

- 14.7.3 the agenda for the meeting; and
- 14.7.4 reports relating to items when the meeting was open to the public.

## **14.8 Background Papers**

### 14.8.1 List of Background Papers

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

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

But does not include published works or those which disclose exempt or confidential information as defined in Rule 14.10.

### 14.8.2 Public Inspection of Background Papers

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

## **14.9 Summary of Public's Rights**

A written summary of the public's rights to attend meetings and to inspect and copy documents will be kept at, and made available to the public at the Civic Centre, Ebbw Vale.

## **14.10 Exclusion of Access by the Public to Meetings**

### **14.10.1 Confidential Information – Requirement to Exclude Public**

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted, or the nature of the proceedings, that confidential information would be disclosed.

### **14.10.2 Exempt Information – Discretion to Exclude Public**

(a) The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted, or the nature of the proceedings, that exempt information would be disclosed.

(b) Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public, unless a private hearing is necessary for one of the reasons specified in article 6.

### **14.10.3 Meaning of Confidential Information**

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

### **14.10.4 Meaning of Exempt Information**

Exempt information means information falling within the categories as defined by Schedule 12A of the Local Government Act 1972 as amended

NOTE: Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

## **14.11 Public Interest Test**

14.11.1 Information which:

- (a) falls within any relevant paragraphs of the schedule to the Act stated above; and
- (b) is not prevented from being exempt by virtue of the “qualifications” above,

is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

14.11.2 The starting point is that there is a general public interest in release and the public authority has to decide whether in any particular case it would serve the interest of the public better to either disclose or withhold the information.

14.11.3 There is no legal definition of what the public interest is, but the following have been identified as some of the relevant considerations:

- (a) There is a distinction between public interest and what merely interests the public.

- (b) Does it further the understanding of and participation in the public debate of issues of the day?
- (c) Does it promote accessibility and transparency by public authorities for decisions taken by them or in the spending of public money?
- (d) Does it allow individuals and companies to understand decisions made by public authorities affecting their lives?
- (e) Does it bring to light information affecting public health and public safety?

#### **14.12 Exclusion of Access by the Public to Reports**

If the Head of Legal & Corporate Compliance thinks fit, the Council may exclude access by the public to reports which, in his or her opinion, relate to items during which, in accordance with Rule 14.10, the meeting is likely not to be open to the public. Such reports will be marked “Not for Publication”, together with the category of information likely to be disclosed and if applicable, why it is in the public interest it is considered that the information should not be disclosed.

#### **14.13 The Forward Work Programme**

##### **14.13.1 Period of Forward Work Programme**

The Forward Work Programme will be prepared by the Head of Democratic Services to cover a period twelve months. It will be updated at the end of this period.



#### 14.13.2 Contents of Forward Work Programme

- (a) The Forward Work Programme will contained matters which the Cabinet, Overview and Scrutiny Committee and Full Council are likely to consider. It will contain information on:
  - (i) the timetable for considering the budget and any plans forming part of the Policy Framework and requiring Council approval, and which body is to consider them;
  - (ii) the timetable for considering any plans which are the responsibility of the Cabinet;
  - (iii) any individual matters on which the Cabinet intends to consult in advance of taking a decision, and the timetable for consultation and decision;
  - (iv) the work programme of the Overview and Scrutiny Committee.
- (b) The Forward Work Programme will be published at least 14 days before the start of the period covered. The Head of Democratic Services will publish a notice in at least one newspaper circulating in the area, stating that the Forward Work Programme has been published and giving details of where it may be consulted or obtained.

#### **14.14 Consultation on Proposals to be considered by the Cabinet**

- 14.14.1 At least four weeks should be permitted in the Forward Work Programme for consultation with the

Overview and Scrutiny Committee and Electoral Division Members where a matter is to be considered by the Cabinet and is not urgent (as defined below) or confidential or exempt (as defined in paragraph 14.10).

14.14.2 A matter may be considered urgent where the events to which it is addressed were unforeseen at the time that the last Forward Work Programme was produced and a decision is required within four weeks.

14.14.3 A decision can only be treated as urgent if the decision taker (if an individual) or the Chair of the body making the decision obtains the agreement of the Chair of the relevant Overview and Scrutiny Committee that the taking of the decision cannot be reasonably deferred. If there is no Chair of the relevant Overview and Scrutiny Committee, or if the Chair of the Overview and Scrutiny Committee is unable to act, then the agreement of the Presiding Member or, in his/her absence, the Deputy Presiding Member will suffice. Any decisions taken under this urgency procedure will be recorded as having been taken in the absence of consultation in the decision record.

## **14.15 Record of Decisions of the Cabinet**

### 14.15.1 The Decision Record

(a) A written record will be made of every Cabinet Decision made by the Cabinet and its Committees (if any) and by Joint Committees and Joint Sub-Committees whose Members are all Members of a Local Authority Cabinet.

- (b) This decision record will include a statement, for each decision, of:
  - (i) the decision made;
  - (ii) the date the decision was made;
  - (iii) the reasons for that decision;
  - (iv) any personal interest declared;
  - (v) any dispensation to speak granted by the Authority's Standards Committee;
  - (vi) any consultation undertaken prior to the decision.

#### 14.15.2 Preparing the Decision Record

The Head of Legal & Corporate Compliance or his or her representative shall attend any meeting of the Cabinet, a Committee of the Cabinet or a Joint Committee or joint Sub-Committee where all its Members are Members of a Local Authority Cabinet, and shall, as soon as reasonably practicable after the meeting, produce a decision record.

### **14.16 Overview and Scrutiny Committees and other Committees and Members' Access to Documents**

#### 14.16.1 Rights of Access

Subject to paragraph 14.17.2 below, Overview and Scrutiny Committees and other Committees will be entitled to access to any document which is in the

possession or control of the Cabinet or its Committees and which contains material relating to:

- (a) any business transacted at a meeting of the Cabinet or its Committees; or
- (b) any decision taken by an individual Member of the Cabinet.

#### 14.16.2 Limit on Rights

Overview and Scrutiny Committees and other Committees will not be entitled to any part of a document that contains:

- (a) confidential or exempt information; or
- (b) advice provided by a political advisor or assistant unless that information is relevant to an action or decision that is being review or scrutinised or any review contained in a programme of work of the Committees.

### **14.17 Additional Rights of Access for Members of Overview and Scrutiny Committees**

#### 14.17.1 Rights of Access

All Members will be entitled (except where a Member has a prejudicial interest in any matter) to inspect any document which is in the possession or under the control of the Cabinet or its Committees and contains material relating to any business transacted at a meeting of a decision making body of the Council or by an individual Members of the Cabinet.

#### 14.17.2 Limitation on Rights

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

- (a) it would disclose exempt information falling within paragraphs 12 to 18 of Part 4 of Schedule 12A of the Local Government Act 1972; or

14.17.3 Nature of Rights

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

## **SECTION 15**

### **15. BUDGET AND POLICY FRAMEWORK PROCEDURE RULES**

#### **15.1 The Framework for Cabinet Decisions**

The Council will be responsible for the adoption of its Budget and Policy Framework as set out in Section 4. Once a Budget or a Policy Framework is in place, it will be the responsibility of the Cabinet to implement it.

#### **15.2 Process for Developing the Framework**

15.2.1 The Cabinet, following detailed reports from respective Chief Officers, (following appropriate consultation with stakeholders) will present to Council, proposed plans, policies and the associated annual budgets. This will be done allowing adequate time for Council to deal with the matter and, if needed, refer the matter back to the Cabinet for further consideration.

15.2.2 The Council will consider the proposals of the Cabinet and may adopt them, amend them, refer them back to the Cabinet for further consideration, or substitute its own proposals in their place. In considering the matter, the Council shall have before it the Cabinet's proposals and any related report from an Overview and Scrutiny Committee.

15.2.3 Any amendments to the proposals of the Cabinet to be proposed by Members at Council may not be considered by Council unless notice of the proposed amendment has been given to the Chief Executive in

writing and signed by the proposer and seconder not later than 17:00 at least 3 clear days before the date of the Council meeting.

- 15.2.4 The Council's decision will be publicised and a copy shall be given to the Leader. The notice of decision shall be dated and shall state either that the decision shall be effective immediately (if the Council accepts the Cabinet's proposals without amendment) or (if the Cabinet's proposals are not accepted without amendment), that the Council's decision will become effective on the expiry of 5 working days after the publication of the notice of decision, unless the Leader objects to it in that period.
  
- 15.2.5 If the Leader objects to the decision of the Council, he/she shall give written notice to the Chief Executive to that effect, prior to the date upon which the decision is to be effective. The written notification must state the reasons for the objection. Where such notification is received, the Chief Executive shall convene a further meeting of the Council to reconsider its decision and the decision shall not be effective pending that meeting.
  
- 15.2.6 The Council meeting must take place within 5 working days of the receipt of the Leader's written objection. At that Council meeting, the decision of the Council shall be reconsidered in the light of the objection, which shall be available in writing for the Council.
  
- 15.2.7 The Council shall, at that meeting, make its final decision on the matter on the basis of a simple majority. The decision shall be made public in accordance with Section 14 and shall be implemented immediately.

- 15.2.8 All policy and budget reports presented to Council for decision shall subsequently be presented to the next calendar relevant Overview and Scrutiny Committee.

### **15.3 Process for Developing the Budget**

- 15.3.1 The Cabinet will follow the process set out in the Financial Procedure Rules in Section 16 of the Constitution. In addition, the following process shall apply to the development of the Budget:

- (a) The Cabinet will [prepare publicise](#) a timetable for making proposals to the Council for the adoption of the budget, and its arrangements for consultation after publication of the initial proposals. The Chair of the [Corporate Overview and Scrutiny Committee](#) will also be notified.
- (b) At the end of the consultation period, the Cabinet will draw up firm proposals having regard to the responses to the consultation. If the Overview and Scrutiny Committee wishes to respond to the Cabinet in that consultation process then it may do so. The Overview and Scrutiny Committee shall report to the Cabinet on the outcome of its deliberations.

- 15.3.2 The Cabinet will take any response from the relevant Overview and Scrutiny Committee into account in drawing up firm proposals for submission to the Council, and its report to Council will reflect the comments made by consultees and the Cabinet's response.



- 15.3.3 Once the Cabinet has approved the firm proposals, it will refer them at the earliest opportunity to the Council. Any alternative proposed amendments to the recommendations of Cabinet may not be considered by Council unless notice of the proposed amendment(s) has been given in writing via e-mail (with the names of the Proposer and Seconder clearly stated) to the Section 151 Officer and the Chief Executive not later than 5:00pm at least 3 clear working days (not including the date of the meeting) before the date of the Council meeting. If there is less than 3 days between the Cabinet meeting which has determined the formal budget recommendations, then such notice of amendment referred to above shall be given, in the same specified form, as soon as possible but not less than 1 working day before the Council meeting.

#### **15.4 Decisions Outside the Budget or Policy Framework**

- 15.4.1 Subject to the provisions of paragraph 15.6 (virement) the Cabinet, Committees of the Cabinet or any Officers or joint arrangements discharging Cabinet functions may only take decisions which are in line with the Budget and Policy Framework. If any of these bodies or persons wishes to make a decision which is contrary to the Policy Framework, or contrary to or not wholly in accordance with the budget approved by Full Council, then that decision may only be taken by the Council, subject to paragraph 15.5 below.
- 15.4.2 If the Cabinet, Committees of the Cabinet, individual Members of the Cabinet or any Officers or joint arrangements discharging Cabinet functions want to make such a decision, they shall take advice from the Monitoring Officer and/or the Chief Officer -

Resources as to whether the decision they want to make would be contrary to the Policy Framework, or contrary to or not wholly in accordance with the budget.

- 15.4.3 If the advice of either of those Officers is that the decision would not be in line with the existing budget and/or Policy Framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 15.5 (urgent decisions outside the Budget and Policy Framework) shall apply.

## **15.5 Urgent Decisions Outside the Budget or Policy Framework**

- 15.5.1 The Cabinet, a Committee of the Cabinet or Officers or joint arrangements discharging Cabinet functions may take a decision which is contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the budget approved by Full Council if the decision is a matter of urgency. However, the decision may only be taken:

- (a) if it is not practical to convene a quorate meeting of the Full Council; and
- (b) if the Chair of the relevant Overview and Scrutiny Committee agrees that the decision is a matter of urgency.

- 15.5.2 The reasons why it is not practical to convene a quorate meeting of Full Council and the Chair of the relevant Overview and Scrutiny Committee's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chair of the relevant Overview and

Scrutiny Committee the consent of the Presiding Member and in the absence of both the Deputy Presiding Member of the Council will be sufficient.

- 15.5.3 Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

## **15.6 Virement**

Steps taken by the Cabinet, a Committee of the Cabinet, or Officers or joint arrangements discharging Cabinet functions to implement Council policy, shall not exceed those budgets allocated to each budget head. In the event that virement across budget heads or budgets becomes necessary or desirable, it shall be carried out in accordance with the Financial Procedure Rules in Section 16 of this Constitution.

## **15.7 In-Year Changes to Policy Framework**

The responsibility for agreeing the Budget and Policy Framework lies with the Council and decisions by the Cabinet, a Committee of the Cabinet, or Officers or joint arrangements discharging Cabinet functions must be in line with it. No changes to any policy or strategy which make up the Policy Framework may be made by those bodies or individuals except those changes:

- 15.7.1 which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;
- 15.7.2 necessary to ensure compliance with the law, ministerial direction or government guidance;

- 15.7.3 in relation to the Policy Framework in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration;
- 15.7.4 which relate to policy in relation to schools, where the majority of school governing bodies agree with the proposed change; or
- 15.7.5 for which provision is made within the relevant budget or policy.

## **15.8 Call-In of Decisions Outside the Budget or Policy Framework**

- 15.8.1 Where the relevant Overview and Scrutiny Committee is of the opinion that a Cabinet decision is, or if made would be, contrary to the Policy Framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the Monitoring Officer and/or Chief Officer - Resources.
- 15.8.2 In respect of functions which are the responsibility of the Cabinet, the Monitoring Officer's report and/or Chief Officer - Resources report shall be to the Cabinet with a copy to every Member of the Council. Regardless of whether the decision is delegated or not, the Cabinet must meet to decide what action to take in respect of the Monitoring Officer's or Chief Officer - Resources report and to prepare a report to Council in the event that the Monitoring Officer or the Chief Officer - Resources conclude that the decision was a departure, and to the relevant Overview and Scrutiny Committee if the Monitoring Officer or the Chief Officer - Resources conclude that the decision was not a departure.

15.8.3 If the decision has yet to be made, or has been made but not yet implemented, and the advice from the and/or the Chief Officer - Resources is that the decision is or would be contrary to the Policy Framework or contrary to or not wholly in accordance with the budget, the relevant Overview and Scrutiny Committee may refer the matter to the Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 10 working days of the request by the Overview and Scrutiny Committee. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Chief Officer - Resources. The Council may either.

- (a) endorse a decision or proposal of the Cabinet decision taker as falling within the existing Budget and Policy Framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or
- (b) amend the Council's Financial Procedure Rules or policy concerned to encompass the decision or proposal of the body or individual responsible for that Cabinet function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or
- (c) where the Council accepts that the decision or proposal is contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget, and does not amend the existing framework to accommodate it, require the Cabinet to reconsider the matter in accordance

with the advice of either the Monitoring Officer  
or Chief Officer - Resources.

## **SECTION 16**

### **16. FINANCIAL PROCEDURE RULES**

#### **16.1 INTRODUCTION**

The purpose of these Financial Regulations is to ensure:

- (a) Public accountability and high standards of financial integrity are exercised by Council in controlling the public funds and assets for which it is responsible. They govern the day to day administration of the Council's finances. They are set down to protect the interests of the Council as a whole and individual Councillors and employees.
- (b) Good sound financial management is a key element of the Council's Corporate Governance framework which helps to ensure that the Council is doing the right things, in the right way, for the right people, in a timely, inclusive, open, honest and accountable manner.
- (c) Good financial management secures value for money, controls spending, ensures due probity of transactions and allows decisions to be informed by accurate accounting information.
- (d) Financial procedures should not be seen in isolation, but rather as part of the overall regulatory framework of the Council as set out in this Constitution.

Financial procedures apply to every Member and Officer of the Council and anyone acting on its behalf. Members and Officers have a general responsibility for taking reasonable action to provide for the security and use of resources and assets under their control, and for ensuring that the use of resources and assets is legal, is consistent with council policies and priorities, is properly authorised, and provides value for money.

Where an employee is identified in the Regulations by job title, the post holder may delegate functions to employees under their control, but they retain responsibility to the Council for the actions of those individuals.

Failure to comply with these Regulations, or the instructions issued under them or any arrangements made for the purposes of them, may will constitute misconduct.

In the event of dispute as to the meaning of any of the provisions of these Financial Regulations, the matter shall be determined by the S151 Officer, whose decision shall be final.

## 16.2 DEFINITIONS

“Chief Officer” means the appropriate Director

“Committee” means the Council or the appropriate Committee of the Council (including the Cabinet) discharging the function

## 16.3 FINANCIAL MANAGEMENT - GENERAL RESPONSIBILITIES

- (a) The Full Council is responsible for approving the Budget. The budget setting process includes the approval of Prudential Indicators as requested by the CIPFA Prudential Code for Capital Finance in Local Authorities. The role of the Council is set out in this Constitution.
- (b) ~~The role of the~~ Cabinet is responsible for proposing the Annual Budget to Full Council.
- (c) The Chief Officer - Resources shall for the purpose of Section 151 of the Local Government Act 1972 be responsible under the general direction of the Council for the proper administration of the Council's financial affairs,



and is the professional adviser on financial matters. The Chief Officer – Resources’ responsibilities include:

- (i) the proper administration of the Council’s financial affairs;
  - (ii) advising on the corporate financial position and on key financial controls necessary to secure sound financial management;
  - (iii) providing financial information and advice to the Corporate Leadership Team, the Cabinet and the Council on all aspects of its activity including the presentation of appropriate financial options as necessary;
  - (iv) providing training for Members and Officers on Financial Procedures and Financial Management Standards;
  - (v) preparing and monitoring the revenue budget, capital programme and the Medium Term Financial Plan;
  - (vi) ensuring an effective Internal Audit Function and Treasury Management Function;
  - (vii) ensuring that the level of reserves is adequate to meet known financial risks facing the Council over the medium term;
  - (viii) ensuring that financial information is available to enable accurate and timely monitoring and reporting.
- (d) The Financial Regulations shall apply to schools only to the extent that the provisions are consistent with the statutory provisions and the arrangements made in relation to schools. Separate financial procedures have been incorporated into the Council’s Scheme for Financing of Schools and relate to those matters where decisions have been delegated to school governing bodies.

## **16.4 CODES OF PRACTICE**

The Council will comply with the latest Codes of Practice for Local Authority Accountancy and Financial Administration. Any significant exceptions to this approach due to practical difficulties shall be reported to the Cabinet.

## 16.5 REVENUE EXPENDITURE ESTIMATES

### Budget Setting Process

- (a) The Chief Officer - Resources in collaboration with Chief Officers shall prepare annual revenue and expenditure estimates in accordance with the Council's Medium Term Financial Strategy.
- (b) The Chief Officer - Resources shall summarise in one document the estimates as approved and submit them to a special meeting of the Cabinet Committee. The Cabinet Committee shall consider the effect of the aggregate estimates on the Council's financial resources, and shall submit its recommendations on the following matters to [Full Council](#):-
  - (i) Any amendments deemed necessary.
  - (ii) The utilisation or replenishment of fund balances.
  - (iii) The rate of Council Tax to be levied.

### Budget Virements

During the year, Chief Officers may need to transfer budgets from one service area to another to reflect changed service needs and priorities or to address in year overspends/unplanned expenditure or budget pressures.

For budget virements during the financial year:

- (a) Within a Portfolio – each Chief Officer should make the appropriate arrangements for values up to £250,000 between any one budget head to another for which they are responsible. These virements should be approved in writing by the relevant Portfolio Accountant. Budget

virements exceeding £250,000 will require the approval of the Cabinet.

- (b) Between Portfolios – Virements below £250,000 will require consultation with and agreement from the relevant Cabinet Members. Budget virements exceeding £250,000 will require the approval of the Cabinet.
- (c) Budget virements to cover planned expenditure on approved transfers of staff or services between Portfolios will not require further approval.
- (d) Council approval is required for any budget transfer, of whatever amount, where the proposed transfer will result in a change of policy, the introduction of a new service or the termination of an existing service.

### **Budget Monitoring Framework**

The Chief Officer - Resources is responsible for:

- (a) Providing an agreed programme of budget monitoring reports to the Cabinet and Scrutiny Committees on a quarterly basis throughout the financial year. These reports will contain, where appropriate:
  - (i) the financial statement of the Portfolio;
  - (ii) details of any budget virements auctioned during the period;
  - (iii) action plans to address budget pressures/overspends;
  - (iv) an analysis of any major movements in expenditure between reporting periods.
- (b) Provide appropriate financial information to Chief Officers/budget holders to enable budgets to be monitored effectively.

- (c) In the event of a Portfolio budget being underspent at the end of the financial year, it will be at the discretion of the Chief Officer - Resources on the utilisation of any such underspend.

It is the responsibility of Chief Officers to:

- (a) Control income and expenditure within their service areas.
- (b) Take any corrective action necessary to avoid exceeding their budget allocation and alert the Chief Officer - Resources to any problems.

Where any sanction of a Government Department is required for expenditure, such expenditure shall not be incurred before such sanction has been obtained.

### **Use of Council Reserves**

The Chief Officer - Resources is responsible for advising the Council/Cabinet on the levels of reserves for the Council. The advice will be based on a quarterly assessment. The aim will be to minimise the draw from the Council Fund Reserve.

The Council will set aside appropriate sums in reserves and provisions to fund expected and unexpected liabilities and to fund transformational projects and schemes.

## **16.6 CAPITAL EXPENDITURE ESTIMATES**

- (a) All proposed schemes for capital works shall be the subject of detailed consideration prior to their inclusion in the Medium Term Financial Strategy.
- (b) The Chief Executive , Chief Officers and the Chief Officer - Resources shall prepare lists of proposed capital works for all services and all other services for at least the next six years. Resource Prioritisation criteria will be applied to

these lists. The lists shall be submitted to the Cabinet Committee and shall include:

- (i) The estimated capital costs of the scheme, in accordance with Paragraph 4(a) above.
  - (ii) The Prioritisation criteria.
  - (iii) The nature of the works to be undertaken.
  - (iv) The time scales for expenditure and completion of the scheme.
  - (v) revenue budget implications throughout the life of the capital programme.
- (c) Following consideration by Cabinet of the list of proposed capital schemes, the Capital Programme will require formal approval by Council.
- (d) Requests for capital funding for schemes not within the approved six year capital programme will only be considered if:-
- (i) amounts allocated to approved projects vary in order that funding can be released to another project;
  - (ii) the level of forecast capital receipts exceeds the anticipated target;
  - (iii) prudential borrowing opportunities arise through the realisation of additional revenue savings;
  - (iv) slippage funding becomes available for reallocation.
- (e) Slippage – Annually Chief Officers will be required to formally request that any unspent capital amounts allocated within the approved capital programme be slipped from one financial year to the next. All slippage requests need to include a detailed explanation to justify the amounts being slipped forward. These will then be considered by Corporate Leadership Team who will determine those schemes eligible to be slipped forward. It should not be assumed that all requests will be agreed.

- (f) Where it is necessary to arrange the virement of Capital Expenditure from one head to another within the approved Capital Programme, each Chief Officer should make the appropriate arrangements for values up to £250,000. Virements above £250,000 within a Portfolio require the approval of the Cabinet.
- (g) Any subsequent alterations to a scheme approved under (b) which alter the approved costs can only be incorporated after the Cabinet Committee's further approval is obtained.
- (h) If the lowest tender is different from the approved cost by more than £50,000 the Chief Officer shall inform the Cabinet Committee as required in (d).
- (i) Where any sanction of a Government Department is required for expenditure, such expenditure shall not be incurred before such sanction has been obtained.
- (j) Where a Government Department or other agency has made 100% funding available for a capital scheme, at short notice and late in the financial year, such that it would not be possible to meet the above requirements in time to enable the project to be completed by the year end, the Chief Officer shall prepare a formal report for the next Cabinet Committee. The Chief Officer must agree this report with the Chief Executive , the Chief Officer - Resources and the relevant Cabinet Member, but will then be permitted to progress procedures under the Contract Procedure Rules before the Cabinet Committee has met.
- (k) Where contracts provide for payment to be made by instalments, the Chief Officer - Resources shall arrange for the keeping of a contracts register, to show the state of account on each contract between the Council and the contractor, together with any other payments and the related professional fees.
- (l) Payments to contractors shall be made only on a certificate issued by the appropriate Chief Officer.

- (m) The final payment for any contract shall not be authorised until the appropriate Officer has produced to the Chief Officer - Resources or his/her nominated Officer, a detailed final account and all relevant documents.
- (n) The Chief Officer - Resources will provide an agreed programme of budget monitoring reports to the Cabinet and Scrutiny Committees throughout the year. These reports will include a commentary on all significant over or underspending projects, provided by the budget holder with the assistance of the Accountancy Division. This commentary will explain the reasons behind, and the context of the significant variances.

## **16.7 PAYMENT OF ACCOUNTS**

- (a) Each Chief Officer shall provide a list to the Chief Officer - Resources or Officers authorised to certify accounts. All such authorised signatories are required to have read and understood their obligations under Financial Regulations and the Contract Procedure Rules (s.17).
- (b) All invoices or vouchers for payment must have a certification grid completed as required by the Chief Officer - Resources including confirmation that accounts have not been paid before.
- (c) The Chief Officer - Resources shall pay all account which he is satisfied are proper.

## **16.8 PETTY CASH IMPREST ACCOUNTS**

Petty

The Chief Officer - Resources shall control arrangements for Cash Imprest Accounts.

## **16.9 INCOME**

- (a) The collection of all monies shall be under the general control of the Chief Officer - Resources and each Chief Officer must comply with his/her requirements.
- (b) Collecting Officers shall immediately issue an official receipt for all monies received.
- (c) All monies must be promptly banked.
- (d) No payments may be made out of income received and no personal cheques may be cashed out of Council money.
- (e) Each Chief Officer shall promptly furnish the Chief Officer - Resources with all details that are required by him to record all sums due and to enable the efficient rendering of accounts.

## **16.10 BANKING ARRANGEMENTS**

- (a) The Chief Officer - Resources shall make all arrangements with the Council's bank including the operation of such banking accounts as he considers necessary. No banking accounts shall be opened without the express authorisation of the Chief Officer - Resources.
- (b) The Chief Officer - Resources shall nominate sufficient Officers of his/her Department as bank signatories and shall report these names to the Cabinet Committee.
- (c) All cheques, including Giro forms, but excluding cheques drawn on authorised imprest accounts, shall be ordered only on the authority of the Chief Officer - Resources, who shall make proper arrangements for their safe custody.

## **16.11 TREASURY MANAGEMENT**



- (a) This Council adopts the recommendations of CIPFA's Treasury Management in the Public Services: Code of Practice (the Code) 2001 as described in S.4 of that Code.
- (b) Accordingly, this Council will create and maintain, as the cornerstones for effective treasury management:-
- A treasury management policy statement (TMPS), stating the policies and objectives of its treasury management activities; and
  - Suitable treasury management practices (TMP), setting out the manner in which the organisation will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.
  - A Leasing Policy applicable to all Departments of the Council. In addition a specific Leasing Policy for Schools.
- (c) The Council will receive reports on its treasury management policies, practices and activities including as a minimum, an annual strategy and plan in advance of the year and an annual report after its close, in the form prescribed in its TMPS.
- (d) The Council delegates responsibility for the implementation and monitoring of its treasury management policies and practices to the Cabinet and for the execution and administration of treasury management decisions to the Chief Officer - Resources who will act in accordance with the Council's policy statement and TMPs and CIPFA's Standard of Professional Practice on Treasury Management.
- (e) The Council will set annual Prudential Indicators in accordance with the approved Code of Practice. The Council will delegate responsibility for monitoring these indicators to the Chief Officer - Resources, who will report to the Council on an exceptions basis as and when necessary.

## **16.12 SALARIES AND WAGES**

- (a) The Chief Officer - Resources shall oversee the arrangements for paying employees and former employees and shall issue or approve the form of time sheets and all other payroll documents. All time sheets, electronic forms and other payment requests shall be certified by the appropriate authorised Officer. The operational management of the payroll function is managed by the Chief Officer Commercial.
- (b) Each Chief Officer shall immediately notify the Chief Officer - Resources of all matters affecting payments to employees.
- (c) Each Chief Officer shall maintain holiday and absence records, and where applicable shall ensure that staff comply in full with the provisions of the Flexitime scheme.
- (d) All payments to employees shall comply with the approved Conditions of Service for such employees.
- (e) All Payroll and Creditors' payments must comply with Inland Revenue regulations and other taxes and guidance regarding employment status and deductions of PAYE.

## **16.13 STORES**

- (a) Each Chief Officer is responsible for the care and custody of stores and stockholding in his/her Department.
- (b) The Chief Officer and the Chief Officer - Resources shall agree the arrangements for the control and recording of stores transactions.
- (c) The Chief Officer shall certify the accuracy of stores records as at 31<sup>st</sup> March each year in a form required by the Chief Officer - Resources. All changes to arrangements shall be agreed by the Chief Officer - Resources or their representative.

- (d) The Chief Officer - Resources shall be notified of significant deficiencies or adjustments as soon as they become apparent which shall be certified by the Chief Officer and promptly reported to the Cabinet Committee.

#### **16.14 INVENTORIES**

A Chief Officer shall keep up to date inventories of all plant and equipment with an individual value of £200.00 or more by a system authorised by the Chief Officer - Resources. The Corporate Director of Regeneration and Community Services shall maintain a Council terrier of the Council's land ownerships and shall be responsible for the safe custody of title deeds and documents. Where purchases are made utilising grant arrangements in accordance with the Policies of the Council for the disposal of any Council property surplus to requirement.

#### **16.15 DISPOSALS**

Each Chief Officer shall make proper arrangements in accordance with the policies of the Council for the disposal of all property surplus to requirement.

#### **16.16 INSURANCES**

The Chief Officer - Resources shall be responsible for effecting all the Council's insurance and recoveries thereunder. Each Chief Officer shall be responsible for notifying him about all changes in risks. Each Chief Officer shall immediately notify him in writing of all incidents giving rise to potential claims and shall complete the requisite Claim Form.

#### **16.17 INTERNAL AUDIT**

The Chief Officer - Resources shall exercise an internal audit function over all financial transactions of the Council. The

responsibility of Internal Audit shall be to review, appraise and report on:-

- (a) The soundness, adequacy and application of internal controls;
- (b) The extent to which the Council's assets and interest are accounted for and safeguarded from losses of all kinds arising from:-
  - (i) Fraud and other offences,
  - (ii) Waste, extravagance and inefficient administration, poor value for money or other cause
- (c) The suitability and reliability of financial and other management data developed by the Council.

For the purpose of internal audit the Chief Officer - Resources and his/her nominated staff shall have authority to visit any establishment of the Council without prior notification to examine all accounts and supporting documents relating in any way to the finances of the Council and to require the production of any document, cash, stores and other property, and shall be entitled to require such examinations as he deems necessary in order to satisfy himself of the propriety of any matter under consideration.

## **16.18 FINANCIAL STATIONERY**

All official receipts or other financial stationery shall be controlled under arrangements made by the Chief Officer - Resources.

## **16.19 IRREGULARITIES**

In any case where financial irregularity is suspected the Chief Officer shall immediately inform the Head of Legal & Corporate Compliance and Chief Officer - Resources, who shall arrange

any further investigations thought necessary. If satisfied that irregularities exist they shall take appropriate action.

## **16.20 EXCEPTIONS**

Exceptions to these Financial Regulations are permitted:-

- (a) By the Cabinet after considering a report from the Chief Officer (who must first liaise with the Chief Officer - Resources).
- (b) In an emergency which must first be certified as an emergency by any two of the Chief Executive or Head of Legal & Corporate Compliance or Chief Officer - Resources and a joint written report must be presented by the Chief Officer to the next available meeting of the Cabinet on the nature of the emergency and the expenditure involved.

## **16.21 RECORDS**

The Chief Officer - Resources shall be responsible to the Cabinet for the whole of the accounting records of the council and Chief Officers shall confer with the Chief Officer - Resources before introducing any books, forms, computer systems or procedures relating to cash, stores or other accounts of the Council. It shall be the duty of the Chief Officer - Resources to see that uniform systems are, as far as practicable, adopted throughout the Departments of the Council.

## **16.22 ORDER FOR WORK, GOOD AND SERVICES**

- (a) Official orders shall be in a form approved by the Chief Officer - Resources, and are to be signed only by Officers authorised by the appropriate Chief Officer who shall be responsible for official orders issued from his/her Department.

- (b) Official orders shall be issued for all work, goods or services to be supplied to the Council except for supplies of public utility services, for periodical payments of rent or rates, for petty cash purchases or such other exceptions as the Chief Officer - Resources may approve.

### **16.23 PROTECTION OF PRIVATE PROPERTY**

- (a) All Chief Officers affected shall notify the Chief Officer - Resources in such form as he may require, of any case known to him where steps are necessary to prevent or mitigate loss or damage of moveable property of a third party into the possession of the Council or of that Officer, and shall forward to the Chief Officer - Resources an itemised inventory in each case, prepared in the presence of two Officers.
- (b) All valuables such as jewellery, watches and other small articles of a similar nature and documents of title belonging to a third party shall be deposited in accordance with arrangements agreed with the Chief Officer - Resources for safe custody.

### **16.24 SECURITY**

- (a) Each Chief Officer is responsible for maintaining reasonable security at all times for all data, buildings, stocks, stores, furniture, equipment, cash etc. under the Officer's control.
- (b) Maximum limits for cash holdings shall be agreed with the Chief Officer - Resources.
- (c) Each Chief Officer will be responsible for making reasonable secure arrangements in regard to the custody and availability of keys to safes and similar receptacles in their Department.

## **16.25 MONEY LAUNDERING POLICY**

Money Laundering is the term used for a number of offences involving the proceeds of crime or terrorism funds. The Authority has an 'Anti Money Laundering Policy' setting out procedures to be followed to prevent the use of its services for Money Laundering.

The policy applies to all employees of the Council and sets out the procedures which must be followed to enable the Council to comply with its legal obligations.

The Officer nominated to receive disclosures about Money Laundering activity is the Chief Officer - Resources.

## **16.26 INFORMATION SECURITY**

Information is an important business asset to Blaenau Gwent County Borough Council, it is essential to the organisation's business need. Information security is achieved by implementing a suitable set of controls including policies, processes and procedures, organisational structures, software and hardware functions.

All staff are required to confirm their acceptance and adherence to the Information Security Policy and its supporting operational policies. These policies help to minimise the risks from whatever source, to the security of ICT facilities and introduce appropriate levels of controls to offer adequate protections. The policies apply to all BGCBC Members, employees and third-parties engaged in work for BGCBC.

## **SECTION 17**

### 17. CONTRACT PROCEDURE RULES

#### **INDEX**

<b>CPR</b>	<b>Title</b>	<b>Page</b>
Table 1	Procurement Thresholds and Procedures for Sourcing Goods, Services & Works	4
Table 2	Waivers, Variations & Progress	5
<b>SECTION 1</b>	<b>GENERAL CONSIDERATIONS</b>	<b>6</b>
1	Introduction	6
2	Basic Principles	7
3	Relevant Contracts	7
4	Exempt Contracts	8
5	Categories	9
6	Electronic Purchasing and Procurement	9
7	Declaration of Interests	10
8	Prevention of Corruption – Bribery Act	10
9	Roles and Responsibilities	10
10	Waivers	13
<b>SECTION 2</b>	<b>PROCUREMENT PLANNING</b>	<b>15</b>
11	Pre Procurement Considerations	15
12	Budget Approval	15
13	External Body Grant Funding	15
14	Internal Providers	15
15	Estimating Contract Values	16
16	Approved Supplier Lists	16
17	Framework Agreements and Dynamic Purchasing Systems	16
18	Collaborative Arrangements	17
19	Preliminary Market Consultations	17
20	Community Benefits and Well Being of Future Generations (Wales) Act 2015	17
21	Ethical Employment in Supply Chains	18
22	Division of contracts into Lots	18
23	Purchase of Vehicles and Plant	18
24	Consultants	18
<b>SECTION 3</b>	<b>PROCUREMENT DOCUMENT PREPARATION</b>	<b>19</b>
25	Preparing Documentation	19



26	Evaluation Criteria	20
<b>SECTION 4</b>	<b>PROCUREMENT TENDERING PROCESS</b>	<b>21</b>
27	Competition Requirements / Assets for Disposal	21
28	Reduced Numbers of Invitations	24
29	Assets For Disposal / Tenders Generating Income	24
30	Advertising	24
31	Contractor Subsidies and State Aid	25
32	Supplier Selection, Short-listing or Pre-Qualification	25
33	Contract Terms and Conditions	25
34	Form of Tender / Quotation	25
35	Liquidated Damages	25
36	Security For Performing Contracts	26
37	Corruption: Cancellation of Contracts	26
38	Form of Contract	26
39	Contract Signature	26
40	Review of Tenders and Contracts	27
41	Submission, Receipt and opening of Tenders / Quotations	27
42	Reduced Numbers of Quotations or Tenders	29
43	Clarification Procedures	29
44	Evaluation and Checking of Quotations and Tenders	29
45	Abnormally Low Tenders	30
46	Records	30
47	Accepting and Reporting Quotations (Up to £75,000)	31
48	Accepting and Reporting Tenders (£75,001 and above)	31
49	Award of Contract and Debriefing of Organisations	32
50	Contracts Register	33
51	Statistical Returns	34
<b>SECTION 5</b>	<b>CONTRACT MANAGEMENT</b>	<b>34</b>
52	Contract Management / Monitoring	34
53	Progress and Variations	35
54	Contractors Claims	35
55	Assignment and Novation	35
56	Termination of contract	36
57	Contract End	36
<b>SECTION 6</b>	<b>DEFINITIONS AND INTERPRETATIONS</b>	<b>37 - 43</b>
Appendix A	Low Value Buying / Purchasing Up to £5,000	44
Appendix B	Low Value Procurement (Quotations) £5,001 - £25,000	45
Appendix C	Intermediate Value Procurement (Quotations) £25,001 - £75,000	46
Appendix D	High Value Procurement (Tenders) £75,001 – EU Thresholds	47

Appendix E	Strategic Procurement (Tenders) - Above EU Thresholds	48
------------	---	----

**Table 1: Procurement Thresholds and Procedures for Sourcing Goods, Services & Works**

NB: All external procurement related expenditure must be included within Departmental Procurement Plans and have SPB approval prior to being progressed					
Value	Buying £0 - £5,000 (Goods, Services & Works)	Low Value Procurement £5,001 - £25,000 (Goods Services & Works)	Intermediate Value Procurement £25,001 - £75,000 (Goods, Services & Works)	High Value Procurement £75,001 – EU Thresholds* (Goods, Services & Works)	Strategic Procurement Above EU Thresholds* (Goods, Services & Works)
<b>CPR Section</b>	CPR 27.1.1 & Appendix A	CPR 27.1.2 & Appendix B	CPR 27.1.3 & Appendix C	CPR 27.1.4 & Appendix D	CPR 27.1.5 & Appendix E
<b>Method</b>	Request for Quotations (RFQ)	Request for Quotations (RFQ)	Request for Quotations (RFQ)	Invitation to Tender (ITT)	Invitation to Tender (ITT)
<b>Pre tender: Procurement Options Report (Gateway 1 Report)</b>	No	No	Yes (SCCB)	Yes (SCCB)	Yes (SCCB)
<b>Selection Method &amp; Number for Goods, Services and Works</b>	Obtain at least 2 verbal or written quotations to demonstrate that value for money is being achieved	Invite at least 3 bidders  Consider using Council's Electronic Tendering System  Prepare specification and award criteria	Invite at least 4 bidders using Council's Electronic Tendering System  Prepare a specification and award criteria  Consider Advertising on Sell2wales	Invite tenders using the Councils Electronic Tendering System  Prepare a specification and award criteria  Consider advertising on sell2wales	Invite tenders in accordance with the Public Contract Regulations  Prepare a specification and award criteria
<b>Opened/Received by</b>	Nominated Officer	Nominated Officers x 2	Nominated Officers x 2 or Corporate Procurement Officer	Nominated Officer(s) & Corporate Procurement Officer	Nominated Officer(s) & Corporate Procurement Officer
<b>Records to be completed by</b>	Service Area  RFQ details kept on file ( T1), authorised by Chief Officer and retained for future reference	Service Area RFQ details recorded on file (T1), authorised by Chief Officer and retained for future reference;  Authorised copy forwarded to CPU for inclusion on Contracts Register	Service Area  RFQ Award Report; Authorised copy forwarded to CPU for inclusion on Contracts Register  Award & rejection letters	Service Area  Tender Award Report; Authorised copy forwarded to CPU for inclusion on Contracts Register  Award & rejection letters	Service Area  Tender Award Report, award & reject letters
<b>Award Approvals: Tender Acceptance Report (Gateway Report 2)</b>	( T1 retained in service area)	( T1 retained in service area and copied to CPU)	Yes (DMT) and copied to CPU	Yes (SCCB) however Contracts in excess of £2m should be referred to CLT**	Yes (SCCB) however Contracts in excess of £2m should be referred to CLT**
<b>Awarded by</b>	Authorised Officer	Authorised Officer	Chief Officer	Chief Officer in conjunction with Corporate Procurement	Corporate Procurement incorporating 10 day standstill
<b>Method of Awarding</b>	Purchase Order	Letter of Award / Contract/Purchase Order	Letter of Award / Contract / Purchase Order	Letter of Award / Legal Contract / Purchase Order	Letter of Award / Legal Contract / Purchase Order

*\*EU procurement thresholds for the public sector 1 January 2020 - 31 December 2021: Works & Concessions £4,733,252; Goods & Services £189,330; Light Touch Regime £663,540\* \*\*Contracts valued in excess of £2,000,000 should be referred to Corporate Leadership Team for consideration with the relevant Cabinet Member and Leadership and where appropriate reported to the Cabinet Committee for approval\*\**

**Table 2: Waivers, Variations & Progress**

All external procurement related expenditure must be included within Departmental Procurement Plans and have SCCB approval prior to being progressed				
<b>Waivers</b>				
Waivers are reserved for exceptional circumstances and will only be considered where good and sufficient reason has been demonstrated.				
A Waiver will not be granted simply on the grounds of convenience or because of inadequate forward planning				
	Low Value Procurement £1 - £25,000 (Goods Services & Works)	Intermediate Value Procurement £25,001 - £75,000 (Goods, Services & Works)	High Value Procurement £75,001 – EU Thresholds* (Goods, Services & Works)	Strategic EU Procurement Above EU Thresholds* (Goods, Services & Works)
<b>Waivers (CPR 10.4)**</b>	Chief Officer	Chief Officer/SCCB	Corporate Leadership Team (CLT). However for contracts in excess of £2m, CLT will consult with the relevant Cabinet Member and Leadership	N/a
<b>Emergency Waivers (CPR 10.5)***</b>	Chief Officer	Any two of the following: Chief Executive, Head of Legal & Corporate Compliance, Chief Finance Officer (S151) and reported to the next CLT	Any two of the following: Chief Executive, Head of Legal & Corporate Compliance, Chief Finance Officer (S151) and reported to the next CLT and Cabinet Committee. Where the value is in excess of £2,000,000, approval is subject to consultation with the relevant Cabinet Member and Leadership and a report must be presented by the Chief Officer to the next available meeting of CLT and/or Cabinet Committee as applicable.	
<b>Variations &amp; Progress</b>				
<b>Variations (CPR 51)</b>	Cumulative values not exceeding the lower of £10,000 or 10% of the original contract sum and still within approved budget (CPR 53.1)	Cumulative values exceeding the lower of £10,000 or 10% of the original contract sum and still within approved budget (CPR 53.2)	Cumulative value exceeding the approved budget (CPR 53.3)	Variation being applied for by Corporate Procurement (CPR 53.7)
<b>Approver(s)</b>	Chief Officer	Chief Officer (SCCB Information Report)	SCCB	SCCB / Internal Audit
<b>Progress Reporting (CPR 51.4)</b>	Contracts over £500,000 with a +/- 5% slippage		Contracts over £500,000 with > 50 day over-runs	
<b>Approver(s)</b>	SCCB / Cabinet Committee / Corporate Overview Scrutiny Committee		SCCB / Cabinet Committee / Corporate Overview Scrutiny Committee	

\*EU procurement thresholds for the public sector 1 January 2020 - 31 December 2021: Works & Concessions £4,733,252; Goods & Services £189,330; Light Touch Regime £663,540\*

\*\*CPR 10.4 - Waivers for Contracts valued in excess of £2,000,000 should be referred to Corporate Leadership Team for consideration with the relevant Cabinet Member and Leadership and where appropriate reported to the Cabinet Committee for approval

\*\*\*CPR 10.5 Emergency Waivers for Contracts valued in excess of £2,000,000 should be referred to Corporate Leadership Team for consideration with the relevant Cabinet Member and Leadership

## **SECTION 1 – GENERAL CONSIDERATIONS**

### **1 Introduction**

- 1.1 These Contract Procedure Rules (CPRs) are made under Sections 135 of the Local Government Act 1972.
- 1.2 Contract Procedure Rules (CPRs) provide a corporate framework for the procurement of all goods, services and works for the Council. The Rules are designed to safeguard the interests of the Council and its employees and to ensure that all procurement activity is conducted with openness, probity and accountability and in accordance with the Council's Constitution, Public Contract Regulations and English Law.
- 1.3 Procurement is the process by which the Council manages the acquisition of all its goods, services and works. It includes the identification of need, consideration of options, the actual procurement process and the subsequent management and review of awarded contracts.
- 1.4 The Council's procurement activities are governed by detailed European and UK legislation. The law requires all Council procurement and contracting to be conducted transparently, fairly and in a non-discriminatory and disproportionate manner. In the event of statutory or other legal requirement exceeding the requirements contained within these CPRs, then statute shall take precedence over any provision within these CPRs.
- 1.5 All references to competitive tenders and quotations within these CPRs shall apply (with such changes as are appropriate) equally to circumstances where the contract involves the receipt of income by the Council or the disposal of any asset or undertaking by the Council, as they do to purchases to be made by the Council, unless specifically stated otherwise.
- 1.6 All Procurement & Commissioning activities must be incorporated into Annual Departmental Procurement Plans (DPP's) and approved by the Strategic Commissioning and Commercial Board (SCCB) in advance of inviting tenders or requesting quotations (CPR11);
- 1.7 All Procurement and Commissioning activities over £25,001 require the engagement of Corporate Procurement;
- 1.8 Tables 1 and 2 at the beginning of this document set out in summary the key requirements that must be adhered to. However, you are strongly advised to refer to the rest of this document for further guidance and to seek the advice and

support of Corporate Procurement and where legal issues arise, the advice of Legal Services as required.

## **2 Basic Principles**

2.1 Every contract entered into by the Council (including Schools), shall be entered into pursuant to or in connection with the Council's functions and shall comply with:

- (a) All relevant statutory provisions;
- (b) The relevant European Procurement Directives (the EU Treaty, the general principles of community law and the European Union's Public Contracts Directive (2014/24/EU) implemented by the Public Contracts Regulations 2015 or such other amendment, variation or replacement Regulations in force from time to time ("Regulations");
- (c) The Council's Constitution including these CPRs, the Council's Financial Regulations and Scheme of Delegation.

2.2 All procurement procedures must:

- i. realise value for money by achieving the optimum combination of whole life costs, and quality of outcome;
- ii. be consistent with the highest standards of integrity;
- iii. operate in a transparent manner;
- iv. ensure fairness in allocating public contracts;
- v. comply with all legal requirements including European Union (EU) treaty principles;
- vi. support all relevant Council priorities and policies, including the Medium Term Financial Strategy;

## **3 Relevant Contracts**

3.1 All Relevant Contracts must comply with these CPRs. A Relevant Contract is any arrangement made by, or on behalf of, the Council for the carrying out of works or the provision of supplies or services. These include arrangements for:

- (a) the supply or disposal of goods;
- (b) the hire, rental or lease of goods or equipment;
- (c) the delivery of services, including (but not limited to) those related to:
  - The recruitment of agency staff;
  - Commissioning of social care services;
  - Financial and consultancy services;
- (d) the execution of works
- (e) contracting activities of any partnership for which the Council is the accountable body unless the Council expressly agrees otherwise.

#### 4 **Exempt Contracts**

4.1 The following contracts are exempt from the requirements of these CPRs:

- (a) employment contracts (this exemption does not extend to the recruitment of agency staff or external secondment arrangements);
- (b) contracts relating solely to disposal or acquisition of an interest in land and property, for which there is a separate Council protocol;
- (c) contracts for the execution of mandatory works by statutory undertakers;
- (d) advice or instruction of Counsel made by the Head of Legal and Corporate Compliance;
- (e) transactions made in relation to investments and borrowings made by the Chief Finance Officer;
- (f) award of contract for '**emergency**' individual placements and associated support services, which may include but not be limited to; care support, development or advice to individual clients (children or adults), in order to provide for their well-being and safety as made by the Corporate Directors for Education and Lifelong Learning and Social Services in accordance with the Regulations;

NB non-emergency placements are no longer exempt of the Regulations and should be let in accordance with these CPRs and EU 'Light Touch Regime' (CPR27.1.6);

- (g) contracts which have been procured on the Council's behalf:



- (i) through collaboration with other local authorities or other public bodies, where a competitive process which complies with the CPRs of the leading organisation has been carried out;
  - (ii) by a National or Regional contracting authority where the process followed is in line with the Public Contracts Regulations; or
  - (iii) under the terms of a Strategic Partnership arrangement approved by the Cabinet Committee;
- (h) the payment of grants to third parties;

## **5 Categories**

5.1 These CPRs relate to five categories of procurement based on the estimated value of contracts:

- (i) Up to £5,000 (Buying)
- (ii) £5,001 to £25,000 (Low Value Procurement)
- (iii) £25,001 to £75,000 (Intermediate Value Procurement)
- (iv) £75,001 to European Union (EU) Procurement Thresholds (High Value)
- (v) Above EU Thresholds (Strategic Procurement)
  - £189,330 for the purchase of goods and services, and
  - £4,733,252 for works

(Current values are set 1st January, 2020 – 31st December, 2021)

## **6 Electronic Procurement and Purchasing**

6.1 Aligned to the Council's continued modernisation agenda, the Chief Finance Officer via Corporate Procurement has implemented a number of electronic procurement systems that should be utilised as corporate solutions to support the cost efficient procurement of goods, works and services;

- (a) E-Procurement (sourcing, tendering and contract management)
  - (i) All Requests for Quotations (RFQ's) with an estimated value above £25,001 and all Invitations to Tender (above £75,001) must be administered electronically via the E-Procurement system.

- (ii) In addition, consideration should be given to inviting all RFQ's with an estimated value over £5,001 electronically via the E-Procurement system.

(b) E-purchasing (raising purchase orders)

- (i) All purchase orders issued for the provision of goods, works and services must be raised electronically via the Council's integrated E-purchasing system (Civica).

6.2 Chief Officers should contact the Corporate Procurement Manager regarding the use of electronic procurement and purchasing solutions.

6.3 In exceptional cases, where specific circumstances mean that a procurement process cannot be carried out electronically, permission to conduct a procurement process by alternative means must be obtained from the Chief Finance Officer.

## **7 Declaration of Interests**

7.1 No Elected Member, Officer or agent of the Council shall improperly use their position to obtain any personal or private benefit from any contract entered into by the Council.

7.2 Elected Members and Employees of the Council shall comply with the requirements of Section 117 of the Local Government Act 1972 and the Elected Members and Officers Codes of Conduct as set out in the Constitution in respect of the declaration of interests in contracts with the Council.

7.3 Such interests must be declared to the relevant persons in accordance with the Council's Code of Conduct for Elected Members and Officers, contained within the Constitution, detailing how the conflict has been addressed.

## **8 Prevention of Corruption – Bribery Act**

8.1 Bribery is a criminal offence. The Council complies with the Bribery Act 2010. The Council does not and will not, pay bribes or offer improper inducements to anyone for any purpose, nor does it or will it accept any bribes or improper inducements.

8.2 Any alleged acts of bribery must be immediately reported to the Chief Finance Officer and Head of Legal & Corporate Compliance so that appropriate action can be taken.

## **9 Roles and Responsibilities**

## 9.1 Strategic Commercial Commissioning Board

9.1.1 The Strategic Commercial Commissioning Board (SCCB), is an Officer Board which provides strategic guidance to the procurement and commissioning community.

9.1.2 The goal of the SCCB is to:

- i) provide oversight and scrutiny of the Council's commercial activities, primarily Commissioning and Procurement;
- ii) review and approve commercial activities at key stages of the commissioning and procurement lifecycle;
- iii) ensure alignment with corporate priorities and objectives;
- iv) ensure adherence to constitutional requirements for all commercial activities;

9.1.3 The SCCB reserves the right to call in any officer of the Council who has failed to comply with these CPRs.

## 9.2 Corporate Directors & Chief Officers

9.2.1 Each Corporate Director/Chief Officer is accountable for all Procurement activity in their respective directorates. Their duties are to:

- (a) ensure compliance with the Public Procurement Regulations, Financial Regulations and these Contract Procedure Rules;
- (b) ensure the use of compliant best practice Procurement for their directorate's Procurement activity;
- (c) ensure that Procurement carried out for the execution of Works or the provision of Goods and Services are approved and covered by suitable Council terms and conditions of contract so that the responsibilities of each party are clear. If it is deemed necessary to sign up to any arrangement which deviates from the Council's standard terms and conditions advice should be sought from the Head of Legal and Corporate Compliance and the Corporate Procurement Manager.
- (d) ensure contracts are recorded in the Corporate Contracts Register as held and maintained by Corporate Procurement;

- (e) use their best endeavours to ensure that no Contract commences prior to the Terms and Conditions of Contract being signed and, where necessary, sealed;
- (f) ensure that all Contracts are awarded on the basis of the Most Economically Advantageous Tender (MEAT). Social and environmental criteria must be considered as part of the assessment process, to the extent that they relate proportionately to the subject matter of the Contract and are non-discriminatory;
- (g) identify, evaluate, record and appropriately mitigate risk (e.g. provision of performance bond, parent company guarantee and appropriate payment provisions and termination clauses within Contracts);
- (h) ensure that all Invitation to Tender documents clearly describe the Evaluation Criteria, sub criteria and weightings and that the tender evaluation is based strictly on the published criteria and weightings.
- (i) ensure immediate corrective action is taken in the event of a breach of the Contract Procedure Rules;
- (j) ensure that Contracts are not artificially underestimated or disaggregated into two or more separate Contracts where the intent is to avoid the application of the Contract Procedure Rules or Public Procurement Regulations.
- (k) ensure Purchase Orders are raised on the Corporate Financial System prior to procuring Goods, Works and Services, unless an exemption is approved by the Chief Finance Officer;
- (l) ensure that their Directorate supports and facilitates the work of the Strategic Commercial Commissioning Board.

### 9.3 Authorised Officers

9.3.1 Authorised Officers will comply with these Contract Procedure Rules (CPRs), the Council's Constitution and with all UK and EU legal requirements. Authorised Officers will:

- (a) take all necessary procurement, legal, financial and professional advice, taking into account the requirements of these CPRs;
- (b) keep the records required by Rule 46 of these CPRs in a manner determined by the Chief Finance Officer;

(c) prior to letting a contract on behalf of the Council, check whether:

(i) the Council already has an appropriate contract in place in the Corporate Contracts Register; or

(ii) an appropriate national, regional or other collaborative contract is already in place.

(iii) Where the Council already has an appropriate contract in place, then this must be used unless it can be established that the contract does not fully meet the Council's specific requirements in this particular case, and this is agreed following consultation with Corporate Procurement.

(iv) Where an appropriate national, regional or collaborative contract is available, consideration should be given to using this, provided the contract offers value for money.

(d) ensure that when any employee, either of the Council or of a service provider, may be affected by any transfer arrangement, then any Transfer of Undertaking (Protection of Employment) issues are considered and Legal and Organisational Development (OD) advice from within the Council is obtained prior to proceeding with the procurement exercise.

(e) ensure that any agents, consultants and contractual partners acting on their behalf also comply.

9.4 Failure to comply with any of the provisions of these CPRs the Council's Constitution or UK or EU legal requirements must be brought to the attention of the Chief Executive, Monitoring Officer, Head of Internal Audit, or relevant Corporate Director as appropriate. Depending on the nature of the non-compliance this may result in disciplinary action being taken.

9.5 Any doubt or uncertainty as to how these CPRs are to be interpreted and any inconsistency between these CPRs and any other Council document shall be referred to the Chief Executive, Chief Finance Officer (section 151 Officer) & Head of Legal and Corporate Compliance (Monitoring Officer), whose decision shall be final.

9.6 A full review of these CPR's will be undertaken following any substantive change of EU or UK law. In addition, the Chief Finance Officer in conjunction with the Head of Legal and Corporate Compliance is permitted to undertake an annual refresh of the CPRs as required.

## 10 Waivers

- 10.1 Circumstances may arise where permission is required to waive one or more of these Contract Procedure Rules. Waivers are reserved for exceptional circumstances and will only be considered where good and sufficient reason has been demonstrated. A Waiver will not be granted simply on the grounds of convenience or because of inadequate forward planning.
- 10.2 The Council can only waive the rules established by the Council – the Council **cannot** waive UK law or EU Procurement Regulations.
- 10.3 Normally the circumstances under which a Waiver can be considered are:
- i) where grant conditions of funding bodies specify appropriate alternative arrangements;
  - ii) for works, supplies or services which are either patented or of such special character that it is not possible to obtain competitive prices;
  - iii) where relevant UK or EU legislation not otherwise referred to in these CPRs prevents the usual procurement process from being followed.
  - iv) involving such urgency that it is not possible to comply to the full extent of the CPRs such as in cases where contracts need to be awarded to take advantage of late funding opportunities or equivalent appropriate circumstances.
- 10.4 Additionally, these Rules may be waived or varied in an emergency situation which must be first certified on the approved form as an emergency, involving such urgency that it is not possible to comply with the CPRs; a written report must be presented by the Authorised Officer on the nature of the emergency and expenditure involved. A copy of the signed emergency certificate should be forwarded to the Chief Finance Officer and the Head of Legal and Corporate Compliance.
- 10.5 Depending upon the estimated value, waivers as defined in Rule 10.3 may be considered following receipt of a written report from the relevant Authorised Officer as follows:
- i) Up to £25,000 may be granted by the relevant Chief Officer;
  - ii) £25,001 - £75,000 may be granted by the relevant Chief Officer in consultation with the Corporate Procurement Manager;
  - iii) £75,001 – Relevant EU Threshold may be granted by Corporate Leadership Team and where the contract value is in excess of £2,000,000, in consultation with the relevant Cabinet Member and Leadership;

10.6 Waivers as defined with Rules 10.4 may be approved/certified following receipt of a written report from the relevant Authorised Officer as follows:

- i) Up to £25,000; may be approved/certified by the relevant Chief Officer;
- ii) £25,001 – £75,000; may be approved/certified by any two (2) of the Chief Executive, Head of Legal & Corporate Compliance or Chief Finance Officer (Section 151 Officer) and a report must be presented by the Chief Officer to the next available meeting of Corporate Leadership Team
- iii) £75,001 – Relevant EU Threshold\*; may be approved/certified by any two (2) of the Chief Executive, Head of Legal & Corporate Compliance or Chief Finance Officer (Section 151 Officer) and a report must be presented by the Chief Officer to the next available meeting of Corporate Leadership Team.

Where the value is in excess of £2,000,000, approval is subject to consultation with the relevant Cabinet Member and Leadership; and a report must be presented by the Chief Officer to the next available meeting of Corporate Leadership Team and/or Cabinet Committee as applicable.

10.7 Wherever a waiver is granted in accordance with CPR10, a copy of the approved Emergency Certificate and Waiver Report must be forwarded to Corporate Procurement for inclusion on the Corporate Contracts Register.

## **SECTION 2 – PROCUREMENT PLANNING**

### **11 Pre-Procurement Considerations – Annual Departmental Procurement Plans**

- 11.1 By the end of March each calendar year, Corporate Directors shall submit to the Strategic Commercial Commissioning Board (SCCB), a completed Annual Departmental Procurement Plan (DPP), detailing all planned procurement and commissioning activities over £5,000 for the forthcoming financial year.
- 11.2 DPPs will be used to by Corporate Procurement to inform the procurement & commissioning forward work programme, to identify collaborative opportunities, to allocate appropriate resources and to ensure all relevant legislative requirements are observed.

### **12 Budget Approval**

- 12.1 No contract shall be let unless the expenditure involved has been included in approved capital or revenue budgets or has been otherwise approved by or on behalf of the Council.

### **13 External Body Grant Funding**

- 13.1 Where a procurement process is funded, in whole or part, by grant funding which has been awarded to the Council by an external funding body, the Chief Officer must ensure that any rules or conditions imposed by the funding body are adhered to, in relation to the requirements of these CPRs.
- 13.2 Where there is any conflict between these CPRs and the rules or conditions imposed by the funding body, the stricter requirement should be followed.

### **14 Internal Providers**

- 14.1 Before commencing a procurement activity, the Head of Service or Authorised Officer shall ascertain whether an in-house service provider is able to carry out the works or service.
- 14.2 Where the in-house provider is able to and has the capacity to undertake the requirements, then the instruction should automatically be allocated subject to approval of the relevant Head of Service and in accordance with any funding terms and conditions and such decisions shall be recorded in writing. If in such a case the relevant Head of Service does not wish to use the in-house provider, then they must seek approval from the Council's Corporate Leadership Team prior to the commitment of the procurement.



- 14.3 Where an in-house service is bidding in competition for the provision of goods, works or services, care must be taken to ensure a fair process between the in-house provider service and external bidding organisations.

## **15 Estimating Contract Values**

- 15.1 All Contract Values should be calculated strictly in accordance with the Public Contract Regulations (PCRs).
- 15.2 The estimated value of a contract/procurement exercise shall be the value of the total consideration, net of VAT, which the Council expects to be payable under the contract.
- 15.3 In determining the value of the contract, the Council shall, where relevant, take account of:
- (a) Any form of option.
  - (b) The term/period of the proposed contract.
  - (c) Any rights to renew the contract/extend the contract period.
- 15.4 In determining the value of any contract where the actual term of the contract is not specified or uncertain, then the value shall be taken as equating to the value of the annual consideration multiplied by four (4) (i.e. the estimated value over a four (4) year period). Guidance should be sought from Corporate Procurement where assistance is required in estimating contract values.
- 15.5 The Council shall make the best use of its purchasing power by aggregating purchases wherever possible. In particular contracts for supplies, services or works shall not be split (disaggregated), in an attempt to avoid the applicability of these CPRs or the Regulations.

## **16 Approved Supplier Lists**

- 16.1 In circumstances where no other suitable contract arrangement exists, Chief Officers may maintain and operate Select Lists of Contractors or Providers who have met the Council's criteria for invitations to tender. These lists being categorised according to the type of works or services (and contract values) for which each contractor/provider is approved.
- 16.2 Approved lists should only be used following consultation with the Corporate Procurement Manager.
- 16.3 Approved lists must **not** be used where they are prohibited under the Public Contracts Regulations.

## **17 Framework Agreements and Dynamic Purchasing Systems (DPS)**

- 17.1 Framework Agreements are agreements between the Council and one, or three or more providers for the provision of goods, works or services on agreed terms for a specific period, for estimated quantities against which orders may be placed if and when required during the contracted period.
- 17.2 A DPS is a fully electronic compliant 'Approved List', which in effect operates as an open framework, whereby Economic Operators can apply for and providing they meet the specified suitability criteria, be admitted to the established DPS at any point during its term.
- 17.3 Before committing the Council to any Framework Agreement or DPS, the Chief Officer must seek written approval from the Corporate Procurement Manager.

## **18 Collaborative Arrangements**

- 18.1 When a requirement can be fulfilled through an existing arrangement, put in place by another Organisation and the requirements of the European Procurement Rules have been complied with by that Organisation, the arrangement will be deemed to be in compliance with these CPRs. This includes purchasing through arrangements that have been entered into for example but not limited to Welsh Government, National Procurement Service Wales (NPS), and the UK Government's Procurement Service, Crown Commercial Services (CCS).
- 18.2 Before committing the Council to an arrangement as set out in 18.1, the Chief Officer must seek written approval from the Corporate Procurement Manager.

## **19 Preliminary Market Consultations**

- 19.1 The Council may consult potential suppliers, prior to the issuing of the Invitation to Tender or Request for Quotation, in general terms about the nature, level and standard of the supply, contract packaging and other relevant matters, provided this does not prejudice any potential organisation.
- 19.2 When engaging with potential suppliers, the Council must not seek or accept technical advice on the preparation of an Invitation to Tender or Quotation from anyone who may have a commercial interest in them, and where this may prejudice the equal treatment of all potential bidding organisations or distort competition. Assistance should be sought from the Corporate Procurement Manager where consideration is being given to pre-tender market testing.

## **20 Community Benefits and Well Being of Future Generations (Wales) Act 2015**

- 20.1 The Council is committed to achieving economic, social, cultural and environmental well-being for its residents to ensure a better quality of life for everyone, now and for generations to come.
- 20.2 For all procurements over £25,001 the Authorised Officer **must** consider the economic, social and environmental impact of the project when determining the specification and evaluation criteria to maximise the added value of procurement.
- 20.3 Authorised Officers shall seek guidance from Corporate Procurement and Economic Regeneration colleagues on how best to incorporate economic, social, cultural and environmental well-being benefits into tenders and contracts.

## **21 Code of Practice – Ethical Employment in Supply Chains**

- 21.1 Blaenau Gwent CBC have signed up to the Welsh Government's Code of Practice – Ethical Employment in Supply Chains, and therefore all tenders must consider the principles of the Code when compiling documentation, vetting suppliers and awarding contracts. The overarching principle of the Code is to ensure that workers in public sector supply chains are employed ethically and in compliance with both the letter and spirit of UK, EU, and international laws. The Code covers Modern Slavery and human rights abuses, Blacklisting, False self-employment, Unfair use of umbrella schemes and zero hours contracts as well as considering paying the living wage. Advice must be sought from Corporate Procurement during tender preparation to ensure processes adhere to the principles of the Code.

## **22 Division of Contracts into Lots**

- 22.1 The Council may, where it considers appropriate decide to award a contract in the form of separate lots and may determine the size and subject matter of such lots in accordance with the Public Contract Regulations. Refer to Corporate Procurement for advice and guidance.
- 22.2 Where the Council is developing above EU/UK procurement solutions and has decided not to subdivide a contract into lots, it has a duty to provide an indication of its reasons within the procurement documentation. Refer to Corporate Procurement for advice and guidance.

## **23 Purchase of Vehicles and Plant**

- 23.1 The Chief Officer holding the Council's Vehicle Operator's Licence, shall be responsible for the purchase or hire of vehicles and plant in accordance with these Contract Procedure Rules.

## **24 Consultants**

- 24.1 The Commissioning/engagement of Consultants to work within the Council or to undertake work on behalf of the Council as part of a wider project will be subject to these CPRs and the Council's Financial Regulations;
- 24.2 Where the Council uses consultants to act on its behalf in relation to any procurement, then the Chief Officer shall ensure that the consultants carry out any procurement in accordance with these CPRs. No consultant shall make any decision on whether to award a Contract or who a Contract should be awarded to;
- 24.3 Where the Council uses consultants to act on its behalf in relation to any procurement the consultant must declare any potential conflict of interest that may arise to the Chief Officer prior to the commencement of the procurement process;
- 24.4 Where the Chief Officer considers that such a conflict of interest is significant the consultant shall not be allowed to participate in the procurement process. The Head of Legal and Corporate Compliance should be consulted in such circumstance.

### **SECTION 3 – PROCUREMENT DOCUMENT PREPARATION**

#### **25 Preparing Documentation**

25.1 It is a requirement to produce all documentation associated with the procurement activity prior to making any offer to the market. This should include:

- a) the Specification, which should contain precise details of the requirements, be easily understood by the bidders and have clearly defined, achievable and measurable inputs, outputs or outcomes;

where appropriate for contracts under £25,000 and for all contracts over £25,001:

- b) A draft contract, including any bespoke terms and conditions that may be required over and above the standard terms and conditions of the form of contract used;
- c) Selection and award criteria (including weightings) and the proposed evaluation/scoring methodology.
- d) Where applicable, a Pre-Qualification Questionnaire (PQQ) to enable a fair and transparent means of creating a shortlist of bidders;
- e) Form of Tender

- f) Tender invitation (instructions), clearly stating the requirement to submit bids electronically, the time and date it needs to be submitted by, along with any other relevant instructions and a clear statement that no bids will be considered that have been submitted other than as instructed;

## 25.2 Standards

Relevant British, EU and International standards which apply to the subject matter of the contract and which are necessary to properly describe the required quality must be included with the contract.

## 25.3 Nominated Products

All goods and services should be specified by reference to objective, non-product specific descriptions. Equivalent goods and services are nearly always capable of being specified. However, if this is not possible on the grounds of genuine technical reasons and a particular type of product or service or method of production or delivery has to be stated, then the words “or equivalent” should always be added.

## 25.4 Contract Terms and Conditions

The Council’s harmonised procurement documents or conditions issued by a relevant professional body will be used. Where there is any deviation from these, the documents to be used must be reviewed by the Head of Legal & Corporate Compliance and the Corporate Procurement Manager prior to being issued. Standard contract terms and conditions and procurement templates are available upon request from Corporate Procurement.

## 26 Evaluation Criteria

### 26.1 Evaluation Criteria

- (a) In any procurement exercise the successful bid should be the one which either:
  - (i) offers the lowest price; or
  - (ii) offers the most economically advantageous balance between quality and price (MEAT).

In the latter case, the Council will use criteria linked to the subject matter of the contract to determine that an offer is the most economically advantageous, for example: price, quality, technical merit, aesthetic and functional characteristics, environmental characteristics, running costs, cost effectiveness, after-sales service, technical assistance, delivery date, delivery period and period of completion.

- (b) Issues that are important to the Council in terms of meeting its corporate objectives may be used to evaluate bids. The criteria can include, for example sustainability considerations, support for the local economy or the use of sub-contractors. The bidding organisations' approaches to continuous improvement and setting targets for service improvement or future savings could also be included. All criteria must relate to the subject matter of the contract, be in line with the Council's corporate objectives and must be objectively quantifiable and non-discriminatory.
- (c) The procurement documentation should clearly explain the basis of the decision to bidding organisations, making clear how the evaluation criteria specified in the process will be applied, the overall weightings to be attached to each of the high-level criteria, how the high-level criteria are divided into any sub-criteria and the weightings attached to each of those sub-criteria.
- (d) Where a procurement procedure has both selection and award stages, the criteria used at the selection stage should not be used again at the award stage.

## **SECTION 4 – PROCUREMENT TENDERING PROCESS**

### **27 Competition Requirements/Assets for Disposal**

#### **27.1 Competition Requirements**

- (a) Where possible, goods, services and works should be obtained via existing approved arrangements including but not limited to:
  - i. In-house services provision
  - ii. Established corporate contracts, framework agreements and/or consortia arrangements
- (b) Where no such approved arrangements exist, the Authorised Officer must establish the total value of the procurement (including whole life costs and incorporating any potential extension periods (CPR15) and invite quotations or tenders in accordance with the following procedures:

##### **27.1.1 Buying (Quotations) – Below £5,000**

Authorised Officers should obtain a minimum of two (2) quotations to demonstrate competition and value for money.

A written record of enquiries must be made and retained in a manner approved by the Chief Finance Officer.

- Please refer to Appendix A

27.1.2 Low Value Procurement (Quotations) – Between £5,001 and £25,000

Authorised Officers must invite a minimum of three (3) quotations in order to demonstrate competition and they shall accept the lowest or most economically advantageous quotation.

***Consideration should be given to using the Council's E-tendering portal.***

A written record of enquiries must be made and retained in a manner approved by the Chief Finance Officer.

- Please refer to Appendix B

27.1.3 Intermediate Value Procurement (Quotations) £25,001 - £75,000

***All Procurement and Commissioning activities over £25,001 require the engagement of Corporate Procurement;***

***Before quotations are invited, a Pre-Tender Procurement Options Report (Gateway 1 Report) must be submitted to the relevant Departmental Management Team (DMT) for approval;***

***Requests for quotations in excess of £25,001 must be conducted electronically via the Authority's E-tendering system as approved by the Chief Finance Officer.***

***Hard copy RFQ's may only be considered with the prior approval of the Corporate Procurement Manager.***

Authorised Officers should consider advertising the procurement opportunity in accordance with CPR30;

Alternatively, where the opportunity is not subject to open advert, Authorised Officers must invite a minimum of four (4) quotations to demonstrate appropriate competition and they shall accept the lowest or most economically advantageous quotation.

A written record of enquiries must be made and retained in a manner approved by the Chief Finance Officer.

- Please refer to Appendix C

27.1.4 High Value Procurement (Tenders): Between £75,001 and EU Thresholds (£189,330 for goods and services or £4,733,252 for works)

***Procurement and Commissioning activities require the engagement of Corporate Procurement;***

***Before tenders are invited, a Pre-Tender Procurement Options Report (Gateway 1 Report) must be submitted to the Strategic Commercial Commissioning Board (SCCB) for approval.***

***Invitations to Tender must be conducted electronically via the Authority's E-tendering system as approved by the Chief Finance Officer.***

***Hard copy Tenders may only be considered with the prior approval of the Corporate Procurement Manager.***

Invitations to Tender must be sourced via one of the following methods:

- Selective tendering from an appropriate approved list under (CPR16);
- Sourcing from an existing Framework Agreement (CPR17) or collaborative arrangement (CPR18); or
- Competitive tendering by open advertisement (CPR30);
- Please refer to Appendix D

27.1.5 Strategic Procurement contracts invited in accordance with EU Procurement Directives – for goods and services above £189,330 and for works above £4,733,252

***In the case of procurements captured within the European Union Procurement Directives and the Regulations that implement them, the Chief Officer shall consult with the Corporate Procurement Manager to determine the most appropriate procedure for conducting the procurement exercise.***

***Such Directives and Regulations will take precedence over these CPRs.***



***Before tenders are invited, a Pre-Tender Procurement Options Report (Gateway 1 Report) must be reported to the Strategic Commercial Commissioning Board (SPB) for approval.***

***Invitations to Tender must be conducted electronically via the Authority's E-tendering system as approved by the Chief Finance Officer.***

- Please refer to Appendix E

#### 27.1.6 Public Contract Regulations – Light Touch Regime

In addition to the established requirements listed with CPR27.1.5, The Public Contract Regulations have introduced a new light-touch regime (LTR), which is applicable to contracts within the social care, health and education sectors. Previously defined as 'Part B' services and exempt from the full Regulations, service requirements defined within Schedule 3 of the PCR's should now be procured in accordance with the LTR and these CPRs (please refer to Appendix F for further details of the effected services).

***In the case of procurements that fall within the Light Touch Regime, the Chief Officer shall consult with the Corporate Procurement Manager to determine the most appropriate procedure for conducting the procurement exercise.***

- LTR contracts Please refer to Appendix F

## 28 Reduced number of invitations

28.1 For procurements with a value between £5,001 and £75,000, where an Authorised Officer wishes to invite less than the prescribed numbers of organisations to bid, he /she must seek approval from the relevant Chief Officer in consultation with the Corporate Procurement Manager;

28.2 For procurements with a value between £75,001 and applicable EU Threshold, where an Authorised Officer wishes to invite less than the prescribed numbers of organisations to bid, he /she must seek approval from the Strategic Commercial Commissioning Board;

## 29 Assets for Disposal/Tenders Generating Income for the Council

29.1 In circumstances where the Council is permitted to sell assets, in line with the disposal policies (such as surplus Land & Property), this will generate income to the Council.

29.2 Authorised Officers shall be authorised to dispose of goods and materials surplus to the Council's requirements by whichever means would, in the judgement of the officers, result in the best value for the Council; examples may include;

- auction
- tender
- private sale
- transfer to another service
- donation to a not for profit organisation

29.3 Where a surplus item is likely to raise more than £1,000, the appropriate Head of Service shall be consulted before its disposal. Written tenders should be invited for any item likely to realise more than £5,000.

29.4 The Authorised Officer shall accept either the highest price or the most economically advantageous tender dependent on the stipulated award criteria, and keep a record of the tenders received and tender sums, in a manner to be determined by the Chief Finance Officer.

### **30 Advertising**

30.1 In accordance with the principles of the Welsh Government's "Opening Doors", The Charter for SME Friendly Procurement, where practical and providing that it represents best value for the Council, consideration should be given to advertising contracts exceeding £25,001 on the Council's E-Procurement System and the Welsh National Procurement Website (Sell2wales).

30.2 Where the subject matter of the intended contract or where the anticipated audience and their expectations suggests, advertisements and associated documentation must be published bilingually in Welsh and English.

30.3 The Corporate Procurement Manager will be responsible for publishing all notices to ensure compliance with EU treaty principles.

### **31 Contractor Subsidies and State Aid**

31.1 Where it is proposed to provide financial support to a Contractor, or where a Contractor's proposal entails financial support or benefit from the Council or another public body necessary to ensure the continuance of Contracting activity (State Aid), the advice of the Chief Finance Officer/Head of Legal and Corporate Compliance must be sought prior to advertising the opportunity or concluding the Contract.

### **32 Supplier Selection, Short-listing or Pre-Qualification**

- 32.1 The Council shall only enter into a contract with a Contractor if it is satisfied as to the Contractor's competencies.
- 32.2 Supplier Selection criteria for shortlisting may include, but not be limited to:
- i. The eligibility of the contractor/provider.
  - ii. Financial standing, including provisions for insurance to cover liability
  - iii. Technical or professional capability and capacity
  - iv. Health & Safety assurances
  - v. Environmental /Sustainability licences
- 32.3 Chief/Authorised Officers should contact the Corporate Procurement Manager in advance of undertaking any form of third party shortlisting or pre-qualification.

### **33 Contract Terms and Conditions**

- 33.1 Officers shall use their best endeavours to ensure that contracts are entered into on the appropriate set of Council's terms and conditions, which shall be included with each purchase order or invitation to tender. Where this is not possible, variations to the relevant Council terms and conditions and/or the terms and conditions submitted by a contractor must be reviewed by the Head of Legal and Corporate Compliance and/or the Corporate Procurement Manager.

### **34 Form of Tender/Quotation**

- 34.1 For all procurements over £5,001 a Form of Tender/Quotation must be completed by all tenderers. The Form of Tender/Quotation is a covering document prepared by the Council and signed by the tenderer to indicate that it understands the tender/quotation and accepts to be bound by the technical response (if applicable), commercial schedule, terms and conditions and other requirements of participating in the exercise.

### **35 Liquidated damages**

- 35.1 All contracts over £75,001 must state, if the contractor fails to meet the terms of the contract, the contractor is liable for liquidated damages, estimated by the Chief Officer as a genuine pre-estimate of the loss likely to be incurred due to the contractor's default.

### **36 Security for Performing Contracts**

- 36.1 The Head of Legal & Corporate Compliance and Chief Finance Officer, in conjunction with the Chief Officer, may determine whether security is required from a contractor.

## **37 Corruption: Cancellation of Contracts**

37.1 All contracts must state that the Council will cancel any contract and recover all resulting losses if the contractor or his employees or agents with or without his knowledge:

- (i) Does anything improper to influence the Council to give him the contract;
- (ii) Commits an offence under the Prevention of Corruption Acts 1889 to 1916 or Section 117(2) of the Local Government Act 1972.

37.2 All invitations to tender must be accompanied by a requirement for tenderers to confirm that they have not participated in any form of collusive tendering arrangements with other parties.

## **38 Form of Contract**

38.1 All contracts shall be in a form approved by the Head of Legal and Corporate Compliance.

38.2 Chief Officers should prepare appropriate contract specification documents within one month of the award of the contract and forward to contractors for signing. The contractor should return the signed contract to the relevant Chief Officer within one month of receipt. Persistent failure to meet such deadlines may result in suspension from future procurements.

38.3 No payment shall be authorised until a formal contract is in being, or written authority is given by the Head of Legal & Corporate Compliance to make such a payment.

## **39 Contract Signature**

39.1 Contract agreements must:

- (i) where the contract is in the form of a deed, be made under the Council's seal and attested as required by the Constitution; or
- (ii) where the contract is in the form of an agreement, either:
  - (a) be signed by at least two Officers of the Council authorised as required by the Constitution; or
  - (b) be formalised by the sending of an award letter and the subsequent issuing of a purchase order.

39.2 The Chief Officer should contact the Head of Legal & Corporate Compliance on the use of deeds and agreements to form contracts.

#### **40 Review of Tenders and Contracts**

40.1 To ensure the integrity of the procurement process:

- (a) all proposed Invitations to Tender, not in compliance with the County Borough Council's harmonised contract documentation or standard terms and conditions issued by a relevant professional body, must be reviewed by the Head of Legal & Corporate Compliance and Corporate Procurement Manager;
- (b) any proposed contract where there is any deviation from the contract terms included in the invitation to tender must be reviewed by the Head of Legal & Corporate Compliance and Corporate Procurement Manager.

#### **41 Submission, Receipt and Opening of Tenders/Quotations**

##### **41.1 Tendering periods**

Bidding organisations must be given an adequate period in which to prepare and submit a proper quotation or tender response, consistent with the complexity of the contract requirements.

The Public Contract Regulations lay down specific minimum time periods for tenders. The Corporate Procurement Manager must be consulted prior to initiating any EU procurement exercise.

##### **41.2 Quotations (Up to £75,000)**

- (a) As in CPR6.1, competitive quotations valued in excess of £25,001, must be administered electronically via the Council's E-tendering system, except where specifically exempt under CPR6.3;
- (b) Request for Quotations (RFQ's) must clearly set out the latest return date and time;
- (c) Late responses will **not** be considered.

##### **41.3 Tenders (£75,000+)**

- (a) All tenders, except those which have been approved exempt from electronic tendering, must be administered electronically via the Council's E-tendering system;

- (b) Invitations to tender must clearly set out the latest tender return date and time;
- (c) Late tenders will **not** be considered;
- (d) At least three (3) valid tenders must be received by the stipulated tender return date/time; otherwise a report seeking approval of the appropriate action must be submitted to the Corporate Procurement Manager;

#### 41.4 Electronic Arrangements

- (a) Requests for Quotations and Pre-Qualification Questionnaires which are received electronically via the Council's E-tendering system may be opened by a minimum of two (2) Authorised Officers designated by the appropriate Chief Officer. The system will not allow any quotations to be opened until the allocated return date/time has passed.
- (b) Tenders (in excess of £75,001) which are received electronically via the Council's E-tendering system may be opened by a minimum of two (2) Authorised Officers designated by the Chief Finance Officer and appropriate Chief Officer.

#### 41.5 Hard Copy Arrangements

- (a) In the event that "hard copy" tenders are to be accepted these must be submitted to the Corporate Procurement Manager, sealed, in a plain envelope, without any mark revealing the bidding organisation's identity and clearly and prominently marked with the word 'Tender', followed by the title of the contract.
- (b) All hard copy tenders will be held by the Corporate Procurement Manager until the tender opening date/time has been reached.
- (c) All hard copy tenders for the same contract will be opened at the same time by the Corporate Procurement Manager together with the relevant Chief Officer.
- (d) The Chief Officer must keep a record of all tender sums submitted, showing the gross price of the contract, together with any essential criteria.
- (e) The Chief Finance Officer and Chief Officers may designate Authorised Officers to be present at tender opening.

- (f) In the event that hard copy quotations are to be accepted these must be submitted in a plain envelope marked "Quotation for ....." followed by a description of the goods, works or services being procured.
- (g) Hard copy quotations may be received directly by Authorised Officers. All quotations must be opened together once the official return date/time has passed and in the presence of at least two (2) Authorised Officers.
- (h) The Chief Officer must keep a record of all quotations submitted, showing the gross price of the contract, together with any essential criteria.

## **42 Reduced Numbers of Quotations or Tenders**

42.1 Where the minimum numbers of quotations or tenders stated in these CPRs have not been received, then consideration must be given to the merits of accepting any tender and/or re-running the procurement. If the contract is for a sum of less than £75,000, the decision can be taken by the relevant Chief Officer in consultation with the Corporate Procurement Manager. If the contract is for a sum in excess of £75,001, the decision must be referred to the Strategic Commercial Commissioning Board and considered in any subsequent approval request.

## **43 Clarification Procedures**

43.1 The Council can ask bidding organisations for clarification of any details submitted as part of their bid. However, any such clarification must not involve changes to the basic features of the bidding organisation's submission.

## **44 Evaluation and Checking of Quotations or Tenders**

### **44.1 Evaluation**

- (a) The evaluation criteria and weightings must be predetermined and approved in advance of inviting quotations or tenders as defined in CPR26. The criteria cannot be amended once published in the Invitation to Tender (ITT) or Request for Quotation (RFQ) and must be strictly observed (at all times throughout the procurement procedure). Guidance relating to the application of evaluation criteria/weighting may be obtained from Corporate Procurement.
- (b) The evaluation of bids must be conducted in accordance with the evaluation criteria, associated weightings and approved scoring methodology as set out in the ITT or RFQ documentation, as provided to bidding organisations.
- (c) All Contracts, except Contracts where lowest price was predetermined to be the appropriate criterion, must be awarded on the basis of the offer which

represents best value for money to the Council (Most Economically Advantageous Tender).

- (d) For each Contract, the Authorised Officer must form an evaluation team (minimum of two (2) suitably qualified and knowledgeable technical officers), with responsibility for evaluating tenders.
- (e) The Authorised Officer must ensure that all records relating to the Tender evaluation must be signed and dated by the relevant evaluation team member and retained for future reference.

#### 44.2 Checking

- (a) The lowest or most economically advantageous tender must be checked for arithmetical errors and any other significant error of principle.
- (b) Where such an error(s) occurs, the tenderer shall be given details in writing (but no other information) and afforded the opportunity of confirming the tender submission as corrected or withdrawing his tender, also in writing.
- (c) Where deemed reasonable and in the best interests of the Council, the Chief Officer shall have the discretion to consider a request from the tenderer to correct genuine arithmetical errors. If the tenderer elects to amend his original tender figure to correct such errors and the corrected tender is still the lowest or most economically advantageous tender, then the tender may be adjusted and the corrected figure recommended for acceptance. If such errors result in a tender sum being reduced, then only the corrected figure may be recommended for acceptance.
- (d) If the first tender is withdrawn, the second lowest or second most economically advantageous tender is to be checked, if necessary, this tenderer must be given a similar opportunity.
- (e) The Chief Executive, the Head of Legal & Corporate Compliance and the Chief Finance Officer shall determine whether any exception to the above procedure should be authorised.

#### 45 **Abnormally Low Tenders**

- 45.1 Where as a result of identifying that the overall tendered price or costs raises significant doubts that the Contractor will be able to complete the contract within the contract terms, the Council shall require tenderers to fully explain the price or costs proposed. Where the Council determine the explanation is insufficient or believe significant doubts as to the Contractors ability to meet the requirements still exist, the Council reserve the right to reject the tender. This



must be undertaken in accordance with the Regulations and in consultation with the Corporate Procurement Manager.

#### **46 Records**

46.1 The outcome of any competitive procurement process must be recorded in a manner as determined by the Chief Finance Officer and Head of Legal & Corporate Compliance;

#### **47 Accepting and Reporting of Quotations**

47.1 Acceptance of quotations up to £25,000 shall be decided by the relevant Chief Officer following receipt of a T1 report from the Authorised Officer.

47.2 Acceptance of quotations with a value between £25,001 and £75,000 shall be decided by the relevant Chief Officer/DMT following receipt of a Procurement Acceptance Report (Gateway 2 report) from the Authorised Officer.

#### **48 Acceptance and Reporting of Tenders (£75,001 and above)**

48.1 Before accepting any tender, the Chief Officer must submit a Procurement Acceptance report (Gateway 2 report) to the Strategic Commercial Commissioning Board (SCCB), stating:

- (a) a description of the project and the procurement procedure undertaken (including a summary of the evaluation criteria and basis of award);
- (b) the names and abbreviated addresses of those contractors that accepted the invitation to tender in alphabetical order;
- (c) where applicable, the rationale for excluding any contractor(s);
- (d) a summary of the tender evaluations
- (e) details of the amount of all tenders received in ascending order;
- (f) reasons why any tender has not been opened;
- (g) the name of the tenderer recommended for acceptance and the amount of the tender.
- (h) the revenue implications on the budget or the approved capital costs of the scheme, and any further details as required by Financial Regulation 4.

- 48.2 Additionally, where the procurement is subject to Public Contracts Regulations, contracting authorities are required to maintain the following comprehensive records of procurement activities:
- (a) contract details including value;
  - (b) selection decision;
  - (c) justification for use of the selected procedure;
  - (d) names of bidding organisations, both successful and unsuccessful;
  - (e) reasons for selection;
  - (f) reasons for abandoning a procedure.
- 48.3 Where a tender has a cumulative value in excess of £2,000,000 then the SCCB may defer the Procurement Acceptance Report to Corporate Leadership Team (CLT) for approval in consultation with the relevant Cabinet Member and Leadership; prior to entering into any contractual relationship.
- 48.4 In circumstances where the Corporate Leadership Team (CLT) in conjunction with the Head of Legal and Corporate Compliance, relevant Cabinet Member and Leadership, determine that the contract is of such high value and/or complexity that it is deemed appropriate, a report may be prepared for the Cabinet Committee to consider acceptance of the tender.
- 48.5 Following approval of a report in accordance with Rule48, the Chief Officer can accept the lowest or most economically advantageous tender in accordance with the approved tender evaluation criteria.

## **49 Award of Contract and Debriefing of Organisations**

### **49.1 Award of Contract**

- (a) The Council is required to notify successful and unsuccessful bidders of the outcome of a procurement process, in writing, in as timely a fashion as possible.
- (b) Where procurement has been subject to the Public Contract Regulations, a mandatory 10-day standstill period, before a contract can be awarded, will need to be included in the procurement timetable. In addition, the Council is required to publish a contract award notice in the Official Journal of the European Union (OJEU) no later than 48 days after the award of contract.

- (c) All communications relating to EU procurements will be issued via Corporate Procurement.
- (d) Decisions on award of contract must be made in accordance with the scheme of delegations in the Council's Constitution.

#### 49.2 Debriefing

- (a) Once the contract award decision has been made, then save for the successful tenderer, all those expressing an interest will receive a standard regret letter containing details of:
  - (i) award criteria and weightings;
  - (ii) score that the tenderer obtained against each of the specified award criteria (where relevant);
  - (iii) name and score obtained by the winning tenderer;
  - (iv) reasons for the decision, including the characteristics and relative advantages of the successful tender;
  - (v) a precise statement in terms of the standstill period;
- (b) If any additional information is to be disclosed to tenderers, this must be agreed in advance with the Corporate Procurement Manager, taking into account the requirements of any legislation relating to the disclosure of information.
- (c) Debriefing is recommended as a means of assisting tenderers to improve their competitive performance.
- (d) For all procurements over £75,001, debriefing will be conducted by the Authorised Officer in conjunction with the Corporate Procurement Manager.
- (e) The list of points where debriefing is required or may be appropriate includes:
  - (i) selection: where the candidate is not selected (short-listed) to take part in the tender process.
  - (ii) award: where the tenderer was not awarded the contract after evaluation of proposals/tender. Such debriefing should never be conducted before the contract award decision is made and all unsuccessful tenderers have been formally notified of the same. It

should be made clear that the debriefing process cannot be used to change the choice of a contractor or to re-open the selection process.

- (iii) any potential supplier is asked to withdraw or withdraws during the Procurement.
- (f) If the award of a contract is subject to the EU Public Sector Procurement Directive, there must be a standstill period of a minimum of 10 calendar days between communicating the award decision to all tenderers and conclusion of the contract.

## **50 Contracts Register**

50.1 The following contracts shall be recorded on a central contracts register hosted on the council's approved E-Procurement system and administered by Corporate Procurement:

- i) all new contracts over the value of £5,001 (low value procurement and above;
- ii) frameworks or other corporate or collaborative purchasing arrangements accessed by the Council;

50.2 It is the responsibility of the Chief Officer to ensure that their staff complies with CPR50 and that the information provided includes as a minimum:

- i) contract title
- ii) contract scope
- iii) total contract value
- iv) start and expiry dates
- v) extension options
- vi) details of whether the contract is a one-off or expected to be renewed
- vii) copies of associated approval reports (DMT/ SCCB / CLT etc.)

## **51 Statistical Returns**

51.1 Each year the Council must make a statistical return to the UK Government for onward transmission to the European Commission concerning the Contracts awarded during the year under the Public Contract Regulations.

51.2 The Corporate Procurement Manager is responsible for this statistical return and shall make the necessary arrangements for information to be collected annually.

## **SECTION 5 - CONTRACT MANAGEMENT**

### **52 Contract Management/Monitoring**

- 52.1 Once awarded, all contracts must have an appointed Contract Manager who will be responsible for all day-to-day aspects of the Contract.
- 52.2 The day-to-day management of the contract shall include monitoring in respect of:
- (i) performance
  - (ii) compliance with specification and contract terms
  - (iii) cost
  - (iv) any value for money/best value requirements
  - (v) user satisfaction
  - (vi) risk management
  - (vii) compliance with these CPRs (i.e. reporting of progress/variations etc.)

### **53 Progress and Variations**

- 53.1 A Chief Officer can approve interim variations to a contract when this has a **cumulative** value not exceeding £10,000 or 10% of the original sum whichever is the lower.
- 53.2 When a variation to a contract is required which will have a cumulative value exceeding £10,000 or 10% of the original contract sum, but is still within the specific approved budget for the contract, the Chief Officer shall present a detailed progress report to the Strategic Commercial Commissioning Board for information rather than approval.
- 53.3 When a variation is required which will have a cumulative value exceeding the specific approved budget for the contract, this shall not be accepted until the Strategic Commercial Commissioning Board has approved a progress report presented by the Chief Officer.
- 53.4 The appropriate Chief Officer will complete and submit contract progress reports to the Strategic Commercial Commissioning Board, Cabinet Committee and the Corporate Overview and Performance Scrutiny Committee on an exception basis comprising;

- (a) Contracts over £500,000 when a plus or minus 5% slippage occurs.
- (b) All contracts over £500,000 which over-run by 50 working days.

53.5 The Corporate Overview and Performance Scrutiny Committee may refer contract reports to the appropriate Scrutiny.

53.6 All approved variation or progress reports, must be copied to Corporate Procurement for inclusion on the corporate contracts register.

53.7 Where a variation is being applied for by Corporate Procurement in relation to a corporate arrangement, then the application must also be scrutinised by Internal Audit, to ensure the robustness of the procedure.

#### **54 Contractors Claims**

54.1 Claims from or against contracts must be considered by the Chief Officer in consultation with the Head of Legal & Corporate Compliance and Chief Finance Officer before any decision is made and CPR 53 applies to any payment of a claim as if it was a variation.

#### **55 Assignments and novation**

55.1 Any contracts subject to potential assignment and/or novation must be referred to Head of Legal and Corporate Compliance at the earliest possible opportunity.

#### **56 Termination of Contract**

56.1 For any contract exceeding £75,001 in value, early termination must be approved by the Head of Legal & Corporate Compliance and Chief Finance Officer. Contracts with a lesser value may be terminated early by agreement prior to the expiry date or in accordance with the termination provisions set out in the contract, following consultation with the Head of Legal & Corporate Compliance.

#### **57 Contract End**

57.1 At an appropriate point, but generally at least three (3) months prior to the contract end date, the contract manager should review whether or not the contract needs to be renewed, either in its current or an amended form.

57.2 If there is no further requirement for the contract, the existing contract may be allowed to lapse. However, some contracts may require more active decommissioning. It is the responsibility of the contract manager to ensure that contracts are appropriately decommissioned and that sufficient time is allowed to achieve this.

57.3 Where there is a requirement for a contract to be renewed, then the contract manager (or other Authorised Officer) shall commence the re-procurement as set out in these CPRs.

## **SECTION 6 – DEFINITIONS, INTERPRETATIONS AND FLOWCHARTS**

In these Rules the following definitions apply:

Approved List	A list of suitable prospective Contractors/Suppliers approved for the purposes of the supply of goods or services or the execution of works;
Authorised/Delegated Officer	Means the holder for the time being of any post named in the Scheme of Delegations as having delegated powers and duties in respect of the procurement concerned;
Award Criteria	The criteria used by the Council to evaluate the Bidders tender against the needs identified within the specification to determine the successful tender. Such criteria may comprise for example – a) Price, or total cost; b) Quality including technical merit, aesthetic and functional characteristics, accessibility, design for all users, social, environmental and innovative characteristics and trading and its conditions; c) Organisation, qualification and experience of staff assigned to performing the contract, where the quality of the staff assigned can have a significant impact on the level of performance of the contract (and not already evaluated at PQQ stage); or d) After-sales service and technical assistance, delivery conditions such as delivery date, delivery process and delivery period or period of completion;
Bidder(s) / Tenderer(s)	Economic Operators who are actively involved in a procurement process;
Call Off Contract	A contract awarded in accordance with the terms of an established framework (either direct award or following a further mini-competition);
Chief Officer	Means any Officer in the following categories of Officer, Chief Executive, Corporate Director, Chief Officer and/or Head of Service;
Code of Conduct	The Code regulating the conduct of Officers and Members as set out in the Council's Constitution;
Community Benefits	Clauses which can be used to build a range of economic, social, or environmental conditions into the delivery of public contracts. Mandatory on all contracts with a value greater than £1m, but encouraged, on contracts above £5,001;
Competitive Dialogue Procedure	Is an EU compliant process for dealing with complex public contracts, where the delivery for the supply of goods, works



	or services is unknown and needs to be resolved through negotiation with suitable providers. Legal justification is required;
Conflict of Interests	An actual conflict, or a potential conflict, between the pecuniary or personal interests of an officer and the duties that the officer owes to the Council;
Consultant(s)	Someone employed for a specific length of time to work to a defined project brief with clear outcomes to be delivered, who brings specialist skills or knowledge to the role, and where the Council has no ready access to employees with skills, experience or capacity to undertake the work;
Contract	Means any form of agreement (including, without limitation, official purchase orders) for the supply of goods, provision of services or carrying out of works;
Contract Award Notice	Formal notice placed on Sell2Wales and, if appropriate, OJEU giving particulars on the date the contract was awarded, the award criteria, the number of offers received, the name and address of the successful tenderer(s), and the price or price ranges paid. Contract award notices must be sent not later than 48 days after the contract in question has been awarded;
Contract Notice	Formal advert placed on Sell2Wales and, if appropriate, OJEU notifying potential suppliers about a contract opportunity;
Contractor	Means any contractor, supplier or provider with whom the Council enters into a contract for the carrying out of works, provision of services or supply of goods. Include in-house provision, and where appropriate, the relevant Sub-Contractor;
Contract Value	For the purposes of calculating the thresholds under these CPRs, the value of a contract is the estimated total value payable by the Council to a contractor over the terms of the contract, including allowable extensions. In the case of indefinite contract periods, the term of the contract is assumed to be 4 years;
Contracts Register	A central contracts register hosted on the Council's approved electronic system and administered by Corporate Procurement;
Corporate Contract	A contract let or approved by the Corporate Procurement Team to support the Council's aim of achieving Value for Money;
Corporate Procurement Team	The Council's central procurement unit charged with providing strategic direction and advice to secure Value for Money in the Council's procurement and commissioning activities;
CPR's	These Contract Procedure Rules;

Debriefing	Providing feedback to bidding organisations in terms of strengths and weaknesses of their proposals;
Dynamic Purchasing System (DPS)	A fully electronic compliant 'Approved List', which in effect operates as an open framework where Economic Operators can join at any point while the DPS is open, and they meet the Suitability Criteria.
Electronic Procurement Portal	The Council's electronic system for conducting procurement activity;
Electronic Procurement/Tendering	The procurement of all goods, services and works conducted using the Council's approved electronic system. (EtenderWales);
Electronic Auction	A repetitive process involving an electronic device for the presentation of new prices, revised downwards, and/or of new values concerning certain elements of tenders, which occurs after an initial evaluation of the tenders, enabling them to be ranked using automated evaluation methods.
EU	European Union
EU Public Procurement Directives	Rules and regulations set by the European Union with regard to procurement for public sector organisations and apply to the public works, supplies (goods) and service contracts.
EU Thresholds	EU and Government Procurement Agreement thresholds for advertisement of goods, works and services contracts as advised by the Government.
Evaluation Criteria	The publishing of detailed objectively quantifiable award criteria and sub criteria linked to the subject matter of the contract together with their weighting and the method by which you will evaluate them in the contract documents. They may include but are not limited to: Quality, price, technical merit, functional characteristics, environmental characteristics, running costs, life cycle costs, cost effectiveness, after-sales service and technical assistance, delivery date and delivery period or period of completion, security of supply, and interoperability and operational characteristics;
Evaluation Panel	A group of relevant Officers of the Council, or appropriate stakeholders, who have the technical knowledge and experience to evaluate bids received in response to a procurement exercise;
Cabinet	The Council's Cabinet as defined in the Constitution;
Framework Agreement	Means an agreement between the Council and/or other public bodies and one or more Contractors where the volumes to be delivered are not set out at the outset but which establish terms (including price) and standards under which the Contractor will enter into a Contract to provide Goods, Works and/or Services;

Goods	Covers all goods, supplies, substances and materials that the Council purchases, hires or otherwise obtains;
Grant and Grants	A sum of money paid or to be paid by the Council to a third party, and in respect of which the Council does not require the grantee to provide the Council with any Services, or Goods or carry out any Works for the Council's direct benefit. The Grant may be conditional (i.e. obligation to spend the Grant in a particular manner, to account for that spend and repay the Grant if the Grant conditions are breached);
Income Contract	Means any Contract that the Council enters into that generates income for the Council or by their operation establish a right for a Contractor or a third party to generate an income;
Invitation To Tender	A key document within the Procurement Documentation which must contain or reference, the instructions for Bidders, specification, evaluation model and other relevant materials to allow the procurement activity to be concluded successfully;
Joint Commissioning	Where the Council jointly with one or more local authorities or public bodies, enters into a contract;
Light-Touch Regime	Means the parts of the Public Contract Regulations which apply to the procurement of Contracts for 'social and other specific services' (defined at Schedule 3 of the Regulations) that are deemed to be of lower interest to cross-border competition;
Lowest Cost	In relation to a tender means the lowest price if payment is to be made by the Council, and the highest price if payment is to be made to the Council and, in either case, refers to a tender which conforms to the Council's tendering requirements;
Monitoring Officer	The officer designated by the Council as its Statutory Monitoring Officer as required under Section 5 of the Local Government and Housing Act 1989;
Most Economically Advantageous Tender	The most economically advantageous tender to the Council determined by criteria which may include quality, price, technical capacity, delivery period and or period of completion etc.
National Procurement Service (NPS)	The National Procurement Service (NPS) for Wales has been set up to enable the Welsh public sector to collaborate more closely in procuring goods and services;
OJEU	The Official Journal of the European Union in which all high value public sector contracts in the EU are advertised;
Open Procedure	Involves accepting applications and tenders from all interested parties;
Pre-Procurement	The report required to be presented to the respective board

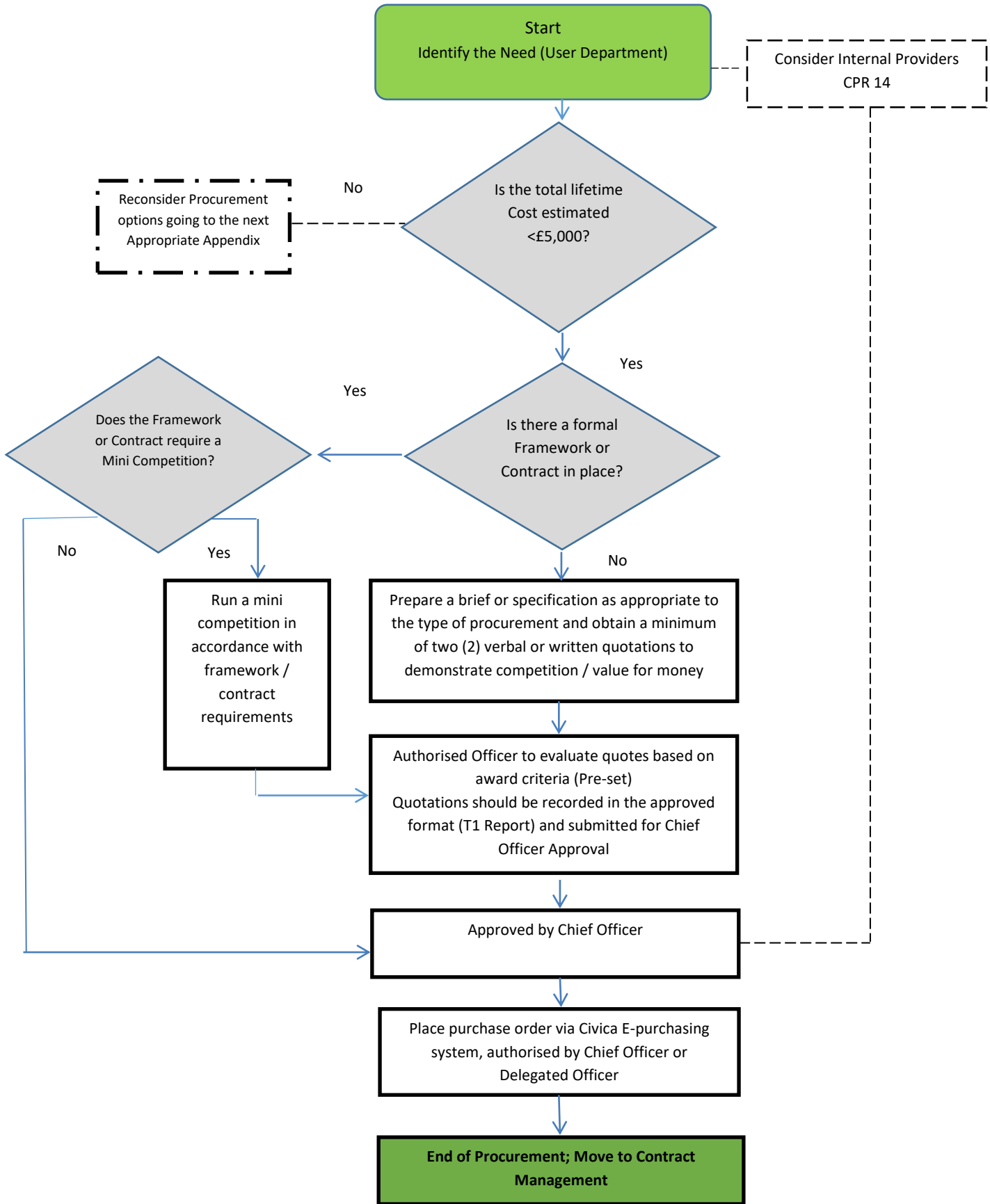
Report	and approved prior to commencing any procurement or commissioning activity;
Pre-qualification	This procedure allows the Council to restrict the number of applicants (tenderers) to whom it issues an invitation to tender. The Council is permitted to shortlist applicants by using specified short-listing criteria including economic/financial standing, capacity and capability, management, equal opportunities, sustainability and health and safety;
Procurement	Means the process by which the Council manages the acquisition of all its goods, services and works. It includes the identification of need, consideration of options, the actual procurement process and the subsequent management and review of the contracts;
Procurement Acceptance/Contract Award Report	The report required to be presented to the respective board and then signed off by the scheme of delegation to seek authority to award a contract, extend a contract or seek a waiver to these CPRs;
Procurement Strategy	A corporate document that outlines the Council's approach to procurement and commissioning and sets out the organisations associated aims and objectives;
Purchase Order (Electronic)	An electronic order raised and authorised via the Council's P2P system;
Quality	Fitness for purposes when judging against the standards specified in the contract;
Quotation	A formal offer to supply or purchase goods or materials, execute works or provide services (including consultancy), at a stated price based on the Council's terms and conditions (£1 - £75k);
Regulations	Means the Public Contracts Regulations 2015 (as amended) and/or the Concession Contracts Regulations 2016 (as applicable) as supplemented by the EU Directives on the procurement of Goods, Works, Services and Concessions and as amended and supplemented by the European Court of Justice (often referred to as the 'EU procurement rules');
Restricted Procedure	This procedure allows the Council to restrict the number of applicants (tenderers) to whom it issues an invitation to tender. The Council is permitted to shortlist applicants by using specified short-listing criteria including their economic/financial standing, capacity and capability, management, equal opportunities, sustainability and Health and Safety;
Selection Criteria	A component of the evaluation process set out to assess the Bidders suitability to provide the requirements identified in the ITT. This is not an evaluation of how they will provide

	<p>the requirements requested, more an evaluation of their organisation's intrinsic ability to provide those services.</p> <p>Selection / Suitability Criteria may only relate to:</p> <p>a) Suitability to pursue a professional activity</p> <p>b) Economic and Financial standing</p> <p>c) Technical and Professional ability;</p>
Sell2Wales (National Procurement Web-site)	The Welsh public sectors approved portal for advertising all quotation & tender opportunities over £25k;
Services	Includes all services which the Council purchases or otherwise obtains, including advice, specialist consultancy work, agency staff etc.
Short-listing	The process of selecting bidders who are to be invited to quote or tender or to proceed to final evaluation;
Specification	A document which sets out the detailed requirements and scope of goods, services or works to be provided by the supplier. The specification should be written in a contractually enforceable manner;
Strategic Commercial Commissioning Board	The board that is responsible for providing strategic guidance to the Council's internal procurement and commissioning community.
Standstill Period	<p>The standstill period is a 10-day pause between contract award decision and the formal award of the contract. The standstill is a legal requirement which the Council must comply with. It applies to all procurements covered by the full scope of the EU Procurement Directives.</p> <p>The period allows unsuccessful bidders to obtain more information on the award of the contract. Unsuccessful bidders can take appropriate action if they believe they have been treated unfairly. The period is also known as the "Alcatel Period". Alcatel was the name of the European case which brought about the change in the law.</p>
Tender (Above £75k)	A formal offer to supply or purchase goods, or materials, execute works or provide services (including consultancy), at a stated price based on the Council's terms and conditions;
Tenderer/Tenderers	Individual, individuals, partnerships, companies or other bodies invited to submit quotes/tenders/prices for providing the Council with services, supplying goods or carrying out works;
TUPE	The Transfer of Undertakings (Protection of Employment) Regulations together with any European Council Directives including but not limited to the Acquired Rights Directive 2001/23/EC, as amended from time to time.
Value	Values 'up to' a figure include that exact figure, but excluding Value Added Tax (VAT);
Value for Money	The optimum combination of whole-life costs, price, quality

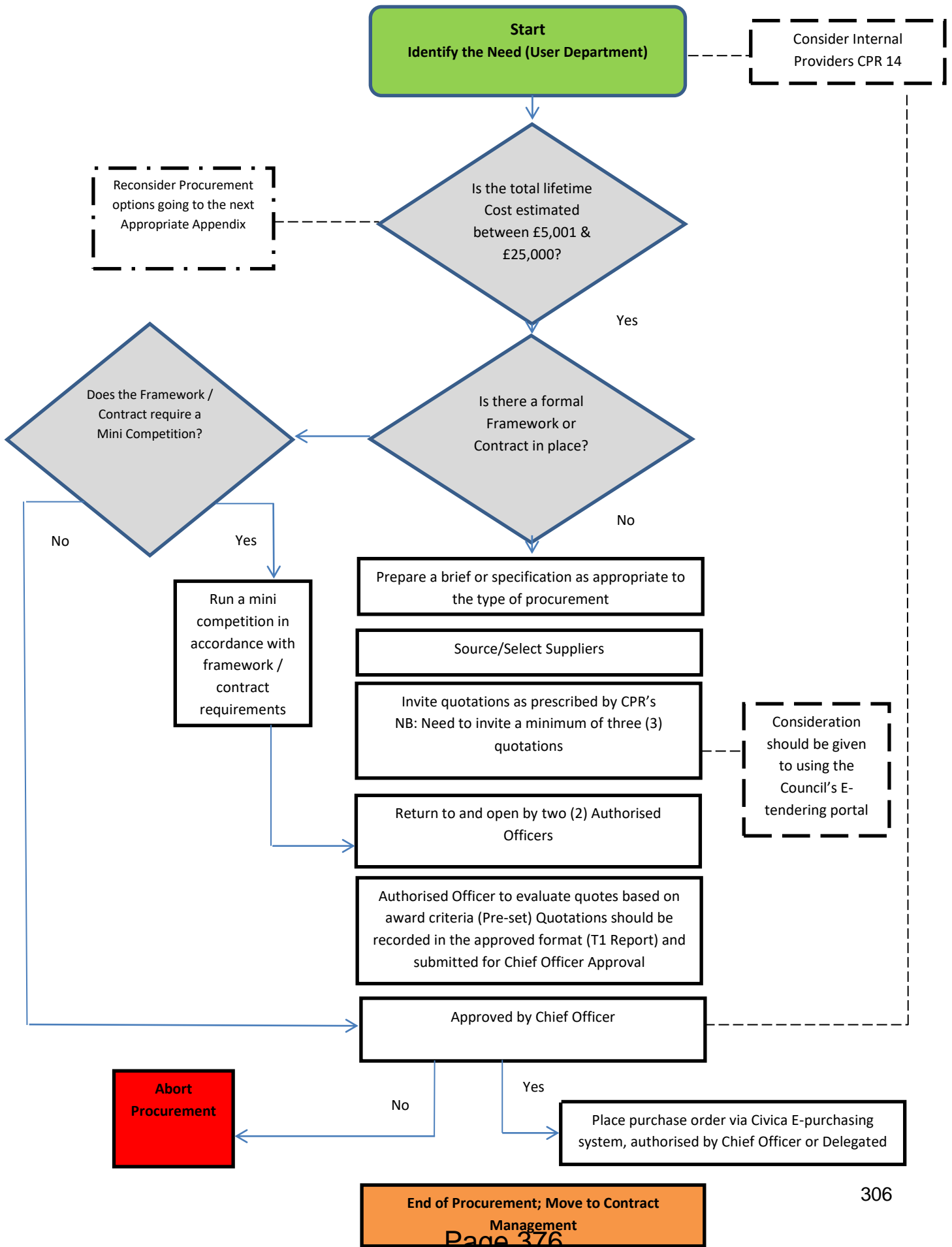
	and benefits to meet the Council's requirement. Such a term equates to the EU procurement requirement of "most economically advantageous" offer as well as the duty of Best Value as defined by the Local Government Act 1999 as amended from time to time.
Variation	Means any alteration to a contract, including additions, omissions, substitutions, alterations, or changes of any other nature;
Waiver	An exception from strict compliance with Contract Procedure Rules granted in accordance with CPR10;
Whole Life Cost	Whole Life Costing is a technique to establish the total cost of ownership. It is a structured approach that addresses all the elements of this cost and can be used to produce a spend profile of the Goods, Work or Service over its anticipated lifespan;
Works	Includes all works of new construction and repairs in respect of physical assets (buildings, roads, etc.) including all those activities constituting works for the purposes of the Public Contract Regulations 2015;

Appendix A: Low Value Buying / Purchasing Up to £5,000

Estimating the contract value should always take into account the provisions of CPR15

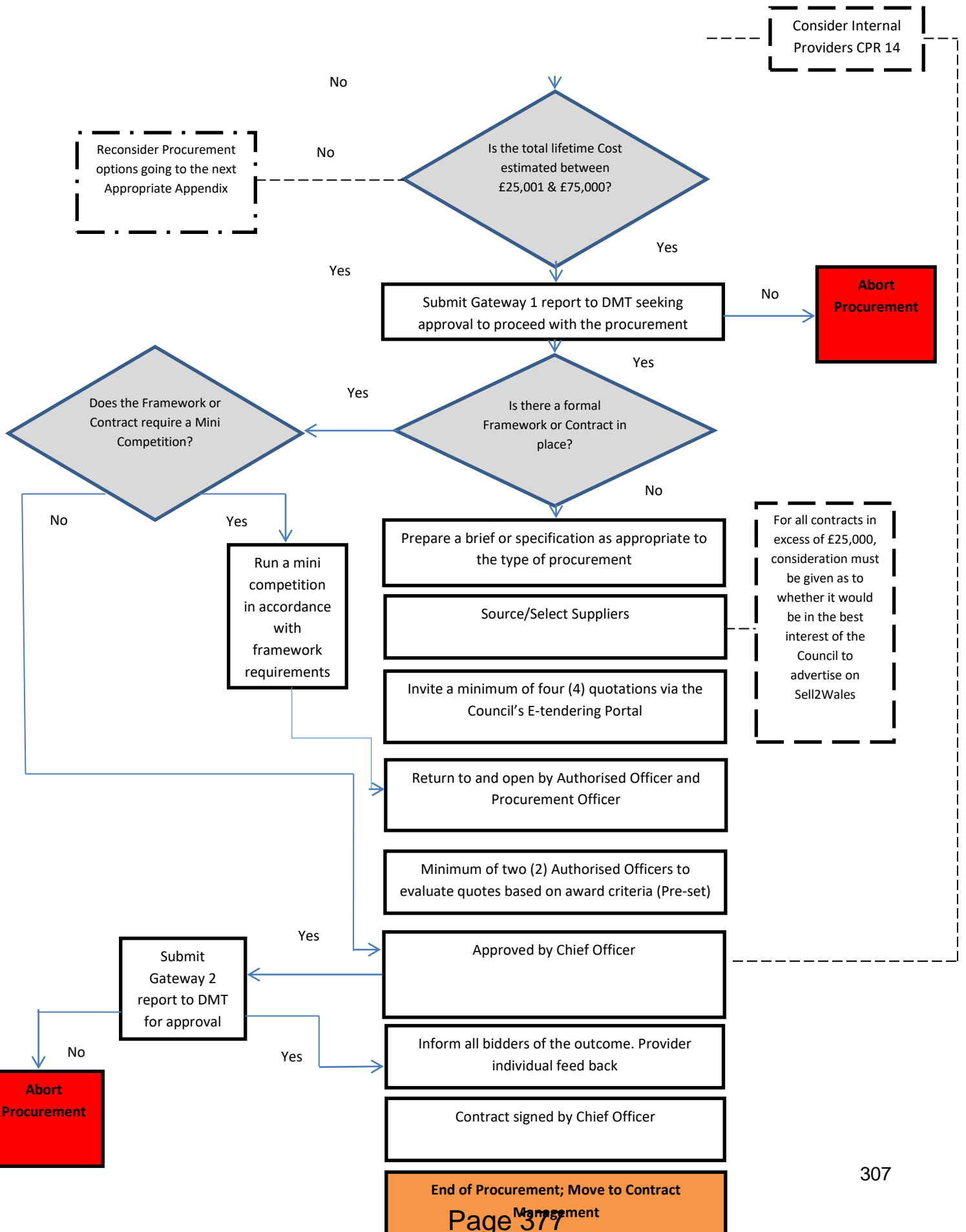


Appendix B: Low Value Procurement (Quotations) – Between £5,001 & £25,000  
 Estimating the contract value should always take into account the provisions of CPR15

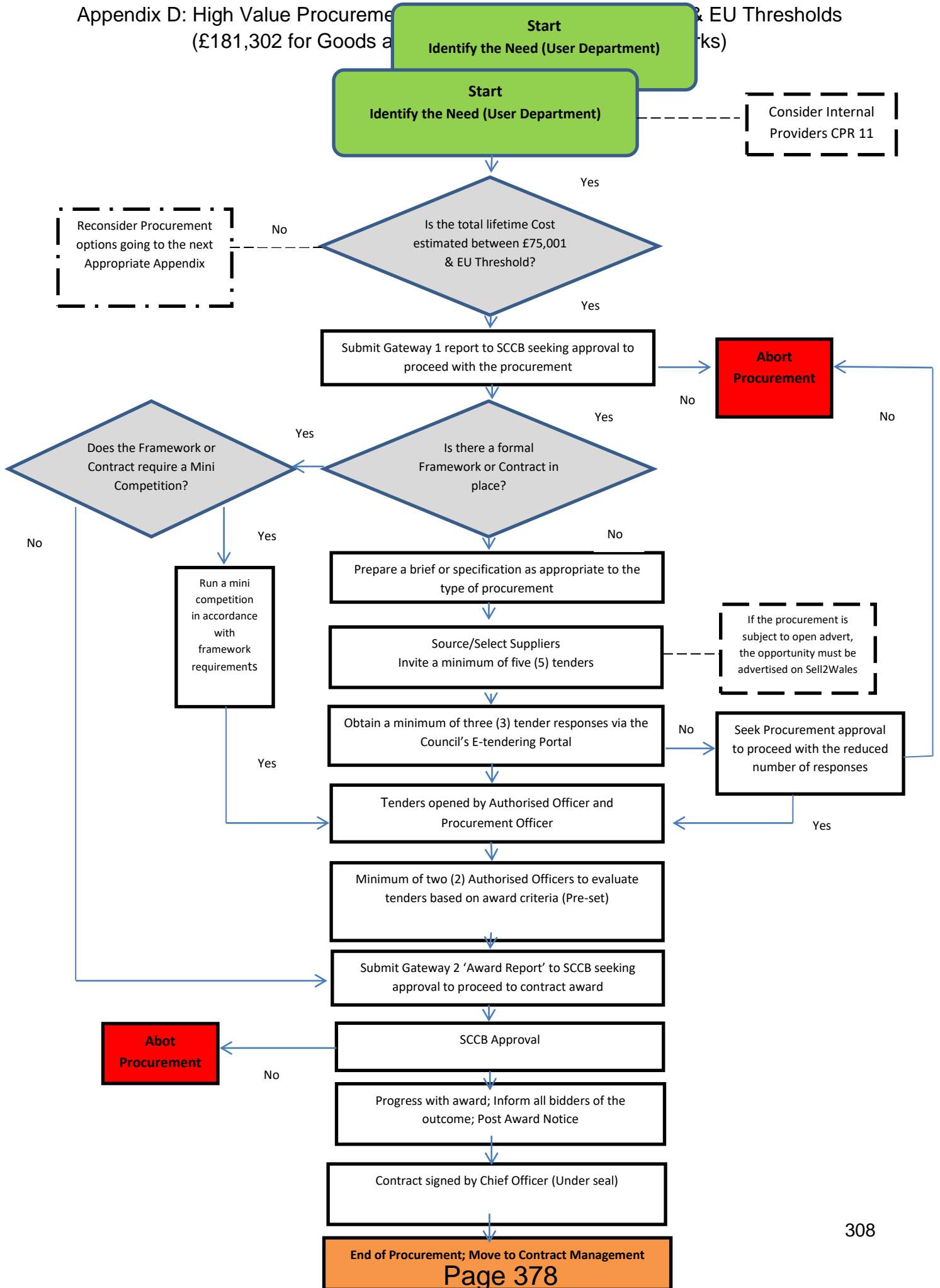




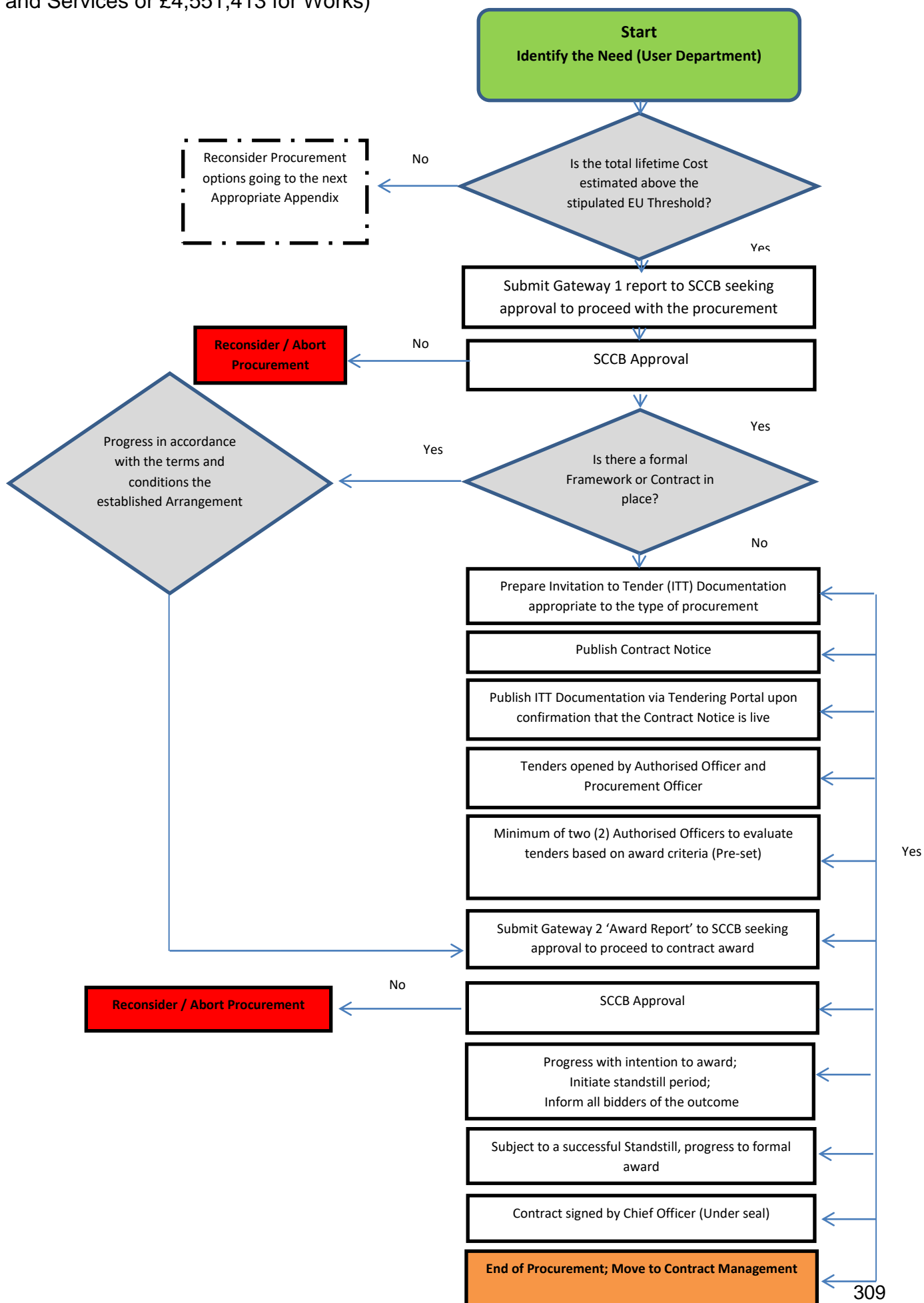
Appendix C: Intermediate Value Procurement (Quotations) – Between £25,001 & £75,000  
 Estimating the contract value should always take into account the provisions of CPR15



Appendix D: High Value Procurement (€181,302 for Goods and Services) & EU Thresholds (€181,302 for Goods and Services)



Appendix E: Strategic Procurement (Tenders) – Above EU Thresholds (£181,302 for Goods and Services or £4,551,413 for Works)



## APPENDIX F - List of services covered by the Light Touch Regime

### Schedule 3 of the Public Contract Regulations 2015

#### Regulations 5(1) (d) and 74

#### Social and other specific services

CPV Code	Description
75200000-8; 75231200-6; 75231240-8; 79611000-0; 79622000-0 (Supply services of domestic help personnel); 79624000-4 (Supply services of nursing personnel) and 79625000-1 (Supply services of medical personnel) from 85000000-9 to 85323000-9; 98133100-5, 98133000-4; 98200000-5; 98500000-8 (Private households with employed persons) and 98513000-2 to 98514000-9 (Manpower services for households, Agency staff services for households, Clerical staff services for households, Temporary staff for households, Home-help services and Domestic services)	Health, social and related services
85321000-5 and 85322000-2, 75000000-6 (Administration, defence and social security services), 75121000-0, 75122000-7, 75124000-1; from 79995000-5 to 79995200-7; from 80000000-4 Education and training services to 80660000-8; from 92000000-1 to 92700000-8; 79950000-8 (Exhibition, fair and congress organisation services), 79951000-5 (Seminar organisation services), 79952000-2 (Event services), 79952100-3 (Cultural event organisation services), 79953000-9 (Festival organisation services), 79954000-6 (Party organisation services), 79955000-3 (Fashion shows organisation services), 79956000-0 (Fair and exhibition organisation services)	Administrative social, educational, healthcare and cultural services
75300000-9	Compulsory social security services
75310000-2, 75311000-9, 75312000-6, 75313000-3, 75313100-4, 75314000-0, 75320000-5, 75330000-8, 75340000-1	Benefit services
98000000-3; 98120000-0; 98132000-7; 98133110-8 and 98130000-3	Other community, social and personal services including services furnished by trade unions, political organisations, youth associations and other membership organisation services
98131000-0	Religious services
55100000-1 to 55410000-7; 55521000-8 to	Hotel and restaurant services

55521200-0 (55521000-8 Catering services for private households, 55521100-9 Meals-on wheels services, 55521200-0 Meal delivery service) 55520000-1 Catering services, 55522000-5 Catering services for transport enterprises, 55523000-2 Catering services for other enterprises or other institutions, 55524000-9 School catering services 55510000-8 Canteen services, 55511000-5 Canteen and other restricted-clientele cafeteria services, 55512000-2 Canteen management services, 55523100-3 School-meal services	
79100000-5 to 79140000-7; 75231100-5	Legal services, to the extent not excluded by regulation 10(1)(d)
75100000-7 to 75120000-3; 75123000-4; 75125000-8 to 75131000-3	Other administrative services and government services
75200000-8 to 75231000-4	Provision of services to the community
75231210-9 to 75231230-5; 75240000-0 to 75252000-7; 79430000-7; 98113100-9	Prison related services, public security and rescue services to the extent not excluded by regulation 10(1)(h)
79700000-1 to 79721000-4 (Investigation and security services, Security services, Alarm-monitoring services, Guard services, Surveillance services, Tracing system services, Absconder-tracing services, Patrol services, Identification badge release services, Investigation services and Detective agency services) 79722000-1(Graphology services), 79723000-8 (Waste analysis services)	Investigation and security services
98900000-2 (Services provided by extraterritorial organisations and bodies) and 98910000-5 (Services specific to international organisations and bodies)	International services
64000000-6 (Postal and telecommunications services), 64100000-7 (Post and courier services), 64110000-0 (Postal services), 64111000-7 (Postal services related to newspapers and periodicals), 64112000-4 (Postal services related to letters), 64113000-1 (Postal services related to parcels), 64114000-8 (Post office counter services), 64115000-5 (Mailbox rental), 64116000-2 (Post-restante services), 64122000-7 (Internal office mail and messenger services)	Postal services
50116510-9 (Tyre-remoulding services), 71550000-8 (Blacksmith services)	Miscellaneous services

## **SECTION 18 THE MEMBERS' CODE OF CONDUCT**

This Section sets out the text of the Model Code of Conduct prescribed by the Local Authorities (Model Code of Conduct) (Wales) Order 2008, as amended by the following statutory instruments:

- Co-operative and Community Benefit Societies and Credit Unions Act 2010 (Consequential Amendments) Regulations 2014 – (no.2014/1815) (“the 2014 Regulations”) – effective from 1<sup>st</sup> August 2014.
- Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2008 (No. 2016/84) – effective from 1 April 2016.

The paragraph numbering adopted below is as appears in the Model Code referred to above, for ease of cross-referencing and future amendment.

### **THE MEMBERS CODE OF CONDUCT**

#### **PART 1 - INTERPRETATION**

1. (1) In this code —

"co-opted member" ("*aelod cyfetholedig*"), in relation to a relevant authority, means a person who is not a member of the authority but who —

(a) is a member of any committee or sub-committee of the authority, or

(b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority, and who is entitled to vote on any question which falls to be decided at any meeting of that committee or subcommittee;

"meeting" ("*cyfarfod*") means any meeting —

(a) of the relevant authority,

(b) of any Cabinet or board of the relevant authority,

(c) of any committee, sub-committee, joint committee or joint sub-committee of the relevant authority or of any such committee, sub-committee, joint committee or joint sub-committee of any Cabinet or board of the authority, or

(d) where members or officers of the relevant authority are present other than a meeting of a political group constituted in accordance with

regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990,

and includes circumstances in which a member of a Cabinet or board or an officer acting alone exercises a function of an authority;

"member" ("*aelod*") includes, unless the context requires otherwise, a co-opted member;

"registered society" means a society, other than a society registered as a credit union, which is —

(a) a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014; or

(b) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969;

"register of members' interests" ("*cofrestr o fuddiannau'r aelodau*") means the register established and maintained under section 81 of the Local Government Act 2000;

"relevant authority" ("*awdurdod perthnasol*") means—

(a) a county council,

(b) a county borough council,

(c) a community council,

(d) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 or a scheme to which section 4 of that Act applies,

(e) a National Park authority established under section 63 of the Environment Act 1995;

"you" ("*chi*") means you as a member or co-opted member of a relevant authority; and

"your authority" ("*eich awdurdod*") means the relevant authority of which you are a member or co-opted member.

(2) In relation to a community council—

(a) “proper officer” (“*swyddog priodol*”) means an officer of that council within the meaning of section 270(3) of the Local Government Act 1972; and

(b) “standards committee” (“*pwyllgor safonau*”) means the standards committee of the county or county borough council which has functions in relation to the community council for which it is responsible under section 56(1) and (2) of the Local Government Act 2000.

## **PART 2 - GENERAL PROVISIONS**

**2.** (1) Save where paragraph 3(a) applies, you must observe this code of conduct —

(a) whenever you conduct the business, or are present at a meeting, of your authority;

(b) whenever you act, claim to act or give the impression you are acting in the role of member to which you were elected or appointed;

(c) whenever you act, claim to act or give the impression you are acting as a representative of your authority; or

(d) at all times and in any capacity, in respect of conduct identified in paragraphs 6(1)(a) and 7.

(2) You should read this code together with the general principles prescribed under section 49(2) of the Local Government Act 2000 in relation to Wales.

**3.** Where you are elected, appointed or nominated by your authority to serve —

(a) on another relevant authority, or any other body, which includes a Local Health Board you must, when acting for that other authority or body, comply with the code of conduct of that other authority or body; or

(b) on any other body which does not have a code relating to the conduct of its members, you must, when acting for that other body, comply with this code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.



4. You must —

- (a) carry out your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;
- (b) show respect and consideration for others;
- (c) not use bullying behaviour or harass any person; and
- (d) not do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, your authority.

5. You must not —

- (a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;
- (b) prevent any person from gaining access to information to which that person is entitled by law.

6. (1) You must —

- (a) not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute;
- (b) report, whether through your authority's confidential reporting procedure or direct to the proper authority, any conduct by another member or anyone who works for, or on behalf of, your authority which you reasonably believe involves or is likely to involve criminal behaviour (which for the purposes of this paragraph does not include offences or behaviour capable of punishment by way of a fixed penalty);
- (c) report to your authority's monitoring officer any conduct by another member which you reasonably believe breaches this code of conduct;
- (d) not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, your authority.

(2) You must comply with any request of your authority's monitoring officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers.

**7. You must not —**

(a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;

(b) use, or authorise others to use, the resources of your authority —

(i) imprudently;

(ii) in breach of your authority's requirements;

(iii) unlawfully;

(iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;

(v) improperly for political purposes; or

(vi) improperly for private purposes.

**8. You must —**

(a) when participating in meetings or reaching decisions regarding the business of your authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by your authority's officers, in particular by —

(i) the authority's Chief Executive ;

(ii) the authority's Chief Officer - Resources;

(iii) the authority's monitoring officer;

(iv) the authority's Head of Legal & Corporate Compliance (who should be consulted when there is any doubt as to the authority's power to act, as to whether the action proposed lies within the policy framework agreed by the authority or where the legal consequences of action or failure to act by the authority might have important repercussions);

(b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

**9. You must —**

- (a) observe the law and your authority's rules governing the claiming of expenses and allowances in connection with your duties as a member;
- (b) avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by your authority), material benefits or services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation.

## **PART 3 - INTERESTS**

### **Personal Interests**

**10. (1)** You must in all matters consider whether you have a personal interest, and whether this code of conduct requires you to disclose that interest.

**(2)** You must regard yourself as having a personal interest in any business of your authority if —

(a) it relates to, or is likely to affect —

(i) any employment or business carried on by you;

(ii) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;

(iii) any person, other than your authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member;

(iv) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;

(v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in subparagraph (iv) above;

(vi) any land in which you have a beneficial interest and which is in the area of your authority;

(vii) any land where the landlord is your authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in subparagraph (iv) above;

(viii) any body to which you have been elected, appointed or nominated by your authority;

(ix) any —

(aa) public authority or body exercising functions of a public nature;

(bb) company, registered society, charity, or body directed to charitable purposes;

(cc) body whose principal purposes include the influence of public opinion or policy;

(dd) trade union or professional association; or

(ee) private club, society or association operating within your authority's area,

in which you have membership or hold a position of general control or management;

(x) any land in your authority's area in which you have a licence (alone or jointly with others) to occupy for 28 days or longer;

*[Note: subparagraph (b) is omitted.]*

(c) a decision upon it might reasonably be regarded as affecting —

(i) your well-being or financial position, or that of a person with whom you live, or any person with whom you have a close personal association;

(ii) any employment or business carried on by persons as described in 10(2)(c)(i);

(iii) any person who employs or has appointed such persons described in 10(2)(c)(i), any firm in which they are a partner, or any company of which they are directors;

(iv) any corporate body in which persons as described in 10(2)(c)(i) have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or

(v) any body listed in paragraphs 10(2)(a)(ix)(aa) to (ee) in which persons described in 10(2)(c)(i) hold a position of general control or management,

to a greater extent than the majority of—

(aa) in the case of an authority with electoral divisions or wards, other council tax payers, rate payers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or

(bb) in all other cases, other council tax payers, ratepayers or inhabitants of the authority's area.

## **Disclosure of Personal Interests**

11. (1) Where you have a personal interest in any business of your authority and you attend a meeting at which that business is considered, you must disclose orally to that meeting the existence and nature of that interest before or at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority and you make —

(a) written representations (whether by letter, facsimile or some other form of electronic communication) to a member or officer of your authority regarding that business, you should include details of that interest in the written communication; or

(b) oral representations (whether in person or some form of electronic communication) to a member or officer of your authority you should disclose the interest at the commencement of such representations, or when it becomes apparent to you that you have such an interest, and confirm the representation and interest in writing within 14 days of the representation.

(3) Subject to paragraph 14(1)(b) below, where you have a personal interest in any business of your authority and you have made a decision in exercising a function of a Cabinet or board, you must in relation to that business ensure that any written statement of that decision records the existence and nature of your interest.

(4) You must, in respect of a personal interest not previously disclosed, before or immediately after the close of a meeting where the disclosure is made

pursuant to sub-paragraph 11(1), give written notification to your authority in accordance with any requirements identified by your authority's monitoring officer, or in relation to a community council, your authority's proper officer from time to time but, as a minimum containing —

- (a) details of the personal interest;
- (b) details of the business to which the personal interest relates; and
- (c) your signature.

(5) Where you have agreement from your monitoring officer that the information relating to your personal interest is sensitive information, pursuant to paragraph 16(1), your obligations under this paragraph 11 to disclose such information, whether orally or in writing, are to be replaced with an obligation to disclose the existence of a personal interest and to confirm that your monitoring officer has agreed that the nature of such personal interest is sensitive information.

(6) For the purposes of sub-paragraph (4), a personal interest will only be deemed to have been previously disclosed if written notification has been provided in accordance with this code since the last date on which you were elected, appointed or nominated as a member of your authority.

(7) For the purposes of sub-paragraph (3), where no written notice is provided in accordance with that paragraph you will be deemed as not to have declared a personal interest in accordance with this code.

### **Prejudicial Interests**

**12.** (1) Subject to sub-paragraph (2) below, where you have a personal interest in any business of your authority you also have a prejudicial interest in that business if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) Subject to sub-paragraph (3), you will not be regarded as having a prejudicial interest in any business where that business—

- (a) relates to —
  - (i) another relevant authority of which you are also a member;
  - (ii) another public authority or body exercising functions of a public nature in which you hold a position of general control or management;

(iii) a body to which you have been elected, appointed or nominated by your authority;

(iv) your role as a school governor (where not appointed or nominated by your authority) unless it relates particularly to the school of which you are a governor;

(v) your role as a member of a Local Health Board where you have not been appointed or nominated by your authority;

(b) relates to —

(i) the housing functions of your authority where you hold a tenancy or lease with your authority, provided that you do not have arrears of rent with your authority of more than two months, and provided that those functions do not relate particularly to your tenancy or lease;

(ii) the functions of your authority in respect of school meals, transport and travelling expenses, where you are a guardian, parent, grandparent or have parental responsibility (as defined in section 3 of the Children Act 1989) of a child in full time education, unless it relates particularly to the school which that child attends;

(iii) the functions of your authority in respect of statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of such pay from your authority;

(iv) the functions of your authority in respect of an allowance or payment made in accordance with the provisions of Part 8 of the Local Government (Wales) Measure 2011, or an allowance or pension provided under section 18 of the Local Government and Housing Act 1989;

(c) your role as a community councillor in relation to a grant, loan or other form of financial assistance made by your community council to community or voluntary organisations up to a maximum of £500.

(3) The exemptions in subparagraph (2)(a) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration.

## Overview and Scrutiny Committees

**13.** You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—

(a) that business relates to a decision made (whether implemented or not) or action taken by your authority's Cabinet, board or another of your authority's committees, sub-committees, joint committees or joint subcommittees; and

(b) at the time the decision was made or action was taken, you were a member of the Cabinet, board, committee, sub-committee, joint-committee or joint sub-committee mentioned in sub-paragraph (a) and you were present when that decision was made or action was taken.

## Participation in Relation to Disclosed Interests

**14.** (1) Subject to sub-paragraphs (2), (2A), (3) and (4), where you have a prejudicial interest in any business of your authority you must, unless you have obtained a dispensation from your authority's standards committee —

(a) withdraw from the room, chamber or place where a meeting considering the business is being held—

(i) where sub-paragraph (2) applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or

(ii) in any other case, whenever it becomes apparent that that business is being considered at that meeting;

(b) not exercise Cabinet or board functions in relation to that business;

(c) not seek to influence a decision about that business;

(d) not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business; and

(e) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.



(2) Where you have a prejudicial interest in any business of your authority you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

(2A) Where you have a prejudicial interest in any business of your authority you may submit written representations to a meeting relating to that business, provided that the public are allowed to attend the meeting for the purpose of making representations, answering questions or giving evidence relating to the business, whether under statutory right or otherwise.

(2B) When submitting written representations under sub-paragraph (2A) you must comply with any procedure that your authority may adopt for the submission of such representations.

(3) Sub-paragraph (1) does not prevent you attending and participating in a meeting if —

(a) you are required to attend a meeting of an overview or scrutiny committee, by such committee exercising its statutory powers; or

(b) you have the benefit of a dispensation provided that you —

(i) state at the meeting that you are relying on the dispensation; and

(ii) before or immediately after the close of the meeting give written notification to your authority containing —

(iii) details of the prejudicial interest;

(iv) details of the business to which the prejudicial interest relates;

(v) details of, and the date on which, the dispensation was granted; and

(vi) your signature.

(4) Where you have a prejudicial interest and are making written or oral representations to your authority in reliance upon a dispensation, you must provide details of the dispensation within any such written or oral representation and, in the latter case, provide written notification to your authority within 14 days of making the representation.

## **PART 4 - THE REGISTER OF MEMBERS' INTERESTS**

### **Registration of Personal Interests**

**15.** (1) Subject to sub-paragraph (4), you must, within 28 days of—

(a) your authority's code of conduct being adopted or the mandatory provisions of this model code being applied to your authority; or

(b) your election or appointment to office (if that is later),

register your personal interests, where they fall within a category mentioned in paragraph 10(2)(a), in your authority's register of members' interests by providing written notification to your authority's monitoring officer.

(2) Subject to sub-paragraph (4), you must, within 28 days of becoming aware of any new personal interest falling within a category mentioned in paragraph 10(2)(a), register that new personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer.

(3) Subject to sub-paragraph (4), you must, within 28 days of becoming aware of any change to a registered personal interest falling within a category mentioned in paragraph 10(2)(a), register that change in your authority's register of members' interests by providing written notification to your authority's monitoring officer, or in the case of a community council to your authority's proper officer.

(4) Sub-paragraphs (1), (2) and (3) do not apply to sensitive information determined in accordance with paragraph 16(1).

(5) Sub-paragraphs (1) and (2) do not apply if you are a member of a relevant authority which is a community council when you act in your capacity as a member of such an authority.

(6) You must, when disclosing a personal interest in accordance with paragraph 11 for the first time, register that personal interest in your authority's register of members' interests by providing written notification to your authority's monitoring officer, or in the case of a community council to your authority's proper officer.

## **Sensitive information**

**16.** (1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to the interest under paragraph 15.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under sub-paragraph (1) is no longer sensitive information, notify your authority's monitoring officer, or in relation to a community council, your authority's proper officer asking that the information be included in your authority's register of members' interests.

(3) In this code, "sensitive information" ("*gwybodaeth sensitif*") means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

## **Registration of Gifts and Hospitality**

**17.** You must, within 28 days of receiving any gift, hospitality, material benefit or advantage above the value of £20, provide written notification to your authority's monitoring officer, or in relation to a community council, to your authority's proper officer of the existence and nature of that gift, hospitality, material benefit or advantage.

## **APPENDIX 1 TO SECTION 18**

### **Conduct of Members – The Principles**

#### **SELFLESSNESS**

Members must act solely in the public interest. They must never use their position as Members to improperly confer advantage on themselves or to improperly confer advantage or disadvantage on others.

#### **HONESTY**

Members must declare any private interests relevant to their public duties and take steps to resolve any conflict in a way that protects the public interest.

#### **INTEGRITY AND PROPRIETY**

Members must not put themselves in a position where their integrity is called into question by any financial or other obligation to individuals or organisations that might seek to influence them in the performance of their duties. Members must on all occasions avoid the appearance of such behaviour.

#### **DUTY TO UPHOLD THE LAW**

Members must act to uphold the law and act on all occasions in accordance with the trust that the public has placed in them.

#### **STEWARDSHIP**

In discharging their duties and responsibilities Members must ensure that their authority's resources are used both lawfully and prudently.

#### **OBJECTIVITY IN DECISION-MAKING**

In carrying out their responsibilities including making appointments, awarding contracts, or recommending individuals for rewards and benefits, Members must make decisions on merit. Whilst Members must have regard to the professional advice of officers and may properly take account of the views of others, including their political groups, it is their responsibility to decide what view to take and, if appropriate, how to vote on any issue.

#### **EQUALITY AND RESPECT**

Members must carry out their duties and responsibilities with due regard to the need to promote equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion, and show respect and consideration for others.

## **OPENNESS**

Members must be as open as possible about all their actions and those of their authority. They must seek to ensure that disclosure of information is restricted only in accordance with the law.

## **ACCOUNTABILITY**

Members are accountable to the electorate and the public generally for their actions and for the way they carry out their responsibilities as a Member. They must be prepared to submit themselves to such scrutiny as is appropriate to their responsibilities.

## **LEADERSHIP**

Members must promote and support these principles by leadership and example so as to promote public confidence in their role and in the authority. They must respect the impartiality and integrity of the authority's statutory officers and its other employees.

## **APPENDIX 2 TO SECTION 18**

### **Protocol - Standard of Conduct Expected by Members**

This protocol sets out the standards of conduct expected from Members within Blaenau Gwent County Borough Council in dealing with each other. It should be read in conjunction with the Members Code of Conduct and the Member-Officer Protocol. It adds to these documents and does not detract from them.

Members are expected to:

#### **1. PUBLIC BEHAVIOUR**

- 1.1 show respect to each other;
- 1.2 not to make personal abusive comments about each other;
- 1.3 not to publish anything insulting about each other;
- 1.4 not to make malicious allegations against each other;
- 1.5 not to publish or spread any false information about each other;
- 1.6 show respect to diversity and equality;

#### **2. BEHAVIOUR IN MEETINGS**

- 2.1 behave with dignity;
- 2.2 show respect to the Chair and obey his/her decisions;
- 2.3 not to use indecent language nor make racial remarks or remarks which prejudice any section of society;

#### **3. CONFIDENTIALITY**

- 3.1 keep the confidentiality of exempt papers and any other documents which are not public;
- 3.2 not to release confidential information to the press or the public;
- 3.3 not to use confidential information for purposes other than intended;

#### 4. **LOCAL MEMBERS**

- 4.1 work with Members of adjoining electoral divisions for the benefit of the locality;
- 4.2 if dealing with any matter relating to another electoral division:
  - 4.2.1 explain to anyone seeking assistance that he/she is not the local Member;
  - 4.2.2 inform the local Member, unless it would lead to a breach of confidentiality.

## **APPENDIX 3 TO SECTION 18**

### **Local Procedure for dealing with allegations that a Member has breached the Code of Conduct or the Protocol on Member/Officer relations**

#### **1. Introduction**

- 1.1 The Local Protocol for Blaenau Gwent County Borough Council aims to promote good co-operation between Members and Officers and exemplary standards of behaviour by Members thus allowing the Council to carry out its duties efficiently and professionally.
- 1.2 Legislation sets out a statutory regime whereby complaints for breaches of the Member's Code of Conduct are referred to the Public Services Ombudsman for Wales (the Ombudsman).
- 1.3 The Ombudsman has the direction to decide whether allegations of breaches of the Member's Code of Conduct will be investigated. This Protocol is designed to deal effectively with those complaints which are not suitable for reference to the Ombudsman or which would benefit from a local determination.
- 1.4 It is important that any allegations made under this protocol are dealt with quickly and effectively.
- 1.5 The purpose of this procedure is to introduce a simple and clear method of dealing with such allegations.

#### **2. Complaints by Officers against Members**

- 2.1 The Chief Executive will be the Lead Officer on all complaints by Officers against Members. The Complainant retains the right to refer the matter to the Ombudsman at any time in the process. The Chief Executive retains the discretion to refer the complaint to the Standards Committee under stage 3 of the procedure below, with the consent of the Chair of the Standards Committee. The Chief Executive should advise the Monitoring Officer of any complaint received, as the Monitoring Officer's role is to ensure that due process is followed.



2.2 It is hoped that any potential problems may be resolved by early discussion between the Members involved and the Chief Executive. If this proves impossible the Chief Executive may, in consultation with the Chair of the Standards Committee, refer the matter to the Standards Committee and invite them to reach a view as to whether the Protocol has been breached. The view of the Standards Committee will be reported at a Council meeting. The Standards Committee will follow Stage 3 of the Procedure.

### **3. Complaints Against Councillors by Other Councillors**

3.1 Complaints against Members by another Member/s will be dealt with under the following three stage procedure.

#### **4. Procedure**

##### **4.1 Stage One of the Procedure: Making the Complaint**

- (i) Any Member who wishes to submit an allegation under this Protocol should send the complaint to the Monitoring Officer. Following receipt of the complaint the Monitoring Officer will advise whether the allegation is suitable to be considered within this Protocol or whether the complainant should consider referral to the Ombudsman as an allegation of breach of the Members' Code of Conduct.
- (ii) If following the first stage the Member wishes to proceed with the allegation under this procedure, the matter may be referred either to an informal resolution under Stage 2 or to a hearing by the Committee under Stage 3.

##### **4.2 Stage Two of the Procedure: Informal Resolution**

- (i) At Stage Two, the complaint (if both parties agree) will be referred to the Chief Executive who will contact the Member against whom the complaint is made and, if appropriate, the Leader of the relevant political group, to try and resolve the matter informally. The Chief Executive may ask the Member complained about whether he or she may wish to consider whether to rectify the situation by, for example, offering an apology or withdrawal of a remark.
- (ii) The Chief Executive may decline to undertake Stage Two and with the consent of the Chair of the Committees refer it immediately to Stage Three.

- (iii) If necessary, the Chief Executive can call on the Monitoring Officer, or other Legal Officer for advice and assistance.

#### 4.3 Stage Three of the Procedure: Hearing before the Standards Committee

- (i) If either party remained dissatisfied with Stage two, then with the consent of the Chair of the Committee, the Third Stage of the hearing is before the Standards Committee. The Member making the complaint will be asked to submit the substance of the complaint in writing, and the Member who is the subject of that complaint will be asked for a written response. These papers, together with any additional written evidence that is submitted by either side will be distributed to the Members of the Standards Committee.
- (ii) Both the Member making the complaint and the Member complained against have the right to appear before the Committee and to submit evidence from witnesses. Both will have the right to representation or to have a colleague present. The Council will not meet the cost of representations.
- (iii) If either side wishes not to be present or fails to attend, the hearing may be held in this absence.
- (iv) After the evidence has been heard, both sides and their representatives will be asked to leave the Chamber and the Committee will come to a conclusion on the allegation. The Monitoring Officer will advise the Committee.
- (v) The Committee can come to one of three conclusions, namely:-
  - (a) That there is no basis to the complaint.
  - (b) That there is a basis to the complaint but that no further action is required.
  - (c) That there is a basis to the complaint and that the Member should be censured.

The conclusion by the Committee will be reported to Council. In addition, the Committee can make recommendations to the Council regarding changes to any procedures or taking any further action.

#### 5. Other Matters

- 5.1 (i) Publicity will not be given to the names of the

Members involved unless it is decided to uphold the complaint and that the Councillor should be censured. The hearing before the Committee will be exempt ie not open to the public.

- (ii) Stages Two and Three do not have to be followed sequentially. Although it is possible for a Member who remains dissatisfied after the invention of the Chief Executive to ask for the matter to be referred to a hearing before the Committee, it is also possible for a matter to proceed directly to the Committee without being first submitted to the Chief Executive, provided the Chair of the Standards Committee agrees.
- (iii) The aim of this Procedure is to try and resolve complaints regarding Members quickly and effectively. Nothing in this procedure prevents an Officer or Member from submitting a complaint to the Ombudsman that a Member has breached the Code of Conduct at any time before Stages Two (in the case of a Member) or Three (in the case of either an Officer or a Member) of the Procedure is engaged.
- (iv) This Protocol is not designed for use by Members of the Public. If there is a complaint by a member of the public against Officer conduct or Member conduct, then that should follow normal processes, either through a complaint to the Chief Executive or relevant Chief Officer in respect of an Officer or to the Monitoring Officer and/or the Ombudsman in respect of a Councillor.

## **APPENDIX 4 TO SECTION 18**

### **Social Media Protocol**

#### **Use of Social Media**

Social media is the term commonly given to websites and online tools which allow users to interact with each other in some way – by sharing information, opinions, knowledge and interests. Examples of social media websites include (this list is not exhaustive):

- social networking (e.g. [www.facebook.com](http://www.facebook.com))
- video sharing (e.g. [www.youtube.com](http://www.youtube.com))
- blogs (e.g. [www.london2012.com/blog](http://www.london2012.com/blog))
- micro-blogging (e.g. [www.twitter.com](http://www.twitter.com))
- message boards (e.g. <http://forums.moneysavingexpert.com>)
- wikis (e.g. [www.wikipedia.org](http://www.wikipedia.org))
- social bookmarking (e.g. [www.delicious.com](http://www.delicious.com))

#### **Scope**

Members can all freely access social media sites, from home, mobile phones, internet cafes, libraries, etc. This activity needs to be handled in a sensible and considered way so that neither you nor the Council is put at potential risk of embarrassment, loss or criminal proceedings.

The Council acknowledges the right of members to freedom of expression; however, you must be aware of the potential legal implications of material, which could be considered abusive or defamatory.

In order to ensure confidentiality and the reputation of the Council are protected, you are required when using Social Networking sites to:

- Ensure that you do not conduct yourself in a way that is detrimental to the Council
- Not refer to the Council, its employees, or other members in a way that is detrimental to the Council or its employees / members.
- Not publish any content, which may result in actions for defamation, discrimination, breaches of confidentiality or copyright, data protection or other claims for damages. This includes, but is not limited to, material of an illegal, sexual or offensive nature that may bring the Council into disrepute

- Not post images of clients, service users or incidents
- Not send or post abusive or defamatory messages. Social networking websites are a public forum; do not assume that your entries on any website will remain private
- Take care not to allow your interaction with others on these sites to damage working relationships between members of staff, clients, service users or partner agencies
- Not use Council logos on personal web pages
- Be aware that information shared with a third party could be published by them and attributed to you implicitly or explicitly

You should always use your own judgement but should bear in mind the principles of the Members' Code of Conduct and other policies which are part of your professional requirements.

#### **You should notify the Monitoring Officer:**

- If you receive press or media contact regarding the content of your personal web page which relates to your role as a Member or the work of the Council
- If you are unsure as to the appropriateness of information or images you want to publish on your personal web page.

#### **Other things to consider include:**

- Journalists increasingly use the web to research stories and may report photographs or comments they may find. Similarly, customers and clients are able to search the Internet for information on Council members they have involvement with. Check your security settings on social networking sites so that your information is only visible to the people who you want to see it
- Put your name into an Internet search engine to see what people can find out about you. Are you happy with what they can see?

#### **Breach of the Members' Code of Conduct**

Be aware that inappropriate use of the internet could result in possible breaches of the Code of Conduct. If in doubt, please seek advice from the Monitoring Officer.

## **SECTION 19**

### 19. PROTOCOL FOR PUBLIC SPEAKING AT PLANNING COMMITTEE

**Who May Speak?** – The Chair will allow one party to speak to put each side of the case. The order of speakers will be:-

- The Chair will introduce the items. The Planning Officer will present the case and address any late correspondence.
- One objector (if there is more than one objector, they must nominate a spokesperson. If agreement cannot be reached amongst objectors, only the first person to register their interest will be allowed to speak).
- One supporter of the scheme.
- One representative of the Town or Community Council.
- Where they are not ready on Planning, the Ward Member(s) in whose Ward the application falls.
- The applicant or his/her agent.

**How to Register to Speak?** – Planning Committee usually meets on the first Thursday of the Month. In order to speak a slot must be previously arranged by giving your name and contact details in writing/email to the Planning Control Section by 12.00 Noon on the Tuesday of the week of Committee. It must also state whether an individual supports or objects to the application. Ward Members need to register.

Individual details will be made public as other speakers may wish to approach you to ensure you cover areas of mutual concern. Failure to register the wish to speak by the deadline will result in the right to speak being lost.

**The request to speak must be submitted separately to any other written representations which you may be sent to the Council regarding the application. It should be noted that if a request to speak at Committee will be disregarded if the application is to be decided under delegated powers.**

**Length of Speaking** – Each speaker will be allotted a maximum of 5 minutes. This time limit will be strictly enforced, the distribution of plans/maps, photographs or other papers will not be allowed. In exceptional cases, more than one person may be allowed to speak either for or against a proposal. This will be at the discretion of the Chair and will be limited to major planning applications or schemes that have generated significant public interest.

**What Can Be Said?** – Any speech should be limited to the relevant planning issues such as the Development Plan, Government policy/guidance, visual appearance/impact or highways considerations. Issues such as devaluation of property, land disputes and competition between businesses are not relevant and will be disregarded by the Planning Committee.

- The Planning Committee must make its decision in accordance with strict rules. It cannot approve an application simply because a number of people are in support – or alternatively refuse planning permission because a number of people object. Each and every decision must be made based on sound and defensible planning reasons.
- Speakers are advised that they are personally accountable for what they say. They must avoid personal comments, any comments of a racist or offensive nature may be referred to the Police. The minutes of the meeting will record the name, address and content of the statement. The Committee forum does not absolve the individual's responsibilities under laws of defamation.
- Any points that may have been raised in any written objections, will be included in the officers' report.
- At the discretion of the Chair, individuals may be asked to answer questions raised by Members of the Planning Committee.
- Applicants are advised that it is their responsibility to check when an application is to appear before Planning Committee. The Council will not notify applicants or their agents that a person has registered their right to speak for or against their application at Planning Committee.

## **At the Committee**

- The Chair conducts the meeting and retains the right to manage proceedings to ensure that all parties have a fair hearing (subject to the Constitution).
- The Chair will intervene if the time limit is exceeded and may adjourn the meeting. Repeating points that have already been adequately addressed or inappropriate remarks or abusing the right to speak before Committee should be adjourned
- Having confirmed the arrangements of the Committee beforehand, individuals should attend at least 20 minutes before the meeting begins and introduce themselves to an officer of the Council who will be present to greet speakers.
- An item will not be deferred if any person who has registered to speak fails to attend the meeting.
- The Council operates a policy of conducting and recording meetings in the medium of English. If however there is a wish to address the Planning Committee in Welsh this must be notified to the Council so that translation arrangements can be made.

**What happens if the application is deferred?** – This Policy only applies to the first hearing of the application at Planning Committee. If a site visit of the Planning Committee is arranged, further speakers will not normally be allowed unless the Chair, under advice from the Head of Legal & Corporate Compliance, considers it is necessary in order to come to an informed decision.



## **SECTION 20**

### 20. CODE OF CONDUCT FOR EMPLOYEES OF THE COUNCIL

NOTE: ANY FORMS REFERRED TO IN THIS CODE OF CONDUCT MAY BE LOCATED ON THE COUNCIL'S INTRANET.

#### **CONTENTS:**

1. PURPOSE
2. MANAGER'S RESPONSIBILITIES
3. EMPLOYEE'S RESPONSIBILITIES
4. PUBLIC FUNDS
5. CUSTOMERS
6. EQUALITIES
7. HEALTH AND SAFETY
8. STANDARDS OF DRESS AND APPEARANCE
9. PROFESSIONAL QUALIFICATIONS, REGISTRATIONS AND CONDUCT
  
10. DECLARATION OF FINANCIAL AND OTHER INTERESTS
11. CONFLICTS OF INTEREST - THE KEY TEST
12. DEFINITION OF RELATIVE
13. CONDUCT OUTSIDE OF WORK
14. SECONDARY EMPLOYMENT
15. PROBITY OF RECORDS AND OTHER DOCUMENTS
16. FINANCIAL INDUCEMENTS, GIFTS AND HOSPITALITY
17. PROMOTIONAL OFFERS AND PRIZES
18. PUBLIC CONCERN AND WHISTLEBLOWING
19. SAFEGUARDING
20. EMPLOYEES IN POSITIONS OF TRUST
21. CONTRACTS & CONTRACTORS
22. SPONSORSHIP
23. POLITICAL NEUTRALITY
24. COUNCILLORS
25. THE MEDIA
26. OTHER EMPLOYEES
27. APPOINTMENTS AND OTHER EMPLOYMENT DECISIONS
28. USE OF COUNCIL TIME, PROPERTY, FACILITIES OR EQUIPMENT
  
29. INTELLECTUAL PROPERTY
30. USE OF COUNCIL COMMUNICATION SYSTEMS

31. EMAIL AND THE INTERNET
  32. TRADE UNION REPRESENTATIVES
  33. CONFIDENTIALITY AND INFORMATION SECURITY
  34. DATA PROTECTION
  35. PHOTOGRAPHY
  36. USE OF COUNCIL INFORMATION
  37. RECORDINGS
  38. CONTRACT OF EMPLOYMENT
  39. FAILURE TO COMPLY
- APPENDIX 1: DECLARATION OF INTEREST(S) FORM

## 1. PURPOSE

1.1. The Council exists for the benefit of, and is accountable to, the people of Blaenau Gwent. They are entitled to expect conduct of the highest standard from their Council's employees.

1.2. This Code of Conduct for Employees sets out standards of conduct expected of you and applies to all employees, with the exception of School Teachers who have their own arrangements.

1.3. This code has been written for the effective operation of Council business and the wellbeing of its employees. All employees are expected to act in accordance with the Code - failure to do so may result in action in line with the Council's Disciplinary Code.

1.4. The various sections of this Code summarise the key policies and procedures in respect of behaviour and the way you are required to work.

1.5. This code of conduct is not exhaustive and does not replace the general requirements of the law, common sense and good conduct. Please also see section 9 - Professional Qualifications, Registrations and Conduct.

## 2. MANAGER'S RESPONSIBILITIES

2.1 Managers are responsible for the application of this policy in their service area.

## 2.2 Managers must ensure this Code is adhered to and:

- Set a positive example with their own behaviour.
- Ensure standards in the Code are established and communicated.
- Effectively record and update declarations of interest, gifts and hospitality (this information may be held centrally in the Directorate/Service if appropriate).
- Provide clarification, where required, to improve employee understanding.
- Take appropriate action at the earliest opportunity to manage non-compliance with the standards set out in this Code.

## 3. EMPLOYEE'S RESPONSIBILITIES

3.1 You must consider this Code carefully and comply with it fully as it forms part of the terms and conditions of your employment. If you do not understand something in the code you should ask your manager to explain it to you.

### 3.2 You are expected to:

- Maintain conduct of the highest standard so public confidence in your integrity is sustained.
- Ensure your conduct reflects the Council's values and competencies.
- Declare any actual/potential conflict of interest as soon as is reasonably practicable.
- Incorporate and promote equality in all that you do.
- Perform your work to the best of your ability and in accordance with the Council's policies and procedures. Where performance falls short of the required standard you should work with your manager, complying with any improvement plans, to improve your performance to the required standard.
- Not use any information obtained in the course of your employment to cause damage to or bring disrepute to the Council, or for personal gain or benefit. Nor should you pass information on to others who may use it in such a way. Also, you must not access information that is not specifically required to enable you to undertake your role with the Council.
- Abide by the General Data Protection regulation and the Good Practice Guidance that the Council provides in the area of Information Security.
- Familiarise yourself periodically with the latest version of the Code and comply with it at all times.

3.3 If you are aware that someone else is breaching the code, the Council has a Whistleblowing Policy to enable employees to raise concerns in an appropriate manner and to ensure that they do not suffer any detriment as a result of doing so. The policy is available on the Council's intranet and from the OD Division.

## 4. PUBLIC FUNDS

4.1 The Council has responsibility for the administration of public funds and the importance of probity, financial control and honest administration cannot be overstated.

4.2 Where you have direct responsibility for financial transactions e.g. the ordering of goods or services, you must comply with the Council's Financial and Procurement Regulations.

4.3 If you are found to have claimed entitlement to a government benefit or service (i.e. Council or Housing Benefit, Direct Payment, Blue Badge, Council Property etc. from the Council or another local authority), either directly or indirectly, and failed to disclose accurately/fully your financial or other circumstances that may affect your entitlement to the benefit or service, this would be regarded as gross misconduct, and you may be dismissed. Such cases may also be passed to the Police.

## 5. CUSTOMERS

5.1 You should ensure courteous, efficient and impartial service to all within the community. Antagonistic or aggressive behaviour is not acceptable. If you work with customers who behave aggressively you must familiarise yourself with the Violence and Aggression at Work Policy.

## 6. EQUALITIES

6.1 Your commitment to equality in all aspects of your work is fundamental to effective service delivery and working relationships.

6.2 All members of the local community, customers and colleagues have a right to be treated with fairness and equity.

6.3 The Public Sector Equality duty applies to all decisions made by the Council. The duty includes the need to promote equality for persons with “protected characteristics” i.e. age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, Welsh Language, and have due regard to the need to i) eliminate discrimination, harassment, and victimisation; ii) advance equality of opportunity; and iii) foster good relations between persons who share a relevant protected characteristic and those who do not share it.

6.4 Employees should familiarise themselves with the Council’s Dignity at Work Policy. The Council will not tolerate discriminatory behaviour, including harassment, which will be dealt with using the Disciplinary Code and may lead to criminal proceedings.

## 7. HEALTH AND SAFETY

7.1 You have a duty of care and must not act wilfully or intentionally in a manner liable to place the public, your colleagues or yourself at risk.

7.2 You must display your identity card at all times on Council premises. An exception can be made if displaying your identity card (or other Blaenau Gwent logos) could put you at risk, and a risk assessment is in place to this effect. In such circumstances the ID must be retained on your person and must be offered for inspection if required by an authorised person.

## 8. STANDARDS OF DRESS AND APPEARANCE

8.1 You must ensure standards of dress and personal ornamentation are appropriate in relation to your duties. Inappropriate dress can create offence or be interpreted as disrespectful.

8.2 The Council values the diversity of its workforce and will take into account ethnic and religious dress requirements by ensuring you are free to observe them.

8.3 In all cases you are expected to wear any uniform issued for health and safety reasons.

## 9. PROFESSIONAL QUALIFICATIONS, REGISTRATIONS AND CONDUCT

9.1 If your employment with the Council is in a post which requires you to be registered with a statutory and/or professional organisation, to hold membership of a professional body or hold any other qualification, it is your duty to ensure you are able to comply with the relevant obligation(s). You will be requested to provide evidence of compliance. You should also comply with any duty you may have to inform your professional body of a matter which may impact on your registration or membership. You should also inform your line manager of the matter.

9.2 You must ensure that the relevant code of practice is followed during the course of your duties, which includes formal reporting to the professional body on any matter where there is a duty to do so.

9.3 If you belong to a profession that has a specific Code of Practice it is your responsibility to comply with both the Council's code and the code relating to your profession. If there is any conflict between the Council's code and your professional code, please seek the advice of your Line Manager or the Organisational Development Division. However, the approach should be that you must comply with the most demanding/highest level requirement(s), whichever code contains it.

## 10. DECLARATION OF FINANCIAL AND OTHER INTERESTS

10.1 You must declare in writing to your manager, using the declaration form (see the Intranet) any financial or other personal interest - whether direct or indirect - or association with any Council activity, which could cause an actual or potential conflict of interest.

10.2 You are responsible for ensuring you keep your manager informed of any change of circumstance that gives rise to a need to submit or update your declarations. Declarations should be made in writing/by email using the appropriate form.

10.3 It is your responsibility to take all reasonable steps to ensure you do not place yourself or the Council in a position where there could be a conflict of interest. This responsibility does not end when you have submitted a declaration form. For example, if you are present at a meeting on another matter and an issue comes up that you have a potential or actual interest in, you must declare this to the meeting and excuse yourself from the meeting if practicable or at the very least have no part in any discussion or decision making on the relevant issue.

## 11. CONFLICTS OF INTEREST - THE KEY TEST

11.1 You should ask yourself the question “Would a member of the public think that my family, close friends or I would benefit from the connection between my personal interest and my employment?”

11.2 If the answer is yes then you must declare the interest by informing your Line Manager as soon as is reasonably practicable by completing the Declaration of Interest Form. All Directorates are responsible for maintaining a Register of Declarations of Interest for their employees. However, individuals are free to take part in activities organised and authorised by the Trade Unions without declaring an interest.

11.3 If you are involved with granting permissions or benefits, for example, planning permission, you must take no part in considering any application made by yourself, a relative, friend, neighbour or anyone you have a close personal association with.

## 12. DEFINITION OF RELATIVE

12.1 A relative means a spouse (husband or wife), partner, parent, parent-in-law, son, daughter, step-son, stepdaughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of these people. “Partner” means a member of a couple who live together.

## 13. CONDUCT OUTSIDE OF WORK

13.1 Your off-duty hours are your personal concern but you should not put yourself in a position where there is a conflict of interest between your private life and public duties. If, for example you are a member of a society, club or association which may cause a conflict of interest you must declare this using the declaration form (see appendix 1).

13.2 Any questions or statements you wish to submit as a citizen to public Council meetings must be drafted and sent in your own time and using your own resources (i.e. not with work email). You must be clear that you are doing so as a citizen and not as a Council employee. You should not lobby a Councillor inappropriately on personal employment matters. If you are unsure about the process you are advised to speak to your manager. This does not restrict your right to raise concerns regarding possible malpractice under the Council's Whistleblowing Policy.

13.3 The Council reserves the right to bring action against you where your conduct outside work conflicts with your public duties, i.e. where your conduct outside of work could undermine the Council's reputation or public confidence.

13.4 You must disclose information which is relevant to your capability, capacity and suitability to carry out the duties and responsibilities for which you are employed. You must immediately inform your manager in writing (where this Code requires notification in writing, email is acceptable) if, during your employment with the Council, you are subject to any of the following, which it would be reasonable to understand may impact upon your role, professional standing or the reputation of the Council:

- Advised that you are under investigation for a criminal act (including road traffic offences).
- Arrested in connection with a criminal act.
- Notified that criminal charges are being considered against you.
- In receipt of a summons to appear before a Court of Law for an alleged offence.
- Found guilty and convicted of any offence.
- Given a police caution.

13.5 Notwithstanding the above, Employees whose role requires a DBS check must ensure they comply with the all the requirements of the DBS process.



13.6 If you are required to drive as part of your duties you must also declare any penalties received in connection with motoring offences that may impact your ability to undertake your role. Fixed penalties for offences such as speeding do not need to be declared unless they include a driving ban.

13.7 In all cases, a failure to disclose relevant information or the deliberate withholding of such information can amount to a breach of trust and confidence and may lead to disciplinary action up to and including dismissal.

13.8 Serious misconduct or criminal offences committed during or outside working hours, which bring you or the Council into disrepute, will be subject to disciplinary action under the Council's Disciplinary Code, and may result in dismissal.

## 14. SECONDARY EMPLOYMENT

14.1 You may undertake secondary employment such as: work on a voluntary, fee-paying or recognition-in-kind basis; or engage in any other business; as well as secondary employment within the Council itself.

14.2 Appointments as Governors, Councillors of other local authorities, membership of the Territorial Army, Justice of the Peace etc., do not constitute secondary employment.

14.3 Your working time should not exceed an average of 48 hours per week, taking into account secondary employment.

14.4 If you are paid up to and including spinal column point 28 (or equivalent basic pay pro rata) you must notify your manager of any secondary employment undertaken.

14.5 If you are paid above spinal column 28 (or equivalent basic pay pro rata) you must obtain the consent of your Chief Officer prior to engaging in any other business or taking up any secondary employment. You must subsequently keep your Chief Officer advised of any changes to your secondary employment.

14.6 You may also be required to disclose your total working hours, to enable the Council to monitor your hours worked to comply with the Working Time Regulations.

14.7 Any secondary employment must not be carried out during your contracted Council working hours, nor whilst on standby for official callout purposes, unless such employment can be undertaken from your home. You are also not permitted to use Council property, equipment or associated documents or communications.

14.8 Any secondary employment outside the Council must not conflict with the Council's interests, or bring it into disrepute. You may not set up a business, or accept a job with a business, which is in direct competition with the Council.

14.9 Your declaration of secondary employment does not remove the right of the Council to take action if it is deemed to be detrimental to the interests or reputation of the Council, or where it affects your work performance.

14.10 You may not become a trustee or board member of any organisation which receives any form of funding from the Council unless you have the express consent of your Chief Officer, who will consider this in consultation with the Monitoring Officer.

## 15. PROBITY OF RECORDS AND OTHER DOCUMENTS

15.1 If you falsify records or other documents to secure pay or another financial benefit for yourself or others, this is regarded as a criminal offence as well as a serious disciplinary matter.

15.2 Such falsification is dealt with in accordance with the Council's Anti-Fraud, Anti-Corruption, & Anti-Bribery Policy.

15.3 Where deliberate falsification is intended to gain a nonfinancial advantage such as flexi- time credit, the Council will regard this as a serious disciplinary matter. Any deliberate falsification of records or other documents may lead to dismissal.

## 16. FINANCIAL INDUCEMENTS, GIFTS AND HOSPITALITY

16.1 It is an offence to accept any fee or reward whatsoever other than your proper pay. You may receive offers of inducements and it is important you are able to recognise what is, and what is not acceptable; it is advisable to discuss these with your manager.

16.2 On no account should an employee knowingly accept secondary employment or a financial payment from any person, body or organisation who have a professional relationship with the Council or are seeking to establish such a relationship e.g. contractors, developers, consultants.

16.3 Gifts may only be accepted when they are low value i.e. up to £20. Regardless of whether the gift is accepted or not it must be registered by writing/email to your manager, who will record it on the Directorate/Service Register of Gifts and Hospitality (see appendix 2). You should never accept significant gifts (i.e. worth more than £20) or hospitality from service users, actual or potential contractors or outside suppliers.

16.4 Normally, visits by employees to exhibitions, demonstrations, conferences, business meals, and social functions, in connection with their official duties shall be at the Council's expense.

16.5 Where hospitality, in the form of meals and drinks, is offered by a third party, this is normally only acceptable where it forms part of, or immediately follows on from, normal business meetings/discussions held during the normal working day.

16.6 Where offers of hospitality are made, e.g. invitations to dinners, these should only be accepted if there is a clear and demonstrable benefit to the Council, and the hospitality would not expose the Council to criticism that the provider of the hospitality was achieving undue influence. Attendance must have the Chief Officer's approval in advance, and will be recorded in the Directorate/Service Register of Gifts and Hospitality.

16.7 Offers of hospitality in the form of purely social events and sporting occasions should on no account be accepted when these are from organisations with which the Council has commercial links. However, invitations to social events from non-commercial organisations with which the Council has a partnership arrangement will be acceptable, but must have the

Chief Officer's advance approval, and must be recorded in the Directorate/Service Register of Gifts and Hospitality.

16.8 Regular social contact e.g. drinks in a public house, with representatives of organisations, which supply, or hope to supply, goods or services to the Council must be avoided. Where such instances do occasionally take place, i.e. after late working, officers should ensure that they "pay their way" and that the other party does not meet the costs of such contact in full. For their own protection, employees should record such events in the Directorate/Service Register.

16.9 Directorate/Service Registers of Declarations of Interest and Gifts and Hospitality will be liable to Audit inspection.

16.10 Apart from participating in concessionary schemes arranged by trade unions or other such groups for their members, you should not engage the services of contractors commissioned by the Council when acquiring materials, labour or plant at cost, trade or discount prices. Whilst this may enable you to make savings compared with other suppliers, you face the risk of being in a compromising situation, and bringing the Council into disrepute – this is not acceptable and cannot be over-emphasised.

16.11 The acceptance of, or giving of a gift to obtain financial or other advantage, is a criminal offence, as is a threat or retaliation against someone refusing to commit a bribery offence (Bribery Act 2010). The prevention, detection and reporting of bribery is the responsibility of all those working for the Council or under its control. All workers are required to avoid any activity that might lead to, or suggest, a breach of the Bribery Act 2010.

## 17. PROMOTIONAL OFFERS AND PRIZES

17.1 If you are responsible for the purchase of goods and supplies, any promotional offers or prizes given by suppliers are the Council's property. These promotional offers may take the form of a free gift, holiday offer or vouchers. Promotional offers should only be used for the benefit of the Council, and your Chief Officer will decide how offers are used. Promotional offers should be discussed with your manager and recorded on the Register of Gifts and Hospitality, whether accepted or declined.

## 18. PUBLIC CONCERN AND WHISTLEBLOWING

18.1 The Council does not tolerate any form of malpractice. You have an important role to play in reporting any concerns, and are expected to co-operate with investigations. Although it is often difficult for employees to report legitimate concerns through fear of victimisation or reprisal, please be assured that in raising concerns you will be supported. Please refer to the Whistleblowing Policy for more information.

## 19. SAFEGUARDING

19.1 There is a statutory requirement for the Council and its employees to protect children and vulnerable adults. If you have any safeguarding related concerns, you are responsible for speaking promptly to your line manager or another manager about your concerns. You should seek guidance from your line manager or safeguarding lead as necessary.

## 20. EMPLOYEES IN POSITIONS OF TRUST

20.1 If you have a caring role or provide a direct personal service you may experience situations where you could benefit financially. For example, people in residential care homes may express their thanks to you by offering significant gifts, money or even making you a beneficiary of their will. You should refuse such 'gifts' politely and explain why you cannot accept them before reporting this matter to your line manager.

20.2 If you, your partner or family have been made a beneficiary in the will of a service user, you should tell your line manager immediately.

20.3 You, your partner and family must not have any financial dealings with any service user to whom the Council provides services, and must not borrow money or property, nor act as executor of a service user's will, except where this is a specific requirement of your post and only within the specific boundaries of your duties.

20.4 You must not give financial advice to service users except where this is a requirement of your post and within the specific boundaries of your duties.

20.5 Where a customer is dependent upon you for a service or has special needs, you must not compromise this relationship; avoid unprofessional emotional or physical interaction or sexual interaction with a service user. If you suspect such behaviour on the part of a colleague you must tell your manager immediately.

20.6 If you work with children or vulnerable adults you must inform your line manager immediately if you are subject to a criminal conviction, caution, ban, police enquiry or pending prosecution – this is essential in helping to safeguard children and vulnerable adults.

## 21. CONTRACTS & CONTRACTORS

21.1 When dealing with contractors, you should be clear on the separation of the client and contractor roles within the Council. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.

21.2 The code of conduct does not preclude anyone from having the opportunity to tender for business. However the process must be, and be seen to be, fair, open and transparent

21.3 Under section 117 of the Local Government Act 1972 you must disclose any interest in an existing or proposed contract in writing as soon as is reasonably practicable.

21.4 If you engage or supervise contractors, or have an official relationship with existing or potential contractors, and have had or have a relationship in a private or domestic capacity, you must declare that relationship to your Chief Officer (this means relationship with a director or employee of the contractor). You must ensure no special favour is shown to current or former partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior capacity.

21.5 If you carry out competitive tendering services - directly or indirectly - you must declare to the Chief Officer your membership of, or affiliation to, any organisation, which may have an interest in tendering for the service.

21.6 Where a contract awarding process is under way you must withdraw from, or otherwise play no part in that process if you have an interest or potential interest and must comply with any written guidance issued by your Chief Officer, the Monitoring Officer or any other appropriately qualified Senior Officer of the Council.

21.7 You may not set up a business, or accept a job with a business, which is in direct competition with the Council. If you are contemplating a management buyout, or any arrangement to provide a service similar or identical to that provided by the Council you must, as soon as you have formed a definite intent, notify your Chief Officer.

21.8 If you are planning setting up competing businesses to the Council you must not use confidential information obtained during the course of your duties.

21.9 No materials, information (including contacts, property or other resources) are to be accessed or used by you in the course of planning your competing business during or after your employment with the Council. Where such access or use takes place the Council will vigorously pursue its rights.

## 22. SPONSORSHIP

22.1 Where the Council sponsors an event or service, you, your partner, spouse or relative must not benefit from the sponsorship. You must seek guidance from your Chief Officer if you are involved with an event or service which the Council proposes to sponsor.

22.2 Where the Council gives support in the community, through sponsorship, grant aid, financial or other means, you should ensure that impartial advice is given and no conflict of interest exists.

22.3 Where an outside organisation wishes to sponsor a local government activity by invitation, tender, negotiation or voluntarily, the rules concerning acceptance of gifts and hospitality apply.

## 23. POLITICAL NEUTRALITY

23.1 You must not allow your personal or political opinions to interfere with your work.

23.2 You serve the Council as a whole and must serve all elected Members - not just those of the controlling group - and must ensure the individual rights of all Councillors are respected.

23.3 Whilst engaged in Council business you must not wear or display any objects indicating support for or opposition to any political party or view. This applies to private vehicles used whilst undertaking Council business.

23.4 If your post is not politically restricted (see below) you may campaign on behalf of a political party. However, when engaged on Council business you must remain politically neutral and not allow your personal or political views to interfere with your duties.

23.5 If your post is politically restricted you will be advised upon appointment of restrictions and must comply with these.

23.6 Advice to political groups must be given by, or with the consent of, the relevant Chief Officer, who will ensure advice is given in ways which do not compromise political neutrality. Any advice given should be impartial, objective and helpful.

## 24. COUNCILLORS

24.1 Mutual respect between employees and Councillors is essential to good local government. Close personal familiarity between employees and Councillors can damage the relationship and prove embarrassing to other employees and Councillors and should be avoided.

24.2 You must declare any personal relationship with a Councillor. Where the relationship could present a conflict of interest, your manager will need to consider how this will be effectively managed.



24.3 The Council has a Protocol on Employee/Member Relations, which can be found in Section 21 of the Council's Constitution. You must comply with the protocol as well as this Code of Conduct.

#### 24.4 Complaints against Members by employees

The Council has a Code of Conduct for Members, which can be found in the Council's Constitution. There is a local protocol for dealing with complaints against Members by employees for breaches of this Code.

24.5 This is in addition to and does not preclude the option of redress via The Ombudsman, which has always been available to employees.

24.6 If you have concerns about a possible breach of the Code of Conduct for Members and/or wish to make a complaint please contact the Chief Executive, who will be able to confidentially discuss your concerns and advise you of the options available.

## 25. THE MEDIA

25.1 Approaches from all national press, radio or TV stations or specialist press should be directed to the Corporate Communications Team, who will discuss the nature of the story and then contact the appropriate Officer or Member asking them to respond. You are not permitted to communicate with the media on matters relating to the activities of the Council without authorisation from the Corporate Communications Team. If you are contacted by journalists you should refer them to the Team.

25.2 This is not intended to prevent or deter lawful whistleblowing and does not affect your right to speak on trade union issues, whether as an individual or as a TU representative.

25.3 If you wish to write material for publication which does not refer to the Council, but relates to your profession (e.g. an article in a professional journal), advise your manager before publication. The article should also contain a disclaimer, which states that the views are those of the individual and not of the Council.

## 26. OTHER EMPLOYEES

26.1 The provisions of this section apply equally to relationships with colleagues not directly employed by the Council, e.g. co-workers from organisations with which the Council is in partnership.

26.2 You must treat colleagues with courtesy and respect, and must not abuse them verbally or physically. You must not harass or bully or be insubordinate to colleagues and must comply with the standards set out in this Code in relation to Equalities.

26.3 Employees are expected to treat each other with respect and in a manner which is professional, courteous, non-aggressive and helpful.

26.4 The Council recognises that employees who work together may form personal friendships and in some cases close personal relationships. While it does not wish to interfere with these personal relationships, it is necessary to ensure that all employees behave in an appropriate and professional manner at work.

26.5 Any employee who is involved in a close personal relationship with a colleague, contractor, client, customer or supplier must not allow that relationship to influence his/her conduct while at work. There are situations when a personal relationship between employees becomes a management concern and they may unintentionally impair operational efficiency or affect the integrity of service delivery. You must declare any personal relationship with another employee, where the relationship could affect, or could be perceived to affect your or any colleagues' performance.

26.6 Intimate behaviour during work time, for example kissing, touching or holding hands, is expressly prohibited. This applies during all working time, whether at the normal workplace, on clients' premises or elsewhere. Any breach of this rule will be regarded as a serious disciplinary offence, which could lead to disciplinary action up to and including dismissal.

### 26.7 Line Management of Relatives

Line management of an employee by a relative is to be avoided wherever possible, to avoid conflicts of interest or allegations of nepotism or favouritism.

In a situation where a line manager may be required to manage a relative, efforts will be made to relocate one of the parties.

26.8 Line management of relatives in existence prior to the adoption of this policy will not be affected, unless issues arise that lead/could lead to a conflict of interest or adversely affect the running of the service. If such a situation arises then the above procedures will apply.

26.9 In any situation where employees in a personal relationship work in close proximity, the Council reserves the right (without breach of contract) to require one or both employees to change their roles or duties. This is intended to avoid the employees in a relationship finding themselves in a potentially difficult situation and to avoid perceptions of undue influence or unfairness (whether real or imagined).

## 27. APPOINTMENTS AND OTHER EMPLOYMENT DECISIONS

27.1 Appointments must be made on merit. The relevant procedures are detailed in the Council's Recruitment Charter and Code of Practice.

27.2 Relatives and close personal friends can apply for jobs and will be considered on the basis of their suitability for the role. They should declare their relationship to you on the appropriate section of the application form.

27.3 In order to avoid any possible accusation of bias, you should not be involved in any stage of an appointment if you are related to an applicant, or have a close personal relationship with them outside work.

27.4 You should not be involved in decisions relating to discipline or other sanction, or in decisions relating to pay, if you are related to, or have a close personal relationship with, the employee who is subject to that decision.

## 28. USE OF COUNCIL TIME, PROPERTY, FACILITIES OR EQUIPMENT

28.1 You must spend all of your contracted hours working for the Council.

28.2 The Council's property and facilities are provided for official Council business. You are responsible for taking reasonable steps to ensure the safety

and security of any equipment provided to you. All Council-owned equipment and devices must be returned on leaving Council employment and any Council-owned or supplied data must be deleted. Access to systems used for Council purposes must be terminated permanently.

28.3 You may not make personal use of the Council's property or facilities (stationery, photocopiers, etc.) unless authorised to do so by your manager. ICT Resources may only be used in line with the Council's relevant policies and guidance.

28.4 You may only use the Council telephones to make or receive private calls in line with the Council's Policy on the Private Use of Authority-Owned Telephones.

28.5 As a member of the public, if you wish to access property, facilities, services or equipment, which is normally provided by the Council on a commercial basis, you must not gain advantage due to your employment with the Council. Where there may be a perception of potential conflict, you must advise your manager you propose to use Council property, facilities, equipment or services - your manager will guide you and take appropriate action.

## 29. INTELLECTUAL PROPERTY

29.1 'Intellectual Property' is a generic legal term, which refers to the rights and obligations in relation to: inventions, patents, creative writings and drawings (including policy, training and technical documents and materials). If you create these or similar during the course of your employment, the copyright belongs to the Council and, if appropriate, you would be required to cooperate in the registration formalities.

29.2 If you want to publish any material which you have written in connection with your duties or in which you describe yourself as holding a position within the Council you must first gain the consent of your Chief Officer.

## 30. USE OF COUNCIL COMMUNICATION SYSTEMS

30.1 The Council has the right to access and monitor communication systems provided to you, and will monitor usage of its communication systems e.g.

telephone, email and Internet access, to ensure their proper use and will run reports detailing usage levels of staff.

30.2 Communication systems may be accessed when the Council suspects an employee has been misusing Council facilities, or, for the investigation of suspected fraud or other irregularity. Very exceptionally and where service delivery reasons exist, employees' senior officer, in conjunction with OD and IT may approve access to emails when an employee is absent. Access to facilities may be temporarily suspended whilst an investigation is on-going and may be permanently withdrawn where misuse is detected. Cases of misuse may result in disciplinary action being taken - this may include dismissal.

## 31. EMAIL AND THE INTERNET

31.1 The primary use of The Council's Email and the Internet systems is for the business purposes of The Council. However, reasonable personal use will be permitted when clocked out/outside of working time, although the policies relating to acceptable use will still apply. All Email and Internet access may be recorded and monitored.

31.2 The use of Email and the Internet must not interfere or conflict in any way with the performance of your duties as an employee of The Council.

31.3 The following is a summary of some of the key points of the Council's Email and Internet Acceptable Use Policies.

31.4 However, it is your responsibility to ensure you are fully aware and compliant with all the relevant policies and guidance, as available on the Information Security page on the Intranet.

31.5 You must inform your manager immediately if you receive inappropriate communication or material.

### 31.6 General Computer Usage

You are only permitted access to parts of the computer system necessary for you to perform your duties or for authorised personal use.

31.7 The following examples constitute computer misuse and are liable to disciplinary action, up to and including dismissal:

- Fraud and theft
- Introduction of viruses
- Obtaining unauthorised access
- Using the system for non-work related activities during work time

### 31.8 Email

No employee shall send or forward emails that in any way may be interpreted as inappropriate, insulting, disruptive or offensive by any other person, company, or which may be harmful to the morale of employees or the reputation of The Council.

31.9 Examples of prohibited material include, but are not limited to:

- Sexually explicit messages, images, cartoons, jokes or movie files.
- Unwelcome propositions, request for dates, or love letters.
- Profanity, obscenity, slander or libel.
- Ethnic, religious, or racial slurs.
- Political beliefs or commentary.
- Any message that could be construed as harassment or disparagement of others based on their sex, race, sexual orientation, age, national origin, disability, or religious or political beliefs.
- Circulating chain mails on the Council's email system.

31.10 Contracts formed by email might be legally binding. Any contractual agreement, offer or acceptance must only be made electronically if you have authority to do this or where specific management authorisation has been given.

### 31.11 Internet

The following is not an exhaustive list but an indication of the types of unacceptable conduct that may result in disciplinary action and possibly dismissal.

### 31.12 Internet access must not be used for:

- Gambling or gambling related content.
- Online gaming and game related content
- Personal business purposes or commercial financial gain.
- Downloading or copying material in breach of copyright licensing.
- Downloading and/or using unauthorised software.
- Seeking, retrieving, displaying or downloading data in any format which is indecent, pornographic, offensive, subversive, illegal or otherwise inappropriate and/or inconsistent with The Council's values and the bounds of common decency.
- Authoring, transmitting or storing messages or attachments containing racist, sexist, defamatory, offensive, abusive, illegal or otherwise inappropriate words or material.
- Accessing and using online computer games.
- Accessing streamed broadcast visual media content such as that provided by BBC iPlayer, ITV and SKY streaming services.
- Engaging in political activity.
- Engaging in or creating binding contracts on behalf of The Council unless you have authority to do this or where specific management authorisation has been given.
- Transmitting unencrypted information protectively marked OFFICIAL-SENSITIVE or above over the Internet.

### 31.13 Social networking

You must be aware that when using the Internet, including social media/networking for personal use, at any time, you could still be identified as a Council employee. As such your activity on the Internet and social networking websites may affect the Council.

31.14 Remember to keep your work and social life separate. Further guidance and helpful tips are contained in The Council's Social Media Guidance document on the Information Security page on the Intranet.

31.15 Users logged in at a computer shall be considered to be the person browsing the Internet. Under no circumstances shall Internet users browse the Internet or use email from an account belonging to someone else.

31.16 The Council shall report any illegal activity to the Police. Employees shall also be liable to The Council's own disciplinary process.

31.17 Employees shall notify their Line Manager and the SRS Information Security Team (Security@srswales.com) immediately should accidental access to such material occur. Normally, no disciplinary action shall be taken against employees who accidentally access sites containing dubious or unethical material providing they raise the issue in a timely manner. However, in order to avoid disciplinary action, it is the user's responsibility to ensure that such unauthorised access does not happen on a frequent basis.

31.18 As stated previously, full details of the relevant policies and guidelines for the use of email and the Internet are available on the Information Security page on the Intranet. It is your responsibility to ensure you are aware of and abide by these requirements.

#### 31.19 Disciplinary Action

You must remember you are a representative of The Council and using email, internet and/or social media accounts to make libellous, slanderous or defamatory comments regarding The Council, its employees or Members, or otherwise bringing the Council's reputation into disrepute, or exposing the Council to potential liabilities, will not be tolerated and may lead to disciplinary action up to and including dismissal.

### 32. TRADE UNION REPRESENTATIVES

32.1 Accredited trade union representatives can use Council systems for the purposes of undertaking trade union duties and these will be treated as confidential.

### 33. CONFIDENTIALITY AND INFORMATION SECURITY

33.1 The Council supports and promotes the principles of open government and welcomes opportunities to share information with the community. However, there is some information that is too sensitive or confidential to release.



33.2 You should be aware of the type of information which must be made available, and to whom; and the type of information which must not be disclosed at all or without specific permission. "Information" can be stored, or communicated in many ways:

- Image (e.g. photos, CCTV, microfiche).
- Verbal conversation (e.g. face to face or by telephone, Skype, etc.).
- Paper documents and manual filing systems (including personal work-related notes).
- Computerised and other electronic systems (e.g. email, voicemail, instant messaging, computer disk, USB, social media, case management systems or other departmental computer systems, etc.).

33.3 You must take all reasonable steps to ensure that the loss, destruction, inaccuracy or improper disclosure of information does not occur as a result of your actions.

33.4 You must not disclose personal or financial information about any other member of staff or service user without the express consent of that individual or authorisation from your Chief Officer.

33.5 You must not use any information obtained in the course of your employment to cause damage to or bring disrepute to the Council, or for personal gain or benefit. Nor should you pass information on to others who may use it in such a way. Also, you must not access information that is not specifically required to enable you to undertake your role with the Council.

33.6 If you have any doubt whether information should be disclosed it is your responsibility to consult your manager before its release.

## 34. DATA PROTECTION

34.1 The Data Protection Act 2018, which covers and supplements the General Data Protection Regulation 2016, deals with appropriate protection of any information in which any living person can be identified. This is personal information and it may not necessarily include a person's name. Both the Council and all staff are under an obligation to comply with the Data Protection Act 2018.

34.2 Information about your obligations can be found in the Council's Data Protection Policy. These obligations include how personal information should be obtained, stored, accessed and used.

34.3 The Council must ensure that:

- The information will be protected against unauthorised access.
- The confidentiality of information will be assured.
- The integrity of information will be maintained.
- Regulatory and legislative requirements will be met.

34.4 A breach of the Data Protection Act 2018 may result in criminal proceedings and may result in disciplinary action which could include dismissal.

34.5 Adherence to The Council's policies is mandatory. Any breach may result in disciplinary and/or criminal proceedings. Disciplinary action may include dismissal.

## 35. PHOTOGRAPHY

35.1 It is important to be aware that permission may be required when using photographs, videos and recordings that identify people. If you have any queries about rights you should contact the Corporate Communications Team for advice.

35.2 If you plan to publish or upload any photographs of colleagues to the internet or social media you must seek their permission before doing so.

## 36. USE OF COUNCIL INFORMATION

36.1 You must not use any information obtained in the course of your employment for personal gain or benefit, or pass it on to others who might use it in such a way. You must not disclose to any third party confidential information which could be prejudicial to the Council's interests.

## 37. RECORDINGS

37.1 The Council's Audio/Video Recording Guidance document covers all recordings, including covert recording of staff meetings and covert recording in Council establishments, by employees and/or associated third parties.

37.2 In certain circumstances employees or clients of the Authority may endeavour to make a covert audio/video recording, for example of a work meeting or of care provided in a residential care home, for a number of reasons. For example, an individual may think that a recording will provide evidence of unfair treatment or malpractice. However, no-one has the right to record an employment meeting without express permission and there are a number of legal factors to consider if a client of the Authority intends to make a covert recording.

37.3 Any covert recording to be carried out on behalf of the Authority must have prior approval in accordance with the Council's RIPA Policy. Any other covert recording may be deemed as gross misconduct and will be considered in line with the Council's Disciplinary Code.

## 38. CONTRACT OF EMPLOYMENT

38.1 This Code is part of your contract of employment. An extract of the Code is issued to every employee as part of their terms and conditions of employment, together with advice on how to access the full document.

## 39. FAILURE TO COMPLY

39.1 Failure to comply with any of the provisions included in this Code and/or its associated policies may result in disciplinary action being taken under the Disciplinary Code, or legal action if necessary.

**APPENDIX 1 TO SECTION 20**  
**ALL OFFICERS TO NOTE THE PROVISIONS OF THE LOCAL**  
**GOVERNMENT ACT 1972, Section 117**

1. If it comes to the knowledge of an Officer employed, whether under this Act or any other enactment, by a local authority that a contract in which he has a pecuniary interest, whether direct or indirect (not being a contract to which he is himself a party), has been, or is proposed to be, entered into by the authority or any committee thereof, he shall as soon as practicable give notice in writing to the authority of the fact that he is interested therein. For the purposes of this Section, an Officer shall be treated as having indirectly a pecuniary interest in a contract or proposed contract if he would have been so treated by virtue of Section [95] above had he been a Member of the authority.
2. An Officer of a local authority shall not, under colour of his office or employment, accept any fee or reward whatsoever other than his proper remuneration.
3. Any person who contravenes the provisions of paragraphs ~~14~~ or ~~22~~ above shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.
4. References in this Section to a local authority shall include references to a joint committee appointed under Part VI of this Act or any other enactment.

## **SECTION 21**

### 21. Protocol on Member / Officer Relations

#### **21.1 Introduction**

The purpose of this Protocol is to guide Members and Employees of the Council in their relations with one another.

21.1.1 Mutual respect between Members and Employees is essential to good local government. However, close personal familiarity between individual Members and Employees can damage this relationship and prove embarrassing to other Members and Employees.

21.1.2 The relationship has to function without compromising the ultimate responsibilities of Employees to the Council as a whole, and with due regard to such technical, financial, professional and legal advice that Employees can legitimately provide to Members. The Protocol seeks to set a framework that assists the working relationships between Members and Employees.

#### **21.2 Roles of Members**

Members undertake many different roles. Broadly these are:

21.2.1 Members express political values and support the policies of the party or group to which they belong (if any).

21.2.2 Members represent their electoral division and are advocates for the citizens who live in the area.

21.2.3 Members are involved in active partnerships with other organisations as community leaders.

21.2.4 Members contribute to the decisions taken in Full Council and in its various bodies on which they serve, as well as joint committees, outside bodies and partnership organisations.

21.2.5 Members help develop and review policy and strategy.

21.2.6 Members monitor and review policy implementation and service quality.

21.2.7 Members are involved in quasi-judicial work through their Membership of regulatory committees.

## **21.3 Roles of Employees**

Briefly, Employees have the following main roles:

21.3.1 Managing and providing the services for which the Council has given them responsibility and being accountable for the efficiency and effectiveness of those services.

21.3.2 Providing advice to the Council and its various bodies and to individual Members in respect of the services provided.

21.3.3 Initiating policy proposals.

21.3.4 Implementing agreed policy.

21.3.5 Ensuring that the Council always acts in a lawful manner.

## **21.4 Respect and Courtesy**

21.4.1 For the effective conduct of Council business there must be mutual respect, trust and courtesy in all meetings and contacts, both formal and informal, between Members and Employees. This plays a very important part in the Council's reputation and how it is seen in public. It is very important that both Members and Employees remember their respective obligations to enhance the Council's reputation and to do what they can to avoid criticism of other Members, or other Employees, in public places.

### **21.4.2 Undue Pressure**

It is important in any dealings between Members and Employees that neither should seek to take unfair advantage of their position.

In their dealings with Employees (especially junior Employees) Members need to be aware that it is easy for them to be overawed and feel at a disadvantage. Such feelings can be intensified where Members hold senior official and/or political office.

A Member should not apply undue pressure on an Employee either to do anything that he is not empowered to do or to undertake work outside normal duties or outside normal hours. Particular care needs to be taken in connection with the use of Council property and services.

Similarly, an Employee must neither seek to use undue influence on an individual Member to make a decision in his favour, nor raise personal matters to do with their job, nor make claims or allegations about other Employees. *(The Council has formal procedures for consultation, grievance and discipline, and Employees have the right to report possible wrongdoing under the Council's Confidential Reporting Code.)*

#### 21.4.3 Familiarity

Close personal familiarity between individual Members and Employees can damage the principle of mutual respect. It could also, intentionally or accidentally, lead to the passing of confidential information or information which should not properly be passed between them, such as personal details.

Such familiarity could also cause embarrassment to other Members and/or other Employees and even give rise to suspicions of favouritism.

For these reasons close personal familiarity must be avoided.

#### 21.4.4 Breach of Protocol

If a Member considers that he has not been treated with proper respect or courtesy he may raise the issue with the Employee's line manager. If direct discussion with the manager does not resolve the complaint it should be referred to the Head of Service or Director responsible for the employee concerned. Breach of the Protocol may give rise to disciplinary proceedings against an Employee if the circumstances warrant it.

If an employee of the Council considers that a Member has contravened the protocol, then the procedure outlined in Appendix 3 to Section 18 may be followed i.e. "Local Procedure for dealing with allegations that a Member has breached the Code of Conduct or the Protocol on Member/Officer relations". If the complaint may constitute a breach of the Members' Code of Conduct, the employee has the right to refer the complaint directly to the Ombudsman. Many complaints will be capable of informal resolution without requiring a referral to the Ombudsman. The Monitoring Officer or the Chief Executive, may assist in this process if necessary.

### **21.5 Provision of Advice and Information to Members**

21.5.1 Members are free to approach Employees of the Council to provide them with such information and advice as they may reasonably need in order to assist them in

discharging their role as a Member of the Council. This can range from a request for general information about some aspect of the Council's activities to a request for specific information on behalf of a constituent.

- 21.5.2 Employees should always endeavour to respond to requests for information promptly and should in any event inform the Member if there is likely to be any appreciable delay in dealing with an enquiry. As a minimum the timescale for responding to correspondence should be observed ie either a full response or, if this is not possible, an acknowledgement that fully explains what is happening within five working days of the receipt of the enquiry.
- 21.5.3 The legal rights of Members to inspect Council documents are covered partly by statute and partly by common law.
- 21.5.4 The Access to Information Procedure Rules of this Constitution explain the position with regard to access to papers relating to the business of a Council body.
- 21.5.5 The exercise of the common law right depends upon a Member's ability to demonstrate a "need to know". In this respect a Member has no right to "a roving commission" to examine any documents of the Council. Mere curiosity is not sufficient.
- 21.5.6 The information sought by a Member should only be provided by the respective Service as long as it is within the limits of the Service's resources. For their part, Members should seek to act reasonably in the number and content of the requests they make.
- 21.5.7 It is important for Services and their staff to keep Members informed both about the major issues concerning the Council and, more specifically, about issues and events affecting the area that he represents. Local Members should be informed about proposals that affect their electoral division and should also be invited to attend Council initiated events within their electoral division. (Further details are contained in the Local Member Consultative Charter, which is annexed to this Protocol).
- 21.5.8 If a Member asks for specific information relating to the work of a particular Service, and it appears possible or



likely that at a subsequent meeting an issue could be raised or question asked on the basis of the information provided, then the appropriate Cabinet Member or Committee Chair concerned should be advised about the information provided.

21.5.9 Officers have to advise Members from time to time that a certain course of action cannot be carried out. Members sometimes assume that this is a case of Officers deliberately obstructing the wishes of politicians. In fact this is hardly ever the case. Officers are employed to give unbiased professional advice even if it is not what Members want to hear. They do this as much for the protection of Members as for any other reason. However, the mark of an effective Officer is that if they do have to give negative advice, this will be accompanied by suggestions as to how Members might achieve some or all of their objectives in other ways. Such Officers are invaluable to any Council.

21.5.10 Members may be entitled under the Freedom of Information Act 2000 to receive information which falls outside their common law rights based on the “need to know”. Employees are encouraged to supply documents to Members without the need for a formal FOI request if it is apparent from the Member’s enquiry that any individual would be entitled to receive such documentation. The Council’s Information and Governance Officer will be able to advise in consultation if necessary with the Monitoring Officer on whether any request would fall within the Freedom of Information Act.

## **21.6 Confidentiality**

21.6.1 In accordance with the Code of Conduct for Members, a Member must not disclose information given to him/her in confidence by anyone, or information acquired which he/she believes, or ought reasonably to be aware, is of a confidential nature, except where:

he/she has the consent of a person authorised to give it;

he/she is required by law to do so;

the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

the disclosure is:

- a) reasonable and in the public interest; and
- b) made in good faith and in compliance with the reasonable requirements of the authority.

- 21.6.2 Confidential Committee papers are to be treated as confidential information unless the relevant Committee resolves not to exclude press and public. Members are reminded that the author of the report makes the initial decision as to whether or not the papers are to be treated as confidential. The decision as to whether they remain confidential is for the Committee. Other information may be confidential because to disclose it would be against the Council's or the public interest. Information may also be confidential because of the circumstances in which it was obtained.
- 21.6.3 Information and correspondence about an individual's private or business affairs will normally be confidential.
- 21.6.4 Officers should make it clear to Members if they are giving them confidential information. If a Member is not sure whether information is confidential, he or she should ask the relevant Officer, but treat the information as confidential in the meantime.
- 21.6.5 Any Council information provided to a Member must only be used by the Member in connection with the proper performance of the Member's duties as a Member of the Council.
- 21.6.6 If a Member receives confidential information and considers it should be disclosed to another person because it is reasonable and in the public interest to do so then he or she must first consult with the Monitoring Officer and shall not disclose the information without having regard to any advice given by that Officer.

## **21.7 Provision of Support Services to Members**

- 21.7.1 The only basis on which the Council can lawfully provide support services (eg stationery, word processing, printing, photocopying, transport, etc) to Members is to assist them in discharging their role as Members of the Council. Such support services must therefore only be used on Council business. They should never be used in connection with party political or campaigning activity or for private purposes.

### 21.7.2 Correspondence

Official letters on behalf of the Council should be sent in the name of the appropriate Employee, rather than over the name of a Member. There are circumstances where a letter sent in the name of a Member is perfectly appropriate, for example, in response to a letter of enquiry or complaint sent direct to that Member. Letters which, for example, create obligations or give instructions on behalf of the Council should never be sent out in the name of a Member.

### 21.7.3 Media

Communication with the media can be an important part of a Member's workload. In general, Members provide comment and views while Employees provide factual information. If a Member is unsure about the circumstances of a particular issue he should contact the appropriate Director or Head of Service concerned or ask the Press Office to do so.

## **21.8 The Council's Role as Employer**

In their dealings with Officers, Members should recognise and have regard to the Council's role as employer. Members should be aware that Officers could rely on inappropriate behaviour of a Member in an employment case against the Council.

## **21.9 Political Activity**

21.9.1 There are a number of constraints that apply to an employee who occupies a post that is designated as "politically restricted" under the terms of the Local Government and Housing Act 1989.

21.9.2 In summary, such employees are prevented from:

being a Member of Parliament, European Parliament or local authority;

acting as an election agent or sub-agent for a candidate for election as a Member of any the bodies referred to above;

being an Officer of a political party or any branch of a political party or a Member of any committee or sub-committee of such a party or branch, if his duties would be likely to require him to:

- a) participate in the general management of the party or branch; or

b) act on behalf of the party or branch in dealings with persons other than Members of the party;

canvassing on behalf of a political party or a candidate for election to any the bodies referred to above~~00~~;

speaking to the public with the apparent intent of affecting public support for a political party; and

publishing any written or artistic work of which he is the author (or one of the authors) or acting in an editorial capacity in relation to such works, or to cause, authorise or permit any other person to publish such work or collection - if the work appears to be intended to affect public support for a political party.

- 21.9.3 It is common for party groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant decision making body. Employees may properly be called upon to support and contribute to such deliberations by party groups provided they maintain a stance which is politically impartial. Support may include a range of activities including briefings for Members relating to their roles, eg chairperson or spokesperson. Employees should be required to give information and advice to political groups on Council business only and not on matters which are purely of a party political nature. Such advice should be available to all party groups and not solely to the majority group. It is important that the political neutrality of Employees is preserved and that group confidentiality is maintained by Employees.
- 21.9.4 Usually the only Employees involved in attending group meetings will be the Chief Executive , Directors and Heads of Service and they will generally leave the meeting after making their presentation and answering questions.
- 21.9.5 Employees are employed by the Council as a whole. They serve the Council and are responsible to the Chief Executive and their respective Directors/Heads of Service, and not to individual Members of the Council whatever office they might hold.
- 21.9.6 Both Members and Employees are subject to their own Codes of Conduct which can be found in the Constitution.

This Protocol provides guidance on working relationships between Members and Employees. It is essential that both are familiar with the detailed obligations in their respective Codes of Conduct which will prevail in the event of any conflict between the Codes and this Protocol.

## **21.10 Sanctions**

21.10.1 Complaints about any breach of this Protocol by a Member may be referred to the Monitoring Officer. It should be noted that certain breaches may also amount to breaches of the Code of Conduct for Members.

21.10.2 Complaints about any breach of this protocol by an Officer may be referred to the Chief Executive.

## **21.11 Conclusion**

It is hoped that, by following good practice and securing sensible and practical working relationships between Members and Employees, we can provide one of the cornerstones of a successful local authority and thereby enhance the delivery of high value quality services to the people of the area. Mutual understanding, openness and respect are the greatest safeguard of the integrity of the Council, its Members and Employees.

**APPENDIX TO SECTION 21**  
**Local Member Consultative Charter**

1. The Council is committed to providing its Elected Members with accurate, helpful and timely consultation, advice and information in relation to any matters of any significance or sensitivity which relate to their particular Electoral Division and where circumstances render it appropriate to involve a Local Member.
2. Directors and staff will be continually vigilant to identify such matters and ensure that Local Members are informed accordingly. This will also include any matter which could impact upon the neighbouring areas of other Members.
3. Directors will ensure that all correspondence/enquiries from Local Members are dealt with promptly and if necessary Members will be kept advised of progress.
4. Appropriate Directors will ensure that, where the Council's Constitution allows, Local Members will be invited to meetings and receive the necessary documentation.
5. Any matter of significance or sensitivity which relates to a particular Electoral Division or Divisions will be discussed with the Local Member(s) concerned before being submitted for consideration by the Cabinet or other Council Body. This will provide the opportunity for early awareness and allow a local perspective to be obtained.
6. Directors and staff will regularly brief appropriate Cabinet Members on service and partnership issues and developments and will use such occasions to help identify any potential local issues.
7. Details of any petitions received which relate to matters in a particular Electoral Division will be sent to the Local Member concerned. In addition, copies will also be provided to the Leader. Local Members will be kept informed on the progress/outcomes of such petitions.
8. Subject to any restrictions caused by commercial, legal or personal confidentiality, copies of all correspondence with Parish/Town Councils and the Local Government Ombudsman which relate to matters of any significance or sensitivity in a particular Electoral Division will be sent to the Local Member concerned.
9. Copies of all correspondence with MPs, AM's and MEPs which relate to matters in a particular Electoral Division will be sent to the Local Member concerned. In addition, copies will also be provided to the Leader. This is subject to the restrictions mentioned in paragraph 8 above.

10. A contact guide for senior Officers and their areas of responsibility will be provided to all Members. Wherever appropriate, Services will make Local Members aware of and invite them to service events and activities in their area. This will include strict adherence to the arrangements that have been agreed for the official opening/launch of Council projects, schemes, exhibitions etc.
11. In certain instances, both Members and Officers will receive an enquiry which relates to a matter in a particular area. In order to ensure consistency of approach in these circumstances, Officers will ensure a single response is provided to such enquiries.
12. As part of a continual review of the Charter's effectiveness, the co-operation of Members is sought in the responsible use at all times of advice and information that is provided to them, and Members are encouraged to advise Officers of the information requirements and of any local circumstances or sensitivities which might have a bearing on the Council's work.

## **SECTION 22**

### 22. Confidential Reporting (“Whistleblowing”) Code

#### CONTENTS

1. ....	INTRODUCTION
2. ....	AIMS AND SCOPE OF THIS POLICY
3. ....	SAFEGUARDS
4. ....	CONFIDENTIALITY
5. ....	ANONYMOUS ALLEGATIONS
6. ....	UNTRUE ALLEGATIONS
7. ....	PERFORMANCE MANAGEMENT
8. ....	HOW TO RAISE A CONCERN
9. ....	HOW THE COUNCIL WILL RESPOND
10. ....	THE RESPONSIBLE OFFICER
11. ....	HOW THE MATTER CAN BE TAKEN FURTHER

#### **1. INTRODUCTION**

1.1 Employees are often the first to realise that there may be something seriously wrong within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

1.2 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, and others that we deal with, who have serious concerns about any aspect of



the Council's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.

1.3 This policy makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. This whistleblowing policy is intended to encourage and enable employees to raise serious concerns within the Council rather than overlooking a problem or 'blowing the whistle' outside.

1.4 The policy applies to all employees and all persons who could be in a position to identify serious concerns within the Council, for example, contractors, Councillors, members of the public and close partner agencies.

1.5 This policy is in addition to the Council's complaints procedures and other statutory reporting procedures applying to directorates. You are responsible for making service users aware of the existence of these procedures.

1.6 The Council has a range of policies and procedures, which deal with standards of behaviour at work; they cover such matters as discipline, grievance, harassment and recruitment/selection. Employees are encouraged to use the provisions of those procedures when appropriate. There may be times, however, when the matter may not be about your personal employment position in isolation and needs to be handled in a different way, for example, where there is persistent disregard for legislation, particularly in relation to health and safety at work.

1.7 This policy has been discussed with the relevant trade unions and professional organisations and has their support.

## **2. AIMS AND SCOPE OF THIS POLICY**

2.1 This policy aims to:

- encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice
- provide avenues for you to raise those concerns and receive feedback on any action taken
- ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied

- reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in the public interest

2.2 There are existing procedures in place to enable you to lodge a grievance relating to your own employment. The whistleblowing policy is intended to cover major concerns that fall outside the scope of other procedures. These include:

- conduct which is an offence or a breach of law
- disclosures related to miscarriages of justice
- health and safety risks, including risks to the public as well as other employees (e.g. excessive case/workloads)
- damage to the environment
- the unauthorised use of public funds
- possible fraud and corruption
- sexual or physical abuse of clients or vulnerable people
- other unethical conduct

2.3 Thus, any serious concerns that you have about any aspect of service provision or the conduct of officers or members of the Council or others acting on behalf of the Council can be reported under the whistleblowing policy. This may be about something that:

- makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Council subscribes to; or
- is against the Council's own Constitution and policies; or
- falls below established standards of practice; or
- amounts to improper conduct.

2.4 Concerns raised under the Whistleblowing Policy may result in the application of other policies e.g. Disciplinary Code or Grievance Procedure.

### **3. SAFEGUARDS**

3.1 The Council is committed to good practice and high standards and wants to be supportive of employees.

3.2 The Council recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer/the Council and those for whom you are providing a service.

3.3 The Council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in the public interest.

3.4 Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

3.5 The Public Interest Disclosure Act 1998 (PIDA) provides legal protection against dismissal and other detriments when disclosing certain types of information in the public interest to a prescribed body.

#### **4. CONFIDENTIALITY**

4.1 All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness.

#### **5. ANONYMOUS ALLEGATIONS**

5.1 This policy encourages you to put your name to your allegation whenever possible.

5.2 Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Council, although, receipt of an anonymous allegation is preferable to not receiving an allegation at all.

5.3 In exercising this discretion the factors to be taken into account would include:

- the seriousness of the issues raised
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

## **6. UNTRUE ALLEGATIONS**

6.1 If you make an allegation in the public interest, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

## **7. PERFORMANCE MANAGEMENT**

7.1 Issues addressed via the Whistleblowing Policy will be reported to Corporate Leadership Team (CLT) on a timely basis, whenever possible at the next weekly CLT meeting following the decision that the information meets, or may meet, the definition of a Whistleblowing concern.

7.2 The information will be presented by the Head of Legal and Corporate Compliance to CLT, who will maintain the strict standards of confidentiality required by the policy. Details of the allegation will not be disclosed at this stage, pending an investigation.

7.3 An annual update, consisting of the number of cases and any actions resulting, will be presented to CLT and then the Council's Governance and Audit Committee. This update will not contain details of specific cases as it will be an overview of the amount of Whistleblowing cases the Council has dealt with in the previous 12 months and what actions, if any, have been taken to address relevant issues and prevent recurrence.

## **8. HOW TO RAISE A CONCERN**

8.1 As a first step, you should normally raise concerns with your immediate manager or their superior. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that line management is involved you should approach:

Name/Position    Telephone    Email  
Damien McCann

Interim Chief Executive(01495) 355001 damien.mccann@blaenau-gwent.gov.uk

Andrea Jones

Head of Legal & Corporate Compliance (01495) 355024  
andrea.jones@blaenau-gwent.gov.uk

Louise Rosser

Head of Internal Audit (01495) 355142 louise.rosser@blaenau-gwent.gov.uk

8.2 Concerns may be raised verbally or in writing (including email). Those who wish to make a written report are invited to use the following format:

- The background and history of the concern (giving relevant dates).
- The reason why you are particularly concerned about the situation.

8.3 The earlier you express the concern the easier it is to take action.

8.4 Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern. You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had the same experience or concerns.

8.5 You may invite your trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised.

## 9. HOW THE COUNCIL WILL RESPOND

9.1 The Council will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.

9.2 Where appropriate, the matters raised may:

- be investigated by management, internal audit, or through the disciplinary process
- be referred to the police
- be referred to the external auditor
- form the subject of an independent inquiry

- involve other internal/other department or independent persons carrying out the investigation, depending on the circumstances

9.3 In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the Council will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.

9.4 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this may be taken before any investigation is conducted.

9.5 Within ten working days of a concern being raised, the responsible person will write to you:

- acknowledging that the concern has been received
- indicating how we propose to deal with the matter
- giving an estimate of how long it will take to provide a final response
- telling you whether any initial enquiries have been made
- supplying you with information on employee support mechanisms, and
- telling you whether further investigations will take place and if not, why not

9.6 The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Council will seek further information from you.

9.7 Where any meeting is arranged, off-site if you so wish, you can be accompanied by a union or professional association representative or a friend.

9.8 The Council will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the Council will arrange for you to receive advice about the procedure.

9.9 The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

## 10. THE RESPONSIBLE OFFICER

10.1 The Head of Organisational Development, in consultation with the Head of Legal and Corporate Compliance has overall responsibility for the maintenance and operation of this policy. The policy is monitored, themes are identified and a record kept of concerns raised and the outcome (but in a form which does not endanger confidentiality) and will report as necessary to the Council.

## 11. HOW THE MATTER CAN BE TAKEN FURTHER

11.1 This policy is intended to provide you with an avenue within the Council to raise concerns. The Council hopes you will be satisfied with any action taken. If you are not and feel it is right to take the matter outside the Council, the following are possible contact points:

- the external auditor, Wales Audit Office:

PIDA Officer  
The Auditor General for Wales  
24 Cathedral Road  
Cardiff  
CF11 9LJ

E-mail: [whistleblowing@audit.wales](mailto:whistleblowing@audit.wales)

Phone: 029 2032 0522

Wales Audit Office Whistleblowing web page:

<https://www.wao.gov.uk/whistleblowing>

- your trade union
- Public Concern at Work, a registered charity whose services are free and strictly confidential. Tel: 020 7404 6609, website: <http://www.pcaw.co.uk>
- your local Citizens Advice Bureau

- relevant professional bodies or regulatory organisations
- a relevant voluntary organisation
- the police
- You can find a comprehensive list here of organisations that may be appropriate to contact, depending on the nature of your concern:  
<https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2#>

11.2 If you do take the matter outside the Council, you should ensure, as far as is reasonably practicable, that you do not disclose confidential information that is not pertinent and relevant to the concern(s) you are raising. Check with the person you contact about this as they may be able to help you with this.



## **SECTION 23**

### 23. Member Role Descriptions

#### **The Role of an Elected Member**

Designation:	<b>Elected Member</b>
Location:	<b>Civic Centre, Ebbw Vale</b>
Responsible to:	<b>The Full Council To the people of Blaenau Gwent County Borough and their Ward constituents</b>
Purpose:	<b>As a collective determine policy and oversee a number of strategic and corporate management functions whilst individually effectively represent the interests of their electoral division and of individual constituents.</b>
<b>1. Role, Purpose and Activity:</b>	
<b>1.1 Representing and Supporting Communities</b>	
<ul style="list-style-type: none"><li>• To represent ward interests.</li><li>• To be an advocate for the Council in the ward and communities they serve.</li><li>• Contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision-making by the Council and its partners.</li><li>• Respond to constituents' enquiries and representations, fairly and impartially.</li><li>• To be a channel of communication to the community on council strategies, policies, services and procedures.</li><li>• Participate in the governance of Council.</li><li>• To liaise with Cabinet members, other council members, council officers and partner organisations to ensure that the needs of the local communities are identified, understood and supported.</li><li>• To promote equalities, tolerance and cohesion in local communities.</li><li>• Ensure key outcomes are delivered for the community.</li><li>• Inspire people and lead by example.</li></ul>	

## **1.2 Making decisions and overseeing council performance**

- To participate in Full Council meetings, reaching and making informed and balanced decisions including policy and budgetary decisions, and overseeing performance.
- To participate in informed and balanced decision making on committees and panels to which appointed.
- To adhere to the principles of democracy and collective responsibility in decision-making.
- To promote and ensure efficiency and effectiveness in the provision of council and other public services.
- To contribute to the continual improvement of Council services.
- To understand and acknowledge the role and right of partners in running the council and delivering the services.
- To appropriately challenge and scrutinise operational service delivery.

## **1.3 Representing the Council (subject to appointment)**

- To represent the Council on local outside bodies as an appointee of the Council.
- To represent and be an advocate for the Council on national bodies and at national events.
- To represent the Council on local partnership bodies, promoting common interest and co-operation for mutual gain.

## **1.4 Governance, ethical standards and relationships**

- To promote and support good governance of the Council and its affairs.
- To provide community leadership and promote active citizenship.
- To promote and support open and transparent government.
- To support, and adhere to respectful, appropriate and effective relationships with employees of the Council.
- To adhere to the Member's Code of Conduct, the Member/Officer Protocol and the highest standards of behaviour in public office.
- To adhere to the rules and procedures as set out in the Council's Constitution.

## **1.5 Personal and role development**

- To participate in opportunities for training and development

provided for members by the authority.

## **2. Values and Ethical Behaviour**

- To be committed to the values of the Council and the values in public office.
- In carrying out their role, Elected Members will be expected to act in accordance with the highest standards of probity in public life by:-
  - Maintaining any necessary confidentiality requirements at all times.
  - Mainstreaming into their work, equalities and value for money principles.
  - Serving the community without personal gain.

Committing to and demonstrating the following values in public office:-

Openness and transparency  
Honesty  
Propriety and integrity  
Duty to uphold the law  
Stewardship  
Objectivity in decision making  
Accountability  
Leadership  
Tolerance and respect  
Inclusive leadership  
Equality and fairness  
Appreciation of cultural difference  
Sustainability  
Selflessness  
Personal judgement  
Respect for others

## **COUNTY BOROUGH OF BLAENAU GWENT**

### **Person Specification for an Elected Member**

To fulfil his or her role as laid out in the role description, an effective Elected Member requires the following:-

#### **Representing and supporting communities**

- Good advocacy skills
- Interpersonal skills
- Integrity and the ability to set aside own views and act impartially
- The ability to present relevant and well reasoned arguments
- Good communication skills – written and oral

#### **Making decisions and overseeing council performance**

- Knowledge and understanding of meetings law, rules and conventions including the Council's constitution
- An understanding of strategic, policy and service contexts for decisions
- The ability to challenge ideas and contribute positively to policy development

#### **Representing the Council (subject to appointment)**

- Good public speaking skills
- Good presentation skills
- The ability to persuade others and act with integrity and courtesy

#### **Governance, Ethical Standards and Relationships**

- An understanding of the roles of officers, members and different agencies
- Respect for, and desire to work with, different groups and individuals
- Have knowledge and understanding of the Code of Conduct and Member/Officer Protocol
- A knowledge and commitment to the values of the Council

#### **Personal and role development**

- An ability to assess personal and role development needs
- Desire and skills to participate in development and training

# **BLAENAU GWENT COUNTY BOROUGH COUNCIL**

## **The Role of a Presiding Member**

Designation:	<b>Presiding Member of the County Borough of Blaenau Gwent</b>
Location:	<b>Civic Centre, Ebbw Vale</b>
Responsible to:	<b>The Full Council To the people of Blaenau Gwent County Borough and his/her Ward constituents</b>
Purpose:	<b>As the Chairperson of the Council, to be non-political and uphold the democratic values of the Council. In addition, when required, to represent the Council at civic functions as a representative for the Authority.</b>

### **1. Chair of Council Meetings**

- To preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the Community.
- To ensure the Council conducts its meetings in line with the Council's Constitution.
- To ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Members who are not on the Cabinet are able to hold the Cabinet and Committee Chairpersons to account.

### **2. Uphold and Promote the Council's Constitution**

- To uphold and promote the purposes of the Constitution, and to assist to interpret the Constitution when necessary.

### **3. Governance, Ethical Standards and Relationships**

- To promote and support good governance of the Council and its affairs.
- To provide community leadership and promote active citizenship.
- To promote public involvement in the Council's activities.
- To be the conscience of the Council.

- To promote and support open and transparent government.
- To support, and adhere to respectful, appropriate and effective relationships with employees of the Council.
- Promoting the effective democratic functioning of the Council in a manner that secures the rights of Councillors and the public under this Constitution and promotes the involvement of the public and organisations within the County Borough in decisions that affect them.
- To adhere to the Members' Code of Conduct, Member/Officer Protocol and the highest standards of behaviour in public office.

#### **4. Values**

To be committed to the values of the Council and the following values in public office:-

Openness and transparency  
Honesty  
Propriety and integrity  
Duty to uphold the law  
Stewardship  
Objectivity in decision making  
Accountability  
Leadership  
Tolerance and respect  
Inclusive leadership  
Equality and fairness  
Appreciation of cultural difference  
Sustainability  
Selflessness  
Personal judgement  
Respect for others

## **COUNTY BOROUGH OF BLAENAU GWENT**

### **Person Specification for a Presiding Member**

To fulfil his or her role as laid out in the role description, an effective Presiding Member requires the following:-

#### **Acting as a symbol of the Council's democratic authority**

- Good public speaking skills
- An in-depth understanding of role of Chair

#### **Chairing Council meetings**

- Skills to chair meetings, to ensure business is carried out effectively and all those attending are able to participate
- An understanding of the Council's Constitution

#### **Upholding and promoting the Council's Constitution**

- An understanding of the Council's Constitution
- An understanding of when to seek the advice of the Monitoring Officer on issues relating to the Constitution

#### **Governance, ethical standards and relationships**

- An understanding of the roles of officers, members and different agencies
- Respect for, and desire to work with, different groups and individuals
- Have knowledge and understanding of the Code of Conduct and Member/Officer Protocol
- A knowledge and commitment to the values of the Council



## **COUNTY BOROUGH OF BLAENAU GWENT**

### **The Role of a Deputy Presiding Member**

Vice-Chair of the Council will be known as the Deputy Presiding Member, who will be appointed annually by the Council, and who will deputise for the Presiding Member in his or her absence and assist the Presiding Member in specific duties as required.

## COUNTY BOROUGH OF BLAENAU GWENT

### Person Specification for a Deputy Presiding Member

To fulfil his or her role as laid out in the role description, an effective Deputy Presiding Member requires the following:-

#### **Acting as a symbol of the Council's democratic authority**

- Good public speaking skills
- An in-depth understanding of role of Chair

#### **Chairing Council meetings**

- Skills to chair meetings in the absence of the Presiding Member, to ensure business is carried out effectively and all those attending participate
- An understanding of the Council's Constitution

#### **Upholding and promoting the Council's Constitution**

- An understanding of the Council's Constitution
- An understanding of when to seek the advice of the Monitoring Officer on issues relating to the Constitution

#### **Governance, ethical standards and relationships**

- An understanding of the roles of officers, members and different agencies
- Respect for, and desire to work with, different groups and individuals
- Have knowledge and understanding of the Code of Conduct and Member/Officer Protocol
- A knowledge and commitment to the values of the Council

# **BLAENAU GWENT COUNTY BOROUGH COUNCIL**

## **The Role of the Leader of the Council**

Designation:	<b>Leader of the Council</b>
Location:	<b>Civic Centre, Ebbw Vale</b>
Responsible to:	<b>The Full Council To the people of Blaenau Gwent County Borough and his or her Ward constituents To nominating Group</b>
Purpose:	<b>To be a political figurehead and the principal political spokesperson for the Council and act as an ambassador for the Council.</b>
<b>1. Role Purpose and Activity</b>	
<b>1.1 Provide Political Leadership to the Council</b>	
<ul style="list-style-type: none"><li>• To provide leadership in building a political consensus around council policies.</li><li>• To provide a strong, clear leadership in the co-ordination of policies, strategies and service delivery and general overview to policy direction so as to ensure consistency, strategy and purpose.</li><li>• To provide clear strategic direction for the Council and community.</li><li>• To be readily available to all Members.</li></ul>	
<b>1.2 Appoint the Cabinet (ratification at Annual Meeting of Council)</b>	
<ul style="list-style-type: none"><li>• Designate the appropriate portfolios.</li><li>• Appoint appropriate elected members to each portfolio.</li><li>• Allocate Cabinet members to roles with regard to their abilities.</li><li>• Designate Deputy Leader.</li></ul>	
<b>1.3 Representing and Acting as Ambassador for the Authority</b>	

- Represent the Authority to a high standard. Provide a strong, competent and eloquent figure to represent the Authority both within the County and at external bodies.
- To represent the Council in the media to local people and organisations and at national and regional level.
- Represent the Authority on the WLGA.
- Provide leadership and support local partnerships and organisations.
- To act as the public face of the Council in co-operation with other Cabinet Members.
- Represent the Authority on regional and national bodies as appropriate.

#### **1.4 Provide Leadership within the Portfolio**

- Fulfil the role of a portfolio holder, having regard to the role purpose and activities and role specification of a Cabinet Member.

#### **1.5 To Direct and Lead the Work of the Cabinet and Chair the Meetings**

- Ensure the effective running of the Cabinet through the implementation of the forward work programme and ensure its continuing development.
- Ensure the work of Cabinet meets local and national policy objectives.
- Advise and mentor other Cabinet Members in their work.
- To chair meetings of the Cabinet in line with the Constitution.
- To promote appropriate training and development opportunities for Cabinet Members and other Members to ensure they can undertake their roles effectively.
- In the absence of the Leader, the Deputy Leader should fulfil this role.

#### **1.6 Participate in the Collective Decision Making of Cabinet**

- To work closely with other Cabinet Members to ensure the development of effective council policies and the budgetary framework for the Council and the delivery of high quality services

to local people.

- To accept collective responsibility and support decisions made by the Cabinet once they have been made.
- To share leadership with Cabinet Members, Committee Chairs recognising that leaders cannot provide every skill on their own.

### **1.7 To Work with Officers to Lead the Organisation**

- Liaise with the Chief Executive, and other appropriate Officers on a regular basis.
- Work with employees of the Council in relation to the strategic vision and direction of the Council, the management roles of officers and the development of policy issues.

### **1.8 Actively Participate in Partnerships and Community Leadership**

- To actively participate in local strategic partnerships in pursuit of common aims and priorities.
- To negotiate and broker in cases of differing priorities and disagreement.
- To act as a leader of the local community by showing vision and foresight.

### **1.9 Governance, Ethical Standards and Relationships**

- To promote and support effective governance of the Council and its affairs.
- To provide community leadership and promote active citizenship.
- To promote public involvement in the Council's activities.
- To be the conscience of the Council.
- To protect and promote the Council's reputation.
- To support, and adhere to respectful, appropriate and effective relationships with employees of the Council.
- To adhere to the Members' Code of Conduct, Member/Officer Protocol and the highest standards of behaviour in public office.

## **2. Values**

To be committed to the values of the Council and the following values in public office:-

Openness and transparency  
Honesty

Propriety and integrity  
Duty to uphold the law  
Stewardship  
Objectivity in decision making  
Accountability  
Leadership  
Tolerance and respect  
Inclusive leadership  
Equality and fairness  
Appreciation of cultural difference  
Sustainability  
Selflessness  
Personal judgement  
Respect for others

## **COUNTY BOROUGH OF BLAENAU GWENT**

### **Person Specification for Leader of the Council**

**To fulfil his or her role as laid out in the role description, an effective Leader requires:**

#### **Providing political leadership to the Council**

- Knowledge of community strengths, areas of improvement and key issues
- An understanding of the relationship between national and local politics
- Have a good strategic awareness of issues facing the Council
- An understanding of the Council's strategy, policies and operations

#### **Appointing the Cabinet**

- An understanding of the rules for the appointment of Cabinet Members
- An ability to recognise talent amongst Members
- An ability to negotiate the most advantageous appointments within and across political groups
- To appraise, guide and mentor Senior Members

#### **Representing and acting as ambassador for the Authority**

- High-level communication skills to communicate to the media, local community and wider audience.
- Good public speaking skills

#### **Providing leadership within the portfolio**

- The skills necessary for a Cabinet member to fulfil their role

#### **Direct and lead the work of the Cabinet and chairing meetings of the Cabinet**

- An understanding of the Cabinet procedure rules
- Skills to Chair meetings, including encouraging participation from all members
- A knowledge and understanding of national policy objectives

- An overview of the work being carried out by Cabinet Members

### **Participating in the collective decision making of the Cabinet**

- The ability to constructively challenge decisions and suggest alternatives

### **Working with officers to lead the organisation**

- An understanding of the roles and responsibilities of the Chief Executive and other officers

### **Actively participate in partnerships and community leadership**

- Adaptive leadership skills
- Negotiation and brokerage skills
- Creative and lateral thinking skills; the ability to see ahead and be predictive

### **Governance, ethical standards and relationships**

- An understanding of the roles of officers, members and different agencies
- Respect for, and desire to work with, different groups and individuals
- Have knowledge and understanding of the Code of Conduct and Member/Officer Protocol
- A knowledge and commitment to the values of the Council



## **BLAENAU GWENT COUNTY BOROUGH COUNCIL**

### **The Role of the Deputy Leader of the Council**

Designation:	<b>Deputy Leader of the Council</b>
Location:	<b>Civic Centre, Ebbw Vale</b>
Responsible to:	<b>The Full Council To the Leader of the Council To the people of Blaenau Gwent County Borough and his or her Ward constituents To nominating Group</b>
Purpose:	<b>To be a political figurehead and the principal political spokesperson for the Council in the absence of the Leader.</b>

#### **1.1 Role Purpose and Activity**

- To support the Leader in his/her responsibilities & duties and deputise for the Leader in his/her absence.
- To give political direction to officers working within the portfolio.
- To gain the respect of officers within the portfolio, providing support to officers in the implementation of portfolio programmes.
- To liaise with the appropriate Scrutiny Chair and receive scrutiny reports as required.
- To be accountable for choices and performance in the portfolio.
- To have an overview of the performance management, efficiency and effectiveness of the portfolio.
- To complement the Leader's position by bringing different skills and interests to the Cabinet.
- To work up detailed policies to complement the Leaders strategic vision.
- To assist the Leader in specific duties as required.
- To be readily available to all Members.

## **1.2 Contributing to the Setting of the Strategic Agenda and Work Programme for the Portfolio**

- Fulfil the role of a portfolio holder, having regard to the role purpose and activities and role specification of a Cabinet Member in addition to Deputy Leader responsibilities.
- To work with officers to formulate policy documents both strategic and statutory. Ensure that the political will of the majority is carried to and through Cabinet.
- To provide assistance in working up and carrying through a strategic work programme both political and statutory. Carry out consultations with stakeholders as required. Ensure that the portfolio's work programme is kept up to date and accurate.

### **Providing Representation for the Portfolio**

- To provide a strong, competent and persuasive figure to represent the portfolio. Be a figurehead in meetings with stakeholders.

### **Reporting and Accounting**

- To report as appropriate to the Leader, Full Council, Cabinet, appropriate Scrutiny Chair, regulatory bodies and the media.
- To be the principal political spokesperson for the portfolio.
- To appear before Scrutiny Committees in respect of matters within the portfolio.

### **Taking an Active Part in Cabinet Meetings and Decision Making**

- To show an interest in and support for the portfolios of others.
- To recognise and contribute to issues which cross cut portfolios or are issues of collective responsibility.

## **1.3 Appoint the Cabinet (ratification at Annual Meeting of Council) in the absence of the Leader**

- Designate the appropriate portfolios.
- Appoint appropriate elected members to each portfolio.
- Allocate Cabinet Members to roles with regard to their abilities.

#### **1.4 Representing and Acting as Ambassador for the Authority**

- Represent the Authority to a high standard. Provide a strong, competent and eloquent figure to represent the Authority both within the County and at external bodies.
- To represent the Council in the media to local people and organisations and at national and regional level.
- Represent the Authority on the WLGA.
- To act as the public face of the Council in co-operation with other Cabinet Members.
- Represent the Authority on regional and national bodies as appropriate.

#### **1.5 Participate in the Collective Decision Making of Cabinet**

- To work closely with other Cabinet Members to ensure the development of effective council policies and the budgetary framework for the Council and the delivery of high quality services to local people.
- To accept collective responsibility and support decisions made by the Cabinet once they have been made.
- To share leadership with Cabinet Members, Committee Chairs recognising that deputy leaders cannot provide every skill on their own.

#### **1.6 To Work with Officers to Lead the Organisation**

- Liaise with the Chief Executive , and other appropriate Officers on a regular basis.
- Work with employees of the Council in relation to the strategic vision and direction of the Council, the management roles of officers and the development of policy issues.

#### **1.7 Leading Partnerships and Community Leadership (in conjunction with the Leader of the Council)**

- To actively participate in local strategic partnerships in pursuit of common aims and priorities.
- To act as a leader of the local community by showing vision and foresight.
- To negotiate and broker in cases of differing priorities and disagreement.

## **1.8 Governance, Ethical Standards and Relationships**

- To promote and support effective governance of the Council and its affairs.
- To provide community leadership and promote active citizenship.
- To promote public involvement in the Council's activities.
- To be the conscience of the Council.
- To protect and promote the Council's reputation.
- To support, and adhere to respectful, appropriate and effective relationships with employees of the Council.
- To adhere to the Members' Code of Conduct, Member/Officer Protocol and the highest standards of behaviour in public office.

## **2. Values**

**To be committed to the values of the Council and the following values in public office:-**

Openness and transparency  
Honesty  
Propriety and integrity  
Duty to uphold the law  
Stewardship  
Objectivity in decision making  
Accountability  
Leadership  
Tolerance and respect  
Inclusive leadership  
Equality and fairness  
Appreciation of cultural difference  
Sustainability  
Selflessness  
Personal judgement  
Respect for others

## **COUNTY BOROUGH OF BLAENAU GWENT**

### **Person Specification for the Deputy Leader of the Council**

**To fulfil his or her role as laid out in the role description, an effective Deputy Leader requires:**

#### **Providing political leadership to the Council**

- Knowledge of community strengths, areas of improvement and key issues
- An understanding of the relationship between national and local politics
- Have a good strategic awareness of issues facing the Council
- An understanding of the Council's strategy, policies and operations

#### **Appointing the Cabinet**

- An understanding of the rules for the appointment of Cabinet Members
- An ability to recognise talent amongst Members
- An ability to negotiate the most advantageous appointments within and across political groups
- To appraise, guide and mentor Senior Members

#### **Representing and acting as ambassador for the Authority**

- High-level communication skills to communicate to the media, local community and wider audience.
- Good public speaking skills

#### **Providing leadership within the portfolio**

- The skills necessary for a Cabinet member to fulfil their role

#### **Direct and lead the work of the Cabinet and charring meetings**

### **of the Cabinet (in the absence of the Leader)**

- An understanding of Cabinet procedure rules
- Skills to Chair meetings, including encouraging participation from all Members.
- A knowledge and understanding of national policy objectives
- An overview of the work being carried out by Cabinet members.

### **Participating in the collective decision making of the Cabinet**

- The ability to constructively challenge decisions and suggest alternatives

### **Working with officers to lead the organisation**

- An understanding of the roles and responsibilities of the Chief Executive and other officers

### **Leading partnerships and community leadership**

- Adaptive leadership skills
- Negotiation and brokerage skills
- Creative and lateral thinking skills; the ability to see ahead and be predictive

### **Governance, ethical standards and relationships**

- An understanding of the roles of officers, members and different agencies
- Respect for, and desire to work with, different groups and individuals
- Have knowledge and understanding of the Code of Conduct and Member/Officer Protocol
- A knowledge and commitment to the values of the Council

# **BLAENAU GWENT COUNTY BOROUGH COUNCIL**

## **The Role of a Cabinet Member**

Designation:	<b>Cabinet Member</b>
Location:	<b>Civic Centre, Ebbw Vale</b>
Responsible to:	<b>The Leader of the Council The Cabinet (through collective responsibility) The Full Council To the people of Blaenau Gwent County Borough and his or her Ward constituents</b>
Purpose:	<b>To provide political leadership in the portfolio and give political direction to policy development within the portfolio.</b>

### **1. Role Purpose and Activity**

#### **1.1 Providing portfolio leadership**

- To gain the respect of officers within the portfolio; provide support to officers in the implementation of portfolio programmes.
- To liaise with the appropriate scrutiny chair and receive scrutiny reports as required.
- To be accountable for choices and performance in the portfolio.
- To have an overview of the performance management, efficiency and effectiveness of the portfolio.
- To provide strong and fair leadership.

#### **1.2 Contributing to the setting of the strategic agenda and work programme for the portfolio**

- To work with officers to formulate policy documents both strategic and statutory. Ensure that the political will of the majority is carried to and through the Cabinet.
- To provide assistance in working up and carrying through a strategic work programme both political and statutory. Carry out consultations with stakeholders as required. Make sure that

the portfolio's forward work programme is kept up to date and accurate.

- Working closely with Corporate Directors and other Members of the Cabinet, in relation to the portfolio issues assigned to the Cabinet post which relate to giving direction to policy development and strategic thinking.
- The requirement to have regard to the wider corporate picture in terms of the Well-being Plan, the Authority's aims and values, the Policy and Budgetary Framework and cross cutting issues such as sustainability, equalities, social inclusion and environmental stewardship.

### **1.3 Providing representation for the portfolio**

- To provide a strong, competent and persuasive figure to represent the portfolio. Be a figurehead in meetings with stakeholders.
- To have a clear understanding of the portfolio, the scope and range of the services relevant to the portfolio.
- To ensure the delivery of best value and continuous improvement in services and implementation of best practice in the areas relevant to the portfolio.

### **1.4 Reporting and accounting**

- To report as appropriate to the Leader, Full Council, Cabinet, appropriate chair of scrutiny, regulatory bodies and the media.
- To be the principal political spokesperson for the portfolio.
- To appear before scrutiny committees in respect of matters within the portfolio.
- The making of position statements or responding to questions on the relevant Cabinet portfolio issues, on behalf of the Cabinet, at Council meetings (it is ultimately the elected Cabinet Member who will be required to answer questions about its policies and decisions. Officers contributions should as far as possible be confined to questions of fact and explanations relating to policies and decisions, though they can be asked to explain and give reasons for decisions they themselves have taken under delegated authority).
- Meet with Chairs of the relevant Scrutiny and Overview Committee(s) on a regular basis to discuss progress in their area of responsibility, responses to concerns raised by the Scrutiny and Overview Committee(s) and future programmes of work.
- Ensure that the Cabinet and Scrutiny Chairs are briefed at the



appropriate time on significant issues i.e. those that may result in a change to established policy; have major resource implications; or be contentious.

- Consultation and dialogue with the chairs and members of the Overview and Scrutiny and other Committees of the Council.
- Respond within an agreed timescale to the recommendations of relevant Overview and Scrutiny Committees, setting out what action is proposed, if any, and giving full reasons for decisions taken.
- The promotion of the Economic, Social and Environment and Well Being of the Authority's area.
- The further development of partnerships with other public bodies, the voluntary sector and the business community.
- To be readily available to all Members.
- To ensure an appropriate consultation programme is developed for their area of responsibility, to involve local people and communities in the decisions of the Council as fully as possible.

### **1.5 Taking an active part in Cabinet meetings and decision making**

- To show an interest in and support for the portfolios of others.
- To recognise and contribute to issues which cut across portfolios or are issues of collective responsibility.
- The taking of Cabinet decisions within formal meetings of Cabinet and the Cabinet Sub Committee.

### **1.6 Actively participate partnerships and community leadership**

To actively participate in local strategic partnerships.

- To negotiate and broker in cases of differing priorities and disagreement.
- To act as a leader of the local community by showing vision and foresight.

### **1.7 Governance, ethical standards and relationships**

- To promote and support good governance of the Council and its affairs.
- To provide community leadership and promote active citizenship.
- To promote and support open and transparent government.
- To support, and adhere to respectful, appropriate and effective

relationships with employees of the Council.

- To adhere to the Members' Code of Conduct, Member/Officer Protocol and the highest standards of behaviour in public office.
- Representing the Authority in the community and elsewhere in relation to the pursuit of matters of interest to the Authority and its area.

## **2. Values**

- To be committed to the values of the Council and the following values in public office:

Openness and transparency  
Honesty  
Propriety and integrity  
Duty to uphold the law  
Stewardship  
Objectivity in decision making  
Accountability  
Leadership  
Tolerance and respect  
Inclusive leadership  
Equality and fairness  
Appreciation of cultural difference  
Sustainability  
Selflessness  
Personal judgement  
Respect for others

## **COUNTY BOROUGH OF BLAENAU GWENT**

### **Person Specification for an Cabinet Member**

**To fulfil his or her role as laid out in the role description, an effective Cabinet Member requires:**

#### **Portfolio leadership**

- An understanding of the Council's strategy, policies and operations
- Leadership skills

#### **Contributing to the setting of the strategic agenda and work programme for the portfolio**

- The ability to present to others
- The ability to exercise strategic awareness and judgement
- Knowledge of relevant issues and who to involve in decision making
- The ability to persuade others
- Knowledge of Council and national objectives

#### **Providing representation for the Portfolio**

- Public speaking skills
- Good presentation skills

#### **Reporting as appropriate**

- High level communication skills

#### **Taking an active part in Cabinet meetings and decisions**

- The ability to constructively challenge decisions and suggest alternatives
- The knowledge, confidence and ability to contribute to discussion and resolution of cross cutting and collective issues

### **Leading partnerships and community leadership**

- Adaptive leadership skills
- Negotiation and brokerage skills
- Creative and lateral thinking skills; the ability to see ahead and be predictive

### **Governance, ethical standards and relationships**

- An understanding of the roles of officers, members and different agencies
- Respect for, and desire to work with, different groups and individuals
- Have knowledge and understanding of the Code of Conduct and Member/Officer Protocol
- A knowledge and commitment to the values of the Council

## **BLAENAU GWENT COUNTY BOROUGH COUNCIL**

### **The Role of a Scrutiny Chair**

Designation:	<b>Scrutiny Chair</b>
Location:	<b>Civic Centre, Ebbw Vale</b>
Responsible to:	<b>The Full Council To the people of Blaenau Gwent County Borough and his or her Ward constituents External Regulatory Bodies</b>
Purpose:	<b>To promote the role of Scrutiny within and outside the council, liaising effectively both internally within the council and externally with the Council's partners.</b>

#### **1. Role Purpose and Activity**

##### **1.1 Providing leadership and direction**

- To provide confident and effective direction at meetings to facilitate inclusivity, participation and identify and support clear proposals for improvement.
- To develop a balanced work programme of the committee which, includes pre decision scrutiny, policy development and review, investigative scrutiny, and performance monitoring.
- To ensure the programme takes account of relevant factors such as: the work programmes of the Cabinet and other committees, strategic priorities and risks, and relevant community issues.
- To demonstrate an objective and evidence based approach to scrutiny.
- To evaluate the impact and added value of scrutiny activity and identify areas for improvement.
- To ensure the work of their Committee contributes to policy and improvement in service delivery.
- To provide strong fair leadership and to Members and officers.
- To review, challenge and question the implementation of agreed policy and service delivery, and make recommendations to the Cabinet and Council to improve policy, performance and service delivery.

- To develop a clear understanding of the terms of reference of their Committee, the scope and range of the services for which it is responsible, and Council policies in respect of those services.
- To ensure the work of their Committee contributes to the delivery of best value and continuous improvement in services and implementation of best practice.
- To agree all agendas for Overview and Scrutiny Committees, and take a lead in developing a forward agenda and ensuring it is adhered to.
- To meet on a regular basis and consult with relevant Cabinet Member(s) to advise them of progress in work of the Overview and Scrutiny Committee, discuss issues arising from the scrutiny review, and note action being taken by the relevant Cabinet Member(s) to address the concerns of the Committee.
- To ensure the Council and Cabinet Members are briefed at the appropriate time on significant issues i.e. those that may:-
  - result in a change to established policy;
  - have major resource implications;
  - be contentious;
  - have implication for other overview and scrutiny committees or areas of Council responsibility.
- To report as appropriate to the Cabinet where scrutiny is recommending an amendment or additions to the report recommendations for Cabinet to consider
- To seek to involve all Overview and Scrutiny Committee Members in the work of the Committee.
- To have responsibility for liaison with Chief Officers responsible for services that fall under the Committees terms of reference.
- To ensure that Committee Members benefit from appropriate training and development to deal effectively with the Committees business.

## **1.2 Direct the work programme**

- To ensure that the work programme is delivered.
- To report on progress against the work programme to Council, and others as appropriate.
- To liaise with officers, other members and community representatives to resource and deliver the work programme.

## **1.3 Holding the Cabinet to account**

- To evaluate the validity of Cabinet decisions and challenge inappropriate decisions through call in.

#### **1.4 Effective meeting supervision**

- To set agendas containing clear objectives and outcomes for the meeting.
- To direct the progress of business at meetings, ensuring that meeting objectives are met, and the code of conduct, standing orders and other constitutional requirements are adhered to.
- To ensure that the necessary preparation is done beforehand.
- To ensure that all participants have an opportunity to make an appropriate contribution.

#### **1.5 Community leadership**

- To act as a focus for liaison between the council, community and external bodies in relation to the scrutiny function.
- To build understanding and ownership of the scrutiny function within the community.
- To identify relevant community based issues for scrutiny.
- To involve fully external stakeholders for example, service users' expert witnesses and partners in scrutiny activity.

#### **1.6 Involvement and development of committee members**

- To encourage high performance from all Committee Members in both committee and task and finish groups.
- To assess individual and collective performance within the Committee and facilitate appropriate development.

### **2. Values**

- To be committed to the values of the Council and the following values in public office:

Openness and transparency  
Honesty  
Propriety and integrity  
Duty to uphold the law  
Stewardship  
Objectivity in decision making  
Accountability  
Leadership

Tolerance and respect  
Inclusive leadership  
Equality and fairness  
Appreciation of cultural difference  
Sustainability  
Selflessness  
Personal judgement  
Respect for others



## **COUNTY BOROUGH OF BLAENAU GWENT**

### **Person Specification for a Scrutiny Chair**

**To fulfil his or her role as laid out in the role description, an effective Scrutiny Chair requires:**

#### **Providing leadership and direction**

- Understanding of council role and functions
- Understanding of role of scrutiny, terms of reference for the committee, role of Chair, and other aspects of the democratic arrangements
- Understanding of Member support functions
- Understanding of council priorities and risks
- Ability to progress work programmes
- Understanding of community issues
- Objectivity
- Negotiation and consensus building
- Ability to build constructive and 'critical friend' relationships with the Cabinet

#### **Direct and lead the work programme**

- Ability to direct and lead the work programme
- Ability to work with members and officers in order to progress work programme items
- Ability to prioritise
- Ability to report progress to different groups in different styles
- Ability to manage projects and resources
- Ability to manage people

#### **Holding the Cabinet to account**

- Understanding of arrangements for call in

#### **Effective meeting management**

- Understanding and application of meeting protocols, code of

conduct, standing orders and other constitutional requirements

- Ability to chair meetings effectively, managing the agenda and progressing business
- Ability to facilitate effective discussions
- Ability to listen and question effectively

### **Community leadership**

- An understanding of the community leadership role
- Knowledge of local and national issues and expectations
- Ability to work effectively with all members of the community and build understanding and ownership of scrutiny
- Promote the provision of equality and diversity across the County Borough.

### **Involving and developing of committee members**

- Understanding of role and skills of the Scrutiny Committee and its individuals
- Ability to support members and the committee in assessing their performance
- Ability to identify any training and development needs and champion and participate in appropriate learning and development

# **BLAENAU GWENT COUNTY BOROUGH COUNCIL**

## **The Role of a Scrutiny Member**

Designation:	<b>Scrutiny Member</b>
Location:	<b>Civic Centre, Ebbw Vale</b>
Responsible to:	<b>Chair of the appropriate Scrutiny Committee The Full Council To the people of Blaenau Gwent County Borough and his or her Ward constituents External Regulatory Bodies</b>
Purpose:	<b>To participate fully in the activities of the Scrutiny Committee, delivery of its work programme and any associated task and finish groups</b>
<b>1. Role Purpose and Activity</b>	
<ul style="list-style-type: none"><li>• Scrutinise Council policy and service delivery, and monitor and review performance.</li><li>• To make constructive recommendations to the Cabinet and Council to improve Council policy and service delivery.</li><li>• To contribute to the delivery of best value as required as part of the Wales Programme for Improvement.</li><li>• To give the Council an opportunity to review Cabinet decisions on a 'call in' basis, and to determine whether such decision should be implemented as agreed by the Cabinet or whether they need amendment.</li></ul>	
<b>1.1 Reviewing and developing policy</b>	
<ul style="list-style-type: none"><li>• To assist in the creation, development, improvement and refinement of council policy.</li><li>• To challenge policies on a sound basis of evidence</li><li>• To assess impact of existing policy.</li></ul>	

## **1.2 Monitoring performance and service delivery**

- To monitor the performance of internal and external providers against standards and targets.
- To contribute to the identification and mitigation of risk.
- To investigate and address the causes of poor performance.

## **1.3 Promoting the work of scrutiny**

- To promote the role of scrutiny within and outside the council, developing effective internal and external relationships.
- To demonstrate an objective and evidence based approach to scrutiny.
- To add value to the decision-making and service provision of the authority through effective scrutiny.

## **1.4 Community leadership**

- To use scrutiny as a means to address community issues and engage the public.
- To encourage stakeholders to participate in the work of the authority.
- To develop locally viable and acceptable policy solutions.
- To build a dialogue around priorities, objectives and performance, among communities and stakeholders.

## **1.5 Meeting participation**

- To make adequate and appropriate preparation for meetings through research and briefings.
- To participate in a proactive, informed and effective manner taking account of the Code of Conduct, Standing Orders and other constitutional requirements.

## **1.6 Hold the Cabinet to account**

- To evaluate the validity of Cabinet decisions and challenge inappropriate decisions through call in.

## **2.Values**

To be committed to the values of the Council and the following values in public office:

- Openness and transparency
- Honesty
- Propriety and integrity
- Duty to uphold the law
- Stewardship
- Objectivity in decision making
- Accountability
- Leadership
- Tolerance and respect
- Inclusive leadership
- Equality and fairness
- Appreciation of cultural difference
- Sustainability
- Selflessness
- Personal judgement
- Respect for others

## **COUNTY BOROUGH OF BLAENAU GWENT**

### **Person Specification for a Scrutiny Member**

**To fulfil his or her role as laid out in the role description, an effective Scrutiny Member requires:**

#### **Participating fully in the activities of the scrutiny function**

- Full understanding of the scrutiny remit and role, and terms of reference for their own committee and others
- Understanding of member support functions
- To work within the guidance of the chair
- Willingness to undertake training as necessary

#### **Reviewing and developing policy**

- Knowledge of and ability to evaluate existing policy
- Understanding of best practice
- Understanding of national and local legislative and policy context

#### **Monitoring performance and service delivery**

- Understanding of the Wales Programme for Improvement (WPI) and associated risk assessment arrangements
- Understanding of the principles and practice of performance management
- Understanding of council's performance management arrangements
- Ability to analyse data and challenge performance

#### **Promoting the work of scrutiny**

- Ability to negotiate and build consensus
- Ability to act objectively and on the basis of evidence

### **Community leadership**

- An understanding of the community leadership role
- Knowledge of local and national issues and expectations
- Ability to work effectively with all members of the community and build understanding and ownership of scrutiny
- Knowledge of the individuals and organisations in the community especially those traditionally excluded
- Promote the provision of equality and diversity across the County Borough

### **Meeting participation**

- Ability to interpret information and data from a range of sources
- Understanding and application of meeting protocols, code of conduct, standing orders and other constitutional requirements
- Ability to participate in meetings including effective listening, questioning and speaking

### **Holding the Cabinet to account**

- Understanding of arrangements for call in

## **BLAENAU GWENT COUNTY BOROUGH COUNCIL**

### **The Role of the Regulatory Committee Chair**

Designation:	<b>Chair of Regulatory Committee</b>
Location:	<b>Civic Centre, Ebbw Vale</b>
Responsible to:	<b>The Full Council To the Members of the Regulatory Committee To the people of Blaenau Gwent County Borough and his or her Ward constituents</b>
Purpose:	<b>As a Chair with responsibility to act as the Council's lead Member in this area to ensure that the views and needs of the service are built into the Council's policy framework and the decision making process</b>
<b>1. Role Purpose and Activity</b>	
<b>1.1 Providing leadership and direction</b>	
<ul style="list-style-type: none"><li>• To provide confident and effective direction at meetings to facilitate inclusivity, participation and clear decision-making.</li><li>• To ensure that applicants and other interested parties are satisfied as to the transparency of the regulatory process.</li><li>• To demonstrate integrity and impartiality in decision-making which accord with legal, constitutional and policy requirements.</li><li>• To delegate actions to sub committees as appropriate.</li></ul>	
<b>1.2 Promoting the role of the regulatory committee and quasi-judicial decision making</b>	
<ul style="list-style-type: none"><li>• To act as an ambassador for the regulatory committee, facilitating understanding of the role.</li><li>• To act within technical, legal and procedural requirements to oversee the functions of the committee fairly and correctly.</li><li>• To ensure thoroughness and objectivity in the committee, receiving and responding to professional advice in the conduct of meetings and in individual cases/applications before formal committee meetings.</li></ul>	



### **1.3 Governance, ethical standards and relationships**

- To develop the standing and integrity of the committee and its decision making.
- To understand the respective roles of members, officers and external parties operating within the regulatory committee's area of responsibility.
- To promote and support effective governance by the Council.

### **2.Values**

- To be committed to the values of the council and the following values in public office:

Openness and transparency  
Honesty  
Propriety and integrity  
Duty to uphold the law  
Stewardship  
Objectivity in decision making  
Accountability  
Leadership  
Tolerance and respect  
Inclusive leadership  
Equality and fairness  
Appreciation of cultural difference  
Sustainability  
Selflessness  
Personal judgement  
Respect for others

## **COUNTY BOROUGH OF BLAENAU GWENT**

### **Person Specification for a Regulatory Committee Chair**

**To fulfil his or her role as laid out in the role description, an effective Regulatory Committee Chair requires:**

#### **Providing leadership and direction**

- Ability to conduct meetings to ensure that applicants feel that they have been dealt with fairly and fully even if their application is refused
- Understanding of the Council's role and ability to ensuring that stake holders are aware of that role
- Communication skills
- Knowledge of local issues
- Ability to direct the work of the committee
- Ability to support and develop necessary skills in fellow members of the Committee

#### **Promoting the role of the regulatory committee and quasi-judicial decision making**

- Understanding and appreciation of the regulatory framework
- Ability to inspire and enthuse committee members for the work of the committee
- Integrity and the ability to set aside own views and act impartially
- Knowledge and understanding of the relevant code(s) of conduct and protocols and the ability to champion them

#### **Governance, ethical standards and relationships**

- Knowledge and understanding of the Code of Conduct(s) and protocols
- Knowledge of and commitment to the values of the Council

## **BLAENAU GWENT COUNTY BOROUGH COUNCIL**

### **The Role of a Regulatory Committee Member**

Designation:	<b>Member of a Regulatory Committee</b>
Location:	<b>Civic Centre, Ebbw Vale</b>
Responsible to:	<b>The Full Council To the Chair of the Regulatory Committee To the people of Blaenau Gwent County Borough and his or her Ward constituents</b>
Purpose:	<b>To participate fully in the activities of the Regulatory Committee and the delivery of its work programme</b>
<b>1. Role Purpose and Activity</b>	
<b>1.1 Understanding the nature of the regulatory committee and quasi-judicial decision making</b>	
<ul style="list-style-type: none"><li>• To be aware of the quasi-judicial nature of regulatory committee decision-making.</li><li>• To have sufficient technical, legal and procedural knowledge to contribute fairly and correctly to the function of the committee.</li><li>• To be thorough and objective in receiving and responding to professional advice in the conduct of meetings and individual cases/applications before the committee.</li></ul>	
<b>1.2 Participating in meetings and making decisions</b>	
<ul style="list-style-type: none"><li>• To participate effectively in meetings of the regulatory committee, ensuring that both local considerations and policy recommendations are balanced to contribute to effective decision making.</li><li>• To make informed and balanced decisions, within the terms of reference of the committee, which accord with legal, constitutional and policy requirements.</li></ul>	

### **1.3 Governance, ethical standards and relationships**

- To ensure the integrity of the committee's decision making and of his/ her own role by adhering to the Code of Conduct and other constitutional and legal requirements.
- To promote and support effective governance by the Council.
- To understand the respective roles of Members, officers and external parties operating within the regulatory Committee's area of responsibility.

### **2. Values**

- To be committed to the values of the Council and the following values in public office:

Openness and transparency  
Honesty  
Propriety and integrity  
Duty to uphold the law  
Stewardship  
Objectivity in decision making  
Accountability  
Leadership  
Tolerance and respect  
Inclusive leadership  
Equality and fairness  
Appreciation of cultural difference  
Sustainability  
Selflessness  
Personal judgement  
Respect for others

## **COUNTY BOROUGH OF BLAENAU GWENT**

### **Person Specification for a Regulatory Committee Member**

**To fulfil his or her role as laid out in the role description, an effective Regulatory Committee Member requires:**

#### **Understanding the nature of the regulatory committee and quasi-judicial decision making**

- Integrity and the ability to set aside own views and act impartially
- Knowledge of law, policy and procedures for that regulatory/quasi-judicial area
- Maintenance of knowledge
- Objectivity and judgement

#### **Participating in meetings and making decisions**

- Ability to listen and to consider and respect the views of other contributors
- Good public speaking skills
- Good advocacy skills

#### **Governance, ethical standards and relationships**

- Knowledge and understanding of the Code of Conduct(s) and protocols
- Knowledge of and a commitment to the values of the Council

## **BLAENAU GWENT COUNTY BOROUGH COUNCIL**

### **The Role of the Governance and Audit Committee Chair**

Designation:	<b>Chair of Governance and Audit Committee</b>
Location:	<b>Civic Centre, Ebbw Vale</b>
Responsible to:	<b>The Full Council To Committee Members To the people of Blaenau Gwent County Borough</b>
Purpose:	<b>To provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the Authority's financial and non-financial performance to the extent that it affects the Authority's exposure to risk and weakens the control environment and to oversee the financial reporting process</b>
<b>1. Role Purpose and Activity</b>	
<b>1.1 Providing leadership and direction</b>	
<ul style="list-style-type: none"><li>• To provide confident and effective direction at meetings to facilitate inclusivity, participation and identify and support clear proposals for improvements.</li><li>• To demonstrate integrity and impartiality in decision-making which accord with legal, constitutional and policy requirements.</li><li>• To agree the agendas for the Governance and Audit Committee meetings.</li><li>• To ensure the work of the Committee contributes to improvement in service delivery.</li><li>• To provide strong, fair leadership and to Members and officers.</li><li>• To lead the Committee within its terms of reference to lead and encourage debate in Committee meetings, and develop a work programme.</li><li>• To approach matters before the Committee with an open mind avoiding any predetermination or bias.</li><li>• To consult on relevant matters and take into account any views</li></ul>	

before reaching decisions, including managing and resolving differences.

- To operate within the Council's Constitution and Codes of Conduct.
- To act as the key spokesperson and public face of the Committee.
- To promote the views of the Committee, its services and their effects on the community and outside bodies.
- To develop an understanding of the Council's and Committee's policies, service delivery and government legislation.
- To promote the Council's policies on equality and diversity in the workplace and in service provision.

To lead the Committee in its role in:

- reviewing and scrutinising the authority's financial affairs.
- Making reports and recommendations in relation to the Authority's financial affairs.
- reviewing and assessing the risk management, internal control and corporate governance arrangements of the Authority.
- making reports and recommendations to the Authority on the adequacy and effectiveness of those arrangements.
- overseeing the Authority's internal and external audit arrangements.
- reviewing the financial statements prepared by the Authority and approving them when powers are delegated.
- developing relationships with internal and external auditors and the Authority's Monitoring Officer.
- developing a forward work programme designed to deliver the Governance and Audit Committee's functions.
- reviewing and self-assessing the performance of the Committee and its Members.

## **1.2 Promoting the role of the committee**

- To act as an ambassador for the Committee, facilitating understanding of the role.
- To act within technical, legal and procedural requirements to oversee the functions of the committee fairly and correctly.
- To ensure thoroughness and objectivity in the Committee, receiving and responding to professional advice in the conduct of meetings.
- 

## **1.2 Internal governance, ethical standards and relationships**

- To develop the standing and integrity of the committee and its decision making.
- To understand the respective roles of members, officers and external parties operating within the Committee's area of responsibility.
- To promote and support effective governance by the Council.

## **2. Values**

- To be committed to the values of the Council and the following values in public office:

Openness and transparency  
Honesty  
Propriety and integrity  
Duty to uphold the law  
Stewardship  
Objectivity in decision making  
Accountability  
Leadership  
Tolerance and respect  
Inclusive leadership  
Equality and fairness  
Appreciation of cultural difference  
Sustainability  
Selflessness  
Personal judgement  
Respect for others



## **COUNTY BOROUGH OF BLAENAU GWENT**

### **Person Specification for the Governance and Audit Committee Chair**

**To fulfil his or her role as laid out in the role description, an effective Governance and Audit Committee Chair requires:**

#### **Providing leadership and direction**

- Ability to conduct meetings
- Ability to guide discussion and ensure that all attendees have the opportunity to make a contribution and that they are heard and given due consideration
- Ability to ensure that Members of the Committee treat individuals with courtesy regardless of political persuasion
- Ability to undertake a dual role both as a chair and member of the committee
- Possessing ability to review and interpret data and reach conclusions
- Understanding of the Council's role and ability to ensuring that stake holders are aware of that role
- Communication skills
- Knowledge of local issues
- Ability to direct the work of the committee
- Ability to support and develop necessary skills in fellow Members of the Committee

#### **Promoting the role of the committee**

- Understanding and appreciation of the regulatory framework
- Ability to inspire and enthuse committee members for the work of the Committee
- Integrity and the ability to set aside own views and act impartially
- Knowledge and understanding of the relevant code(s) of conduct and protocols and the ability to champion them

## **Governance, ethical standards and relationships**

- Knowledge and understanding of the Code of Conduct(s) and protocols
- Knowledge of and commitment to the values of the Council
- An understanding of the roles of Officers, Members and different agencies.
- Respect for and desire to work with, different groups and individuals.

## COUNTY BOROUGH OF BLAENAU GWENT

### Member of Governance and Audit Committee Role Description

Designation:	<b>Member of the Governance and Audit Committee</b>
Location:	<b>Civic Centre, Ebbw Vale</b>
Responsible to:	<b>To Full Council</b>  <b>To the Chair of the Governance and Audit Committee</b>
Purpose:	<b>To participate fully in the activities of the Governance and Audit Committee and the delivery of its work programme</b>

#### **1. Role purpose and activity**

Understanding the nature of the Governance and Audit Committee and effectively fulfilling its functions by:

- Reviewing and scrutinising the Authority's financial affairs.
- Making reports and recommendations in relation to the Authority's financial affairs.
- Reviewing and assessing the risk management, internal control and corporate governance arrangements of the authority.
- Making reports and recommendations to the Authority on the adequacy and effectiveness of those arrangements.
- Overseeing the Authority's internal and external audit arrangements.
- Reviewing the financial statements prepared by the Authority.

#### **Participating in meetings and making decisions**

- To participate effectively in meetings of the Governance and Audit Committee; questioning and seeing clarification on matters falling with the Committee's remit.
- To be thorough and objective in receiving and responding to professional advice in the conduct of meetings and issues before the Committee.

- To have sufficient technical, legal and procedural knowledge to contribute fairly and correctly to the function of the Committee.
- To be thorough and objective in receiving and responding to professional advice in the conduct of meetings and issues before the Committee.

### **Internal governance, ethical standards and relationships**

- Understanding the financial risks associated with corporate governance; being satisfied that the Authority's assurance statements including the annual governance statement reflects the risk environment and any activities required to improve it.
- To ensure the integrity of the Committee's decision making and of his/her own role by adhering to the Code of Conduct and other constitutional and legal requirements.
- To promote and support good governance by the Council.
- To understand the respective roles of Members, officers and external parties operating within the Democratic Services Committee's area of responsibility.

### **2. Values**

- To be committed to and demonstrate the following values in public office:

Openness and transparency  
 Honesty  
 Propriety and integrity  
 Duty to uphold the law  
 Stewardship  
 Objectivity in decision making  
 Accountability  
 Leadership  
 Tolerance and respect  
 Inclusive leadership  
 Equality and fairness  
 Appreciation of cultural difference  
 Sustainability  
 Selflessness  
 Personal judgement  
 Respect for others

## **Member of Governance and Audit Committee Person Specification**

**To fulfil his or her role as laid out in the role description, an effective Governance and Audit Committee Member requires:**

### **Understanding the nature of the Governance and Audit Committee and decision making**

- Integrity and the ability to set aside own views and act impartially
- Knowledge of law, policy & procedures for that area
- Maintenance of knowledge
- Objectivity and judgement

### **Participating in meetings and making decisions**

- Ability to listen and to consider and respect the views of other contributors
- Good public speaking skills
- Good advocacy skills

### **Internal governance, ethical standards and relationships**

- An understanding of the roles of officers, members and different agencies
- Respect for, and desire to work with, different groups and individuals
- Have knowledge and understanding of the Code of Conduct and Member/Officer Protocol
- A knowledge and commitment to the values of the Council

## COUNTY BOROUGH OF BLAENAU GWENT

### The Role of a Member Champion

Designation:	<b>Member Champion</b>
Location:	<b>Civic Centre, Ebbw Vale</b>
Responsible to:	<b>The Full Council/Under Represented Group</b>
Purpose:	<b>To provide a voice for traditionally under-represented groups, or issues which need to be kept at the forefront of council business although they may not be the responsibility of any individual or Committee</b>
<b>1. Accountabilities</b>	
To Full Council	
<b>2. Role Purpose and Activities</b>	
<b>Within the Council</b>	
<ul style="list-style-type: none"><li>▪ To promote the interest being championed within the Council's corporate and service priorities.</li><li>▪ To promote the needs of the client group represented in the interest to the decision makers within the Council.</li><li>▪ To work with the decision makers in the Council to establish strategies/ policies/work plans connected with the interest.</li><li>▪ To maintain an awareness of all matters connected with the interest.</li><li>▪ To contribute to good practice and the continuous improvement of services and functions related to the interest.</li><li>▪ To engage with members in matters related to the interest such as attending Overview and Scrutiny/Cabinet /Full Council meetings etc.</li><li>▪ Raising awareness of and taking a lead role in the development of all Members and officers in relation to the interest.</li></ul>	

## **In the Community**

- To raise the profile of the interest in the community.
- To engage with citizens and community groups in matters related to the interest.
- To lead and support local initiatives related to the interest.

## **3. Values**

- To be committed to the values of the Council and the following values in public office:

Openness and transparency  
Honesty  
Propriety and integrity  
Duty to uphold the law  
Stewardship  
Objectivity in decision making  
Accountability  
Leadership  
Tolerance and respect  
Inclusive leadership  
Equality and fairness  
Appreciation of cultural difference  
Sustainability  
Selflessness  
Personal judgement  
Respect for others

## **COUNTY BOROUGH OF BLAENAU GWENT**

### **Person Specification for a Member Champion**

**To fulfil his or her role as laid out in the role description, an effective Member Champion requires:**

#### **Within the Council**

- Understanding of the area of interest being championed in terms of council strategies and policy, good practice, improvement and national agendas and the needs of the client group
- Ability to engage with a range of members and officers around the area of interest and listening to requirements
- Ability to advocate on behalf of the area of interest within the Council

#### **In the Community**

- Understanding of the needs of the community in relation to the interest
- Ability to engage with citizens and community groups in matters related to the interest
- Ability to lead and support local initiatives related to the interest
- Ability to represent the position of the council to the community in relation to the interest



## COUNTY BOROUGH OF BLAENAU GWENT

### Leader of the Opposition Role Description

Designation:	<b>Leader of the Opposition Group</b>
Location:	<b>Civic Centre, Ebbw Vale</b>
Responsible to:	<b>To the Nominating Group</b> <b>To the people of Blaenau Gwent County Borough and their ward constituents</b>
Purpose:	<b>To be a political figurehead for the opposition group; to be the principal political spokesperson for the Councils opposition</b>
<b>1. Role Purpose and Activity</b>	
<b>Providing political leadership for an opposition group</b>	
<ul style="list-style-type: none"><li>• To provide strong, clear leadership in the co-ordination of alternative policies, strategies and service delivery.</li><li>• To provide leadership in the constructive challenge of the Council's policies.</li><li>• To constructively challenge the vision for the Council and community where appropriate.</li><li>• To provide strong, clear leadership in the co-ordination of alternative policies, strategies and service delivery.</li></ul>	
<b>Representing the Authority's opposition</b>	
<ul style="list-style-type: none"><li>• To represent the Opposition Group to a high standard; providing a strong, competent and eloquent figure to represent the opposition within the Authority.</li><li>• To represent the Council on external bodies.</li></ul>	

## **Internal governance, ethical standards and relationships**

- To promote and support good governance of the Council and its affairs.
- To provide community leadership and promote active citizenship.
- To promote and support open and transparent government.
- To promote, support, and adhere to respectful, appropriate and effective relationships with employees of the Council.
- To promote, support and adhere to the Member's Code of Conduct, Member/Officer Protocol and the highest standards of behaviour in public office.

## **2. Values**

- To be committed to and demonstrate the following values in public office:

Openness and transparency  
Honesty  
Propriety and integrity  
Duty to uphold the law  
Stewardship  
Objectivity in decision making  
Accountability  
Leadership  
Tolerance and respect  
Inclusive leadership  
Equality and fairness  
Appreciation of cultural difference  
Sustainability  
Selflessness  
Personal judgement  
Respect for others

## **COUNTY BOROUGH OF BLAENAU GWENT**

### **Leader of the Opposition Person Specification**

**To fulfil his or her role as laid out in the role description, an effective Leader of the Opposition requires:**

#### **In providing political leadership for the opposition group**

- Knowledge of community strengths, areas of improvement and key issues
- An understanding of the relationship between national and local politics
- Have a good strategic awareness of issues facing the Council
- An understanding of the Council's strategy, policies and operations
- An ability to challenge different strategies, policies and operations

#### **In representing the Authority's opposition**

- High level communication skills to communicate to the media, local community and wider audience
- Good public speaking skills
- Creative and lateral thinking skills; the ability to see ahead and be foresighted
- Leadership skills

#### **Internal governance, ethical standards and relationships**

- An understanding of the roles of officers, members and different agencies
- Respect for, and desire to work with, different groups and individuals
- Have knowledge and understanding of the Code of Conduct and Member/Officer Protocol
- A knowledge and commitment to the values of the Council

## COUNTY BOROUGH OF BLAENAU GWENT

### Deputy Leader of the Opposition Role Description

Designation:	<b>Deputy Leader of the Opposition Group</b>
Location:	<b>Civic Centre, Ebbw Vale</b>
Responsible to:	<b>To Nominating Group</b> <b>To the people of Blaenau Gwent County Borough and their ward constituents</b>
Purpose:	<b>To be a political figurehead for the opposition group; to be the principal political spokesperson for the Councils opposition in the absence of the Leader of the Opposition Group</b>
<b>Role Purpose and Activity</b>	
<ul style="list-style-type: none"><li>• To fulfil the duties of the Leader in his or her absence.</li><li>• To assist the Leader in specific duties as required.</li></ul>	

## **Deputy Leader of the Opposition Person Specification**

**To fulfil his or her role as laid out in the role description, an effective Deputy Leader of the Opposition requires:**

### **In providing political leadership for the opposition group**

- Knowledge of community strengths, areas of improvement and key issues
- An understanding of the relationship between national and local politics
- Have a good strategic awareness of issues facing the Council
- An understanding of the Council's strategy, policies and operations
- An ability to challenge different strategies, policies and operations

### **In representing the Authority's opposition**

- High level communication skills to communicate to the media, local community and wider audience.
- Good public speaking skills
- Creative and lateral thinking skills; the ability to see ahead and be foresighted
- Leadership skills

### **Internal governance, ethical standards and relationships**

- An understanding of the roles of officers, members and different agencies
- Respect for, and desire to work with, different groups and individuals
- Have knowledge and understanding of the Code of Conduct and Member/Officer Protocol
- A knowledge and commitment to the values of the Council

## COUNTY BOROUGH OF BLAENAU GWENT

### Chair of the Democratic Services Committee Role Description

Designation:	<b>Chair of the Democratic Services Committee</b>
Location:	<b>Civic Centre, Ebbw Vale</b>
Responsible to:	<b>To Full Council</b>
Purpose:	<b>To provide confident and effective management of meetings to facilitate inclusivity, participation and clear decision making</b>

#### **1. Role Purpose and Activity**

To lead the Committee in its role in:

- Designating the Head of Democratic Services.
- Keep under review the provision of staff, accommodation and other resources made available to the Head of Democratic Services, ensuring that these are adequate.
- Providing annual reports to the Full Council in relation to the above.
- Appointing sub committees/working groups to undertake functions delegated by the committee.
- Considering reports prepared by the Head of Democratic Services.
- Developing the Authority's Member Support and Development Strategy.
- Ensuring that the Members have access to a reasonable level of training and development as described in the Authority's Member Development Strategy, the Wales Charter for Member Support and Development and the Local Government (Wales) Measure 2011.
- Ensuring that the budget for Member Development is sufficient.
- Ensure that Members have access to personal development planning and annual personal development reviews.
- To demonstrate integrity and impartiality in decision making which accord with legal, constitutional and policy requirements.
- Work with the Member Development Champion where relevant to promote the role of Members and necessary support and

development.

### **Promoting the role of the Democratic Services Committee**

- To act as an ambassador for the Democratic Services Committee, facilitating understanding of the role.
- To act with technical, legal and procedural requirements to oversee the functions of the committee fairly and correctly.
- To ensure thoroughness and objectivity in the committee, receiving and responding to professional advice in the conduct of meetings.

### **Internal governance, ethical standards and relationships**

- To develop the standing and integrity of the Committee and its decision making.
- To understand the respective roles of Members, officers and external parties operating with the Democratic Services Committee's area of responsibility.
- To promote and support good governance by the Council.

## **2. Values**

- To be committed to and demonstrate the following values in public office:

Openness and transparency  
Honesty  
Propriety and integrity  
Duty to uphold the law  
Stewardship  
Objectivity in decision making  
Accountability  
Leadership  
Tolerance and respect  
Inclusive leadership  
Equality and fairness  
Appreciation of cultural difference  
Sustainability  
Selflessness  
Personal judgement  
Respect for others

## Chair of Democratic Services Committee Person Specification

**To fulfil his or her role as laid out in the role description, an effective Democratic Services Chair requires:**

### **Providing leadership and direction**

- Understanding of council role and functions
- Understanding of role of Democratic Services Committee, terms of reference for the committee, role of Chair and other aspects of the democratic arrangements
- Understanding of the roles of officers and different agencies
- Understanding of member support functions
- Understanding of council priorities and risks
- Ability to progress work programmes
- Objectivity
- Ability to conduct meetings
- Ability to guide discussion and ensure that all attendees have the opportunity to make a contribution and that they are heard and given due consideration
- Ability to undertake a dual role both as a Chair and Member of the committee.
- Possessing ability to review and interpret data and reach conclusions
- Communication skills

### **Direct and lead the work programme**

- Ability to direct and lead the work programme
- Ability to work with Members and officers in order to programme work programme items
- Ability to prioritise

### **Promoting the role of the committee**

- Understanding and appreciation of the regulatory framework
- Ability to inspire and enthuse Committee Members for the work of the Committee
- Integrity and the ability to set aside own views and act impartially
- Knowledge and understanding of the relevant code(s) of conduct and protocols and the ability to champion them



## **Effective meeting management**

- Understanding and application of meeting protocols, code of conduct, standing orders and other constitutional requirements
- Ability to chair meetings effectively, managing the agenda and progressing business

## COUNTY BOROUGH OF BLAENAU GWENT

### Member of the Democratic Services Committee Role Description

Designation:	<b>Member of the Democratic Services Committee</b>
Location:	<b>Civic Centre, Ebbw Vale</b>
Responsible to:	<b>To Full Council</b> <b>To the Chair of the Democratic Services Committee</b>
Purpose:	<b>To participate fully in the activities of the Democratic Services Committee, delivery of its work programme and any associated task and finish/working groups</b>

#### **1. Role Purpose and Activity**

Understanding the nature of the Democratic Services Committee in:

- Designating the Head of Democratic Services.
- Keep under review the provision of staff, accommodation and other resources made available to the Head of Democratic Services, ensuring that these are adequate.
- Providing annual reports to the Full Council in relation to the above.
- Appointing sub committees/working groups to undertake functions delegated by the committee.
- Considering reports prepared by the Head of Democratic Services.
- Develop the Authority's Member Support and Development Strategy.
- Ensuring that the Members have access to a reasonable level of training and development as described in the Authority's Member Development Strategy, the Wales Charter for Member Support and Development and the Local Government (Wales) Measure 2011.
- Ensuring that the budget for Member Development is sufficient.
- Ensuring that Members have access to personal development

planning and annual personal development reviews.

- To have sufficient technical, legal and procedural knowledge to contribute fairly and correctly to the function of the Committee.
- To be thorough and objective in receiving and responding to professional advice in the conduct of meetings and issues before the Committee.

### **Participating in meetings and making decisions**

- To participate effectively in meetings of the Democratic Services Committee.
- To make informed and balanced decisions, within the terms of reference of the Committee, which accord with legal, constitutional and policy requirements.

### **Internal governance, ethical standards and relationships**

- To ensure the integrity of the Committee's decision making and of his/her own role by adhering to the Code of Conduct and other constitutional and legal requirements.
- To promote and support good governance by the Council.
- To understand the respective roles of Members, officers and external parties operating within the Democratic Services Committee's area of responsibility.

## **2. Values**

- To be committed to and demonstrate the following values in public office:
  - Openness and transparency
  - Honesty
  - Propriety and integrity
  - Duty to uphold the law
  - Stewardship
  - Objectivity in decision making
  - Accountability
  - Leadership
  - Tolerance and respect
  - Inclusive leadership
  - Equality and fairness
  - Appreciation of cultural difference
  - Sustainability
  - Selflessness
  - Personal judgement
  - Respect for others

## **Member of the Democratic Services Committee Person Specification**

**To fulfil his or her role as laid out in the role description, an effective Democratic Services Member requires:**

### **Participating fully in the activities of the Democratic Services Committee**

- Full understanding of the Democratic Services remit and role including terms of reference of the Committee
- Understanding of the Member support functions
- To work within the guidance of the Chair

### **Participating in meetings and making decision**

- Ability to listen and to consider and respect the views of other contributors
- Good public speaking skills
- Good advocacy skills

### **Governance, ethical standards and relationships**

- Knowledge and understanding of the Code of Conduct(s) and protocols
- Knowledge of and a commitment to the values of the Council

## COUNTY BOROUGH OF BLAENAU GWENT

### Chair of Standards Committee Role Description

Designation:	<b>Chair of the Standards Committee</b>
Location:	<b>Civic Centre, Ebbw Vale</b>
Responsible to:	<b>To Full Council</b>
Purpose:	<b>As a Chair with responsibility to act as the Council's lead Member in this area to demonstrate independence, integrity and impartiality in decision making which accord with legal, constitutional and policy requirements</b>

#### **1. Role Purpose and Activity**

##### **Providing leadership and direction**

- To act within technical, legal and procedural requirements to oversee the functions of the Committee fairly and correctly.
- To ensure thoroughness and objectivity in the Committee, receiving and responding to professional advice on the Code of Conduct.
- To demonstrate independence, integrity and impartiality in decision making which accord with legal, constitutional and policy requirements.
- To provide confident and effective management of meetings to facilitate inclusivity, participation and clear decision making.
- To lead the Committee in its role in:
  - promoting and maintaining high standards of conduct by Councillors and co-opted Members.
  - assisting the Councillors and co-opted Members to observe the Members' Code of Conduct.
  - advising the Council on the adoption or revision of the Members' Code of Conduct.
  - advising and arranging to train Councillors, co-opted Member's on matters relating to the Members' Code of

Conduct.

- granting dispensations to Councillors and co-opted Members.
- dealing with any reports from a case tribunal or interim case tribunal and any report from the Monitoring Officer on any matter referred to that officer by the Public Services Ombudsman for Wales.
- the exercise of these functions in relation to town/community councils and the members of these councils.

## 2. Values

- To be committed to and demonstrate the following values in public office:

Openness and transparency  
Honesty  
Propriety and integrity  
Duty to uphold the law  
Stewardship  
Objectivity in decision making  
Accountability  
Leadership  
Tolerance and respect  
Inclusive leadership  
Equality and fairness  
Appreciation of cultural difference  
Sustainability  
Selflessness  
Personal judgement  
Respect for others

## **Chair of Standards Committee Person Specification**

**To fulfil his or her role as laid out in the role description, an effective Standards Committee Chair requires:**

### **Providing leadership and direction**

- Ability to conduct meetings
- Ability to guide discussion and ensure that all attendees have the opportunity to make a contribution and that they are heard and given due consideration
- Ability to ensure that Members of the Committee treat individuals with courtesy regardless of political persuasion
- Ability to undertake a dual role as a Chair and Member of the Committee
- Communication skills

### **Promoting the role of the committee**

- Understanding and appreciation of the regulatory framework
- Ability to inspire and enthuse committee members for the work of the committee
- Integrity and the ability to set aside own views and act impartially
- Knowledge and understanding of the relevant code(s) of conduct and protocols and the ability to champion them

### **Internal governance, ethical standards and relationships**

- An understanding of the roles of officers, Members and different agencies
- Respect for, and desire to work with, different groups and individuals
- Have knowledge and understanding of the Code of Conduct and Member/Officer Protocol
- A knowledge and commitment to the values of the Council

## COUNTY BOROUGH OF BLAENAU GWENT

### Member of Standards Committee Role Description

Designation:	<b>Member of the Standards Committee</b>
Location:	<b>Civic Centre, Ebbw Vale</b>
Responsible to:	<b>To Full Council</b> <b>To the Chair of the Standards Committee</b>
Purpose:	<b>To participate fully in the activities of the Standards Committee by making informed and balanced decisions, within the terms of reference of the Committee, which accord with legal, constitutional and policy requirements</b>

#### **1. Role purpose and activity**

Understanding the nature of the Standards Committee and effectively fulfilling its functions by:

- Promoting and maintaining high standards of conduct by Councillors and co-opted Members.
- Assisting the Councillors and Co-opted Members to observe the Members' Code of Conduct.
- Advising the Council on the adoption or revision of the Members' Code of Conduct.
- Monitoring the operation of the Members' Code of Conduct.
- Advising and arranging to train Councillors, Co-opted Members on matters relating to the Members' Code of Conduct.
- Granting dispensations to Councillors and Co-opted Members on dealing with any reports from a case tribunal or interim case tribunal and any report from the Monitoring Officer on any matter referred to that officer by the Public Services Ombudsman for Wales.



## **Participating in meetings and making decisions**

- To participate effectively in meetings of the Democratic Services Committee.
- To make informed and balanced decisions, within the terms of reference of the Committee, which accord with legal, constitutional and policy requirements.
- To have sufficient technical, legal and procedural knowledge to contribute fairly and correctly to the function of the Committee.
- To be thorough and objective in receiving and responding to professional advice in the conduct of meetings and issues before the Committee.

## **Internal governance, ethical standards and relationships**

- To ensure the integrity of the Committee's decision making and of his/her own role by adhering to the Code of Conduct and other constitutional and legal requirements.
- To promote and support good governance by the Council.
- To understand the respective roles of Members, officers and external parties operating within the Democratic Services Committee's area of responsibility.

## **2. Values**

- To be committed to and demonstrate the following values in public office:

Openness and transparency  
Honesty  
Propriety and integrity  
Duty to uphold the law  
Stewardship  
Objectivity in decision making  
Accountability  
Leadership  
Tolerance and respect  
Inclusive leadership  
Equality and fairness  
Appreciation of cultural difference  
Sustainability  
Selflessness  
Personal judgement  
Respect for others

## **Member of Standards Committee Person Specification**

**To fulfil his or her role as laid out in the role description, an effective Standards Committee Member requires:**

### **Understanding the nature of the Standards Committee**

- Integrity and the ability to set aside own views and act impartially
- Knowledge of law, policy and procedures for that area
- Maintenance of knowledge
- Objectivity and judgement

### **Participating in meetings and making decisions**

- Ability to listen and to consider and respect the views of other contributors
- Good public speaking skills
- Good advocacy skills

### **Governance, ethical standards and relationships**

- Knowledge and understanding of the Code of Conduct and protocols
- Knowledge of and a commitment to the values of the Council

## COUNTY BOROUGH OF BLAENAU GWENT

### Scrutiny Committee Co-optee Role Description

Designation:	<b>Scrutiny Co-optee</b>
Location:	<b>Civic Centre, Ebbw Vale</b>
Responsible to:	<b>To the Chair of the Scrutiny Committee</b>
Purpose:	
<b>1. Role purpose and activity</b>	
Understanding the nature of Scrutiny Committees and effectively fulfilling its functions by:	
<b>Participating in meetings and making decisions</b>	
<b>Internal governance, ethical standards and relationships</b>	
<b>2. Values</b>	
<ul style="list-style-type: none"><li>• To be committed to and demonstrate the following values in public office:<ul style="list-style-type: none"><li>Openness and transparency</li><li>Honesty</li><li>Propriety and integrity</li><li>Duty to uphold the law</li><li>Stewardship</li><li>Objectivity in decision making</li><li>Accountability</li><li>Leadership</li><li>Tolerance and respect</li><li>Inclusive leadership</li><li>Equality and fairness</li><li>Appreciation of cultural difference</li><li>Sustainability</li><li>Selflessness</li></ul></li></ul>	

Personal judgement  
Respect for others

### **Scrutiny Committee Co-optee Person Specification**

**To fulfil his or her role as laid out in the role description, an effective Scrutiny Committee requires:**

- Understanding the nature of the Scrutiny Committee and decision making
- Participating in meetings and making decisions
- Internal governance, ethical standards and relationships

## COUNTY BOROUGH OF BLAENAU GWENT

### Scrutiny Committee Co-optee Role Description

<b>Designation:</b>	<b>Scrutiny Co-optee and Expert Witnesses</b>
<b>Location:</b>	<b>Civic Centre, Ebbw Vale</b>
<b>Responsible to:</b>	<b>To the Chair of the Scrutiny Committee</b>
<b>Purpose:</b>	<p><b>For a time bound period, to assist with specific areas of work within the Scrutiny Work Programme, for which those persons have experience and knowledge in the subject matter to be investigated.</b></p> <p><b>To provide a diversity of views which will assist the Authority in fulfilling its duties to engage with the wider community.</b></p> <p><b>To ensure the needs, views and experiences of external organisations, service users and the community are represented in overview and scrutiny work</b></p>
<b>1. General</b>	
<ul style="list-style-type: none"><li>• Co-opted Members and Expert witnesses will be identified on an ad hoc basis during the planning stages of the work programme and will not be allocated voting rights.</li><li>• The Exception being, that the Education Committee will seek co-opted representation from the Roman Catholic Church, the Church in Wales and Parent Governors. These co-optees will be appointed on an annual basis and will have voting rights.</li><li>• Co-optees will have access to the same information as all other members of the Committee and can fully contribute to discussions, questioning and making recommendations.</li><li>• Co-optees will need to understand the nature of Scrutiny Committees and the Council's decision making process.</li></ul>	

## **2. Requirements**

- To have relevant specialist skills, experience and/or knowledge in the subject matter intended to be investigated.
- To sign a statement of appointment that will include terms governing appropriate conduct, i.e. treating others with respect, not disclosing confidential information and when appropriate to disclose relevant personal interests.
- To Participate in Scrutiny activity, this can include, formal and informal meetings, Seminars, site visits, task and finish groups.

## **Scrutiny Committee Co-optee Person Specification**

To fulfil his or her role as laid out in the role description, an effective Co-optee/Expert witness need to:

- To offer relevant specialist skills, experience and/or knowledge in relation to the organisation or community to be represented.
- Provide a diversity of views which will assist the authority in fulfilling its duties to engage with the wider community.
- Introduce new ideas to generate debate and to put forward evidence-based views, comments and suggestions on a given topic.
- Have a good understanding of the nature of the Scrutiny Committee and the Council's decision making process.
- To be committed and demonstrate as set out below the following values in public office:

Openness and transparency

Honesty

Propriety and integrity

Duty to uphold the law

Objectivity in decision making

Accountability

Tolerance and respect

Inclusive leadership

Equality and fairness

Appreciation of cultural difference

Sustainability

Selflessness

Personal judgement

Respect for Others





# Agenda Item 18

*Cabinet and Council only*

Date signed off by the Monitoring Officer: 08.09.2023

Date signed off by the Section 151 Officer: 11.09.2023

Committee: **Council**

Date of Meeting: **21<sup>st</sup> September, 2023**

Report Subject: **Treasury Management Annual Review  
Report 1<sup>st</sup> April 2022 to 31<sup>st</sup> March 2023**

Portfolio Holder: **Councillor Stephen Thomas, Leader/Cabinet  
Member – Corporate Overview &  
Performance**

Report Submitted by: **Rhian Hayden, Chief Officer Resources**

Reporting Pathway								
Directorate Management Team	Corporate Leadership Team	Portfolio Holder / Chair	Governance & Audit Committee	Democratic Services Committee	Scrutiny Committee	Cabinet	Council	Other (please state)
	06/09/23				16/09/23		21/09/23	

## 1. Purpose of the Report

- 1.1 The purpose of the report is to give Members the opportunity to consider the Treasury Management activities carried out by the Authority during the 2022/2023 financial year.

## 2. Scope and Background

- 2.1 The report provides a summary of the Treasury Management activities carried out under delegated powers by the Chief Officer Resources in the period 1<sup>st</sup> April 2022 to 31<sup>st</sup> March 2023 in accordance with the CIPFA Treasury Management Code of Practice.

- 2.2 Treasury Management can be defined as:

“The management of the local authority’s cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks.”

2.3 The primary requirements of the CIPFA Code of Practice are currently as follows:

- a. Creation and maintenance of a Treasury Management Policy Statement which sets out the policies and objectives of the Council's treasury management activities.
- b. Creation and maintenance of Treasury Management Practices which set out the manner in which the Council will seek to achieve those policies and objectives.
- c. Receipt by the Council of an annual Treasury Management Strategy report (including the annual investment strategy report) for the year ahead, a mid-year review and an annual review report of the previous year (this report).
- d. Delegation by the Council of responsibilities for implementing and monitoring Treasury Management policies and practices and for the execution and administration of treasury management decisions, which in this Council is the Chief Officer Resources.
- e. Delegation by the Council of the role of scrutiny of Treasury Management strategy and policies to a specific named body, which in this Council is the Corporate Overview & Performance Scrutiny Committee.

2.4 This report is therefore presented to Council to provide an annual review report (attached as Appendix 1) of the Treasury Management activities for the 2022/2023 financial year.

### 3. **Options for Recommendation**

#### 3.1 Option 1

Members note the treasury management activity undertaken during the 2022/23 financial year and accept the record of performance and compliance achieved during the year.

#### 3.2 Option 2

Members note the treasury management activity undertaken during the 2022/23 financial year and do not accept the record of performance and compliance achieved during the year.

### 4. **Evidence of how does this topic supports the achievement of the Corporate Plan / Statutory Responsibilities / Blaenau Gwent Well-being Plan**

4.1 The report is written in compliance with legislation (the Local Government Act 2003), Welsh Government guidance and CIPFA codes of practice.

4.2 The topic in the report also supports the Corporate Plan Priority of being an ambitious and innovative council delivering the quality services at the right time and in the right place.

## 5. Implications Against Each Option

### 5.1 *Impact on Budget (short and long term impact)*

- 5.1.1 The Authority has complied with the CIPFA Treasury Management in the Public Services: Code of Practice 2021 and in doing so has strived for effective risk management and control, whilst at the same time pursuing best value as far as possible.
- 5.1.2 The Authority has effectively managed credit risk throughout the period, so ensuring that it has not been subjected to any financial loss by investing funds with approved counterparties in line with the Authority's risk appetite.
- 5.1.3 The Authority has maximised investment returns as far as is possible whilst managing the associated risk and minimised borrowing costs throughout the period. Whilst interest rates paid on borrowing during the year was significantly higher than estimated, interest received from investments also exceeded expectations.
- 5.1.4 Investment returns of £1.725m have been achieved with an average interest rate of 1.22%. This is lower than the benchmark rate (based on market forces) of 2.41% but reflects the fact that the Authority no longer invest in counterparties that pay a higher rate, due to credit rating reductions. Of this return, £866,000 related to investments made from the available balances of the Rail Infrastructure Loan. A condition of the funding approval is that any interest earned from holding the loan must be added to the works programme. Therefore, this income will be placed in a reserve until such time it is used to fund works or can be transferred to the Authority. The remaining return of £859,000 relates to interest due from the investment of the Authority's own funds. The estimate for investment interest was £6,000, which has been far exceeded due to the extraordinary increases in interest rates throughout the year by the Bank of England in order to tackle elevated inflation in the UK economy.
- 5.1.5 An average interest rate of 1.67% has been paid on temporary borrowings against a benchmark rate (based on market forces) of 1.00%, amounting to £313,000. The average rate has exceeded the benchmark due to the increases in market rates due to the extraordinary rise in interest rates over the financial year, which were not anticipated when the benchmark rate was estimated. However, interest costs have been kept as low as possible throughout the year, and the Authority benefited from borrowing earlier in the year when rates were lower. The estimate for interest on short term borrowing was £425,000.

5.1.6 A summary of the Treasury Management activities for the period are shown in the table below:

	Value	Interest	Average Interest Rate
	£	£	%
Short Term Loans raised	120,365,000	313,377	1.67%
Short Term Investments made	604,685,993	1,725,055	1.22%
Long Term debt outstanding 31/3/23	169,116,951		3.53%
Short Term debt outstanding 31/3/23	48,365,000		1.67%

## 5.2 *Risk including Mitigating Actions*

5.2.1 The main risk in relation to Treasury Management is that of credit risk and protecting the Authority's cash. This is effectively managed through the Authority's risk averse Treasury Management policy that seeks to protect the capital sum rather than maximise investment returns.

## 5.3 *Legal*

5.3.1 The Council carries out Treasury Management activities in compliance with the Local Government Act 2003, and in accordance with the CIPFA Treasury Management Code of Practice and Welsh Government guidance.

## 5.4 *Human Resources*

5.4.1 There are no direct staffing implications to report. Staff directly involved with Treasury Management activities will continue to monitor the credit situation on a daily basis, and will notify the Chief Officer Resources accordingly. Any consequential changes required to be made to the borrowings or investment strategy as a result will be reported to the Council.

## 5.5 *Health & Safety*

5.5.1 Not applicable to this report

## 6. **Supporting Evidence**

### 6.1 *Performance Information and Data*

#### 6.1.1

Over the past few years the credit rating agencies have downgraded a number of financial institutions such that they no longer meet the Authority's required approved criteria.

6.1.2 During 2022/23 in an attempt to control high levels of inflation, the Bank of England increased interest rates incrementally from 0.75% to 4.25%, this impacted significantly upon both interest paid and received during the year.

6.1.3 Despite this financial climate, the Authority has performed well in terms of its Treasury Management activities during the year, as detailed in the report and summarised below:

- a. Investment returns of £1,725,000 have been achieved with an average interest rate of 1.22%. This is lower than the benchmark rate of 2.41% but reflects the fact that the Authority cannot invest in counterparties that pay higher rates, due to credit rating reductions. This is however in line with the Authority's risk averse policy whereby the security of the capital sum is the number one priority at the expense of more competitive investment returns.
- b. An average interest rate of 1.67% has been paid on temporary borrowings against a benchmark of 1.00%. The Bank of England base rate as of 31 March 2023 was 4.25%, therefore the Authority has minimised as far as possible the interest payable by the Authority. This is therefore evidence of good performance.
- c. All of the Treasury limits and Treasury Management prudential indicators set for the financial year have been complied with during the year.
- d. No institutions in which investments were made during the period had any difficulty in repaying investments and interest in full, so the Authority has not been exposed to any financial loss as a result of the difficult economic climate.

6.2 *Expected outcome for the public*

6.2.1 The Council's Treasury Management activities support delivery of services to the public.

6.3 *Involvement (consultation, engagement, participation)*

6.3.1 Members of the Corporate Overview & Performance Scrutiny Committee and full Council are involved in developing and monitoring compliance with the Council's Treasury Management Strategy.

6.4 *Thinking for the Long term (forward planning)*

*n/a*

6.5 *Preventative focus*

6.5.1 The Authority's Treasury Management policy prioritises protecting the capital sum rather than achieving higher interest returns.

6.6 *Collaboration / partnership working*

*n/a*

6.7 *Integration (across service areas)*

*n/a*

6.8 ***Decarbonisation and Reducing Carbon Emissions***

6.8.1 Local authority investing, incorporates Environmental, Social and Corporate Governance (ESG) metrics into credit rating agency assessments and a growing number of financial institutions and fund managers/money market funds promote ESG products. Therefore, where appropriate the Authority considers ESG factors when setting up any investment arrangements. For example, we would avoid investing in companies linked with fossil fuels.

6.9 ***Integrated Impact Assessment (IIA)*** *(All decisions, policy reviews or policy implementation will now require a completed Integrated Impact Assessment)*  
n/a

7. **Monitoring Arrangements**

*State how the work will be monitored e.g. through scrutiny or directorate performance management arrangements*

7.1 As the nominated Committee, Council will receive a minimum of three reports in every annual cycle:-

- A Treasury Management Policy report prior to the start of every financial year
- A mid-year progress report on Treasury Management activity
- An end of year out turn report on Treasury Management activity (this report).

**Background Documents /Electronic Links**

- *Appendix 1*
- *Appendix A*
- *Appendix B*

## APPENDIX 1

### TREASURY MANAGEMENT ANNUAL REVIEW 2022/23

#### 1. INTRODUCTION AND BACKGROUND

The Chartered Institute of Public Finance and Accountancy's Code of Practice on Treasury Management 2009 was adopted by this Council in February 2010 and this Council fully complies with its requirements. The Code was revised in 2011 and further revised in 2017 and 2021.

The primary requirements of the Code are as follows:

1. Creation and maintenance of a Treasury Management Policy Statement which sets out the policies and objectives of the Council's treasury management activities.
2. Creation and maintenance of Treasury Management Practices which set out the manner in which the Council will seek to achieve those policies and objectives.
3. Receipt by the Council of an annual treasury management strategy report (including the annual investment strategy report) for the year ahead, a mid-year review and an annual review report of the previous year.
4. Delegation by the Council of responsibilities for implementing and monitoring treasury management policies and practices and for the execution and administration of treasury management decisions, which in this Council is the Chief Officer Resources.
5. Delegation by the Council of the role of scrutiny of treasury management strategy and policies to a specified named body which in this Council is the Corporate Overview & Performance Scrutiny Committee.

Treasury management in this context is defined as:

*"The management of the local authority's cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks."*

The purpose of this report is to meet one of the above requirements of the CIPFA Code, namely the annual review of treasury management activities, for the financial year 2022/23.

#### 2. THIS TREASURY MANAGEMENT ANNUAL REVIEW COVERS

- ❖ Economic Background during the period
- ❖ The Council's treasury position as at 31st March 2023;
- ❖ Borrowing and investment rates for 2022/23;
- ❖ Annual review of the borrowing strategy 2022/23;
- ❖ Borrowing outturn for 2022/23;
- ❖ Debt rescheduling for 2022/23;
- ❖ Compliance with treasury limits and Prudential Indicators for 2022/23;
- ❖ Annual review of the investment strategy for 2022/23;
- ❖ Investment outturn for 2022/23;

TREASURY MANAGEMENT ANNUAL REVIEW 2022/23

**3. ECONOMIC BACKGROUND DURING PERIOD**

Public Works Loan Board (PWLB) rates are based on gilt (UK Government bonds) yields through H.M.Treasury determining a specified margin to add to gilt yields. The main influences on gilt yields are Bank Rate, inflation expectations and movements in US treasury yields. Inflation targeting by the major central banks has been successful over the last 30 years in lowering inflation and the real equilibrium rate for central rates has fallen considerably due to the high level of borrowing by consumers: this means that central banks do not need to raise rates as much now to have a major impact on consumer spending, inflation, etc. This has pulled down the overall level of interest rates and bond yields in financial markets over the last 30 years. Indeed, in recent years many bond yields up to 10 years in the Eurozone turned negative on expectations that the EU would struggle to get growth rates and inflation up from low levels. In addition, there has, at times, been an inversion of bond yields in the US whereby 10-year yields have fallen below shorter-term yields. In the past, this has been a precursor of a recession.

However, since early 2022, yields have risen dramatically in all the major developed economies, first as economies opened post-Covid; then because of the inflationary impact of the war in Ukraine in respect of the supply side of many goods. In particular, rising cost pressures emanating from shortages of energy and some food categories have been central to inflation rising rapidly. Furthermore, at present the Federal Open Market Committee (FOMC), European Central Bank (ECB) and the Bank of England are all being challenged by persistent high inflation that is exacerbated by very tight labour markets and high wage increases relative to what central banks believe to be sustainable.

Gilt yields have been on a continual rise since the start of 2021, peaking in the autumn of 2022. Currently, yields broadly range between 3% and 4.25%.

At the close of the day on 31 March 2023, all gilt yields from 1 to 50 years were between 3.64% and 4.18%, with the 1 year being the highest and 6-7.5 years being the lowest yield.

Regarding PWLB borrowing rates, the various margins attributed to their pricing are as follows: -

- **PWLB Standard Rate** is gilt plus 100 basis points (G+100bps)
- **PWLB Certainty Rate** is gilt plus 80 basis points (G+80bps)
- **Local Infrastructure Rate** is gilt plus 60bps (G+60bps)

There is likely to be a fall in gilt yields and PWLB rates across the whole curve over the next one to two years as Bank Rate first rises to dampen inflationary pressures and a tight labour market, and is then cut as the economy slows, unemployment rises, and inflation (on the Consumer Price Index measure) moves closer to the Bank of England's 2% target.

As a general rule, short-dated gilt yields will reflect expected movements in Bank Rate, whilst medium to long-dated yields are driven primarily by the inflation outlook.



## APPENDIX 1

### TREASURY MANAGEMENT ANNUAL REVIEW 2022/23

The Bank of England is also embarking on a process of Quantitative Tightening, but the scale and pace of this has already been affected by the Truss/Kwarteng “fiscal experiment” in the autumn of 2022 and more recently by the financial market unease with some US (e.g., Silicon Valley Bank) and European banks (e.g., Credit Suisse). The gradual reduction of the Bank of England’s original £895bn stock of gilt and corporate bonds will be sold back into the market over several years. The impact this policy will have on the market pricing of gilts, while issuance is markedly increasing, is an unknown at the time of writing.

#### 4. TREASURY POSITION AS AT 31st MARCH 2023

The Council’s debt and investment position at the beginning and the end of the year was as follows:

This illustrates that the total debt outstanding as at 31st March 2023 was £217.482 million, comprising of long term debt of £169.117 million and short term debt of £48.365 million.

	31March 2022 Principal	Average Rate/ Return	31 March 2023 Principal	Average Rate/ Return	Increase/ (Decrease) in Borrowing
	<u>£000</u>		<u>£000</u>		<u>£000</u>
Fixed Rate Funding:					
- PWLB	74,067	4.06%	71,147	4.02%	(2,920)
- Market Loans	14,000	1.40%	18,000	1.26%	4,000
Variable Rate Funding:					
- Market (LOBO *)	4,000	4.50%	4,000	4.50%	0
Rail & Town Centre Loans	73,395	0.00%	75,970	0.00%	2,575
<b>Total Long Term Debt</b>	<b>165,462</b>	<b>3.70%</b>	<b>169,117</b>	<b>3.53%</b>	<b>3,655</b>
Short Term Loans(<365 days)	62,365	0.32%	48,365	1.67%	(14,000)
<b>Total Debt</b>	<b>227,827</b>	<b>2.35%</b>	<b>217,482</b>	<b>2.42%</b>	<b>(10,345)</b>
Investments:					
- Short Term	100,000	0.04%	66,000	1.22%	(34,000)
<b>Total Investments</b>	<b>100,000</b>		<b>66,000</b>		<b>(34,000)</b>

## APPENDIX 1

### TREASURY MANAGEMENT ANNUAL REVIEW 2022/23

\* LOBO – Lenders Option Borrowers Option. This loan has a fixed rate for the first two years of 3.85%. The remaining period of the loan (which we are now in) has a rate of 4.5%, but the lender can increase this rate at six month intervals.

The Rail and Town Centre Loans have not been included in the average interest rate calculation as they are interest free loans from the Welsh Government.

### 5. BORROWING AND INVESTMENT RATES IN 2022/23

The following table displays a selection of interest rates prevailing as at 1<sup>st</sup> April 2022 and 31<sup>st</sup> March 2023.

	01/04/2022	31/3/2023
Bank Base Rate	0.75%	4.25%
1 Month SONIA	0.69%	4.17%
PWLB 10 year Maturity	2.66%	4.53%
PWLB 15 year maturity	2.83%	4.78%
PWLB 25 year maturity	2.85%	4.90%

### 6. ANNUAL REVIEW OF THE BORROWING STRATEGY FOR 2022/23

The Treasury Management Strategy Statement for 2022/23 was approved by Council in March 2022. The Borrowing Strategy adopted as part of this was as follows:

*To utilise the Authority's overdraft facility:*

- to fund unexpected daily cash deficits;
- to fund temporary cash shortfalls where there are no other sources of funding available within the marketplace.

*To borrow over the short term:*

- to fund temporary cash shortfalls;
- to maintain a suitably balanced maturity profile;
- to make short term savings required in order to meet budgetary constraints;
- in anticipation of securing longer term loans at more attractive rates.

*To borrow over the long term:*

- to reduce the Authority's average cost of borrowing;
- to maintain a stable, longer term portfolio;
- to maximise the potential for future debt rescheduling.

*If appropriate to avoid all new external borrowing:*

- to maximise savings in the short term;
- to run down temporary investment levels;
- to minimise exposure to interest rate and credit risk.

Borrowings undertaken during the period (see section 7 below) have been done so in accordance with this strategy and has focused on short term borrowings in order to minimise borrowing costs. Current short term borrowing rates continued to be lower

## APPENDIX 1

### TREASURY MANAGEMENT ANNUAL REVIEW 2022/23

during 2022/23 compared with longer term borrowing rates. Interest rate forecasts were initially suggesting only gradual rises in short, medium and longer-term fixed borrowing rates during 2022/23 but by August it had become clear that inflation was moving up towards a 40-year high, and the Bank of England engaged in monetary policy tightening at every Monetary Policy Committee meeting during 2022, and into 2023, either by increasing Bank Rate by 0.25% or 0.5% each time. Currently the Consumer Price Index (CPI) measure of inflation is still above 10% in the UK but is expected to fall back towards 4% by year end. Nonetheless, there remain significant risks to that central forecast. The Authority is continuing to take advantage of short term borrowing rates, which are still cheaper than longer term rates, to fund the remainder of its capital expenditure and maturing debt until such time the market indicates that long term rates are more advantageous and the current market volatility subsides.

In the current economic climate, it is considered that the approved strategy remains fit for purpose and therefore no revisions are proposed.

During 2022/23, the Council maintained an under-borrowed position. This meant that the capital borrowing need, the Capital Financing Requirement, was not fully funded with loan debt as cash supporting the Council's reserves, balances and cash flow was used as an interim measure. This strategy was prudent as investment returns were initially low and minimising counterparty risk on placing investments also needed to be considered.

### 7. BORROWING OUTTURN FOR 2022/23

#### Long Term Borrowing

##### *Definition*

Long term borrowing relates to debt taken out for a period of greater than one year. It is taken out for periods of 1 year up to 50 years. This borrowing is required to finance capital expenditure undertaken in the year that is funded through:

- Borrowing approvals from Welsh Government, known as un-hypothecated supported borrowing (USB), for which revenue support for the borrowing costs is provided through the revenue support grant;
- Prudential borrowing, for which borrowing costs are funded through revenue savings.

##### *Total outstanding as at 31<sup>st</sup> March 2023*

The total long term debt outstanding as at 31<sup>st</sup> March 2023 was £169.117 million. This is made up of debt taken from the Public Works Loan Board (PWLB), from other local authorities (through the marketplace), from the market (LOBO) and from the Welsh Government through interest free loans. This debt is due to be repaid within the following years:

## APPENDIX 1

### TREASURY MANAGEMENT ANNUAL REVIEW 2022/23

Maturing Within	£000s
1YR	8,764
1-2YRS	15,451
2-3YRS	15,277
3-4YRS	12,609
4-5YRS	6,037
5-6YRS	1,400
6-10YRS	22,555
10-15YRS	9,570
15+ YRS	77,454
<b>Total</b>	<b>169,117</b>

#### ***New borrowings for 2022/23***

During the first quarter of 2022/23, the Council took £12m new long-term debt in the form of Market Loans. No further long term borrowing was undertaken during the remainder of the year. The Council also repaid £8m of Market Loans during 2022/23, meaning the balance of Market Loans increased by £4m.

The Council also received £2.575m long term debt from Welsh Government, which related to a specific loan in relation to the Transforming Towns project.

#### **Short Term Borrowing**

##### ***Definition***

Short term borrowing relates to debt taken out for a period of less than one year i.e. it will all be fully repaid within a year. These short term loans are taken out to manage the Authority's short term cash flow i.e. to fund deficits in cash flow on a daily basis pending receipt of income from grants or other sources, or pending the taking out of longer term debt to fund capital expenditure whilst we wait for advantageous longer term borrowing opportunities. Due to the increases in interest rates during the latter parts of 2022/23, the Authority sought to borrow temporarily for any financing or re-financing need, due to the expectation that interest rates will begin to fall at some point in the medium term. The Authority therefore took advantage of such rates and borrowed short term to fund the remainder of its capital expenditure and maturing debt.

#### ***Total outstanding as at 31st March 2023***

The total short-term debt outstanding as at 31st March 2023 was £48.365 million. This is made up of debt taken from other local authorities through the market place.

#### ***New borrowings for 2022/23***

## APPENDIX 1

### TREASURY MANAGEMENT ANNUAL REVIEW 2022/23

Appendix A lists the short-term loan activity during the year and shows that over the period a total of £62.365 million loans were brought forward from the previous year and £58 million of new short-term loans were raised. A total of £72 million of these loans were repaid during the year (including the brought forward loans), leaving a balance outstanding as at 31st March 2023 of £48.365 million. The decrease in short-term loans can be attributed to the running down of our own investments in order to reduce the requirement of the need to borrow to fund short term cash flow deficits.

The following table gives a summary, which shows that although the average rate of interest paid exceeded the benchmark rate, the actual interest paid was well within the estimate of £425,000.

	Total Value of Loans during the period	Average Loan	Interest paid during the period	Average Interest Rate	Benchmark Interest Rate *
<b>Short Term borrowing</b>	£120.365m	£3.9m	£313,377	1.67%	1.00%

\* Benchmark = budgeted interest rate for new borrowings 1.00%

### 7. DEBT RESCHEDULING

No debt rescheduling was undertaken during the period.

### 8. COMPLIANCE WITH TREASURY LIMITS

During the financial year the Council operated within the treasury limits and Prudential Indicators set out in the Treasury Strategy Statement 2022/23, approved by Council in March 2022.

#### **Operational Boundary for external debt**

The Council resolved that this limit be set at £237 million for 2022/23. The level of borrowings on the 31st March was £217 million which is within the required limit.

The operational boundary can be exceeded on an occasional basis, this is likely to be due to the volume of payments being made in relation to capital spend at the year end and the delay in receiving grant funding. This is therefore to be expected due to cash flow fluctuations. Sustained breaches however, would indicate that either the limit has been set too low, or that the Authority is breaching its prudential boundaries and that corrective action needs to be taken.

## APPENDIX 1

### TREASURY MANAGEMENT ANNUAL REVIEW 2022/23

Monitoring of the operational boundary is undertaken on a daily basis and any such continual breaches would be investigated and a recommended course of action reported to Council. The Operational Boundary was not exceeded during 2022/23.

#### Authorised Limit for external Debt

The Council resolved that this limit be set at £261 million for 2022/23. The Authorised Limit is set having regard to the operational boundary above.

The average level of borrowings for the year to the 31st March was £222 million, so well within the limit set.

The Authorised Limit must not be breached.

#### Maturity Structure of Fixed Rate Borrowing

The Council resolved the following limits for the maturity structure of fixed rate borrowings for 2022/23:

	Upper Limit	Lower Limit	Actual as at 31/3/2023
under 12 months	20%	0%	5.18%
12 months and within 24 months	20%	0%	9.14%
24 months and within 5 years	50%	0%	20.06%
5 years and within 10 years	75%	0%	14.16%
10 years and above	95%	25%	51.46%

The actual debt maturity profile at 31st March 2023 is well within the limits set.

#### Upper Limit on Variable Interest Exposure

Council resolved the upper limit on variable rate exposures for 2022/23 should be set at 30% of outstanding long-term debt. This strategy limits the proportion of interest which is subject to variable rate terms and hence protects the Council against increased costs in times of rising interest rates.

The actual level of variable borrowings is £4 million (LOBO) which equates to 2.4% of the outstanding long term debt as at 31st March 2023, so is well within the limit set.

### 9. ANNUAL REVIEW OF INVESTMENT STRATEGY FOR 2022/23

The Annual Investment Strategy for 2022/23 adopted by Council in March 2022, was to maintain only temporary, short-term investments and to make those investments in accordance with anticipated cash flow requirements (including the investing of sums borrowed at prevailing low interest rates in anticipation of capital spending). The Council's investment priorities are:

## APPENDIX 1

### TREASURY MANAGEMENT ANNUAL REVIEW 2022/23

- a. the security of capital;
- b. the liquidity of its investments.

The Council also aims to achieve the optimum return on its investments commensurate with proper levels of security and liquidity. The risk appetite of this Council is low in order to give priority to the security of its investments.

In order to ensure that the Authority's investments are secure and that risk is minimised an investment matrix is used to determine investment counterparties, which factors in Fitch and Moody's credit ratings, credit default swap (CDS) spread data, and credit rating agency comments.

This strategy has been adhered to in determining the investments for 2022/23 outlined in section 10 below.

### 10. INVESTMENT OUTTURN FOR 2022/23

Appendix B gives details of the investments made during the year, and the following table gives a summary, which shows the Authority's average rate of return was below the benchmark. This is in line with the Authority's risk averse policy whereby the security of the capital sum is the number one priority at the expense of competitive investment returns.

	Total Value of Investments	Average Investment	Investment Returns	Average Rate of Return	Benchmark Return *
<b>Internally Managed</b>	£605m	£4.4m	£1.725m	1.22%	2.41%

\* Benchmark = 1 month SONIA uncompounded 2.41%

No institutions in which investments were made had any difficulty in repaying investments and interest in full during the year.

This page is intentionally left blank





This page is intentionally left blank

INVESTMENTS 2022/2023

APPENDIX B

DATE	BORROWER	VALUE	RATE %	REPAYMENT DATE	DURATION OF INVESTMENT DAYS IN 2022/23	INTEREST DUE TO 31/03/2023	INVESTMENTS REPAID	PRINCIPAL O/S AS AT 31/03/2023
<b>B/FWD</b>	<b>01/04/2022</b>							
03/11/2021	LONDON BOROUGH OF CROYDON	6,000,000	0.250	02/11/2022	215	8,835.62	6,000,000	0
06/01/2022	NATIONWIDE BUILDING SOCIETY	4,000,000	0.130	06/04/2022	5	71.23	4,000,000	0
04/02/2022	LANDESBANK HESSEN THURINGEN GIROZENTRALE	4,000,000	0.470	04/04/2022	3	154.52	4,000,000	0
14/02/2022	NATIONAL BANK OF KUWAIT	4,000,000	0.600	14/04/2022	13	854.79	4,000,000	0
21/03/2022	DERBY CITY COUNCIL	3,000,000	0.650	21/04/2022	20	1,068.49	3,000,000	0
29/03/2022	PCC CUMBRIA	3,000,000	0.620	14/04/2022	13	662.47	3,000,000	0
31/03/2022	SOUTH SOMERSET DISTRICT COUNCIL	4,000,000	0.580	08/04/2022	7	444.93	4,000,000	0
30/11/2021	DEBT MANAGEMENT OFFICE	250,000	0.045	29/04/2022	28	8.63	250,000	0
30/11/2021	THURROCK COUNCIL	6,000,000	0.200	30/11/2022	243	7,989.04	6,000,000	0
17/12/2021	ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD	1,000,000	0.250	16/12/2022	259	1,773.97	1,000,000	0
21/12/2021	MERTHYR TYDFIL COUNTY BOROUGH COUNCIL	5,000,000	0.110	21/04/2022	20	301.37	5,000,000	0
24/01/2022	ISLE OF WIGHT COUNCIL	5,000,000	0.100	25/04/2022	24	328.77	5,000,000	0
31/01/2022	SUFFOLK COUNTY COUNCIL	6,000,000	0.050	31/05/2022	60	493.15	6,000,000	0
10/02/2022	LIVERPOOL CITY COUNCIL	5,000,000	0.250	10/06/2022	70	2,397.26	5,000,000	0
21/02/2022	CHESHIRE EAST COUNCIL	5,000,000	0.160	23/05/2022	52	1,139.73	5,000,000	0
25/02/2022	SLOUGH BOROUGH COUNCIL	6,000,000	0.300	25/08/2022	146	7,200.00	6,000,000	0
28/02/2022	LONDON BOROUGH OF HARINGEY	2,500,000	0.750	30/05/2022	59	3,030.82	2,500,000	0
03/03/2022	WARRINGTON BOROUGH COUNCIL	2,000,000	0.700	03/08/2022	124	4,756.16	2,000,000	0
08/03/2022	GLASGOW CITY COUNCIL	2,500,000	0.500	08/04/2022	7	239.73	2,500,000	0
14/03/2022	DEBT MANAGEMENT OFFICE	5,000,000	0.560	14/04/2022	13	997.26	5,000,000	0
15/03/2022	ASHFORD BOROUGH COUNCIL	6,000,000	0.450	15/06/2022	75	5,547.95	6,000,000	0
22/03/2022	STIRLING COUNCIL	2,000,000	0.550	05/04/2022	4	120.55	2,000,000	0
23/03/2022	DEBT MANAGEMENT OFFICE	4,000,000	0.595	27/05/2022	56	3,651.51	4,000,000	0
28/03/2022	NATIONAL BANK OF CANADA - LONDON	4,000,000	0.650	28/04/2022	27	1,923.29	4,000,000	0
31/03/2022	DEBT MANAGEMENT OFFICE	2,750,000	0.620	31/05/2022	60	2,802.74	2,750,000	0
	PUBLIC SECTOR DEPOSIT FUND	2,000,000	Variable	20/12/2022	263	22,508.93	2,000,000	0
	<b>B/F Raised in previous years still outstanding</b>	<b>100,000,000</b>				<b>79,302.91</b>	<b>100,000,000</b>	<b>0</b>
<b>NEW INVESTMENTS 2022/23</b>								
01/04/2022	PCC DEVON AND CORNWALL	3,000,000	0.600	07/04/2022	6	295.89	3,000,000	0
04/04/2022	LANDESBANK HESSEN THURINGEN GIROZENTRALE	4,000,000	0.730	04/05/2022	30	2,400.00	4,000,000	0
06/04/2022	NATIONAL BANK OF KUWAIT	2,000,000	1.600	06/10/2022	183	16,043.84	2,000,000	0
07/04/2022	LANDESBANK HESSEN THURINGEN GIROZENTRALE	2,000,000	1.030	08/08/2022	123	6,941.92	2,000,000	0
11/04/2022	CHESHIRE EAST COUNCIL	5,000,000	0.700	11/07/2022	91	8,726.03	5,000,000	0
08/04/2022	DEBT MANAGEMENT OFFICE	5,000,000	0.550	11/04/2022	3	226.03	5,000,000	0
13/04/2022	DEBT MANAGEMENT OFFICE	5,000,000	0.550	22/04/2022	9	678.08	5,000,000	0
21/04/2022	NATIONAL BANK OF CANADA, LONDON	2,000,000	1.040	21/07/2022	91	5,185.75	2,000,000	0
21/04/2022	DEBT MANAGEMENT OFFICE	6,000,000	0.550	29/04/2022	8	723.29	6,000,000	0
25/04/2022	ISLE OF WIGHT COUNCIL	5,000,000	0.700	25/05/2022	30	2,876.71	5,000,000	0
28/04/2022	PCC DEVON AND CORNWALL	2,000,000	0.650	09/05/2022	11	391.78	2,000,000	0
03/05/2022	PCC DEVON AND CORNWALL	2,500,000	0.650	13/05/2022	10	445.21	2,500,000	0
04/05/2022	LANDESBANK HESSEN THURINGEN GIROZENTRALE	4,000,000	1.100	04/08/2022	92	11,060.41	4,000,000	0
05/05/2022	DEBT MANAGEMENT OFFICE	2,000,000	0.815	09/05/2022	4	178.63	2,000,000	0
09/05/2022	CORNWALL COUNCIL	5,000,000	0.840	09/06/2022	31	3,567.12	5,000,000	0
16/05/2022	DEBT MANAGEMENT OFFICE	7,000,000	0.800	20/05/2022	4	613.70	7,000,000	0
27/05/2022	BOURNEMTH, CHRISTCH & POOLE COUNCIL	5,000,000	0.870	15/06/2022	19	2,264.38	5,000,000	0
01/06/2022	OFFICE OF THE POLICE AND COMMISSIONER FOR THAMES	1,000,000	0.830	09/06/2022	8	181.92	1,000,000	0
09/06/2022	CORNWALL COUNCIL	5,000,000	1.050	11/07/2022	32	4,602.74	5,000,000	0
10/06/2022	DEBT MANAGEMENT OFFICE	2,000,000	1.020	01/07/2022	21	1,173.70	2,000,000	0
10/06/2022	AL RAYAN BANK PLC	1,000,000	1.970	10/03/2023	273	14,734.52	1,000,000	0
14/06/2022	DEBT MANAGEMENT OFFICE	7,000,000	1.050	28/06/2022	14	2,819.18	7,000,000	0
15/06/2022	DEBT MANAGEMENT OFFICE	2,000,000	1.030	29/06/2022	14	790.14	2,000,000	0
30/06/2022	CORNWALL COUNCIL	5,000,000	1.070	29/07/2022	29	4,250.68	5,000,000	0
11/07/2022	CORNWALL COUNCIL - ROLL OF 2179	5,000,000	1.080	11/08/2022	31	4,586.30	5,000,000	0
13/07/2022	DEBT MANAGEMENT OFFICE	8,000,000	1.050	19/07/2022	6	1,380.82	8,000,000	0
21/07/2022	NATIONAL BANK OF CANADA, LONDON	2,000,000	2.100	21/12/2022	153	17,605.48	2,000,000	0
29/07/2022	CORNWALL COUNCIL	5,000,000	1.390	31/08/2022	33	6,283.56	5,000,000	0
03/08/2022	DEBT MANAGEMENT OFFICE	10,000,000	1.440	10/08/2022	7	2,761.64	10,000,000	0
10/08/2022	LANDESBANK HESSEN THURINGEN GIROZENTRALE	6,000,000	2.345	10/01/2023	153	58,978.36	6,000,000	0
10/08/2022	DEBT MANAGEMENT OFFICE	4,000,000	1.550	19/08/2022	9	1,528.77	4,000,000	0
11/08/2022	CORNWALL COUNCIL	5,000,000	1.580	12/09/2022	32	6,926.03	5,000,000	0
18/08/2022	UTTLESFORD DISTRICT COUNCIL, ESSEX	5,000,000	1.570	08/09/2022	21	4,516.44	5,000,000	0
23/08/2022	CALDERDALE METROPOLITAN BOROUGH COUNCIL	1,300,000	1.800	10/10/2022	48	3,077.26	1,300,000	0
25/08/2022	LEEDS CITY COUNCIL	5,000,000	1.600	09/09/2022	14	3,068.49	5,000,000	0
05/09/2022	CORNWALL COUNCIL	5,000,000	2.120	05/12/2022	91	26,427.40	5,000,000	0
08/09/2022	DEBT MANAGEMENT OFFICE	6,000,000	1.640	20/09/2022	12	3,235.07	6,000,000	0
12/09/2022	CORNWALL COUNCIL	5,000,000	2.230	12/12/2022	91	27,798.63	5,000,000	0
20/09/2022	DEBT MANAGEMENT OFFICE	5,000,000	1.870	28/09/2022	8	2,049.32	5,000,000	0
22/09/2022	SLOUGH BOROUGH COUNCIL	5,000,000	3.000	22/12/2022	91	37,397.26	5,000,000	0
06/10/2022	NATIONAL BANK OF KUWAIT	2,000,000	4.100	06/07/2023	177	39,764.38	0	2,000,000
06/10/2022	DEBT MANAGEMENT OFFICE	5,000,000	1.985	31/10/2022	25	6,797.95	5,000,000	0
17/10/2022	DEBT MANAGEMENT OFFICE	5,000,000	1.900	28/10/2022	11	2,863.01	5,000,000	0
31/10/2022	DOVER DISTRICT COUNCIL	2,000,000	2.450	28/11/2022	28	3,758.90	2,000,000	0
02/11/2022	DEBT MANAGEMENT OFFICE	5,000,000	2.515	21/11/2022	19	6,545.89	5,000,000	0
15/11/2022	DEBT MANAGEMENT OFFICE	4,000,000	2.670	25/11/2022	10	2,926.03	4,000,000	0
01/12/2022	AL RAYAN BANK PLC	5,000,000	4.200	01/06/2023	121	69,616.44	0	5,000,000
15/12/2022	DEBT MANAGEMENT OFFICE	2,000,000	3.180	30/12/2022	15	2,613.70	2,000,000	0
20/12/2022	SURREY COUNTY COUNCIL	3,000,000	3.350	20/01/2023	31	8,535.62	3,000,000	0
21/12/2022	DEBT MANAGEMENT OFFICE	5,000,000	3.135	03/01/2023	13	5,582.88	5,000,000	0
21/12/2022	NATIONAL BANK OF CANADA, LONDON	2,000,000	3.400	21/02/2023	62	11,550.68	2,000,000	0
04/01/2023	SURREY COUNTY COUNCIL	7,000,000	3.400	11/01/2023	7	4,564.38	7,000,000	0
10/01/2023	LANDESBANK HESSEN THURINGEN GIROZENTRALE	6,000,000	3.520	10/02/2023	31	17,937.53	6,000,000	0
13/01/2023	GUILDFORD BOROUGH COUNCIL	2,200,000	3.500	16/01/2023	3	632.88	2,200,000	0
30/01/2023	NATIONAL BANK OF CANADA, LONDON	4,000,000	4.200	30/06/2023	61	28,076.71	0	4,000,000
03/02/2023	DENBIGHSHIRE COUNTY COUNCIL	5,000,000	4.000	03/03/2023	28	15,342.47	5,000,000	0
06/02/2023	DEBT MANAGEMENT OFFICE	9,000,000	3.820	07/02/2023	1	941.92	9,000,000	0
08/02/2023	DEBT MANAGEMENT OFFICE	9,000,000	3.820	10/02/2023	2	1,883.84	9,000,000	0
10/02/2023	LANDESBANK HESSEN THURINGEN GIROZENTRALE	6,000,000	3.980	17/02/2023	7	4,579.73	6,000,000	0
17/02/2023	LANDESBANK HESSEN THURINGEN GIROZENTRALE	6,000,000	3.980	17/03/2023	28	18,318.90	6,000,000	0
17/03/2023	LANDESBANK HESSEN THURINGEN GIROZENTRALE	6,000,000	3.970	24/03/2023	7	4,568.22	6,000,000	0
24/03/2023	LANDESBANK HESSEN THURINGEN GIROZENTRALE	6,000,000	4.220	31/03/2023	7	4,855.89	6,000,000	0
21/02/2023	NATIONAL BANK OF CANADA, LONDON	2,000,000	3.900	28/02/2023	62	1,495.89	2,000,000	0
03/03/2023	DEBT MANAGEMENT OFFICE	8,000,000	3.820	13/03/2023	10	8,372.60	8,000,000	0
28/02/2023	NATIONAL BANK OF CANADA, LONDON	2,000,000	3.950	31/03/2023	31	6,709.59	2,000,000	0
15/03/2023	LLOYDS CALL ACCOUNT	4,000,000	Variable	-	17	7,063.08	0	4,000,000
01/04/2022	THURROCK BOROUGH COUNCIL	4,000,000	0.750	01/07/2022	91	7,479.45	4,000,000	0
05/04/2022	DEBT MANAGEMENT OFFICE	4,000,000	0.550	26/04/2022	21	1,265.75	4,000,000	0
06/04/2022	NATIONWIDE BUILDING SOCIETY	4,000,000	0.690	06/07/2022	91	6,881.10	4,000,000	0
13/04/2022	DEBT MANAGEMENT OFFICE	4,000,000	0.630	13/05/2022	30	2,071.23	4,000,000	0
14/04/2022	DEBT MANAGEMENT OFFICE	4,000,000	0.660	16/05/2022	32	2,314.52	4,000,000	0
14/04/2022	NATIONAL BANK OF KUWAIT (INTERNATIONAL)	4,000,000	2.030	13/04/				



# Agenda Item 19

*Cabinet and Council only*

Date signed off by the Monitoring Officer: 12.09.2023

Date signed off by the Section 151 Officer: 12.09.2023

Committee: **Council**

Date of Meeting: **21<sup>st</sup> September, 2023**

Report Subject: **Capital Programme Update**

Portfolio Holder: **Councillor Stephen Thomas, Leader of the Council/  
Cabinet Member – Corporate Overview & Performance**

Report Submitted by: **Rhian Hayden, Chief Officer Resources**

Reporting Pathway								
Directorate Management Team	Corporate Leadership Team	Portfolio Holder / Chair	Governance Audit Committee	Democratic Services Committee	Scrutiny Committee	Cabinet	Council	Other (please state)
	27/07/23						21/09/23	

## 1. Purpose of the Report

- 1.1 To provide Council with an update on the Council's current Capital Programme and highlight a number of priority areas and pressures that have been identified requiring Members consideration.

## 2. Scope and Background

### 2.1 Capital Programme

The Capital Programme is agreed by Council and in addition to scheme / project specific funding from external grant awarding bodies, for example Wales Government, UK Government, it includes the allocation of the Council's own financial resources to projects over the medium term.

- 2.2 The current Capital Programme covers a 7 year period 2019/20 to 2025/26, largely corresponding to the Band B 21<sup>st</sup> Century School Programme.

- 2.3 The Council's own financial resources used for capital purposes is made up from a combination of General Capital Grant, borrowing supported by the Welsh Government, unsupported (Prudential) borrowing, Revenue contributions and available Capital Receipts. This funding can be utilised against Capital schemes that cannot attract grant funding or as match funding for larger schemes.

- 2.3 Appendix 1 provides Members with an extract from the Council's Capital Programme, identifying those schemes where the Council's own resources have been deployed totalling £28million.

## 2.4 **Additional Income**

### **Capital Grant**

In February 2022, the Council benefitted from the receipt of an additional £1.5m General Capital Grant (GCG) from the Welsh Government (General Capital Grant is classed as un-hypothecated and can be approved for use on any Capital expenditure).

Given the uncertainty surrounding the impact the cost of living crisis would have on the capital programme, this funding was set aside to enhance the Council's capital contingency arrangements.

2.5 The Council has also received £107,000 GCG higher than budgeted for the 2022/23 financial year and is due to receive an additional £754,000 GCG in the 2023/24 financial year above the £1.2m built into the budget.

2.6 In total the Council has received £2,361,000 general capital grant above original budget during 2021/22, 2022/23 and 2023/24.

### 2.7 **Capital Receipts**

When developing the capital programme an estimate of capital receipts (income from sale of assets, land and other properties) is included within available funding.

2.8 For 2021/22 and 2022/23 the original estimate for capital receipts was £200,000 per annum. The net capital receipts received in each of these years was £549,000 & £460,000 respectively - £609,000 higher than expected. The information for 2022/23 is provisional at this stage.

### 2.9 **Capital Contingency**

The Council has previously agreed a capital contingency of £1m (as a minimum) to provide a buffer against unexpected circumstances.

2.10 When taking into account the additional capital grants and capital receipts received (paragraphs 2.2 to 2.8) this contingency currently stands at £3.6m. This is £2.6m above the target level contingency and therefore would enable the Council to allocate some capital funding to priority capital projects.

## 3. **Options for Recommendation**

3.1 *To include Recommendation(s) / Endorsement by other groups, e.g. CLT/Committees/Other groups)*

Note the current level of the capital contingency, consider the schemes identified and:

3.2 **Option 1** – agree and allocate capital resources to identified priority schemes / projects.

3.3 **Option 2** – identify other priority schemes and agree to allocate capital resources to these schemes

3.4 **Option 3** – do not allocate capital resources and maintain for future schemes.

#### 4. **Evidence of how this topic supports the achievement of the Corporate Plan / Statutory Responsibilities / Blaenau Gwent Well-being Plan**

4.1 The topic of this report supports the achievement of the Council's priorities in the Corporate Plan. By allocating capital resources, Council assets will be enhanced and financial resources will be available to support organisations and individuals.

- Maximise learning and skills for all to create a prosperous, thriving, resilient Blaenau Gwent (development of Glyncoed and the new Welsh Medium Primary School).
- An ambitious and innovative council delivering quality services at the right time and in the right place (Demolition of Pen y Cwm School, Civic Centre).
- Empowering and supporting communities to be safe, independent and resilient (DFG's, CATS, Empty Homes Grants).

#### 5. **Implications Against Each Option**

##### 5.1 ***Impact on Budget (short and long term impact)***

5.1.1 The current level of the capital contingency is £3.6m. Council has previously agreed to maintain a contingency of approximately £1m leaving £2.6m for allocation if required.

5.1.2 The total value of funding for identified schemes / projects range from £1.94m to in excess of £2.4m.

##### 5.2 ***Risk including Mitigating Actions***

5.2.1 If significant funding remains unallocated there will be a number of priority schemes unable to proceed. This would also result in the Authority being unable to meet Welsh Government targets, such as Education and Decarbonisation, as well as allowing the Council's existing Assets to deteriorate.

5.2.2 If all available funding is allocated and no contingency is maintained, there will be limited funding available for future allocation to priority projects and / or fund overspending capital schemes There is a high level of uncertainty surrounding the impact inflation will have on construction costs.

It should be noted that in the medium term there may / will be several significant themes where there will be limited funding to support or match fund, examples include:

- 21<sup>st</sup> Century Schools – Band C
- Highways Improvement Works
- Disabled Facilities Grants
- Empty Property Grants
- Decarbonisation agenda

5.2.3 If this becomes an issue in the future with new schemes needing to be prioritised the options available to the Council will be to re-visit funding allocations in the latter part of the programme with a view to deprioritising schemes completely, cut funding allocations accordingly or redesign projects to meet the funding available.

5.2.4 Where the Council's own funding is used as match funding against larger Capital Schemes as part of an agreed profile, it will not be available for reallocation to higher priority schemes unless there is a forecast underspend or additional external funding is secured. Capital projects are monitored throughout the life of the scheme and action is taken where necessary to mitigate overspends and protect the Council's funding.

5.2.5 If capital schemes do not achieve the required level of expenditure within the correct financial year, funding may be lost to the Authority and be detrimental to the Authority's chances of securing future funding. This risk is mitigated as far as possible through close working relationships between the Capital and Corporate Accounting Team, budget holders, Technical Services, and external funding bodies such as the Welsh Government.

### 5.3 **Legal**

5.3.1 There are a number of statutory requirements relating to Capital expenditure and Capital financing that the Council must adhere to:

- CIPFA Accounting Code of Practice
- CIPFA Prudential Code of Practice
- CIPFA Treasury Management Code of Practice

### 5.4 **Human Resources** n/a

### 5.5 **Health & Safety**

5.5.1 Allocating capital resources to some of the schemes / projects proposed are in response to health & safety requirements.

## 6. **Supporting Evidence**

### 6.1 **Performance Information and Data**

6.1.1 The current Capital Programme covers the period up to 2025/26. There will be additional major schemes that will need to be considered for the capital programme for 2026/27 onwards e.g. the 21<sup>st</sup> Century Band C programme. These schemes will require an element of the Council's own funding and given current estimates for WG general capital grant and the generation of



capital receipts are in the region of £1.5m per annum, Council may wish to retain all or some of the current capital contingency for use in subsequent years.

6.1.2 During 2022/23 however several capital projects / schemes have been identified that are currently unfunded or underfunded.

6.1.3 **Highways Improvement Works**

Identified as a priority by Members of the Council, prior to 2022/23 Welsh Government provided a specific annual grant to fund highways improvement works. This grant was in addition to the revenue budget agreed by Council for repairs and maintenance to its infrastructure assets.

6.1.4 If grants remain unavailable any highway improvement work will need to be funded using the Council's own (limited) resources.

6.1.5 In October 2022, the Executive considered a report on the Highways Capital Works Programme 2017-2022. The report also presented options around a potential future programme of works subject to funding being identified.

The options identified proposed works to the highest priority classified roads estimated to cost £0.5m increasing to £1m when a number of residential roads and other highway related works were included.

6.1.6 The Highways Asset Management Plan identifies £1.2m for priority highways infrastructure works that need to be considered in the short term.

6.1.7 Options for Consideration include:

**Option 1 – Status Quo**

No additional Highways works will be undertaken over and above the general repairs and maintenance funded by the allocated revenue budget.

**Option 2 – Allocate £500,000 for 2023/24**

This would allow the proposed work to the highest priority classified roads to be undertaken.

**Option 3 – Allocate a higher amount (e.g. £1m)**

In addition to the work identified in Option 2, this option would allow a number of residential roads & other highways related works to be undertaken.

6.1.8 **Disabled Facilities Grants (DFG's)**

Disabled Facilities Grants (DFG) are statutory works undertaken on behalf of disabled residents in order for them to live independently in their own home. Although the Council does not undertake the works directly, it funds these works through grants via an application process.

6.1.9 During 2021/22, the Council agreed to remove the means test element of the application process, as a consequence the number of grant applications

has increased significantly (by 117%) and in addition the high inflation currently being experienced has increased cost of works and subsequently the value of grants required.

6.1.10 The Council has allocated £200,000 per annum for DFG's within its Capital Programme for the period 2023/24 to 2025/26, which is supplemented by a small grant from Welsh Government. The value of applications received exceed this level significantly which is impacting upon the number of grants that can be provided and the timeliness of awarding the grants.

6.1.11 Based upon current estimates of outstanding applications and new applications expected for 2023, the DFG budget is projected to utilise all of its remaining allocated funding during 2023/24. The current funding allocated will not fund all applications expected to be received.

6.1.12 The Council therefore needs to consider its approach to DFG's:

***Option 1 – status quo***

This option retains the current capital allocation of £200,000 per annum (for 2023/24 & 2024/25). This will mean that not all applications for DFG can be agreed and awarded during the year. This will result in a continuation of the backlog of applications and delays in grants being awarded (and consequently works being delayed).

***Option 2 – Increase Capital Allocation to £400,000 per annum (for 2023/24 & 2024/25)***

This option will require an additional allocation of £400,000 from the Council's capital resources (£200,000 for the next 2 years). This is expected to resolve the immediate pressure of the current outstanding applications and those expected to be received in 2023/24 however in the medium term should applications continue to be received at the same level as currently experienced the issues will recur in future unless additional resources can be identified.

***Option 3 – Consider Reinstating the Means Test element to the application process***

This is likely to result in a lower number of grant applications since applications would be required to financially contribute to the planned works.

6.1.13 ***Community Asset Transfers (CATS)***

A review of Community Asset transfers has identified work required on a number of properties to bring them up to a reasonable standard and address health and safety issues. These works which the Council is liable for are estimated to cost £140,000 and include work to the Metropole and Beaufort Theatre.

6.1.14 ***Empty Homes Grants***

The Council has entered into an agreement with the Valleys Task Force to provide grants to support bringing Empty Homes back in to use. The Welsh Government has committed to providing the majority of the funding for this

scheme via grant funding, although each Authority is required to provide match funding for these grants. For Blaenau Gwent, the value of match funding will be £50,000 for each of the 2023/24 and 2024/25 financial years.

6.1.15 ***Glyncoed School – Storm Drainage Line***

An issue has been identified with a Council owned storm drainage line that leads from the site of the new Glyncoed school build. Rectification is critical to allow connection of the surface water drainage from the new school development and the Sustainable Drainage Approval Body (SAB) approved design.

The estimated cost of the works is £100,000 and delays are likely to impact upon the school construction contract and will have major implications on overall build costs.

6.1.16 ***Pen-y-Cwm School (old site)***

The old Pen Y Cwm school site, situated next to Beaufort Hill Primary School, is currently a liability and regularly incurs costs in relation to vandalism.

6.1.17 The estimate for demolition is £200,000, removing this building would remove the costs pressures associated with vandalism.

In the longer term it would also allow the Council to bid for a Community Focused School Capital Grant funded project in the future.

6.1.18 ***Play Areas***

The issue with the current quality/ standard of the play facilities across Blaenau Gwent has been identified as a concern, with no investment for equipment removal, replacement or upgrade.

6.1.19 It is proposed that an allocation of £50,000 is agreed to address the initial areas of concern whilst a longer term strategy is developed and potential alternative / additional resources are identified for future use.

6.1.20 For Community Asset Transfers, Empty Homes Grants, Glyncoed School – Storm Drainage Line, Pen-y-Cwm School (old site) demolition and Play Areas, the options to consider are:

***Option 1 – Status Quo***

No works would be undertaken unless alternative funding can be identified.

***Option 2 – Allocate funding for the estimated amounts***

This will allow the identified works to be undertaken.

6.1.21 ***Civic Centre, Ebbw Vale – Demolition***

Council has previously agreed the demolition of the Civic Centre would be funded from the capital receipts generated from the sale of the site.

6.1.22 Alternative opportunities for the Civic Centre site are currently being explored which may result in capital receipts not being generated. As a consequence it is proposed to fund the cost of demolition from current available resources.

6.1.23 **Recommendation – Allocate Funding of £500,000 from current resources.**

Proposals for the site will be brought forward for Members consideration. Should the final determination include sale of the site, capital receipts will replenish the capital contingency for future use.

6.1.24 **Table 1 – Summary of Projects for Capital Programme Considerations**

Scheme / Project	Funding Consideration		
	<u>Lower Level</u> <u>£'000</u>	<u>Upper Level</u> <u>£'000</u>	<u>Proposed</u> <u>£'000</u>
Highways Improvement Works	500	1,000	500
Disabled Facilities Grant	400	400+	400
Community Asset Transfers	140	140	140
Empty Homes Grants	100	100	100
Glyncoed School – Storm Drain	100	100	100
Pen-y-Cwm School (old Site)	200	200	200
Play Areas	50	50	50
Civic Centre, Ebbw Vale	500	500	500
	1,990	2,490+	1,990

6.2 **Expected outcome for the public**

6.2.1 Allocation of resources will result in additional investment for the communities of Blaenau Gwent.

6.3 **Involvement (consultation, engagement, participation)**

6.3.1 The Corporate Leadership Team challenge the options available for allocating Capital funding to Capital schemes prior to making recommendations to Council.

6.4 **Thinking for the Long term (forward planning)**

6.4.1 This report provides an update on the progress of the Capital Programme 2019/20 to 2025/26 and the level of the capital contingency balance as of March 2023.

If option 1 or 2 is agreed, some funding will remain to be allocated in the longer term.

In addition, a Capital Strategy has been developed and will continually be updated. This strategy summarises the capital expenditure, capital financing and treasury management arrangements of the Council, for the long term.

6.5 **Preventative focus**

6.5.1 Funding capital schemes could result in reduced revenue costs associated with the ongoing maintenance of older and less efficient Council assets. In addition, meeting Welsh Government targets mitigates the cost of financial penalties.

6.6 **Collaboration / partnership working**

6.6.1 The Accountancy Section works closely with budget holders and with external funding bodies to ensure that where possible, funding opportunities and capital investment is maximised

6.7 **Integration (across service areas)**  
*n/a*

6.8 **Decarbonisation and Reducing Carbon Emissions**

6.8.1 The Council is committed to the Decarbonisation Plan to achieve a carbon neutral public sector by 2030. The Capital Programme currently contains schemes which promote the reduction of carbon emissions such as ReFIT, Electric Vehicle Charge Points, Innovation for Decarbonisation - WBRID and the purchase of Ultra Low Emission Vehicles. New Council buildings should be designed to the latest energy efficiency standards.

6.9 **Integrated Impact Assessment (IAA)** *(All decisions, policy reviews or policy implementation will now require a completed Integrated Impact Assessment) To note a screening template no longer needs to be completed*

7. **Monitoring Arrangements**

7.1 *State how the work will be monitored e.g. through scrutiny or directorate performance management arrangements*

Financial monitoring to the Corporate Overview and Performance Scrutiny Committee (briefing) and Cabinet (report) is carried out on a quarterly basis relating to Capital Programme progress. In addition, the level of capital receipts and central capital funding is reviewed every year in line with the Welsh Government revenue settlement, to consider the level of funding that can be allocated to the capital programme.

**Background Documents /Electronic Links**

-

This page is intentionally left blank

**CAPITAL PROGRAMME 2019/20 to 2025/26 (APPROVED MARCH 2021)**

	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26
	£	£	£	£	£	£	£
<b>Social Services</b>							
Community Equipment & Adaptations	279,000	279,000	279,000	285,000	285,000	285,000	285,000
Minor Works/Health & Safety	60,000						
	<b>339,000</b>	<b>279,000</b>	<b>279,000</b>	<b>285,000</b>	<b>285,000</b>	<b>285,000</b>	<b>285,000</b>
<b>Environment</b>							
Disabled Facilities Grants & Living Independently HRG	475,000	420,000	469,000	200,000	200,000	200,000	200,000
Corporate Landlord/ Minor Works /DDA		320,000	320,000	280,000	280,000	300,000	300,000
Tredegar Townscape Heritage Initiative	125,000						
European Structural Fund Capital Match Fund	520,200						
Tredegar Company Shop	200,000						
Tech Valley Initiative	500,000	0					
Data Centre Move	240,000	152,000					
Constrained Units/ Industrial Units Improvement Programme	0	0	0			300,000	300,000
Abertillery Sports Centre demolition							
Big Arch	241,800	640,000					
Cemeteries	210,000	250,000	250,000	300,000			
	<b>2,512,000</b>	<b>1,782,000</b>	<b>1,039,000</b>	<b>780,000</b>	<b>480,000</b>	<b>800,000</b>	<b>800,000</b>
<b>Education</b>							
Band B Welsh Medium Remodelling	280,000						
Band B Secondary School Remodelling			70,000	280,000	1,510,000	750,000	750,000
New 420 place primary in Ebbw Fawr valley		2,100,000	945,000	105,000	0		
Band B Welsh Medium Seedling Provision		350,000	0	0	0		
Minor Works	150,000						
<b>Total 21st Century Schools</b>	<b>430,000</b>	<b>2,450,000</b>	<b>1,015,000</b>	<b>385,000</b>	<b>1,510,000</b>	<b>750,000</b>	<b>750,000</b>

<b>Other</b>							
Equipment Replacement	0		0	61,000	61,000	61,000	61,000
Civic Centre Demolition	0	650,000				0	0
General Offices and Community Hubs		180,000					
Disabled Discrimination Act Compliance	45,000			0	0		
City Deal Commitments		194,000	1,220,900	2,441,800			
Staff Support Recharges	<b>524,000</b>	524,000	524,000	524,000	474,000	400,000	400,000
<b>TOTAL</b>	<b>3,850,000</b>	<b>6,059,000</b>	<b>4,077,900</b>	<b>4,476,800</b>	<b>2,810,000</b>	<b>2,296,000</b>	<b>2,296,000</b>
<b>FUNDING</b>							
<b>Capital Programme Funding</b>							
USB	-	-	-	-	-	-	-
	1,973,000	1,932,000	1,905,000	1,905,000	1,905,000	1,905,000	1,905,000
General Capital Grant	-	-	-	-	-	-	-
	1,868,000	1,938,000	1,911,000	1,201,000	1,201,000	1,200,000	1,200,000
<b>Useable Capital Receipts Capital Programme</b>	<b>-400,000</b>	<b>-650,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>-327,000</b>	<b>-327,000</b>
<b>Useable Capital Receipts - Separate Projects</b>	<b>-260,000</b>						
	-	-	-	-	-	-	-
<b>Total Funding</b>	<b>4,501,000</b>	<b>4,520,000</b>	<b>3,816,000</b>	<b>3,106,000</b>	<b>3,106,000</b>	<b>3,432,000</b>	<b>3,432,000</b>
Original funding for future allocation							

<b>Excess expenditure / (Surplus funding) in year</b>	-651,000	1,539,000	261,900	1,370,800	-296,000	1,136,000	-
<b>Excess expenditure / (Surplus funding) including brought fwd</b>	-	-557,767	-295,867	1,074,933	778,933	-357,067	-
	2,096,767						1,493,067



# Agenda Item 20

*Cabinet and Council only*

Date signed off by the Monitoring Officer: 27.06.2023

Date signed off by the Section 151 Officer: 28.06.2023

Committee: **Council**  
Date of Meeting: **21<sup>st</sup> September, 2023**  
Report Subject: **Adoption of the Highways Asset Management Plan (HAMP) 2023-2028**  
Portfolio Holder: **Councillor Helen Cunningham Deputy Leader / Cabinet Member – Place & Environment**  
Report Submitted by: **David Watkins – Team Manager – Street Scene**

Reporting Pathway								
Directorate Management Team	Corporate Leadership Team	Portfolio Holder / Chair	Governance and Audit Committee	Democratic Services Committee	Scrutiny Committee	Cabinet	Council	Other (please state)
06/06/23	08/06/23				20/06/23		21/09/23	

## 1. Purpose of the Report

- 1.1 To formally adopt Blaenau Gwent's Highways Asset Management Plan (HAMP) 2023-2028

## 2. Scope and Background

- 2.1 The Highway Asset Management Plan (HAMP) describes how the Council will maintain the road network under its control. It details the procedures used to plan and execute all works and functions associated with the management, operation and maintenance of the highway asset including how the activities are monitored to ensure compliance with council policies.

- 2.2 The HAMP (appendix 1) outline the methods and specifications for the recording and maintenance of all highway assets and has been divided into the following sections:

Section 1: Introduction/Policy

Section 2: Highways Asset Management Strategy for the Adopted Highway

Section 3: Highways Data Management Plan for the Adopted Highway

Section 4: Highways Asset Maintenance Plan for the Adopted Highway

Section 5: Risk Based Approach Methodology for the Adopted Highway

Section 6: Highways Drainage Cleansing Service for the Adopted Highway

Section 7: Skid Resistance Policy for the Adopted Highway

2.3 The HAMP will guide Blaenau Gwent County Borough Council acting as the Highway Authority, in the management of the adopted highway network to ensure that:

- All assets continue to deliver a service to the community and highway users at an agreed level.
- There is clear direction for Elected members and Council staff to make informed decisions regarding the adopted highway network.
- Legislative requirements are satisfied.
- Exposure to safety risk is mitigated to agreed and acceptable levels.
- Asset purchases, increases or construction are only approved after whole life costs and benefits are assessed and agreed.
- Clear and transparent allocation of responsibilities for the management of individual assets is recorded.

2.4 The HAMP will assist Blaenau Gwent County Borough Council in meeting its legal duties and to support this the following National Guidance has been used. The methods adopted in the HAMP are based upon the contents of the following:

- “Well-Managed Highway Infrastructure: A Code of Practice, UK Roads Liaison Group, 2016”
- “Risk Based Approach: Method”, 2018, County Surveyor Society (WALES) CSSW, 2018
- “Highway Inspection Defect Recording Manual”, CSSW, 2018

2.5 As of February 2023, the Council, in its role as Highway Authority, have assets made up of the following major groups:

- 518 Km of carriageway.
- 52 road bridges & 35-foot bridges.
- 232 retaining walls.
- 11 subways.
- 188 storm water culverts of which 73 are classed as “critical”
- 68 large culverts >0.90m
- 12,936 streetlights, of which 12,936 are lit between the hours of dusk and midnight and then 05:00 a.m. and dawn and 190 are not currently illuminated,
- 40 sets of traffic signals, (including Pelican, Puffin and Toucan crossings),
- 1,798 Illuminated traffic signs and bollards,
- 13,500 road gullies,
- 21,867m of safety barrier
- 464m Pedestrian barrier
- 1 tunnel (Cwm Bypass)

- 2.6 The HAMP relates only to the Council's obligations as a Highway Authority and therefore only includes those assets on the publicly adopted highway. Private streets and roads transferred to social landlords are not included.
- 2.7 Blaenau Gwent County Borough Council as a landowner is responsible for assets that are not classed as "adopted highway", such as Council owned streets and footways, and will maintain these in a safe state, as required by legislation or judicial precedent, however, this may be below the level of service afforded to the adopted highway network.
- 2.8 The HAMP for the adopted highways 2023-2028 records the methods used to manage the road assets, specifically it records how and when the Authority:
- Inspects
  - Categorises and prioritises reactive repairs
  - Assesses condition
  - Identifies and prioritises sites or assets for replacement or strengthening.
  - Prepares works programmes
  - Procures and manages works
  - Records and reports Costs
  - Records and responds to customer contacts
- 2.9 A presentation has recently been given to Members around Highway Maintenance and the importance of the Highway Asset Maintenance Plan in defining how the Highways will be inspected and maintained and the significance this has in defending Insurance claims in Court.
3. **Options for Recommendation**
- 3.1 This report was considered by the Place Scrutiny Committee on 20<sup>th</sup> June, 2023. Members recommended Option 1 - that Council adopt the Highways Asset Management Plan 2023-28.
- Scrutiny Committee members also asked that Cabinet / Corporate Leadership Team seek to identify appropriate funds to implement a future Capital Works Programme.
- 3.2 **Option 1 [preferred]** – Members provide comment and support the adoption of the Highways Asset Maintenance Plan (HAMP) 2023-2028.
- Option 2** – Members do not support the adoption of the Highways Asset Maintenance Plan (HAMP) and offer comments to this effect.

#### 4. **Evidence of how this topic supports the achievement of the Corporate Plan / Statutory Responsibilities / Blaenau Gwent Well-being Plan**

4.1 This proposal supports the amendments made to the Outcome Statements within the Corporate Plan 2022/27 Outcome Statements:

- Protect and enhance our environment and infrastructure to benefit our communities
- Support a fairer sustainable economy and community
- To enable people to maximise their independence, develop solutions and take an active role in their communities
- An ambitious and innovative council delivering quality services at the right time and in the right place

4.2 This report supports the Blaenau Gwent Wellbeing Plan 2018-2023 by ensuring that having a “Street Scene and Landscape” that is well maintained enhances the perception of the area and can contribute to Blaenau Gwent being a better place to live, visit, invest in and work.

#### 5. **Implications Against Each Option**

##### 5.1 ***Impact on Budget (short- and long-term impact)***

##### 5.1.1 **Cost Implications Option 1**

5.1.1.1 There are no cost implications associated with this report, however, highways maintenance does come at a price and funding will need to be identified in 2023/24 and future years to meet the maintenance needs of the highway’s assets and infrastructure.

5.1.1.2 The HAMP identifies some priority highway infrastructure works (Appendix F) estimated at £1.2m that needs to be considered in the short term.

5.1.1.3 The estimated value of the highway assets is over £1,044,000,000 (One £Billion+). The current annual revenue maintenance budget for 2023/24 associated with highways assets (including street lighting) is £2,669,520, this represents 0.26% of the value of the assets.

##### 5.1.2 **Cost Implications Option 2**

2.1.2.1 The cost implications would remain even if option 2 was the preferred option.

##### 5.2 ***Risk including Mitigating Actions***

There are a range of risks to the Council and to the Community if the HAMP is not adopted, including:

- There being no strategic plan for dealing with highways maintenance matters.
- Insurance claims will be difficult to defend.
- Highway maintenance will be difficult to plan and schedule.
- Risk based maintenance intervention levels will not be documented and adopted by Council.
- A consistency approach to highways maintenance across several local authorities will not be in place.

### 5.3 **Legal**

5.3.1 As the Highway Authority the Council has a duty to meet the requirement of the following legislation:

- **The Highways Act 1980:** This places a duty upon Highway Authorities to maintain highways, adopted and maintainable at public expense, and to keep them safe for public use
- **New Roads and Street Works Act 1991:** This places a duty upon Highway Authorities to co-ordinate all works in the highway for the purposes of ensuring safety, minimising inconvenience to highway users, and protecting the highway and apparatus in it.
- **The Traffic Management Act 2004:** This places a duty on Highway Authorities to ensure the expeditious movement of traffic on their road network and networks of surrounding authorities.

## 6. **Supporting Evidence**

### 6.1 **Performance Information and Data**

6.1.1 Blaenau Gwent County Borough Council will collate data to report on several national and local suites of performance indicators. Whilst this data does not form part of the HAMP it does provide results which are required to be included in performance reports.

6.1.2 A list of performance indicators (PI's) has been established through working with CSSW and can be found in appendix H of the HAMP, these will be explored in more detail with the intention to report upon an annual basis.

### 6.2 **Expected outcome for the public**

6.2.1 The council providing a well-maintained highways infrastructure that is safe to use.

### 6.3 **Involvement (consultation, engagement, participation)**

6.3.1 As part of the highway asset management process, BGCBC will consult the public and partners on general highway related matters via the Council's website. It is proposed that this is carried out bi-annually from

2023/24. The survey will ask the same questions so that customer trends and satisfaction rates can be assessed.

#### 6.4 ***Thinking for the Long term (forward planning)***

6.4.1 The HAMP sets out a strategy for dealing with highways maintenance in the short, medium, and long term.

6.4.2 Investment in the residential highway network in Blaenau Gwent is identified to ensure sustainability for the future, bringing our roads up to a good standard and improving our highway infrastructure to meet the service requirements of the future.

#### 6.5 ***Preventative focus***

6.5.1 The HAMP sets out a strategy to preventing incidents on the highway networks through identifying detailed adopted maintenance intervention levels for all highways assets.

#### 6.6 ***Collaboration / partnership working***

6.6.1 The HAMP has been developed through partnership working with neighbouring authorities and professional working groups at local and national level, working closely with utility companies to plan future works through a collaborated approach.

#### 6.7 ***Integration (across service areas)***

6.7.1 The highways maintenance team works closely with a number of services in the delivery of maintenance programmes including Education, Regeneration and the Council's Engineering section.

#### 6.8 ***Decarbonisation and Reducing Carbon Emissions***

6.8.1 It is essential that the highway is maintained to acceptable levels to allow for traffic to flow without obstruction. A well-maintained highways infrastructure will reduce the need for unprogrammed and unnecessary road maintenance works and thus extending the life of the asset.

#### 6.9 ***Integrated Impact Assessment***

N/A

### 7. **Monitoring Arrangements**

7.1 The HAMP will be monitored through team and management meetings together with reporting through the Council's democratic process, through Scrutiny and other Council meetings.

## **Background Documents / Electronic Links**

Appendix 1 – Highways Asset Management Plan (HAMP)  
Appendix 2 – IIA HAMP

This page is intentionally left blank





**Blaenau Gwent**

**County Borough Council**

**Highway Asset Management Plan**

**2023 – 2028**

**01 June 2023**

## Document Control

Version Number	Amendments Made	Date
V3.0	Document review – Original	June 2023
<b>Next Review Due</b>		May 2025

## Council Approval

Version Number	Council Committee	Date
V3	Scrutiny Committee Cabinet Council	20 <sup>th</sup> June 2023

## Responsibility for the Manual

The responsibility for the delivery of and updating of this plan are shown below:

Council Officer	Responsible for
Head of Community Services	Ensuring compliance with the manual and updating of the manual

This set of documents outlines the methods and specifications for the recording and maintenance of all highway assets and has been divided into the following sections:

- Section 1: Introduction/Policy
- Section 2: Highways Asset Management Strategy for the Adopted Highway
- Section 3: Highways Data Management Plan for the Adopted Highway
- Section 4: Highways Asset Maintenance Plan for the Adopted Highway
- Section 5: Risk Based Approach Methodology for the Adopted Highway
- Section 6: Highways Drainage Cleansing Service for the Adopted Highway
- Section 7: Skid Resistance Policy for the Adopted Highway

Appendix;

- A. Asset Hierarchy
- B. Frequency of Inspections
- C. Defect Type and Intervention levels
- D. Competency Requirements (To be developed)
- E. Extract From Highways Act 1980
- F. Identified Highest Priority Classified Road Repairs 2023/24 and Assessment Matrix Example
- G. Traffic Sensitive Streets
- H. Performance Indicators PI's

## **Section 1**

**BLAENAU GWENT COUNTY BOROUGH COUNCIL**

**HIGHWAYS ASSET MANAGEMENT PLAN**

**INTRODUCTION AND POLICY**

**2023 - 2028**

Date	02/06/2023
Author	David Watkins
Issued to	
Version No.	

## 1 Introduction

### 1.1 Purpose

- 1.1.1. The purpose of this manual is to document how the council manages highway maintenance. The manual shows how the council aims to meet its duties as the highway authority. It documents the methods used to ensure that the risk to users is appropriately monitored and managed.

### 1.2 Scope

- 1.2.1 The Highway Asset Management Plan (HAMP) describes how the council will maintain the road network under its control. It details the procedures used to plan and execute of all works and functions associated with the management, operation and maintenance of the highway asset including how the activities are monitored to ensure compliance with council policies.

### 1.3 Plan Objectives

- 1.3.1 The HAMP guides Blaenau Gwent County Borough Council acting as the Highway Authority, in the management of the adopted highway network to ensure that:
- All assets continue to deliver a service to the community and highway users at an agreed level.
  - There is clear direction for Elected members and Council staff to make informed decisions regarding the adopted highway network.
  - Legislative requirements are satisfied.
  - Exposure to safety risk is mitigated to agreed and acceptable levels.
  - Asset purchases, increases or construction are only approved after whole life costs and benefits are assessed and agreed.
  - Clear and transparent allocation of responsibilities for the management of individual assets is recorded.

### 1.4 Legal Requirements

- 1.4.1 As the Highway Authority the council has a duty to meet the requirement of the following legislation:
- **The Highways Act 1980:** This places a duty upon Highway Authorities to maintain highways, adopted and maintainable at public expense, and to keep them safe for public use
  - **New Roads and Street Works Act 1991:** This places a duty upon Highway Authorities to co-ordinate all works in the highway for the purposes of ensuring safety, minimising inconvenience to highway users, and protecting the highway and apparatus in it.
  - **The Traffic Management Act 2004:** This places a duty on Highway Authorities to ensure the expeditious movement of traffic on their road network and networks of surrounding authorities.

### 1.5 National Guidance

- 1.5.1 To assist authorities in meeting their duties the following National Guidance is provided. The methods adopted in this manual are based upon the contents of the following:
- "Well-Managed Highway Infrastructure: A Code of Practice, UK Roads Liaison Group, 2016"
  - "Risk Based Approach: Method", 2018, CSSW, 2018
  - "Highway Inspection Defect Recording Manual", CSSW, 2018

### 1.6 Relevant Council Plans and Documents

1.6.1 This manual is part of a proposed suite of documents that will support the council's approach to managing the highway asset. These will include:

- Highway Asset Management Plan.
- Highway Data Improvement Plan.
- Annual Status and Options Reports.

### 1.7 Definitions

1.7.1 **Asset(s):** Any physical item(s) the Highway Authority acquires or constructs which gives a benefit or service to highway users.

1.7.2 **Asset Group/Class:** Any assets that are of similar type, role or construction.

1.7.3 **Asset Lifecycle:** The period of time from asset acquisition to disposal, or renewal.

1.7.4 **Asset Management:** Activities and practices through which the Highway Authority optimally manages all assets including intellectual property associated to the adopted network, their performance, safety risk and expenditure over their lifecycle for the purpose of achieving the agreed objectives of the Highway Asset Management Plan.

1.7.5 **Asset Management Plan:** An agreed plan that details the financial expenditure on and technical treatments to, an asset or asset class over its lifecycle to optimise its availability to highway users.

1.7.6 **Asset Register:** A record of asset information considered worthy of separate identification.

1.7.7 **Level of Service:** The agreed, measurable service standard set for an asset, group of assets or asset class against which the Highway Authorities performance can be assessed.

1.7.8 **Whole of Life Costs:** The sum of all costs incurred by an asset over its lifecycle, containing any construction, capital, maintenance, and disposal costs.

## Section 2

**BLAENAU GWENT COUNTY BOROUGH  
COUNCIL**

**HIGHWAYS ASSET MANAGEMENT STRATEGY**

**FOR THE ADOPTED HIGHWAY**

**2023- 2028**

Date	01/06/2023
Author	David Watkins
Issued to	
Version No.	

### 1 Executive Summary

1.1 Highway asset management is defined as:

1.1.1 “A strategic approach that identifies the optimal allocation of resources for the management, operation, preservation and enhancement of the highway infrastructure to meet the needs of current and future customers”

1.1.2 The adoption of an asset management approach is now deemed by Welsh Government as a proven means to demonstrate effective husbandry of the highway network by providing significant financial understanding. This strategy records and reports how Blaenau County Borough Council will adopt and use these principles to manage the public highway assets.

1.1.3 This Strategy commits Blaenau Gwent County Borough Council to:

- a. Affordable Standards: the strategy establishes standards that can be afforded with current budgets and communicates them to the public and other users such that they know what service to expect.
- b. Long Term Planning: the strategy enables the medium term (10 year) and long term (20 year) time periods to ensure the correct balance of short-term fixes, preventative actions and replacement of aged assets.
- c. Budget Allocation: the strategy requires data to be collected about the highway assets that will enable informed decisions to be made about how best to spend the available budgets.
- d. Managing Risk: the strategy requires the analysis of asset data to gauge and manage the risk associated with any decisions resulting from the strategy.

1.2 The implementation of the strategy will support:

- a. The introduction of Whole of Government Accounts (WGA) and specifically the Chartered Institute of Public Finance and Accountancy (CIPFA) Transport Asset Code.
- b. The continuing desire by Welsh Government to see Authorities use asset management for highways, to realise and demonstrate the associated cost benefits and transparent governance of the assets associated with the road network.
- c. The need to manage increasing budget pressures resulting from the national and local financial position.
- d. The agreed aims of Blaenau County Borough Council’s Corporate Plan 2022-2027

1.3 The extent of the adopted highway is held by Blaenau Gwent County Borough Council, and the highway asset is any structure, system, construction, or land associated with the adopted highway.

1.4 As of February 2023 the Council, in its role as Highway Authority, have assets made up of the following major asset groups:



- 518 Km of carriageway,
- 52 road bridges, 35-foot bridges and 11 subways.
- 188 storm water culverts of which 73 are classed as “critical”
- 68 large culverts >0.90m
- 12,936 streetlights, of which 12,936 are lit between the hours of dusk and midnight and then 05:00 a.m. and dawn and 190 are not currently illuminated,
- 40 sets of traffic signals, (including Pelican, Puffin and Toucan crossings),
- 1,798 Illuminated traffic signs and bollards,
- 13,500 road gullies,
- 21,867m of safety barrier
- 464m Pedestrian barrier
- 1 tunnel (Cwm Bypass)
- 232 Retaining walls

**A full list of highways assets is available electronically from file.**

- 1.5 The HAMP relates only to the Council’s obligations as a Highway Authority and therefore only includes those assets on the publicly adopted highway. Private streets and roads transferred to social landlords are not included the extents of the adopted highway are available via the Council’s web site.
- 1.6 Blaenau Gwent County Borough Council as a landowner is responsible for assets that are not classed as adopted highway, such as Council owned streets and footways, and will maintain these in a safe state, as required by legislation or judicial precedent, however, this may be below the level of service afforded to the adopted highway network.
- 1.7 All public enquiries or complaints that are highway related are dealt with through the Council’s customer call centre and “My Council Services” (MCS) systems. These include contacts using telephone, e-mail, or social media platforms and face-to-face and are recorded and logged onto a highways database, (currently Mayrise), and these are electronically transferred to the relevant sections and officers for action or comment. This flow of information is analysed to ensure that all communications are within the Council’s targets for dealing with such interactions.
- 1.8 As part of the highway asset management process, BGCBC will consult the general public on general highway related matters via the Council’s website. It is proposed that this is carried out bi-annually from 2023/24. The survey will ask the same questions so that customer trends and satisfaction rates can be assessed.

### **1 Introduction**

- 1.1 This document summarises Blaenau County Borough Council's asset management planning practices for the period 2023 until 2028. It details the tasks and activities that are required through the year and provides details of the instruction documents, spreadsheets and template documents required of this strategy.

### **2 Asset Management Policy Statement**

- 2.1 Blaenau Gwent County Borough Council Highways Asset Management Policy Statement confirms the Council's commitment to:

- Applying asset management systems to manage its adopted highway asset
- Publish a Highways Asset Management Plan (HAMP)
- Report achievements and performance annually

### **3 Performance Indicator Returns**

- 3.1 Blaenau Gwent County Borough Council will collate data to report out several National and local suites of performance indicators. Whilst this data does not form part of the HAMP it does provide results which are required to be included in performance reports.

### **4 Highways Asset Maintenance Plan**

- 4.1 The HAMP for the adopted highways 2023-2028 records the methods used to manage the road assets, specifically it records how and when the Authority:

- Inspects
- Categorises and prioritises reactive repairs
- Assesses condition
- Identifies and prioritises sites or assets for replacement or strengthening
- Prepares works programmes
- Procures and manages works
- Records and reports Costs
- Records and responds to customer contacts

### **5 Annual Status and Options Report (ASOR)**

- 5.1 An Annual Status and Options Report (ASOR) will summarise the status of each asset group in terms of its condition, compliance with meeting repair standards, level of public complaint/contact etc. The report will describe the result of the previous year's investment in terms of meeting the target service standards. The status report will enable the Council to note if the standards in the HAMP are being met or not. Based upon the current status, the report will then set out the options available to the Council for the future. These will include relevant data sufficient to enable the Council to choose how to best allocate the following years budgets and to decide whether any of the service standards contained in this HAMP need to be revised. In particular they will address the types of works that are planned and state the approach to be used.

### **6 Asset Levels of Service**

6.1 Fundamental requirement of a HAMP is to record the service standards that the Council is aiming to deliver for each asset group and the plan will endeavour to identify any risks that may prevent the plan being realised. The strategy will reflect local context in terms of traffic levels, customer preferences and the Council's corporate strategies.

**7 Annual Works Programme**

7.1 The Annual Programme once agreed and scrutinised will detail each asset class with a proposed schedule of works together with the current target Level of Service.

**8 Annual Updating Regime**

8.1 It is intended that the HAMP documents and spread sheets are reviewed and updated annually, and in line with the County Surveyors Society (Wales) (CSSW) training workshops the following timetable will be utilised:

Blaenau Gwent County Borough Council Annual HAMP Update Programme													
		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1	Annual Policy Review	■											
2	Data Assessment		■	■									
3	Asset Valuation				■	■							
4	Collation of Performance Information						■	■					
5	Maintenance Manual Update								■	■			
6	Annual Status and Options Report									■	■		
7	HAMP Update and Sign Off										■	■	
8	Works Programme	■											■

**Section 3**

**BLAENAU GWENT COUNTY BOROUGH  
COUNCIL**

**HIGHWAYS DATA MANAGEMENT PLAN**

**FOR THE ADOPTED HIGHWAY**

**2023- 2028**

Date	01/06/2023
Author	David Watkins
Issued to	
Version No.	

**1 Introduction**

**1.1 Asset Data**

- 1.1.1 This Plan records the data held about each of the Asset groups that make up the road asset, it details where the data is stored, and the systems used for data storage. It identifies how and when this data is updated, verified, and validated, and where data or system deficiencies exist these are acknowledged and, either a plan is included for how and when improvements will be made to the data systems or an explanation why the data is not recorded.

## 1.2 Types of Data

- 1.2.1 The type of data required to manage all asset classes will include:

**Inventory:** the number, location, size, type and age of the components that make up each asset.

**Condition:** measurement and a rating of the condition of the asset from testing, visual or other means.

**Inspection:** the inspection regime, inspection results and actions initiated by the inspection.

**Use:** the use of individual asset, such as traffic counts or heavy vehicle routes etc.

**Safety:** records of accidents or incidents that occur on the asset.

**Cost:** details of the unit cost of common activities and the overall cost to enable cost benchmarking.

## 1.3 Asset Management Data Uses

- 1.3.1 The use of asset management data allows BGCBC to:

- Provide public information to offer greater transparency
- Monitor and report on the condition of the assets that make up the highway network
- Predict and report on funding needs
- Identify and prioritise sites, areas or assets for maintenance work
- Monitor and report the performance of assets to inform local and national Key Performance Indicators (KPI)
- Assess the expected life of individual assets or asset components
- Place a value on the asset and calculate depreciation due to age and use to comply with Whole of Government Accounts (WGA)

## 1.4 Data Management

1.4.1 It is essential that the quality of the asset data that BGCBC hold is known and that the appropriate measures are taken to maintain this data. It is also important to identify where there are deficiencies and the timescales for collecting this data. Not all data needs to be collected, and BGCBC will identify those sets that have low-cost benefit together with any relevant review dates and reasoning.

**1.5 Roles, Responsibilities**

1.5.1 The designated officer who will assume the responsibility for data management for the asset group is as follows:

<b>Asset Group</b>	<b>Person Responsible for Asset Data</b>
<b>Carriageways</b>	<b>Team Leader - Highways</b>
<b>Footways/Footpaths</b>	<b>Team Leader - Highways</b>
<b>Cycleways</b>	<b>Team Leader – Green Team</b>
<b>Highways Drainage</b>	<b>Team Leader - Highways</b>
<b>Land Drainage Systems</b>	<b>Team Leader - Engineering</b>
<b>Street Lighting&amp; Illuminated Signs</b>	<b>Team Leader – Street Lighting</b>
<b>Non-illuminated Signs</b>	<b>Team Leader - Highways</b>
<b>Structures</b>	<b>Team Leader - Infrastructure</b>
<b>Traffic Signals</b>	<b>Team Leader – Street lighting</b>
<b>Street furniture</b>	<b>Team Leader - Highways</b>
<b>Highways Verges</b>	<b>Team Leader - Highways</b>

1.5.2 It is the responsibility of the officer listed above to ensure that data relating to the asset group for which they are responsible is updated, verified, validated, and reviewed as shown in the following sections and that any actions required to improve data are reported to the Highway Asset Management Officer.

1.5.3 Overall the responsibility for road asset data quality lies with The Head of Community Service.

**1.6 Data Updates**

<b>Inventory Updating Timings</b>	
<b>Type</b>	<b>Timing</b>
New Assets – Council Built	Annually update in November
New Assets - Adoptions	Within 3 months of confirmation of order
Major maintenance e.g. resurfacing	Annually update in November
Removals	Within 3 months of confirmation of order

**1.7 Data Verification**

1.7.1 In BGCBC individual officers, as part of their job description are responsible for individual or groups of assets classes. Where these officers gather new data in the course of their duties, a random sample no smaller than 10% will be abstracted and its accuracy verified by a line manager, colleague, or highway operative. Any inaccuracies or deficiencies in the data will be re-surveyed and re-verified by the same officer that carried out the original verification, the name, data and sample size will be attached where suitable as meta-data to the new data.

1.7.2 Where data is received for outside sources, the receiving officer or officer responsible for the asset will require the data provider to furnish an assurance or meta-data to prove a verification process. This will be then added to the new data as meta-data when entered into the appropriate electronic system.

**1.8 Data Validation**

1.8.1 BGCBC, hold large sets of asset data that will be used on an annual basis providing important information to programme future works, Key performance indicators and valuations etc. This data can lie dormant for long periods of time, and so errors can arise due to inadequate systemic updates. Therefore, at the bi-annual and end of the HAMP 2023-2028 this data will be verified by each officer responsible for that asset to ensure that the data is correct and current by selecting a random 10% of that data, and resurveying that data.

---

**Section 4**

**BLAENAU GWENT COUNTY BOROUGH  
COUNCIL**

**HIGHWAYS ASSET MAINTENANCE PLAN**

**FOR THE ADOPTED HIGHWAY**

**2023- 2028**

Date	01/06/2023
Author	David Watkins
Issued to	
Version No.	

**1 Introduction**

**1.1 Scope**



1.1.1 This manual is part of a suite documents that comprise Blaenau Gwent County Borough Council’s (BGCBC) policy in managing highway maintenance. It details how the adopted highway network is categorised into a hierarchy and how this network is inspected and repaired. This maintenance manual will have a proposed lifespan of 5 years (2028) and will be updated by the end of 2024 and 2026.

### 1.2 Purpose

1.2.1 This document will detail how the Highway Authority (HA) carries out its duties and demonstrate that the safety risks to users are appropriately managed with regard to both local, national and UK guidance.

### 1.3 Legal Requirements

1.3.1 The Highway Authority has a duty to meet the requirements of the Highways Act 1980, The New Roads and Streetworks Act 1991 and The Traffic Management Act 2004. These acts require the HA to maintain the highway at public expense, to co-ordinate all works in the Highway and to ensure the expeditious movement of traffic.

### 1.4 Guidance

1.4.1 BGCBC has reviewed, refreshed and aligned its highway asset management policies and procedures and this manual is the result. It has been produced to reflect the local conditions that take into account the guidance produced by the County Surveyors Society (Wales), (CSS Wales) – CSSW Nationally Consistent Response to the Code of Practice 2016 and the ‘Well Managed Highway Infrastructure: A Code of Practice, UK Roads Liaison Group 2016’ (WMHI 2016).

## 2 Roles Responsibilities and Competencies

2.1 The roles, responsibilities and competencies required of those involved in managing the council’s highway asset are defined below:

### Roles and Responsibilities

Role	Responsibility
------	----------------

Councillors (Executive Member for the Environment)	Approve the use of this document as council policy.
Team Manager Highway Maintenance	Develop the policy and standards, ensure their effective implementation, monitor the results, and undertake an annual risk assessment update.
Highway Maintenance Team Leader - reactive maintenance	Develop the policy and standards to be used, ensure their effective implementation, monitor the results, and undertake an annual risk assessment update.
Infrastructure Team Leader	Undertake inspections on Highway structures to check that they are safe for use and fit for purpose and to record the data on the structures AMX database system.
Highway Inspectors	Carry out inspections as per the inspection regime, recording the appropriate data for input into the "Mayrise" system.
Highways On-Call (Standby) Officers	To record, inspect and or assess any highways safety related report ensuring that this risk is mitigated until working hours.
Works Gangs	Carrying out repairs as per the repair regime and record the required data for input into the "Mayrise" system.
Contractors	Carry out repairs as instructed and record the required data for input into the "Mayrise" system.

### **3 Competencies and Training**

- 3.1 The CSSW HAMP Project are currently working on a suite of competency and training requirements to meet the 2016 Code of Practice recommendations. Once completed this section of the maintenance manual will be updated. However, Blaenau Gwent County Borough Council highways inspectors undertake highways competency inspection training every 2 years. As identified in Appendix D.

### **4 Network Hierarchy**

#### **4.1 Establishing the Network Hierarchy**

- 4.1.1 Within the both the CSS(Wales) and the Well Managed Highways Infrastructure CoP (WMHI) 2016 guidance, road hierarchy should be based on use, function, and the exposure to safety risk, at present the hierarchy is exclusively based on the road classification, which does not reflect this in all cases. Unlike in England, the process to alter the road classification is time consuming and costly, so it has been determined that the road classification need not be altered.
- 4.1.2 BGCBC in conjunction with CSS (Wales) have produced a revised road hierarchy based on the actual or estimated traffic flows. This has been used to produce a table that when populated has given an indication of the safety risk that a user can expect to be exposed to when passing any condition variation, (a sudden of dramatic change in the nature of the asset likely to increase the risk of harm) in a carriageway's surface. Therefore, all roads have been divided into network hierarchy categories that reflect their use, function, and the exposure to safety risk, this enables the creation of inspection and repair regimes that mitigate this.
- 4.1.3 CSS (Wales) and WMHI 2016 guidance suggests that a category of 'minor road' be included for traffic flows of below 200 movements per day. BGCBC have included this category into the Local Access Road definition, on the basis the traffic movements are so small that it offers no discernible benefit to determining highway safety risk within the Borough.
- 4.1.4 The highway assets have been divided into network hierarchy categories that reflect use and function. This enables the inspection and repair regimes to be related to their associated risk.
- 4.1.5 The network hierarchies have been derived in accordance with the Code of Practice "Well-Managed Highway Infrastructure: A Code of Practice, UK Roads Liaison Group, 2016" and the CSSW "Risk Based Approach: Method". Details of how the hierarchies were derived is held in the "4RA Annual Highway Asset Risk Review 2018" as an excel document.

**"Details of the hierarchies used for each asset group can be found in appendix A. The details of the hierarchy allocated to each individual asset are held in the council's asset management systems (Mayrise)."**

#### **4.2 Regional Consistency**

- 4.2.1 CSSW recommends that to achieve regional consistency consultation is undertaken with neighbouring authorities to enable consistent hierarchies to be allocated to assets which cross boundaries. At this time the consultation process is yet to be completed once done the assets with differing hierarchies between the council and a neighbouring authority will be listed in appendix A along with the reason for the difference.

#### **4.3 Update and Review**

- 4.3.1 The hierarchies are reviewed on an ongoing basis where changes to the asset occur and or significant changes in use happen (e.g. significant changes in traffic volume). As a minimum the hierarchy is reviewed and confirmed every 2 years. Records of the review are held in the "Blaenau Gwent County Borough Council 4RA Annual Highway Asset Risk Review". Any resultant recommended changes to the hierarchy will be proposed to council and their approval recorded.

#### **4.4 Carriageways**

- 4.4.1 The Well-maintained Highways Infrastructure (WMHI) 2016 Code of Practice Section A:4.3.11 states: -

***“The carriageway hierarchy will not necessarily be determined by the road classification, but by functionality and scale of use. Table 1 is intended to be used as a reference point from which to develop local hierarchies. The descriptions relate to the most usual circumstances encountered in the UK. There are likely to be, some very significant variations and Authorities should take their own circumstances into account.”***

4.4.1.1 The table below is abstracted from the WMHI 2016:

**Table 1 – Factors to Consider - Carriageways**

Category	Type of Road General Description	Description
Motorway	Limited access -motorway regulations apply	Routes for fast-moving long-distance traffic. Fully grade separated and restrictions on use.
Strategic Route	Trunk and some Principal 'A' class roads between Primary Destinations	Routes for fast-moving long-distance traffic with little frontage access or pedestrian traffic. Speed limits are usually in excess of 40 mph and there are few junctions. Pedestrian crossings are either segregated or controlled and parked vehicles are generally prohibited.
Main Distributor	Major Urban Network and Inter-Primary Links. Short - medium distance traffic	Routes between Strategic Routes and linking urban centres to the strategic network with limited frontage access. In urban areas speed limits are usually 40 mph or less, parking is restricted at peak times and there are positive measures for pedestrian safety.
Secondary Distributor	B and C class roads and some unclassified urban routes carrying bus, HGV and local traffic with frontage access and frequent junctions	In residential and other built-up areas these roads have 20 or 30 mph speed limits and very high levels of pedestrian activity with some crossing facilities including zebra crossings. On-street parking is generally unrestricted except for safety reasons. In rural areas these roads link the larger villages, bus routes and HGV generators to the Strategic and Main Distributor Network.
Link Road	Roads linking between the Main and Secondary Distributor Network with frontage access and frequent junctions	In urban areas these are residential or industrial interconnecting roads with 20 or 30 mph speed limits, random pedestrian movements and uncontrolled parking. In rural areas these roads link the smaller villages to the distributor roads. They are of varying width and not always capable of carrying two-way traffic.
Local Access Road	Roads serving limited numbers of properties carrying only access traffic	In rural areas these roads serve small settlements and provide access to individual properties and land. They are often only single lane width and unsuitable for HGVs. In urban areas they are often residential loop roads or cul-de-sacs.
Minor Road	Little used roads serving very limited numbers of properties.	Locally defined roads.

4.4.1.2 In Blaenau Gwent, the WMHI2016 Section 4: Table 1 (above) has been considered and the table below has been developed and will be utilised when defining hierarchy:

Table 1.1 Carriageways	
<p><b>Strategic Route</b> – Carriageway Hierarchy Strategic Route (CHSR).</p>	<p>Route enabling travel between regionally important locations, (in this document these routes are based on local significance and not on traffic volumes) in Blaenau Gwent the WMHI 2016 has been considered and only the A467, A4046 and the A4048 – Tredegar to Blackwood fit these criteria.</p>
<p><b>Main Distributor</b> – Carriageway Hierarchy 1 (CH1) <u>Blaenau Classification – A</u></p>	<p>Routes that have between 10,000 and 20,000 + vehicle movements per day. In Blaenau Gwent the WMHI 2016 has been considered and only the A467 (Brynmawr to Newbridge), A4248 (Brynmawr to Blaenavaon), A4046 (Ebbw Vale to Aberbeeg) and the A4048 (Tredegar to Blackwood) fit the criteria.</p>
<p><b>Secondary Distributor</b> – Carriageway Hierarchy 2 (CH2) <u>Blaenau Gwent Classification – B</u></p>	<p>Routes that have between 5,000 and 10,000 vehicle movements per day and as set out in the WMHI 2016 these may include B and C class routes, should have maximum 30mph speed limits, have high pedestrian footfall, and are generally bus routes. This criteria has been applied to the network.</p>
<p><b>Link Road</b> – Carriageway Hierarchy 3 (CH3) <u>Blaenau Gwent Classification – C</u></p>	<p>Routes that have between 1,000 and 5,000 vehicle movements per day and as set out in the WMHI 2016 these may include lesser used urban streets with random or tidal pedestrian footfall. This criteria has been applied to the network.</p>
<p><b>Local Access Road</b> – Carriageway Hierarchy 4 (CH4) <u>Blaenau Gwent Classification – U</u></p>	<p>Routes that have between 200 and 1,000 vehicle movements per day and as set out in the WMHI 2016 these may include roads serving limited numbers of properties carrying only access traffic. This criteria has been applied to the network.</p>
<p>Minor Road – Carriageway Hierarchy 5 (CH5)</p>	<p>Routes that have less than 200 vehicle movements per day as set out in the WMHI 2016. Access to properties (houses and farms)</p>
<p>Note: The number of roads currently listed in this table will change as traffic flows increase or decreases and will be reassessed at the “Mid Life Update” of this plan.</p>	

4.4.2 As of February 2023 there are 438km of roads on the adopted network with Unique Street Reference Numbers (USRN) that are maintained at public expense but, as traffic flow data has not been routinely collected since 2012, to establish vehicular flows for each street an estimation exercise has been

undertaken based on local knowledge, engineers estimates and where possible, cross referenced with any ad hoc data that is available to the HA.

4.4.3 Each street has been subject of a desktop exercise to determine the maximum vehicular movements per day split into 6-hour periods: 00:00 to 06:00, 06:00 to 12:00, 12:00 to 18:00, and 18:00 to 00:00. This allows engineers to have a better understanding and therefore more accurately model the usage profile of any given road. Until more accurate data is available this method will be used and revisited by the end of 2024 and 2026 to ensure that traffic flows for any given street remain as consistent as the data allows.

4.4.4 The table below has been produced to aid highway engineering staff to estimate the maximum expected vehicle movements on any given road:

<b>Table 1.2</b>									
<b>Estimated Maximum Traffic Flow</b>									
	00:00 – 06:00	Total	06:00 – 12:00	Total	12:00 – 18:00	Total	18:00 – 00:00	Total	Daily Total
	Vehicle every		Vehicle every		Vehicle every		Vehicle every		
Very High	2.5 seconds	8640	1.25 seconds	17280	1.25 seconds	17280	2.5 seconds	8640	51840
High	5 seconds	4320	2.5 seconds	8640	2.5 seconds	8640	5 seconds	4320	25920
Medium	30 seconds	720	7.5 seconds	2880	7.5 seconds	2880	10 seconds	2160	8640
Low	90 seconds	240	30 seconds	720	30 seconds	720	60 seconds	360	2040
Very Low	5 minutes	72	2 minutes	180	2 minutes	180	5 minutes	72	504

**4.5 Footways**

4.5.1 The following hierarchies included in the CSS (Wales) and WMHI 2016 guidance have been considered when establishing the footway hierarchy:

<b>Table 1.3 Footways</b>	
<b>Category</b>	<b>Description</b>
Pedestrian Areas in City Centre Shopping/Business Areas	Very Busy areas of towns as cities with high public space and Street scene contribution
Pedestrian Areas in Town Centre Shopping/Business Areas	Busy urban shopping and business areas and main pedestrian routes
Footways Outside Public Buildings or Facilities	Footways outside busy public buildings such as train/bus stations, hospitals, schools and colleges or small parades of shops etc. that experience significantly higher levels of use than the adjacent footways
Link Footways	Footways linking housing or industrial estates to other centres or routes
Local Access Footways	Footways in housing areas
Minor Footways	Rural footways with infrequent use

--	--

- 4.5.2 Both the CSS (Wales) and the WMHI 2016 suggests that a category of ‘minor footway’ be included where footfall is described as ‘little used rural footways serving very limited numbers of properties’, BGCBC have included this category into the Local Access Footway on the basis the footfall counts are so small and offers no discernible benefit to determining highway safety risk.
- 4.5.3 BGCBC has not historically collected routine pedestrian footfall figures, to establish a base figure for pedestrian footfall an estimation exercise has been undertaken based on local knowledge and where possible cross referenced with any ad hoc data that is available to the HA. BGCBC is intending to investigate ways to determine figures in future years
- 4.5.4 Each footway has been the subject of a desktop exercise to determine the maximum pedestrian movements per day split into 6-hour periods: 00:00 to 06:00, 06:00 to 12:00, 12:00 to 18:00, and 18:00 to 00:00. This allows engineers to have a better understanding and therefore more accurately model the usage profile of any given footway. Until more accurate data is available this method will be used and revisited annually as set out in the Highway Asset Management Plan (HAMP) to ensure that pedestrian footfall flows for any given footway remain as consistent as the method allows.
- 4.5.5 The table below gives an estimation of the maximum expected pedestrian movements over any part of a street:

<b>Table 1.4</b>									
<b>Estimated Maximum Pedestrian Footfall</b>									
	00:00 – 06:00	Total	06:00 – 12:00	Total	12:00 – 18:00	Total	18:00 – 00:00	Total	Daily Total
	Movement every		Movements every		Movement every		Movement every		
Very High	5 min	72	10 seconds	2160	5 seconds	4320	15 seconds	1440	7992
High	30 min	18	15 seconds	1440	10 seconds	2160	30 seconds	720	4338
Medium	1 hour	6	90 seconds	240	30 seconds	720	1 min	360	1326
Low	3 hours	2	3 min	120	90 seconds	240	3 min	120	482
Very Low	6 hours	1	10 min	36	6 minutes	60	10 min	36	133

- 4.5.6 Combining tables – and – the hierarchies for BGCBC footways are:

**Table 1.5**

**BGCBC Footway Hierarchy**

<b>Category</b>	<b>CSSW Description</b>	<b>WMHI 2016 Description</b>	<b>Estimated Maximum Pedestrian Footfall</b>	<b>Location</b>
Main Distributor	High use pedestrianised zone and footways in town centres	High use pedestrianised zone and footways in town centres	Very High	Abertillery TC Ebbw Vale TC Tredegar TC Brynmawr TC The Works site EV including the train station & General Offices
Secondary Distributor	Footways outside busy public buildings such as train/bus stations, hospitals, schools and colleges or small parades of shops etc. that experience significantly higher levels of use than the adjacent footways	Busy urban shopping and business areas and main pedestrian routes	High	Blaina TC Llanhilleth TC Nantyglo Garn Cross Cwm Ebbw Vale All school and college entrances including leisure and sports facilities and residential footways housing estates.
Link Access	Footways linking housing or industrial estates to other centres or routes	Linking local access footways through urban areas and busy rural footways	Medium	Cycleways, non-residential footways
Local Access	Footways in housing areas/ Rural footways with infrequent use	Footways associated with low usage, short estate roads to the main routes and cul-de-sacs/little used rural footways serving very limited numbers of properties	Low/Very Low	All other footways

**4.6 Structures**



4.6.1 The CSSW guidance indicate that structures require a slightly different approach to carriageways and footways and the hierarchy should be based more on risks to the functionality of the network. The structures hierarchies have been defined as follows:

Table 1.6 Structures	
Category	Description
Vital Structure	structure that is vital to the network and if required to have restricted use or removed from service would result in significant adverse disruption/delay to traffic movement
Important Structure	A structure that is deemed important to the functioning of the networks and restricted use or loss would cause disruption to traffic movement
Standard Structure	All other highway related structures

4.6.2 All structures across the Blaenau Gwent network have been listed and considered then given a hierarchy in line with the above categories. Details of the hierarchies used for each asset group can be found in appendix A. The details of how the hierarchies were derived are held in the council's "4RA Annual Highway Asset Risk Review 2018".

**4.7 Street Lighting**

4.7.1 In recent years BGCBC has invested in options to reduce the Council's Carbon footprint through changing lanterns to LED and adopted a policy of risk assessed switch off or part night lighting of streetlights to achieve this. Historically the safety hierarchy of streetlights has been based on the electrical safety of individual columns, however, to ensure that there was no increased safety risk or legal issues by deactivating lights across the County Borough a safety risk assessment exercise was undertaken to identify those lights that were to remain on during the hours of darkness. This included roundabouts, junctions, roads with traffic calming and lights within 30 mph areas to meet the requirement of the Road Traffic Regulation Act 1984, Section 82(1)(a).

4.7.2 Maintenance of the asset is carried out via a small internal team which is supported by an external contractor who supports at times when required for attendance for faults and outages. The inspection regime is included in appendix B.

**4.8 Traffic Signals**

4.8.1 Based on the CSSW guidance the following hierarchies have been used:

Table 1.7 Traffic Signals	
Category	Description
Vital Junction	Due to the limited number of traffic signal-controlled junctions in the Borough all illuminated traffic signals at any junction in the Borough are classed as vital
All other Signals	This will include all illuminated pedestrian signal crossings

---

4.8.2 BGCBC maintain their traffic signal assets via a small internal team supported by external contractors the hierarchy is therefore set as per table 1.7 and maintenance and call out regimes are included in this document.

### 4.9 Regional Consistency

4.9.1 Consultation has been undertaken prior to adopting this policy with Caerphilly, Torfaen, Monmouth and Newport HA's and nationally with all Local Authorities in Wales via the CSS (Wales) HAMP project, to ensure that a broadly consistent approach to Highway Asset Management is taken. BGCBC has confirmed that where routes cross into neighbouring Authorities hierarchies and so inspection regimes have a high level of commonality.

### 4.10 Update and Review

4.10.1 The carriageway hierarchies and associated inspection frequencies will be reviewed by the end of 2023 and again in 2024 for the lifecycle of this plan, and will only be altered if:

- Evidence is available to prove that the current traffic flow data has changed
- Case law is cited to which the CSS Wales HAMP project accept is relevant
- New statute or guidance is issued

## 5 Inspection Regime

### 5.1 Types of Inspection

5.1.1 In order to monitor the condition and repair needs of the asset the council deploys a regime of inspections of varying types and frequencies.

5.1.2 The council undertakes the following types of inspection:

- **Reactive Inspections/Response:** inspections undertaken in response to the notification to the authority of potential defects by other sources (council employees, members of the public, emergency services etc.).
- **Planned/Routine Inspections:** A regime of planned inspections the purpose of which is to identify defects that have the potential to cause harm to users and to identify defects that require repair in order to prevent escalation of deterioration and increased (avoidable) maintenance needs.
- **Condition Surveys:** A regime of condition surveys that record the condition of components of the asset such that a programme of renewal/replacements can be derived. Condition surveys can be visual, or machine based and may include testing where such is appropriate for the asset type.

Planned routine inspections are a combination of:

- **Driven Inspections:** inspections of the carriageway undertaken with a driver and a Highway Inspector, carried out from a slow-moving vehicle at a speed appropriate to the road conditions.
- **Walked Inspections:** inspections undertaken by a Highway Inspector on foot at a walking pace on the footway, where the footway and carriageway are assessed.

### 5.2 Inspection Frequencies

#### 5.2.1 Reactive Inspections

5.2.1.1 Where a “safety” defect is notified to the council by a third party an inspection of the defect will take place within 48 Hours and action will be taken as per the Council’s repair regime. (See section 6.1.1) repair regime for details of safety defect criteria).

5.2.1.2 Where a “maintenance” defect is notified to the council by a third party an inspection of the defect will take place within 7 Days and action will be taken as per the Council’s repair regime. (See section 6.1.1) repair regime for details of maintenance defect criteria).

#### 5.2.2 Routine Inspection Frequencies

5.2.2.1 Routine Inspection frequency is based on the Network Hierarchy. It has been determined using the CSSW Highway Asset Risk Review Method and is reviewed every 2 years. The frequency of routine inspections is shown in Appendix B along with the CSSW minimum recommended standards.

#### 5.2.3 Inspection Tolerance

5.2.3.1 Due to the effect of adverse weather and to allow for sickness or leave it is possible that the specified frequencies cannot be met in some circumstances. For this reason a tolerance in frequency of inspections is permitted with details provided in Appendix B. Any changes to the frequencies must be approved by the Director of Community Services before they are implemented.

#### 5.2.4 Inspection Schedule

5.2.4.1 Inspection routes in compliance with the regime above are held in the council’s asset management system (Mayrise). The asset management system (Mayrise) contains details of the inspection regimes, the inspections undertaken and the date of the next scheduled inspection. The use and character of a road will be considered when scheduling inspections, for example to avoid periods with higher numbers of parked vehicles. Best endeavours will be made to ensure that the timing of the inspection enables defects to be identified effectively.

#### 5.2.5 Inspected Assets

5.2.5.1 The assets inspected during the routine inspection include (but are not limited to) the following:

- Carriageways
- Footways
- Covers, Gratings & Frames (inc. Statutory Undertakers apparatus)
- Kerbs, Edgings and Channels
- Drainage
- Guardrails, Fencing and Restraint Systems
- Verge, Trees and Hedges
- Road Studs and markings
- Signage
- Street Lighting,
- Traffic Systems, Controlled Crossings, Illuminated Bollards and Cabinets
- Cleanliness and Weed Growth

#### 5.2.6 Recording of Inspection Records

5.2.6.1 Records of the inspection and the resulting observations are recorded in hard copy notebooks (diaries) the hand-written notes are then transferred by the inspectors into the Mayrise system daily, work is currently underway to move to an electronic system to prevent double handling of information.

#### 5.2.7 Condition Assessments

5.2.7.1 BGCBC undertake the following condition assessments on their highway assets. The frequency of condition assessment is given in Appendix B. The visual condition assessments intervals for carriageway and footway are being reviewed and this document will be updated following the results of the review.

##### a) Carriageways

###### i. SCANNER (Surface **Condition Assessment** of the National Network of Roads)

SCANNER is a machine condition survey undertaken from a vehicle moving at traffic speeds. The results of the survey are held offsite by WDM and accessed via the WDM / WIP online interface.

###### ii. SCRIM (Sideway-force Coefficient Routine Investigation Machine)

The SCRIM data measuring wet road skidding resistance is stored in the Mayrise asset management system.

###### iii. Visual Condition Assessment

A visual condition survey of all roads has been undertaken using the CSSW Visual Condition Assessment Method. The carriageway condition has been assessed by a CSSW trained inspector. Carriageway visual condition information is stored in the Mayrise database.

SCANNER and SCRIM surveys are arranged via a central contract managed by the Welsh Government. The contract covers A, B and C Roads. SCANNER surveys are not undertaken on the unclassified road network.

##### b) Footways

Visual Condition Assessment

A visual condition survey of all footways has been undertaken using the CSSW Visual Condition Assessment Method. The footway condition has been assessed by a CSSW trained inspector. Resulting condition information is stored in the Mayrise database.

##### c) Structures

Visual Condition Assessment

Structures are inspected using two levels of inspection:

- i. General Inspections (GIs); GIs are visual inspections, possibly with some hands-on and basic assessment e.g. hammer tapping and measurements.
- ii. Principal Inspections (PIs); PIs are a more detailed visual inspection, with hands-on assessment of most/all elements plus detailed assessment e.g. hammer tapping, half-cell, chloride measurements etc.

A General Inspection involves recording the extent and severity of observed defects on a form the data from which is subsequently entered into the CSS Bridge Management System "Asset Management Expert" (AMX) data base.

A Principal Inspection involve the creation of a detailed report along with the data recorded on the form. The results of these inspections are also entered into the BGCBC Bridge Management System (AMX).

**d) Street Lighting**

The condition of street lighting assets is assessed as follows:

i. Visual Condition

Visual condition assessment is carried out on an adhoc basis during maintenance visits with any obvious defects or poor condition assets being reported and actioned accordingly.

ii. Electrical Safety

Electrical testing is carried out by an external contractor on all equipment. The results of the electrical testing are entered onto the Mayrise asset management system.

iii. Lighting Column Structural Testing

A programme of structural testing is being undertaken on all lighting columns using an external contractor. The results of the structural testing provide condition rating as follows:

- Red: Programme for removal (normally within 5 days)
- Amber: Retest within 3 years
- Green: Retest within 6 years

The results of the structural testing are entered onto the Mayrise asset management system.

Vi Remote Monitoring

The council operates a remote monitoring system on 12,936 street lights the system, Telensa, allows wireless remote control for each street and real-time fault monitoring to identify and react to outages.

**6 Repair Regime**

6.1 Repairs identified via inspection or by 3<sup>rd</sup> party notification, are prioritised for repair based upon the risk that pose to users. The methods used to do this are set out below.

**6.1.1 Defect Categories**

6.1.1.1 The data recorded during inspections is used to determine defect categories. Defect categories prioritise repairs using the defect response times adopted by the council and shown below:

Defect Categories	Description	Response Time
-------------------	-------------	---------------

Critical Defect	A situation where the inspecting officer considers the risk to safety high enough to require immediate action, e.g. Collapsed cellar, missing utility cover, fallen tree, unprotected opening	2 Hours*
Safety Defect	Service requests or defects requiring a response as soon as possible to remove a potential risk of injury to users	By end of Next Working Day
Maintenance Defect (High)	Other defects that warrant treatment, in order to prevent them deteriorating into a safety defect prior to the next scheduled inspection	10 Working Days (a working day is Monday to Friday and includes bank holidays)
Maintenance Defect (Medium)	Defects that warrant treatment to prevent them deteriorating into a safety defect prior to the next scheduled inspection	30 Working Days
Maintenance Defect (Low)	Other defects that warrant treatment, in order to prevent them deteriorating to such an extent that additional works or costs are incurred	As per the local works programme

***Response time for critical defects refers to the time to attend site, make safe or repair will then be asap thereafter. Making safe may constitute displaying warning notices, coning off or fencing off to protect the public from the defect.***

### 6.1.2 Defect Types and Intervention Levels

6.1.2.1 Details of the defect types identified and the intervention levels that have been prescribed for each defect category are provided in Appendix C.

### 6.1.3 “24 Hour” Emergency Cover

6.1.3.1 The Council operates an emergency service via an out of hours Contact Centre “Car Call” based in Abertillery between 16:00 and 08:00 when the office is closed. Incidents are reported to the contact centre who forward them to the Duty Officer and emergency response is provided if required.

6.1.3.2 This service provides where necessary an immediate and co-ordinated response to maintain highway safety at all times. Hazards dealt with include problems such as flooding, ice and snow, unsafe street works, abandoned vehicles, traffic signal failure, electrical danger at street lighting installations, and clearing of the highway following a road traffic accident.

6.1.3.3 An incident log is produced by the Contact Centre for every out of hours period. When action can be safely deferred, this log is used to initiate any additional action required in respect of particular incidents on the next working day.

### 6.1.4 Works Ordering

6.1.4.1 Works orders are generated automatically using the council’s asset management system (Mayrise) following the input of the inspection records.

### 6.1.5 Recording of Repair Records

- 
- 6.1.5.1 On completion of the repair the works representative record details of the type of work undertaken, the materials used and the dimensions of the repair in hard copy and pass the information to the business support team.
  - 6.1.5.2 The business support team update the Council's asset management system (Mayrise) with the supplied information.
  - 6.1.5.3 The defect will only be deemed 'fully repaired' once all records have been entered into the asset management system.

## 7 Winter Maintenance

- 7.1 Section 111 of the Railways and Transport Act 2001 amended Section 41(1A) of the Highways Act 1980 (duty of a highway authority to maintain the highway) which reads:

***a) The authority who are for the time being the highway authority for a highway maintainable at public expense are under a duty, subject to subsection (2) and (3) below, to maintain the highway.***

***b) (1) In particular, a highway authority is under a duty to ensure, so far as is reasonably practicable, that the safe passage along the highway is not endangered by snow and ice.***

This is not an absolute duty, given the qualification of 'reasonable practicability', but it does effectively overturn previous legal precedence, albeit not with retrospective effect. Well-Managed Highway Infrastructure recognises that it is not practical or possible to provide the service on all parts of the network and ensure that running surfaces are kept free of ice and snow at all times, even on treated parts of the network. To comply with the legislation BGCBC have formulated and agreed a Winter Maintenance Plan, which is updated annually.

## 8 Flooding

- 8.1 Heavy Rain

- 8.1.1 BGCBC have an extensive historic database of the possible locations of flooding to the highway network and have formulated a system of pre-inspection and cleansing using the Gully and Culverts Maintenance Schedule. All roads within the Borough have some method of transporting rainwater from their surface, this ranges from a channel at the side of the carriageway through a formal system of gullies and outfall pipes creating a storm water system. The most common type of highway drainage system employed in BGCBC is of the gully and outfall pipe system. It is recognised that in times of storm the highway can flood and cause a danger to highway users, to reduce the risk of this BGCBC carry out routine cyclical gully maintenance. Gullies located in the adopted highway are inspected, and where necessary cleansed on a cycle determined by the route of a single gully machine operated by dedicated highway operatives to ensure the drainage system is functioning correctly. The Gully cleansing schedule also includes a list of what has been identified as "critical gullies" gullies that are known to be at risk to flooding which are inspected and cleansed more often, normally every four weeks.

***It must be noted that the primary function of a highway drainage system is to reduce the risk of flooding to the highway; it is not to protect adjacent landowners. It is accepted that by cleansing the highway drainage system some landowners adjacent to the highway gain a benefit from this operation, however, road safety is the primary consideration when prioritising operations during storm events.***

- 8.1.2 BGCBC realise that due to the unique topography of “the three Valley’s” covering BGCBC, that watercourses feeding the Ebbw Fach, Ebbw Fawr and Sirhowy rivers have in the past caused severe flooding to the highway network. A schedule of culvert entrances known or likely to cause such flooding is held by BGCBC and these are inspected and cleansed as per the maintenance schedule for Gullies and Culverts.

## 9 Statutory Undertakings (Utility Companies)

- 9.1 The condition and management of the highway is affected by third party works. The management of these third-party activities is governed by legislation (New Roads and Street Works Act (NRSWA) 1991). The manner in which the council complies with its duties under this act is set out below.

### 9.1.1 Street Works

- 9.1.1.1 All utility activity undertaken on the council’s highway network is co-ordinated by the Street Works Team and recorded within the Mayrise asset management system. The Street Works Team ensure that all statutory undertakers comply with the New Roads and Street Works Act (NRSWA) 1991 and all amendments as notified in the Traffic Management Act 2004, to ensure that all works undertaken on the highway are completed to the required standards and are programmed to achieve the least disruption to members of the public.

### 9.1.2 Procedures

- 9.1.2.1 The detailed procedures used for undertaking this work include:

- **street works licenses;** the license that utilities must apply for in order to work on a council road
- **street works register;** the register kept by the council in the “Mayrise” asset management system that records where and when utilities are working on the highway
- **notices of works;** the notices that have to be issued prior to works commencing, that should be issued by the organisation that is carrying out the works (which may be the council)
- **restrictions on works;** preventing works being carried out on roads that have been recently resurfaced for a period of time after completion of those works
- **co-ordination of works;** coordinating works in an appropriate sequence and at appropriate intervals where more than one organisation needs to work on the same street
- **designation of protected streets,** where the council can assign a protection on specific streets being used by utilities
- **standards of re-instatement;** the council’s specification for what the standards of reinstatement should be on categories of road including materials and depths etc.
- **apparatus affected by highway works:** where the council notifies utilities where road works are planned to ensure that provision is made for the protection or diversion of the existing utility apparatus

- 9.1.2.2 Utility works have a significant effect upon the condition of the highway and the user’s perception of it. In the future ASOR reporting will reference the number of openings made and the standards of reinstatement being achieved such that a true picture of condition and its causes are known.

### 9.1.3 Reinstatement Specification



9.1.3.1 The works carried out by Statutory Undertakers are controlled and co-ordinated by a BGCBC officer dedicated to dealing with the New Roads and Street Works Act 1991 utilising the specification for the Reinstatement of Openings in Highways 2nd edition 2006. All non-emergency works are presented to the South East Wales Highway Authorities and Utilities Committee, where suitable timings and working practices are agreed in order to resolve any local conflicts.

## 10 Verge Maintenance

10.1 BGCBC utilises the in-house grounds maintenance resource to cut and manage the highway verge, visibility splays and any associated shrubs or trees contained therein. Grass cutting is carried out from April until September each year on a rolling programme. The extents of the asset are recorded and held on the Council's GIS database. Weather permitting this gives a maximum number of 4 cuts per year. All arising's are removed from the highway via mechanical sweeper and from footways by air blower. On high speed or traffic sensitive streets where traffic management is deemed to be required the cutting regime will be organised on a risk basis. Depending on location the grass and vegetation is cut using a variety of mechanical methods appropriate to the site and time of year.

## 11 Cost Recording

11.1 The cost of the activities required to maintain the highway are recorded to enable them to be monitored and managed. The coding used to record costs is shown below.

### 11.1.1 Cost Coding

Highway maintenance costs are allocated to one of the following categories.

Cost Category	Activity
Planned Maintenance - Preventative	Planned maintenance activities that are designed to ensure that more expensive future repairs may not be needed.
Planned Maintenance - Corrective	Planned maintenance activities that correct the condition of the asset and which would not cost significantly more if delayed.
Routine Cyclic Maintenance	Scheduled works consisting of activities that are based on a prescribed time interval.
Routine – Reactive Maintenance (Emergency)	Reactive repair of potentially dangerous defects identified from inspection or customer complaint / notification.
Routine - Reactive Maintenance (Non-Emergency)	Other less urgent minor repairs
Routine – Inspection and Survey	Cost of specialist inspection and surveys
Operating Costs	Costs of operating elements of the asset
Overhead	Internal costs associated with the management of the asset. NB it is accepted that these costs may not be available at an asset group level
Loss	Money expended that is effectively "lost" to the council from which no benefit to the asset or user is gained.
Improvements	Works that add new infrastructure to the asset.

### 11.2 Reviewing and Reporting of Costs

11.2.1 Outturn cost information is used for status reporting (ASOR) including reporting if sustainable levels of investment are being made in each asset and for the reporting of future funding needs.

## 12 Risk Management

The risks associated with maintaining the highway are managed using the methods described below. This includes how the methods comply with the risk-based approach required by the Code of Practice.

### 12.1 Code of Practice

12.1.1 A revised Code of Practice (the code) for Highways “Well Managed Highway Infrastructure” was published in October 2016 providing guidance that authorities are expected to follow and may rely upon when defending themselves against third party claims.

12.1.2 The most significant change to the previous guidance, proposed by the new CoP, is the introduction of a risk-based approach to all decision making to be undertaken by each authority individually.

12.1.3 CSSW have developed a method in response to the code that it recommends authorities adopt. The method includes development of Hierarchy, Inspection Regime and Repair Regime for the highway assets, along with recommended minimum standards for inspection and defect repair.

### 12.2 Use of the CSSW Risk-Based Approach

12.2.1 The Highways sections intention is to undertake an annual risk assessment as detailed in the “CSSW Highways Asset Management Framework Recommended Practices - Task 4 Annual Performance & Risk Review”. With the results being recorded in the “4RA Risk Assessment – Spreadsheet”

12.2.2 The details of the asset hierarchy, inspection and repair regimes adopted by the council and where they differ from (exceed) the CSSW recommended standards is detailed later in this document.

### 12.3 Blaenau Gwent Corporate Risk Management

12.3.1 The Council manages risk via the ‘County Council Risk Management Framework, September 2017’. An electronic copy of this document can be found at <http://intranet/facilities-services/insurance-risk-management/risk-management.aspx>

## 13 Procurement

Detail of how maintenance works for each asset are procured are shown below. Works are procured using a combination of internal and external resources.

### 13.1 Principle

Day to day highway maintenance is mainly undertaken by in house council resources. Where specialist skills are required, external contractors are employed. How the service is delivered for each asset is shown below.

Asset	Work Type	In-House or Contractor	Contract Details
Carriageway	Routine and Reactive	In-house	NA
	Planned	Resurfacing –Contractor	All schemes tendered - either individually or in batches

Asset	Work Type	In-House or Contractor	Contract Details
		Surface Dressing –Contractor	All schemes tendered - either individually or in batches
Footways	Routine and Reactive	In-house	NA
	Planned	Reconstruction – Contractor	Site Specific Contract
		Resurfacing – Contractor	All schemes tendered - either individually or in batches
		Slurry Seal – Contractor	All schemes tendered - either individually or in batches
Street Lighting	Routine and Reactive	In-house	NA
	Planned	Column (New / Replacement) – Contractor	All schemes tendered - either individually or in batches
		Luminaire (New / Replacement) – Contractor	All schemes tendered - either individually or in batches
Highway Structures	Routine and Reactive	Contractor	All works tendered - either individually or in batches
	Planned	Contractor	All schemes tendered - either individually or in batches
Traffic Signals	Routine and Reactive	Contractor	Outside contractor (Centregreat) contract ends March 2024
	Planned	Contractor	Outside contractor (Centregreat) Contract ends March 2024
Street Furniture	Routine and Reactive	In-house	NA

**13.2 Contract Reviews**

13.2.1 Contracts are reviewed under the evaluation of Contractors Performance section on the South East Wales Framework, as and when contracts are put out to Tender and awarded on the framework.

**14 Asset Register and Inventory**

The asset register defines the roads that belong to and are maintained by the council. The inventory of the highway assets is based on the asset register and contains the detailed information required to manage the asset. The information includes amount, size, construction material, current condition etc.

**14.1 Asset Register**

14.1.1 The definitive record of the roads that are the council’s responsibility including the full list of adopted streets is located on the Street Gazetteer held in the council’s highway asset management system (Mayrise),

**15 Inventory**

15.1 A data assessment spreadsheet is located and maintained under the Mayrise and GGP accounts. The spreadsheet records the specific inventory held for each highway asset. The quality of the inventory

details held is recorded on the data assessment spreadsheet. The data is held for each asset in the following software systems:

- Carriageways and Footways – Mayrise
- Structures and Drainage – “Asset Management Expert” (AMX) Data Base
- Street Lighting and Traffic Signals – Mayrise

#### **16 Data and System Improvement**

16.1 The quality of the inventory details held is reviewed annually based on the information recorded on the data assessment spreadsheet. A plan for improvements to data and the highway asset management system are recorded in the Highway Data Improvement Plan.

#### **17 Budget Allocation**

The budget for highway maintenance is set annually by the council. Status reports are provided to assist the council in establishing the overall budget. The highway maintenance budget is allocated between asset groups and work types in accordance with the method set out below.

#### **18 Annual Status and Options Reporting**

The Annual Status Options Reports (ASORs) are provided by annually detailing the current condition of the asset.

The Options Report (OR) detail the options available for its future maintenance/management based on differing budget scenarios and are provided prior to the updating of the HAMP.

#### **19 Annual Budget Setting**

The budget for highway maintenance and how it is to be split between asset groups and between routine and planned works is determined following the review by the council committee of annual status and options reports (ASRs and OR). By Council Members and in coordination with the Head of Community Services and Highway Maintenance Manager.

#### **20 Confirmation of Service Standards**

Service standards are chosen based on the options presented in the OR. The standards are based upon the allocated budget and the estimated amounts of work required to achieve them.

#### **21 Updating of Highway Asset Management Plan**

The service standards, works required and proposed budgets are detailed in the Highway Asset Management Plan (HAMP), which is reviewed annually and updated annually.

#### **22 Customer Consultation**

Customer consultation is used to understand how the condition and management of the highway asset is viewed by the road users, including identifying any aspects that may need to be improved.

#### **23 Customer Relationship Management System**

The 'Connect to Blaenau Gwent Contact' (C2BG) receives communications from the public (customer) and members of the council. Each request is logged on a database and referred to the relevant Officer for attention. The target to determine appropriate action is ten working days.

Progress in dealing with complaints is monitored and pursued to a conclusion. When the matter has been addressed, the database is updated to record the action taken and, where applicable, the date on which the defect was rectified. Subsequently, the customer is advised of the action taken where necessary.

The council also provides a customer contact application for use on smartphones (ABAVUS) that allows customers to report queries and complaints.

### **24 Roadwork's Reports**

Public frustration can stem from delays caused by roadworks. To provide the public and others with information on where disruption to road traffic can be expected, a weekly Roadwork's Report is circulated to third parties and emergency services. This information is also available via the council's web site ([www.blaenau-gwent.gov.uk](http://www.blaenau-gwent.gov.uk)). The weekly Roadwork's Report gives details of works being undertaken on all classified routes, including the nature and anticipated duration of the works, and the method of traffic management being employed. Additional publicity is provided where exceptionally severe traffic delays are anticipated.

### **25 Third Party Claims**

Third party claims are made against the council when members of the public believe that negligence on the part of the council, has resulted in injury or property damage.

#### **25.1 Processing 3<sup>rd</sup> Party Claims**

The details of the third-party claim process can be found with members of our insurance section. BGCBC handles claims internally, up to £250,000.

#### **25.2 Review of Claims**

The Highways Service Manager receives an annual report from the Insurance team. The report details:

- the number of claims
- a breakdown of the type of claim (personal injury/property damage),
- the asset to which it refers,
- the specific details of the claim and
- whether the claim was successful or repudiated.

#### **25.3 Reporting Claims Outcomes**

The Service Manager reviews the information and includes a summary of the claims data in the ASORs.

### **26 Traffic Management**

The Council as local traffic authority has a duty to manage the road network to secure the expeditious movement of traffic on the network and facilitate the same on road networks for which another authority is the traffic authority. The duties are set out in the Traffic Management Act 2004 and the arrangements that the Council has in place to meet these duties is detailed below.

Full details of the arrangements put in place for managing traffic on the county's roads including the following items can be found in BGCBCs Streetworks Register and Standard Traffic Manuals.

**26.1 Traffic Manager**

The Council has appointed a “traffic manager” to perform such tasks as the authority consider will assist them to perform their network management duty. – The Traffic Manager for BGCBC is Clive Rogers (Head of Community Services).

**26.2 Traffic Disruption**

The Council has in place processes for ensuring that the authority identifies cause, or potential to causes of road congestion or other disruption and takes action in response to (or in anticipation of) anything so identified.

**26.3 Policies and Objectives**

The Council has determined specific policies or objectives in relation to different roads or classes of road in their road network and have procedures in place to monitor the effectiveness of their decision-making processes and the implementation of their decisions and assess their performance in managing their road network.

**26.4 Traffic Sensitive Streets**

The county contains a number of streets that due to the amount or make up of traffic that use them have been designated as traffic sensitive and have working time restrictions placed upon them. The list of traffic sensitive streets is contained in appendix G.

**27 “Cyclic” Planned Maintenance**

Cyclic maintenance activities include gully emptying and verge maintenance. The frequencies at which Cyclic Maintenance activities are conducted are shown below.

Activity	Frequency
Gully Cleansing	

Standard Gullies	On a cycle determined by the route of the single gully cleaning machine
Priority/Critical Gullies	May – October every eight (8) weeks November – April every four (4) weeks
<b>Road Signage Cleaning</b>	
All Road/Highway Signage	As identified through routine highway inspection regimes
<b>Grass Cutting*</b>	
Urban Roads	Four cuts per year
Rural Roads	Two cuts per year
Visibility Splays	Minimum four cuts per year
Safety Cutting	Additional cuts where unusual growth has created a hazard as identified by inspection
<b>Weed Removal</b>	
Weed Spraying	Twice per year footways, channels and kerbs
Application of Retarders	Limited use only
Noxious Weed Removal	Selective spraying and hand pulling where weeds constitute a menace
* Grass cutting comprises a one metre swathe immediately adjacent to the carriageway or footway. Where rare flowers exist in the verge, cutting is delayed until after the seeds have set	

There are currently no cyclic maintenance activities undertaken for lighting or structures assets.

### 28 Highway Works Scheme Prioritisation Regime

Assets that are identified as in need of substantial repair or replacement are included on a works programme of potential schemes. A prioritisation regime is used to identify which of the proposed schemes should be undertaken during the following year/s.

### 29 Rolling Programme

A list of schemes to be entered onto the annual programme/s is produced to meet the standards, strategies & budgets for each asset and treatment type as detailed in the Highway Asset Management Plan (HAMP). This list contains more schemes than it is possible for fund and as such a list of reserve sites is also produced to be used if the originally selected sites cannot be undertaken due to unforeseen circumstances.

### 30 Scheme Prioritisation

Details of the prioritisation processes can be found in appendix F.

### 31 Performance Monitoring Regime

To ensure that the standards set out in this manual are adhered to the council operate a performance monitoring regime as set out below.

### 31.1 Operational Performance Measures

A series of operational performance measures are used to monitor ongoing activities such as inspections and routine and reactive repairs.

The operational measures are designed to enable the service manager to take corrective action if performance has fallen below the required standards. As such the reporting of these measures is undertaken at frequencies within the year i.e. monthly, quarterly etc.

### 31.2 Performance Indicators

CSSW has developed a suite of performance measures designed to enable authorities to monitor the performance of their highway assets. The PIs are detailed in Appendix H. The council has adopted the recording and reporting of these PIs to enable review of progress in meeting condition targets set in the asset management plan and to facilitate appropriate comparison with peer authorities.

### 31.3 Benchmarking

The council will participate in appropriate benchmarking activities using the data recorded for appropriate Performance Indicators (PIs). This benchmarking is facilitated via the CSSW HAMP project. It is recognised that some of the measures are a direct result of council choice in terms of standards and targets adopted and as such comparison with other authorities may not be appropriate. There are elements of performance however where understanding equivalent performance in similar authorities will enable the authority to share and learn from good practice and to implement improvements. The council actively pursues this via collaboration facilitated by CSSW and the various committees and groups that CSSW support.



**Section 5**

**BLAENAU GWENT COUNTY BOROUGH  
COUNCIL**

**RISK BASED APPROACH METHODOLOGY**

**FOR THE ADOPTED HIGHWAY**

**2023- 2028**

Date	01/06/2023
Author	David Watkins
Issued to	
Version No.	

### 1 Introduction

The risks associated with maintaining the highway are managed using the methods described below. This includes how the methods comply with the risk-based approach required by the Code of Practice.

#### 1.1 Code of Practice

1.1.1 A revised Code of Practice (the code) for Highways “Well Managed Highway Infrastructure” was published in October 2016 providing guidance that authorities are expected to follow and may rely upon when defending themselves against third party claims.

1.1.2 The most significant change to the previous guidance, proposed by the new CoP, is the introduction of a risk-based approach to all decision making to be undertaken by each authority individually.

1.1.3 CSSW have developed a method in response to the code that it recommends authorities adopt. The method includes development of Hierarchy, Inspection Regime and Repair Regime for the highway assets, along with recommended minimum standards for inspection and defect repair.

#### 1.2 Use of the CSSW Risk-Based Approach

1.2.1 The Highways Department undertake an annual risk assessment as detailed in the “CSSW Highways Asset Management Framework Recommended Practices - Task 4 Annual Performance & Risk Review”.

1.2.2 The details of the asset hierarchy, inspection and repair regimes adopted by the council and where they differ from (exceed) the CSSW recommended standards is detailed later in this document.

#### 1.3 Blaenau Gwent Corporate Risk Management

1.3.1 The Council manages risk via the ‘County Council Risk Management Framework, September 2017’. An electronic copy of this document can be found at <http://intranet/facilities-services/insurance-risk-management/risk-management.aspx>

1.3.2 The following is based upon the ‘CSSW’s Risk Based Approach to Highway Management – Rationale Behind the Approach’.

1.3.3 Blaenau Gwent County Borough Council accepts both the County Surveyors Society (Wales) (CSS Wales) and ‘Well Managed Highway Infrastructure: A Code of Practice, UK Roads Liaison Group 2016’ (WMHI 2016), method to use asset information to produce risk assessments, informed by usage data, (including the reference documents used to compile this code of Practice). This is based on the simple premise that if an asset exists and it contains a variation in its condition, but no-one uses it, the safety risk is zero. As more people use the asset then it is argued that the probability of them being physically affected by the variation increases and this can be modelled mathematically.

1.3.4 It is now possible to acquire and analyse data regarding areas where the condition of an asset varies from its previous inspection or original state. Categorising the type size and location of the Condition Variation (CV) will be used as a reference in establishing the foundation for setting the Council’s highway asset hierarchies and repair regimes. These records will also be used to inform and influence annual budget assessment and allocation.

- 1.3.5 The current draft Highway Asset Management Plan 2019-2025 had two bi-annual reviews to confirm and/or alter the hierarchies based on any changes to the data affecting the asset, such as increased traffic flows, changes to condition data etc. This document will do the same.

### 1.4 Establishing Hierarchies

- 1.4.1 The CSSW's Risk Based Approach to Highway Management – Rationale Behind the Approach and the WHMI 2016 requires that highway assets are split into hierarchies, but the latter states that **'hierarchy will not necessarily be determined by the road classification, but by functionality and scale of use'**, Blaenau Gwent County Borough Council have considered the examples provided in the Code of Practice (CoP) and determined that the major factor determining safety risk is use. Others factors specific to the asset are incorporated into final hierarchies and where this is the case these have been noted.

### 1.5 Carriageway Traffic Counts

- 1.5.1 BGCBC does not have and cannot be reasonably expected to have up to date use information for every street, therefore, Officers have devised methods of estimation, detailing their assumptions which are based on specific knowledge and experience of the Borough and the street concerned.
- 1.5.2 All local roads are already described a class; A, B C or Unclassified and historically BGCBC has based its highway hierarchy exclusively on its road classification, as these were set prior to local government reorganisation in 1996, and the process for changing them is time consuming and costly, it has been decided that road classification will be only a consideration in the establishment of the current hierarchy. Whilst road class is broadly indicative of use and so safety risk, nationally and locally, there are major variations that means keeping the hierarchy based only on road classification is not appropriate in Blaenau Gwent.
- 1.5.3 The Department of Transport collects and publishes 761 traffic counts on A class roads in all local authorities in Wales, and in 2017-18 these show a range of annual traffic (AADT) from 83,000 to 431. Analysis of this data shows that approximately 29% of the counts fall in the range of 10,000 to 20,000 vehicle movements per day, with approximately 52% falling in the range of 500 to 10,000. The 19% of roads with higher counts are those feeding and linking the cities in the southeast and north.
- 1.5.4 It should be noted that in Wales Trunk roads are maintained by The South East Wales Trunk Road Agency (SEWTRA) and so the data highlighted are not BGCBC maintained roads.
- 1.5.5 To establish a hierarchy based on national and local traffic counts BGCBC uses the CSSW developed table below, with the 10,000 to 20,000 movements per day as the datum. It is this range that has been taken to represent a generic busy main distributor type road.

<b>Table 1.8</b>	
<b>Carriageway Hierarchy Level</b>	<b>Approximate Traffic Flow</b>
Strategic Route	Based on Local Importance
Main Distributor	10,000 - 20,000
Secondary Distributor	5,000 - 10,000
Link Road	1,000 - 5,000
Local Access Road	200 – 1,000
Minor Road	Below 200

1.5.6 BGCBC have concluded that the category of Minor Road can be incorporated into the category above and inspection frequencies can be carried out at the higher level appropriate to a Local Access Road.

1.5.7 Due to current lack of traffic flow data, a model based upon local knowledge has been developed to better describe estimated traffic movements. Based on four, six-hour time segments a total number of traffic movements has been based on the combined Highway network sections experience to determine 5 categories as shown in the following table:

<b>Table 1.9</b>									
<b>Estimated Maximum Traffic Flow</b>									
	00:00 – 06:00	Total	06:00 – 12:00	Total	12:00 – 18:00	Total	18:00 – 00:00	Total	Daily Total
	Vehicle every		Vehicle every		Vehicle every		Vehicle every		
Very High	2.5 seconds	8640	1.25 seconds	17280	1.25 seconds	17280	2.5 seconds	8640	51840
High	5 seconds	4320	2.5 seconds	8640	2.5 seconds	8640	5 seconds	4320	25920
Medium	30 seconds	720	7.5 seconds	2880	7.5 seconds	2880	10 seconds	2160	8640
Low	90 seconds	240	30 seconds	720	30 seconds	720	60 seconds	360	2040
Very Low	5 minutes	72	2 minutes	180	2 minutes	180	5 minutes	72	504

1.5.8 The length of time placed in the 'Vehicle Movement Every' column is based on an estimate of traffic flow based on the number of car lengths at 4m between vehicles travelling 30 mph, thus 1,25 seconds is approx. 4 car lengths, 2.5 seconds is approx. 8 car lengths, 5 seconds is approx. 17 car length etc.

**1.6 Footways**

1.6.1 Due to the current lack of pedestrian count data, a model based upon local knowledge has been developed by BGCBC to better describe estimated pedestrian movements. Based on six-hour time segments a total number of pedestrian movements has been based on the combined highway network to determine 5 categories as shown in the following table:

<b>Table 1.10</b>									
<b>Estimated Maximum Pedestrian Footfall</b>									
	00:00 – 06:00	Total	06:00 – 12:00	Total	12:00 – 18:00	Total	18:00 – 00:00	Total	Daily Total
	Movement every		Movements every		Movement every		Movement every		
Very High	5 min	72	10 seconds	2160	5 seconds	4320	15 seconds	1440	7992
High	30 min	18	15 seconds	1440	10 seconds	2160	30 seconds	720	4338
Medium	1 hour	6	90 seconds	240	30 seconds	720	1 min	360	1326
Low	3 hours	2	3 min	120	90 seconds	240	3 min	120	482
Very Low	6 hours	1	10 min	36	6 minutes	60	10 min	36	133

1.6.2 From the above BGCBC has established the hierarchy as identified in the table below:

<b>Table 1.11</b>				
<b>BGCBC Footway Hierarchy</b>				
<b>Category</b>	<b>CSSW Description</b>	<b>WMHI 2016 Description</b>	<b>Estimated Maximum Pedestrian Footfall</b>	<b>Location</b>
Main Distributor	High use pedestrianised zone and footways in town centres	High use pedestrianised zone and footways in town centres	Very High	Abertillery TC Ebbw Vale TC Tredegar TC Brynmawr TC The Works site EV including the train station & General Offices
Secondary Distributor	Footways outside busy public buildings such as train/bus stations, hospitals, schools and colleges or small parades of shops etc. that experience significantly higher levels of use than the adjacent footways	Busy urban shopping and business areas and main pedestrian routes	High	Blaina TC Llanhilleth TC Nantyglo Garn Cross Cwm Ebbw Vale All school and college entrances including leisure and sports facilities and residential footways housing estates.
Link Access	Footways linking housing or industrial estates to other centres or routes	Linking local access footways through urban areas and busy rural footways	Medium	Cycleways, non-residential footways

Local Access	Footways in housing areas/ Rural footways with infrequent use	Footways associated with low usage, short estate roads to the main routes and cul-de-sacs/little used rural footways serving very limited numbers of properties	Low/Very Low	All other footways
--------------	--	---	--------------	--------------------

### 1.7 Structures

1.7.1 In BGCBC the structures hierarchy is calculated against the safety risk for users in association with the risk to the functionality of the network, such as loss or restriction (weight limit) of the asset. In BGCBC where a structure is the primary method of gaining access to a community even though this might be for a small number of people then the structure has been categorised with regard to those users rather than the network as a whole.

1.7.2 The hierarchy has been defined as follows:

1. Vital Structure: This is a structure that is vital to the network and if restricted or out of service would cause very significant adverse effects, such as, major traffic delays or loss of access to emergency services etc.

2. Important Structure: This is a structure that is important but not vital to the functioning of the network and if restricted or out of service would result in inconvenience to the network, such as, slower or longer routes due to diversion or longer times to access for emergency services.

3. Standard Structure: This category contains all other structures.

Initially the above categories have been matched to the hierarchy for roads and footways as these have already defined use parameters:

Table 1.12	
Road Bridges, Culverts, Retaining Walls etc.	
Carriageway Hierarchy	Structure Hierarchy
Strategic Route	2. Important Structure
Main Distributor	
Secondary Distributor	
Link Road	3. Standard Structure
Local Access Road/Minor Road	

<b>Table 1.13</b>	
<b>Road Bridges, Culverts, Retaining Walls etc. (Footways)</b>	
<b>Footway Hierarchy Category</b>	<b>Structure Hierarchy</b>
Pedestrian Areas in City Centre Shopping/Business Areas	2. Important Structure
Pedestrian Areas in Town Centre Shopping/Business Areas	
Footways Outside Public Buildings or Facilities	
Link Footways	3. Standard Structure
Local Access Footways/Minor Footways	

**1.8 Street Lighting**

1.8.1 In recent years BGCBC has invested in options to reduce the Council’s Carbon footprint through changing lanterns to LED and adopted a policy of risk assessed switch off or part night lighting of streetlights to achieve this. Historically the safety hierarchy of streetlights has been based on the electrical safety of individual columns, however, to ensure that there was no increased safety risk or legal issues by deactivating lights across the County Borough a safety risk assessment exercise was undertaken to identify those lights that were to remain on during the hours of darkness. This included roundabouts, junctions, roads with traffic calming and lights within 30 mph areas to meet the requirement of the Road Traffic Regulation Act 1984, Section 82(1)(a).

1.8.2 Maintenance of the asset is carried out via a small internal team which is supported by an external contractor who supports at times when required for attendance for faults and outages. The inspection regime is included in appendix B.

**1.9 Traffic Signals**

1.9.1 All traffic management assets across the network in Blaenau Gwent have been assigned an initial category on the hierarchy of the road it is located on as set out in the table below:

<b>Table 1.14</b>	
<b>Carriageway Hierarchy</b>	<b>Traffic Management Hierarchy (As per highest Carriageway hierarchy)</b>
CHSR	Primary Junction
CH1	
CH2	Secondary Junction
CH3	Local Junction
CH4	

1.9.2 All other traffic management assets (pedestrian crossings) are assigned the hierarchy of the adjacent road or footway hierarchy (the highest of the two).

1.9.3 Other highway Assets not covered above e.g., Drainage, Street Furniture.

Drainage and street furniture assets for the purpose of this HAMP are mainly items that are inspected during routine inspections and as such the appropriate carriageway or footway hierarchy dictates the frequency on inspection and will influence the categorisation and response to defects.



**Section 6**

**BLAENAU GWENT COUNTY BOROUGH  
COUNCIL**

**HIGHWAY DRAINAGE CLEANSING SERVICE**

**FOR THE ADOPTED HIGHWAY**

**2023- 2028**

Date	01/06/2023
Author	David Watkins
Issued to	
Version No.	

### 1 The Service

- 1.1 As the Highway Authority, Blaenau Gwent County Borough Council has a duty imposed by the Highways Act 1980, to maintain a network of roads that is safe to use. To minimise the safety risk to users, due to standing and running water, systems of road drains, channels, gutters and pipes have been provided to drain rainwater off the road surface. These drains channel and gutter require regular inspection and where necessary maintenance work to ensure they work as designed.
- 1.2 To carry out this operation Blaenau Gwent County Borough Council employ a dedicated road drain cleansing vehicle (Gully suckers X 2) and crew of two operatives. The road drains, channels and gutters serving the highway are inspected and cleansed on a scheduled basis, with identified “critical” gullies being inspected and cleansed more often, to ensure the safety risk of flooding is minimised. A schedule of inspections and/or cleansing has been compiled and records of inspections and work carried out are kept providing a defence under Section 58 of the Highways Act 1980.

### 2 The Asset

- 2.1 The Authority at February 2023 has approximately 13,500 highway drains/gullies of various types and construction in the highway. This is serviced by underground drainage pipework together with associated inspection chambers and catch-pits whose maintenance lies with Blaenau Gwent County Borough Council. The rainwater from the highway system is discharged into storm water systems across the 3 valleys.
- 2.2 Welsh Water or national Resources Wales are responsible for combined and surface water sewers and watercourses including the three main rivers; Ebbw Fach, Ebbw Fawr and Sirhowy that are running through the County Borough.

### 3 Operational Policy

- 3.1 Planned gully cleansing operations will be carried out during normal Council working hours with records being kept of work carried out and amounts of waste generated. Each working day a crew will be assigned either:
- a predetermined schedule of tasks to inspect, cleanse and report or cleanse and report any defects about the road gullies and drains,
- 3.2 Prefilling of the Gully sucker with water will take place at predetermined locations across Blaenau Gwent and the vehicle will always be parked up under cover and refilled as appropriate. During days when compulsory testing is required on the Gully sucker or when it is unavailable due to mechanical breakdown the operatives will be supplied with an alternative method of transport and detailed to inspect a geographical zone only, with cleansing works being carried out as and when the vehicle becomes available. Gullies on very busy roads i.e. category CH1 and CH2 will be inspected and cleansed at quieter times, that could include weekend working.
- 3.3 Where reports of ponding or flooding due to defects in the road drainage system are received the safety risk associated with that location will be assessed, and a works programme, generated if appropriate and required and will provide a target completion date for these proposed actions.

### 4 **Cleansing Frequency**

- 4.1 The authority has a detailed cleansing schedule for gullies/drains on the highway network including a course of initial visual inspections to identify obviously blocked road drains. Where defects are not immediately visually apparent and rainfall results in water ponding due to the road drain not working, the Authority will, when resource allows carry out proactive surveys and record the location of any problem areas. All reports from non-authority agencies and individuals will be investigated based on the timescales and resources available, and any works resulting from these inspections will be included in the non-scheduled works programmes. The Authority will endeavour to visit every gully drain and culvert within a twelve-month period.

### 5 **Operational Issues**

- 5.1 It is accepted that the policy of inspection and then cleanse of gullies will rarely identify any blocked connecting pipes or carrier drains. These will become apparent after rainfall and where these cause a significant safety risk to highway users they will be addressed as they are reported or observed.
- 5.2 Where the gully drain has been cleansed, and evidence shows that the majority of blockages are caused by outside influences such as tree root ingress or by damage by Statutory Utility contractors. As these problems are discovered an assessment of the safety risk will be carried out and this then fed into an ongoing planned works programme for excavation and repair. This programme will be prioritised, however where the damage can be proved to be as a result of Statutory Undertakers the Authority will utilise the provisions of the New Street Work Act 1991 to reclaim any costs incurred.
- 5.3 There will be streets and individual sites where access to a gully or series of gullies will be prevented by parked vehicles, where this is the case, the crew has been instructed to attempt to identify the owner and have the car moved at the first visit. This information will be logged on the daily work sheet as this will have an effect on the number of gullies that be cleansed in any day. If the owner cannot be found at the time of the first visit, then the crew will make a further attempt within 5 working days, if this is unsuccessful or operationally impractical, the safety risk of not cleansing the gully will be assessed and a decision recorded. If after reference to the Gully cleansing Risk Matrix the safety risk is deemed as significant then other agencies will be employed to remove the obstruction on the highway.

### 6 **Unscheduled Cleansing (Reactive Drainage Work)**

- 6.1 Where blocked gullies are reported outside the cleansing schedule these will initially be assessed by an experienced officer using the Gully Cleansing Risk Matrix and any appropriate action taken in line with the guidance. If the officer decides to vary from the guidance, then, the reasons for this deviation, and the actions taken, will be recorded.

### 7 **Blaenau Gwent County Borough Council's Responsibilities and Duties**

- 7.1 There is a perception that home/landowners adjacent to the highway are owed a 'duty of care' to have the road drainage protect their property in times of rainfall or storm. To date the legal system does not recognise this and holds that if the Authority has an agreed schedule of maintenance and this in compliance then the Highway Authority has a defence under Section 58 of the Highway Act 1980. The Authority will always investigate these complaints/requests for service in a timely manner but not always have the resources or ability to rectify them to the satisfaction of the resident or landowner with regard to their property.

7.2 It is known that untreated discharge from gully cleansing operations carry high levels of pollutants. To minimise the environmental effects, where it is obvious, or it has been recorded that a road drain discharges directly into a watercourse cleansing operation will be carried out in line with the following hierarchy:

1. Hand cleansing
2. Cleansing using clean water (high pressure jetting)
3. Cleansing using vacuum action only
4. Cleansing using vacuum action and clean water (high pressure jetting)

The 'blow back' facility should not be used on these drains as pollutants contained in the vehicle holding tank are harmful to the environment and are not adequately filtered.

### 7.3 Sandbags

BGCBC keep a minimum stock of 2000 sandbags for highway and other emergencies and will issue these on occasions to the general public at risk to flooding.

**GULLY CLEANSING RISK MATRIX**

Measured and Scheduled response will have a tolerance of 10% to allow for unforeseen emergencies and operative sickness.

Description	Safety Risk Score
Strategic Route	
Main Distributor	
Secondary Distributor	
Link Road	
Local Access Road	
<b>Description</b>	
Located where if blocked will cause a known significant safety danger to highway users	2
Located where if blocked will require an on-site assessment of the safety danger to highway users	1
Located where if blocked does not cause a safety danger to highway users	0
<b>Description</b>	
Gully is located where a drivers view of any standing water would be obscured, such as a dip or a corner	2
Gully is located where the drivers view of any standing water is not obscured or on a hill where the gully above and below is also blocked	1
Gully is located on a hill and the gully above and below are working	0
<b>Description</b>	
If blocked will allow rainwater to flow over vehicle wheel track	3
If Blocked will allow rainwater to flow over footway	2
If blocked rainwater will remain within carriageway channel	1
If blocked rainwater will not flow over footway	0
<b>Add Scores from Road Classification, Cleansing Priority, Road Alignment and Gully Sensitivity</b>	
Response	Safety Risk Score total
<b>Immediate response (area made safe and gully attended within 24 hours)</b>	<b>11-15</b>
<b>Measured response (gully attended within 1 calendar month)</b>	<b>6-11</b>
<b>Schedule response (gully will be cleansed next cycle)</b>	<b>0-5</b>

**Section 7**

**BLAENAU GWENT COUNTY BOROUGH  
COUNCIL**

**SKID RESISTANCE POLICY**

**FOR THE ADOPTED HIGHWAY**

**2023- 2028**

Date	01/06/2023
Author	David Watkins
Issued to	
Version No.	

## **1 Introduction**

- 1.1** This instruction sets out Blaenau County Borough Council's approach to monitoring skid resistance of carriageways and interpreting data arising from any measurement made. It also sets out the requirements to ensure that new surfacing will have appropriate surface characteristics to develop adequate levels of skid resistance. It makes reference to the Highways England's Standards HD 28/15 and HD 36.(DRMB 7.5.1).
- 1.2 This instruction applies to all surfaced carriageways and surfaces designed to be shared with pedestrians on the adopted highway network. Requirements for surfaces used only by pedestrians will be described separately.
- 1.3 The procedures adopted to monitor skid resistance on the network are risk based and rely on an integrated approach involving Blaenau Gwent County Borough Council highway and traffic practitioners and outside Contractors.
- 1.4 In this document, the term "skid resistance" refers to the frictional properties of the road surface measured using a specified device under standardised conditions. The term always refers to measurements made on *wet* roads, unless specifically stated otherwise. These measurements are used to characterise the road surface and assess the need for maintenance but ***cannot be related directly to the friction available to a road user making a particular manoeuvre at a particular time.***
- 1.5 This Instruction has been made to accommodate the changes in procedures introduced in the Highways English Standards HD 28/04 and IAN 98/08.

- 1.6 All data related to the measurement and ongoing monitoring of skid resistance is to be treated as confidential between the Council and its Consultant and must not be communicated to Third Parties (including the Police) without the written consent of Blaenau Gwent County Borough Council.

## 2 Road Network Identified for Routine Monitoring

### 2.1 Network Review

A annual risk assessment of the BGCBC network is undertaken to confirm that the Sideways-force Coefficient Routine Investigation Machine (SCRIM) network meets the requirements of the Highways Act 1980 and current maintenance guidance. The skid resistance of all the network was assessed using five years of Injury Road Traffic Collision data and Traffic Information supplied by BGCBC. It was concluded that the risk of Road Traffic Collisions (RTC's) occurring on the Classified Un-numbered Roads (R) and the Unclassified roads (U) was low enough to not warrant an annual survey. It was also noted that many of the Rural R and U roads were unsuitable for SCRIM survey due to lane width preventing the vehicle obtaining survey speed.

### 2.2 Principal Road Network (PRN) and B Classified Road Network (CRN)

For the purposes of this instruction the PRN and CRN are defined as the roads which generally carry 'A' and 'B' road traffic.

### 2.3 Method of Survey

- 2.3.1 Routine monitoring of skid resistance is carried out using a SCRIM vehicle operated in accordance with BS 7941-1 and HD28. The Single Annual survey method will be used to determine the Characteristic SCRIM Coefficient (CSC) for 10m sub-sections of the network. Under this procedure the extent of the A and B road networks identified in Appendix A will be surveyed once each year and in successive years the surveys will be carried out in rotation during early season, mid-season and late season.

Please note: All references to CSC in this policy will also include the following caveat:

***“Until the fourth year of operation, i.e. when an early, mid or late season survey is repeated, the Mean Summer SCRIM Coefficient equivalent will be quoted, where the single summer reading will be adjusted by the SCRIM Seasonal Factor, which is obtained from surveys of benchmark sites at three times during the testing season.”***

- 2.3.2 Routine monitoring of Sensor Measured Texture Depth is undertaken annually as part of the data collection for the SCANNER survey to determine Best Value Performance Indicators.

### 2.4 Data Storage

The Council's Pavement Management System (PMS) (Mayrise/Horizon Systems) is used to store and process the survey data.

### 2.5 Investigatory Levels

Investigatory Levels are defined and reviewed as described in section 4.



### 2.6 Site Investigation

Site Investigations are carried out in accordance with section 5. They may also be instigated as part of accident investigation procedures.

### 2.7 Complaints about Skid Resistance

If complaints are received or other concerns are raised about skid resistance at any point on this network, then, if the location of the site lies within the SCRIM survey parameters, the data obtained from routine testing can be used to respond initially. Initially a Coarse Visual Inspection (CVI) will be undertaken and if appropriate a surface condition report relevant to the site will be prepared by Blaenau Gwent County Borough Council, in consultation with appropriate specialised Consultants or Contractors. Site specific testing will not normally take place unless agreed by Blaenau Gwent County Borough Council.

## 3 Road Network NOT Identified for Routine Monitoring

### 3.1 Network

3.1.1 These are all other adopted, surfaced roads that are not included in the Skid Resistance Policy. These roads are deemed not appropriate for routine monitoring and include a small number of roads including the majority of unclassified roads.

3.1.2 No routine survey of these roads is to be undertaken although testing may be deemed to be necessary on a site-specific basis following complaints, repeated incidents of damage involving vehicles in wet conditions, regular damage to street furniture or as part of accident investigation procedures. Testing will only be undertaken after an initial assessment of the data required for a site investigation (except test results) and consultation with an appropriate Consultants or Contractors and following approval by Blaenau Gwent County Borough Council.

3.1.3 Site specific testing will be undertaken either as part of the routine SCRIM survey or as a separate exercise using the Griptester.

3.1.4 The CSC will be derived in the normal manner for results from SCRIM surveys. The results from Griptester surveys will be converted to equivalent CSC values using correlations developed by the County Surveyors' Society Griptester User Group.

### 3.2 Investigatory Levels

3.2.1 Investigatory Levels (ILs) are defined as described in section 4 below and should be recorded on the PMS.

### 3.3 Site Investigation

3.3.1 Site Investigations are carried out in accordance with Section 5 below.

## 4 Assignment

4.1.1 Where adjustments are made to the use of the network which would mean a redefinition of site category is required (e.g. the installation of a pedestrian crossing or a new section of road is opened),

---

then the lowest of IL for the appropriate site category will be adopted, unless a site-specific risk assessment undertaken by a qualified Safety Engineer, indicates that a higher value is appropriate. This risk assessment should address the factors detailed in paragraph 4.12 of HD28.

4.1.2 For sites not on the road network identified in Appendix A, the Site Categories and ILs will be determined initially by pavement engineering staff as part of the site investigation process and will generally be within the bands in Table 4.1 of HD28. These will be reviewed as part of the investigation process and the values assigned will be recorded on the PMS.

## 4.2 Review

4.2.1 Reviews of ILs will be undertaken in the following circumstances: -

- When SCRIM results indicate that a section lies below the current IL and the site investigation procedure is invoked.
- When site-specific accident investigations are being undertaken.
- When changes are made to the network.

Any review of IL's will be instigated by Blaenau Gwent County Borough Council using appropriate consultants or contractors and the following information should be obtained as a minimum: -

- The latest CSC and Investigatory Level data from the Pavement Management System.
- Site details: -
  - changes that have taken place in the site use or road layout e.g. the installation of traffic signals, pedestrian crossings or roundabouts.
  - relevant local factors such as non-injury accidents, complaints, or repeated reports of damage.
- Details of accidents extracted from the Police Authority's Road accident system (currently Macdonald Douglas database) and validated by Capita Symonds Road Safety Engineering Department, and data input into the Capita Symonds AccsMap system. Only accidents occurring in the previous 36 months should be considered and only wet road accidents will be used against SCRIM survey results. Blaenau County Borough Council, using appropriate consultants or contractors, will review this data to establish, if possible, the extent to which the road surface is a factor in the recorded accidents.

The principles outlined in HD28 should be followed in the review process and any adjustments deemed necessary to Investigatory Levels should be made in steps of 0.05 units of CSC.

There are two sets of circumstances where the inter-relationship between wet road accidents and SCRIM results will have the potential to affect the SCRIM Investigatory Level. These are:

- Where CSC is below Investigatory Level and there are no recorded wet road accidents within the last 36 months, there is potential to reduce the Investigatory Level.

- Where analysis of accident records show there are wet road accidents, but the CSC is above Investigatory Level, there is scope to raise the Investigatory Level.

Recommendations to adjust the Investigatory Levels shall be agreed by Blaenau Gwent County Borough Council for approval prior to implementation.

The basis of decisions to amend Investigatory Levels should be recorded together with confirmation that the Pavement Management System has been updated accordingly.

### 4.3 **Texture Depth**

The Investigatory Level for texture depth (Sensor Measured Texture Depth) on all sites will be 0.7mm.

## 5 **Site Investigation**

### 5.1 Purpose

Sites where the analysis of Accident details suggests a concentration of wet surface accidents or sites where the CSC is at or below the IL require a site investigation. The objective is to:

- Determine whether a surface treatment is justified to reduce the risk of accidents, particularly accidents in wet conditions.
- Determine whether some other form of action may be required.
- Determine whether the current IL is appropriate.
- Determine whether to keep the site under review and not carry out any works.

### 5.2 Procedure

Blaenau County Borough Council will instigate a site investigation and will follow the Site Investigation and associated procedures detailed in Chapter 5 and Annexes 4 & 5 of HD28 shall be followed (with the exception of 5.3 & 5.4).

Sites requiring investigation shall be identified and prioritised as soon as practicable after the CSC values have been received from the routine SCRIM survey.

Site prioritisation will be on the basis of the amount by which the skid resistance is below the IL. If a substantial number of sites are identified by this procedure, then further prioritisation on the basis of other factors such as traffic type and volume will be necessary.

A programme of remedial treatments will be developed from the conclusions of the site investigations and priority should be given to treating the following sites:

- Where the accident history shows there to be a clearly increased risk of wet or skidding accidents.
- Where the skid resistance is at least 0.05 CSC units below the Investigatory Level.
- Where low skid resistance is combined with low texture depth (less than 0.7mm).

At all sites where surface treatment is recommended, slippery road warning signs shall be erected and maintained until the treatment is carried out. This shall be done as soon as practicable after the identification of such sites.

### 5.3 Records

A copy of the site investigation report should be held on the Management System.

## 6 Properties of Surfacing Materials

Specifications for all surfacing laid in maintenance works (including patching) and new construction will include requirements for Polished Stone Value (PSV) and Aggregate Abrasion Value (AAV) of the aggregate and texture depth of the surface.

The PSV and AAV shall be selected from the tables in the current edition of HD36. The designer should record the commercial vehicle flow used and the source of that data.

For sites on the road network identified in Appendix A and other locations where Investigatory Levels have been assigned, then the PSV specified should be derived from the IL held on the pavement management system for that location and the commercial vehicle flow.

For all other sites, the site definition and the commercial vehicle flow should be used to determine the PSV required. (This is because a non-standard value of IL may apply on sites subject to IL reviews or accident investigations).

Texture Depth values for new surfacing, other than Thin Surface Course Systems, measured by the volumetric patch method (BS EN 13036-1), shall be determined from the table below:-

Site Description	Texture Depth
Roads subject to a speed limit of 40mph or above	1.5mm
All other roads	1.0mm

For Thin Surface Course Systems, texture depths measured by the volumetric patch method (BS EN 13036-1) shall be as shown below: -

	Untrafficked	After 2 years
Roads subject to a speed limit of 40mph or above	1.5mm	1.0mm
All other roads	1.2mm	0.08mm

**7 Early Life Skid Resistance of Surfacing's**

IAN49/03 provided advice for Slippery Road signs to be erected, for up to six months, after a road had been newly resurfaced. This advice has been superseded by IAN49/13 which has been produced after more research; the conclusion of IAN49/13 is that there is an increase in road traffic collisions on all newly resurfaced roads and not just Thin Surfacing's.

IAN49/13 also states that even though there is a high chance of road traffic incidents occurring on newly resurfaced roads, the probability of a fatal injury occurring is significantly lower and the probability of incidents occurring on high-risk sites is reduced, however more incidents were recorded on lower risk sites.

IAN49/13 recommends that Highway Authorities no longer need to erect slippery road signs along the length of newly resurfaced road.

**8 References**

- Design Manual for Roads and Bridges, TSO, London
- HD28/04, Skid Resistance (Volume 7, Section 3, Part 1)
- HD36/99, Surfacing Materials for New and Maintenance Construction (Volume 7, Section 5, Part 1)

## Appendix A: Asset Hierarchy Categories

<b>Carriageways</b>	
<b>New Category</b>	<b>Description (approximate daily traffic volume)</b>
CHSR	Route enabling travel between locations of regional significance (NA, Strategic routes are identified based on their importance regionally rather than their traffic volume)
CH1	Travel between locations (traffic volume 10,000 - 20,000)
CH2	Travel between locations (5,000 - 10,000)
CH3	Travel between locations (1,000 - 5,000)
CH4	Access to housing (200 – 1,000)
CH5	Access to properties (housing and farms) (< 200)

<b>Footways</b>	
<b>Category</b>	<b>Description (approximate daily footfall)</b>
FH1	High use pedestrianised zones and footways in town centres (5,000 – 10,000)
FH2	Footways outside busy public building such as train/bus stations, hospitals, schools and colleges or small parade of shops etc. that generate significantly higher levels of use than the adjacent footways (1,000 – 5,000)
FH3	Footways that link housing estates and industrial estates to other centres /routes (500 – 1,000)
FH4	Footways in housing areas (<500)
FH5	Rural footways used very infrequently (<100)

<b>Structures</b>	
<b>Category</b>	<b>Description</b>
Vital Structure	A structure that is vital to the network i.e. if restricted or out of service it would cause a very significant adverse effect such as major traffic delays and a lengthy diversion route with the potential to affect other important services or community severance
Important Structure	A structure that is important to the functioning of the network, i.e. if restricted out of service would have an adverse effect on the operation of the network
Standard Structure	All other structures

## Street Lighting Hierarchy

There is no hierarchy for street lighting assets managed by Blaenau Gwent County Borough Council. All assets are inspected at the same frequency and repaired within the same response time

<b>Traffic Signals Hierarchy</b>	
<b>Category</b>	<b>Description</b>
Vital Junction	A junction the operation of which is vital to the operation of the network i.e. its failure would cause major traffic disruption
Important Junction	A junction that is important to the operation of the network, the failure of which would cause traffic disruption
Standard Junction	A signalised junction on the network
Pedestrian Crossing	Pedestrian crossing

Details of the hierarchy allocated to each individual asset are held in the asset management systems (Mayrise, GIS and AMX systems).

### Hierarchy differences between authorities (TBC)

<b>Asset</b>	<b>BGCBC Hierarchy</b>	<b>Neighbouring Authority</b>	<b>Neighbouring Authority Hierarchy</b>	<b>Reason for differing Hierarchy</b>

## Appendix B: Frequency of Inspections

The frequency of routine inspections is shown in the following tables along with the CSSW minimum recommended standards:

<b>Carriageway: Routine Inspection Frequencies</b>				
<b>Carriageway Hierarchy</b>	<b>Inspection Interval (Rural)</b>	<b>Inspection Method</b>	<b>Inspection Frequency Tolerance</b>	<b>CSSW Recommended Minimum</b>
CHSR	Monthly	Driven and walked	2 weeks	Monthly
CH1	Monthly	Driven and walked	2 weeks	Monthly
CH2	Monthly	Walked	2 weeks	Every 3 Months
CH3	Every 3 Months	Walked	6 weeks	Every 6 Months
CH4	Every 6 Months	Walked	3 months	Annually or 2 yearly Dependant on condition
CH5	Every 6 Months	Walked	3 months	Reactive Only

#BGCBC has chosen to exceed the minimum standard for CH3, CH5, CH5 and CH6

<b>Footway Routine Inspection Frequencies</b>				
<b>Footway Hierarchy</b>	<b>Inspection Frequency</b>	<b>Inspection Method</b>	<b>Inspection Frequency Tolerance</b>	<b>CSSW Recommended Minimum</b>
FH1	Monthly	Walked	2 weeks	Monthly
FH2	Every 3 Months	Walked	6 weeks	Every 3 Months
FH3	Every 6 Months	Walked	3 months	Every 6 Months
FH4	Every 6 Months	Walked	3 months	Annually or 2 yearly Dependant on condition
FH5	Every 6 Months	Walked	3 months	Reactive Only

#BGCBC has chosen to exceed the minimum standard for FH4 and FH5

Where adjacent carriageways and footways are inspected during the same inspection the higher frequency level is applied.



## Inspection Tolerances

A tolerance as shown, is included to allow for unavoidable incidences such as bad weather or inspector sickness.

### Condition Assessments

#### Carriageway

The SCANNER and SCRIM assessments are undertaken at the following frequencies:

<b>Carriageway Annual Inspection Coverage</b>		
<b>Road Class</b>	<b>SCANNER</b>	<b>SCRIM</b>
A Roads	100% (one direction) *	100% (both direction) *
B Roads	100% (one direction) *	100% (one direction) *
C Roads	25% (one direction)	

Visual condition assessments are undertaken at the following frequencies:

<b>Category</b>	<b>Survey Coverage</b>
CHSR	100% Annually
CH1	100% Annually
CH2	100% Annually
CH3	100% Annually
CH4	100% Annually
CH5	100% Annually

#### Footway

Visual condition assessments are undertaken at the following frequencies.

<b>Category</b>	<b>Survey Coverage</b>
FH1	100% Annually
FH2	100% Annually
FH3	100% Annually
FH4	100% Annually
FH5	100% Annually

## Structures

Structures include bridges, subways and retaining walls. Condition assessments are undertaken at the following frequencies:

<b>Inspection Type</b>	<b>Survey Coverage</b>
General Inspection	100 % Every 2 Years
Principal Inspection	Every 6 Years (where required*)

\* Restricted bridges that span over Network Rail Land.

## Street Lighting

Condition assessments are undertaken at the following frequencies.

<b>Inspection Type</b>	<b>Survey Coverage</b>
Electrical	100 % Every 6 Years
Column Structural Test	As per result of previous test (3 or 6 years)
Visual	Ad hoc (during each maintenance visit)

## Appendix C: Defect Types and Intervention Levels

The following is a list of defect types and intervention levels used within the authority.

### Critical Defects

Asset Type	Defect	Magnitude	Hierarchy	Road Character	Response Time
All	A situation where the inspecting officer considers the risk to safety high enough to require immediate action, typically include items such as; Carriageway / footway / cycleway collapse with high risk of accidents / loss of control; Critically unstable overhead wires, trees or structures; Exposed live wiring; Isolated standing water with high risk of loss of control; Missing or seriously defective ironwork with high probability of injury to highway users.	Not Applicable. Critical defects are defined by their potential to cause immediate injury not by defect size	All	Not Applicable. Critical defects are defined by their potential to cause immediate injury not by defect size	2 hours

# the response time for a critical defect is the time until the site is made safe, this may be achieved by closing all or part of the road or coning off the hazard. In some instance a repair may be immediately possible but in many instances the repair will occur later

Safety Defects

Safety Defects Criteria						
Asset Type	Defect Type	Hierarchy	Dimensional Criteria BGCBC		CSSW National Minimum Standard	
			Depth/Height	Extent	Depth/Height	Extent
Carriageways	Pothole	CHSR, CH1 and CH2	> 50mm	Maximum horizontal dimension greater than 150mm	> 50mm	Maximum horizontal dimension greater than 150mm
	Pothole	CH3, CH4 and CH5**	>50mm	Maximum horizontal dimension greater than 150mm	>75mm	Maximum horizontal dimension greater than 150mm
Footways	Pothole	All	> 25mm	Maximum horizontal dimension greater than 75mm	> 40mm	Maximum horizontal dimension greater than 75mm
	Crack or Gap	All	> 25mm	Any Size	> 40mm	Maximum horizontal dimension greater than 75mm
	Trip	All	> 25mm	Any Size	> 40mm	Maximum horizontal dimension greater than 75mm
	Rocking Slabs	All	> 30mm	N/A	> 40mm	N/A

Safety Defects Criteria					CSSW National Minimum Standard	
Asset Type	Defect Type	Hierarchy	Dimensional Criteria BGCBC		Depth/Hieght	Extent
			Depth/Height	Extent		
Kerbing	Dislodged, Loose, Missing, Damaged - Causing a trip hazard	All	> 25mm	N/A	> 40mm	N/A

Maintenance Defects Criteria					CSSW National Minimum Standard	
Asset Type	Defect Type	Hierarchy	Dimensional Criteria BGCBC		Depth/Hieght	Extent
			Depth/Height	Extent		
Carriageways	Pothole	CHSR, CH1 and CH2	> 40mm	Maximum horizontal dimension greater than 150mm	> 40mm	Maximum horizontal dimension greater than 150mm
	Pothole	CH3, CH4 and CH5**	> 40 mm	Maximum horizontal dimension greater than 150mm	> 50 mm	Maximum horizontal dimension greater than 150mm
	Crowning / Depression	All	> 100mm	< 2M Length	> 100mm	< 2M Length
Footways	Pothole	All	>20mm	N/A	25mm - 40mm	Maximum horizontal dimension greater than 75mm
	Crack or Gap	All	>20mm	N/A	25mm - 40mm	Maximum horizontal dimension greater than 75mm

Maintenance Defects Criteria						
Asset Type	Defect Type	Hierarchy	Dimensional Criteria BGCBC		CSSW National Minimum Standard	
			Depth/Height	Extent	Depth/Height	Extent
	Trip	All	>20mm	N/A	25mm - 40mm	Maximum horizontal dimension greater than 75mm
	Rocking Slabs	All	>20mm	N/A	25mm - 40mm	N/A
	Badly cracked or damaged ironwork	All	N/A	N/A	N/A	N/A
<b>Kerbing</b>	Dislodged, Loose, Missing, Damaged - Causing a trip hazard	All	>20mm	N/A	25mm - 40mm	N/A

\*\*Defect triggers on CH5 roads are to be considered an investigatory level.

#BGCBC has chosen to exceed the CSSW national minimum standards for safety and maintenance defects.

The standards in the preceding tables are a guide only. Reference should be made to the CSSW Highway Inspection Defect Recording Manual. It is an essential part of the authorities' inspection regimes that inspectors are appropriately trained. In doing so inspectors are able to complement application of the standard with their own assessment of individual defects, which may result in a different response time.

## Street Lighting

The defect types and response times for street lighting faults are:



---

<b>Category of Fault</b>	<b>Response Time</b>
<b>Routine</b>	5 Working Days - subject to fault being reported and resources being available
Illuminated Regulatory Sign	
Three or more Lighting Units	
Other Routine Jobs	
<b>Non-Routine</b>	Not specified, works are undertaken as time and resources allow
Illuminated Regulatory Sign	
Other Routine Jobs	
<b>Emergency</b>	
To make safe potential electrical danger	2 hours
Temporary repair of traffic bollards	4 hours

## **Appendix D: Competency Requirements**

Highways Inspectors undertake Highway Asset Competency accredited training for inspections every two years.

The Highway “Asset Management Competency Scheme for Wales: Highway Inspection” qualification is delivered by the County Surveyors Society Wales (CSSW) and is undertaken in two phases:

Phase 1            A online test (where inspectors need to exceed the pass mark)

Phase 2            A practical on-site assessment.

Highway’s maintenance teams are all Chapter 8 qualified and undertake a range of Health and Safety qualifications.



---

## **Appendix E: Extract from highways Act 1980**

As the highway authority the council is subject to legal requirements that include:

The 1980 Highways Act,

- Section 41; to maintain those roads, footways and cycle tracks that are '*Highways maintainable at public expense*'.
- Section 58; states that a statutory defence against third party claims is provided where the Highway Authority can establish that reasonable care has been taken to 'secure that the part of the highway to which the action relates' to a level commensurate with the volume of ordinary traffic such that it 'was not dangerous to traffic'.

### **Section 58: Special defence in action against a highway authority for damages for non-repair of highway.**

(1) In an action against a highway authority in respect of damage resulting from their failure to maintain a highway maintainable at the public expense it is a defence (without prejudice to any other defence or the application of the law relating to contributory negligence) to prove that the authority had taken such care as in all the circumstances was reasonably required to secure that the part of the highway to which the action relates was not dangerous for traffic.

(2) For the purposes of a defence under subsection (1) above, the court shall in particular have regard to the following matters: —

- a) the character of the highway, and the traffic which was reasonably to be expected to use it.
- b) the standard of maintenance appropriate for a highway of that character and used by such traffic.
- c) the state of repair in which a reasonable person would have expected to find the highway.
- d) whether the highway authority knew, or could reasonably have been expected to know, that the condition of the part of the highway to which the action relates was likely to cause danger to users of the highway.
- e) where the highway authority could not reasonably have been expected to repair that part of the highway before the cause of action arose, what warning notices of its condition had been displayed.

but for the purposes of such a defence it is not relevant to prove that the highway authority had arranged for a competent person to carry out or supervise the maintenance of the part of the highway to which the action relates unless it is also proved that the authority had given him proper instructions with regard to the maintenance of the highway and that he had carried out the instructions.

---

The New Roads & Street Works Act 1991 imparts a duty on Statutory Undertakers to maintain their apparatus in the Highway, but it has been established in Case Law that they can rely on the Highway Authority's Safety Inspection regime to some extent when defending Claims.

The Council can avoid being held jointly liable for defective apparatus by issuing a Section 81 Notice - New Roads & Street Works Act 1991 to the Utility Company whenever a defect is identified by the Authority within the Highway.

## Appendix F: Identified Highest Priority Classified Roads (ranked in order of priority) 2023/24 and Assessment Matrix Example

1. A467 Warm Turn Carriageway Resurfacing
2. Tafarnaubach Ind Est (Top Road) Resurfacing
3. Blaenant Ind Est Roundabout Resurfacing
4. Big Arch / Steelworks Road / GO Resurfacing
5. A4046 - Waun-Y-Pound Road, Ebbw Vale
6. College Road, Ebbw Vale
7. Pond Road, Nantyglo

### Identified Highway Safety Works

Highway Safety Traffic Management Works 2023/24: -

1. Crash Barriers
2. Road Markings
3. Road Safety Signs and Bollards
4. Speed Humps
5. Traffic Order Reviews

All the above works are subject to financial resources being made available

### Highways Capital Works Assessment Matrix

Highway Assessment Matrix – Residential Roads (example)							
<b>1A Highway Condition (50%) - FRONT / MAIN LANES</b>				<b>2 Maintenance Costs (30%)</b>			
<b>Category / Score</b>	<b>Square Area / Score</b>	<b>Total Score / %</b>		<b>Costs over 5 years</b>	<b>Score / %</b>		
4 (5)	Plus 2000 (5)	10 (50%)					
4 (5)	1000 - 2000 (4)	9 (45%)		Plus £10,000	10 (30%)		
4 (5)	1000 - 500 (3)	8 (40%)		£9,999 - £5,000	8 (24%)		
4 (5)	less than 500 (2)	7 (35%)		£4,999 - £3,000	5 (15%)		
				£2,999 - £1,000	3 (9%)		
3 (4)	Plus 2000 (5)	9 (45%)		Less than £1,000	1 (3%)		
3 (4)	1000 - 2000 (4)	8 (40%)		£0.00	0 (0%)		
3 (4)	1000 - 500 (3)	7 (35%)					
3 (4)	less than 500 (2)	6 (30%)					
				<b>3 Insurance Claims (10%)</b>			
				<b>No. in last 10 years</b>	<b>Score / %</b>		
				plus 5	10 (10%)		
				4	8 (8%)		
				3	5 (5%)		
				2	3 (3%)		
				1	1 (1%)		
				0	0 (0%)		
				<b>4 Property Location (10%)</b>			
				<b>No. of Houses</b>	<b>Score / %</b>		
				* 150 +	10 (10%)		
				* 100 - 150	8 (8%)		
				50 TO 99	5 (5%)		
				20 TO 49	3 (3%)		
				1 TO 19	1 (1%)		
				0 / rear access	0 (0%)		
<b>Example: Location A Street</b>							
1A - very poor condition		45%					
2 - High Maintenance cost		24%					
3 - 3 insurance claims in last 10 years		3%					
4 - serves 50 - 99 properties		10%					
<b>TOTAL</b>		<b>82%</b>		<b>* Also linked with other highways and can be combined in to one scheme</b>			

Highway Assessment Matrix – Residential Roads: Worked Example																																				
PRUDENTIAL BORROWING SCHEME																																				
	(1A) HIGHWAY CONDITION FRONT LANE (50%)					(1B) HIGHWAY CONDITION REAR LANE (25%)					(2) MAINTENANCE COSTS (30%)					(3) No. INSURANCE CLAIMS (10%)					(4) PROPERTY LOCATION (10%)															
	10	9	8	7	6	9	8	7	6	5	10	8	5	3	1	0	10	8	5	3	1	0	10	8	5	3	1	0	TOTAL	F %						
SCORES	10	9	8	7	6	9	8	7	6	5	10	8	5	3	1	0	10	8	5	3	1	0	10	8	5	3	1	0								
PERCENTAGE %	50%	45%	40%	35%	30%	25%	23%	20%	18%	15%	30%	24%	15%	9%	3%	0%	10%	8%	5%	3%	1%	0%	10%	8%	5%	3%	1%	0%								
STREET / ROUTE																																				
EXAMPLE STREET	X										X												X						X						30	82%

---

## **Appendix G: Traffic Sensitive Streets**

A full list of the Traffic Sensitive Streets is held on the Council's Mayrise System.

There are streets in Blaenau Gwent that are designated as Traffic Sensitive under Section 64 of the New Road Street Works Act 1991 and play a vital role in street works coordination.

Traffic sensitive streets are streets where roadworks will cause delays and disruption to road users, and include streets:

- Which are used by more than 500 vehicles per hour per lane
- that link to major routes
- that are major public transport routes

Road works are coordinated so that traffic can move freely as possible, the Highways Authority can restrict working times and add specific conditions for roadworks on traffic sensitive streets i.e. times of day / days of the week / days of the year.

### **Designation of streets as traffic-sensitive**

- (1) Subject to paragraphs (3) and (5), a street authority may only designate a street as traffic-sensitive under section 64 if one or more of the criteria set out in paragraph (2) are met.
- (2) The criteria referred to in paragraph (1) are that the street —
  - (a) is one on which at any time the street authority estimates the traffic flow to be greater than 500 vehicles per hour per lane of carriageway, disregarding bus or cycle lanes.
  - (b) is a single carriageway two-way road, the carriageway of which is less than 6.5 metres wide, having a traffic flow in both directions of not less than 600 vehicles per hour.
  - (c) falls within an area covered by an Order in respect of congestion charges made under section 169 of the Transport Act 2000.
  - (d) is one on which more than 25% of the traffic flow in both directions consists of heavy commercial vehicles.
  - (e) is one on which the traffic flow in both directions includes more than eight buses per hour.
  - (f) is designated by the local highway authority, as part of its winter maintenance programme, as one requiring the treatment of any part of it with salt or other chemicals, when low temperatures are expected, to prevent the formation of ice.
  - (g) is within 100 metres of a critical signalised junction or a critical gyratory or roundabout system.
  - (h) has a pedestrian traffic flow of at least 1300 people per hour, per metre width of footway; or
  - (i) is on a tourist route or within an area where international, national, or significant major local events take place.
- (3) A street authority may only designate a street as traffic-sensitive in accordance with paragraph (1) for the times and on the dates when one or more of the criteria set out in paragraph (2) apply.
- (4) The procedure for making or withdrawing a designation under paragraph (1) is set out in the Schedule.
- (5) A street authority may, notwithstanding paragraphs (1) to (3), designate a street as traffic-sensitive with the agreement of the majority of statutory undertakers whom they know to have apparatus in the street.
- (6) The information to be made available by the street authority in respect of each street for the time being designated by them as traffic-sensitive must include —
  - (a) the date of designation.
  - (b) particulars of the street in sufficient detail to enable it to be identified; and
  - (c) in the case of a limited designation, the times of day, days, periods, or occasions when the designation applies

**Appendix H: Key Performance Indicators (KPI's)**

<b>Highways and Structures KPI's</b>		
<b>Indicator Ref.</b>	<b>Indicator Category</b>	<b>Measurement</b>
PAM/020	% Of principle "A" roads that are in poor condition (red Scanner)	Kilometres of principle "A" roads in overall poor condition
		Kilometres of principle "B" roads surveyed
PAM/021	% Of principle "B" roads that are in poor condition (red Scanner)	Kilometres of principle "B" roads in overall poor condition
		Kilometres of principle "A" roads surveyed
PAM/022	% Of principle "C" roads that are in poor condition (red Scanner)	Kilometres of principle "C" roads in overall poor condition
		Kilometres of principle "C" roads surveyed
Local	The percentage of Drainage Complaints / Incidents / Advice requests where the initial investigation was carried out within 3 working days.	% Target to be set
Local	Percentage of Bridges compliant with statutory inspections.	% Target to be set
Local	Number of Road traffic accidents (RTA's) followed up and insurance damage funding secured.	% Target to be set
Local	Number of Insurance claims received.	Total claims against target to be set
Local	Number of insurance claims lost due to not adhering to inspection regimes.	% Against total claims
Local	Number of insurance claims lost for other reasons.	% Against total claims

**Blaenau Gwent County Borough Council - Integrated Impact Assessment**

**All decisions, policy reviews or policy implementation will now require a completed Integrated Impact Assessment.**

- Section 1-Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011
- Section 2-Socio-economic Duty – Sections 1 to 3 of the Equality Act 2010
- Section 3-Corporate Plan
- Section 4-Wellbeing of Future Generations (Wales) Act 2015
- Section 5-Welsh Language (Wales) Measure 2011
- Section 6-Children’s Right “The Right Way”
- Section 7-Community Safety
- Section 8 Armed Forces
- Section 9-Data
- Section 10-Consultations Statutory Consultation Doctrine of Legitimate Expectation and Gunning Principles
- Section 11-Monitoring
- Section 12-Decision of proposal

Lead Officer	Head of Service	Service Area & Department	Date
David Watkins	Clive Rogers	Highways – Neighbourhood Services (Community Services)	01/06/23

Briefly outline the proposal indicating what change or decision is to be made, also provide any documentation that may be used to support this.

**What is the proposal that needs to be assessed?**

The proposal is to adopt a new Highways Asset Maintenance Plan (HAMP) for the Council.

The purpose of the new Highways Asset Maintenance Plan is to enable the Council to comply with the *Well-Managed Highway Infrastructure Code of Practice* published by the UK Roads Liaison Group on 28 October 2016 it has derived from the County Surveyors Society Wales (CSSW) working group. CSSW carried out consultation with Insurance Companies, Consultants and Highway Authorities throughout Wales as part of a Wales wide project.

The *Well-Managed Highway Infrastructure Code of Practice* sets out the policy and standard for undertaking inspections of the adopted highway network. Its primary aim is to ensure that inspection, defect, and recommended repair details are correctly assessed and accurately recorded, together with subsequent details of response and repairs undertaken on the highway. The underlying principle of the code is that Highway Authorities will adopt a standard risk-based approach to asset management in accordance with local needs, priorities and affordability.

Compliance with the *Well-Managed Highway Infrastructure Code of Practice* will also provide the Council with reasonable protection from financial risk in terms of liabilities and claims, higher insurance premiums or restriction of insurance cover, and from the reputational risk of undermining of the public's perception of, and confidence in, the way in which it delivers its Services.



**Section 1**

Outline how the proposal will impact on any people or groups of people with protected characteristics, please refer to the Equalities Act 2010 (Wales) for further information [Equality Act 2010: guidance - GOV.UK \(www.gov.uk\)](http://www.gov.uk) and the EHRC guidance [The Essential Guide to the Public Sector Equality Duty: EHRC](#)

Briefly outline below if there will be any positive or negative impacts as a result of the proposal being considered.

Protected characteristics	Will the proposal have any positive impacts on those with a protected characteristics?	Will the proposal have any negative impacts on those with a protected characteristics?	Outline how the proposal could maximise any positive impacts or minimise any negative impact. Please indicate any views evidence you have that supports this.
<b>Age</b> ( <i>people of all ages</i> )	The new HAMP will result in better maintained roads, making it safer and easier for individuals to travel for work and leisure, and for families to travel and meet together.	No	As detailed within the report the HAMP will ensure for a well-maintained highways infrastructure that is safe for all to use.
<b>Disability</b> ( <i>people with disabilities/ long term conditions</i> )	The HAMP will have a positive impact- on those who have a physical or visual impairment as it ensures that the highway infrastructure, such as footpaths/pavements, are inspected, well maintained and remain clear of any obstructions.	No	The HAMP will be subject to regular review. Each formal review will take into account any negative public responses, lessons learnt, improvement opportunities and any innovative techniques available to strengthen the HAMP.
<b>Gender Reassignment</b> ( <i>anybody who's gender identity or gender expression is</i>	As above	No	As above

<i>different to the sex they were assigned at birth)</i>			
<b>Marriage or Civil Partnership</b> ( <i>people who are married or in a civil partnership</i> )	As above	As above	As above
<b>Pregnancy and Maternity</b> ( <i>women who are pregnant and/or on maternity leave</i> )	As above	As above	As above
<b>Race</b> ( <i>people from black, Asian and minority ethnic communities and different racial backgrounds</i> )	As above	As above	As above
<b>Religion or Belief</b> ( <i>people with different religions and beliefs including people with no beliefs</i> )	As above	As above	As above
<b>Sex</b> ( <i>women and men, girls and boys and those who self-identify their gender</i> )	As above	As above	As above

<b>Sexual Orientation</b> <i>(lesbian, gay, bisexual, heterosexual, other)</i>	As above	As above	As above
---	----------	----------	----------

**NOTE:** Section 2 only needs to be completed if proposals are of a strategic nature or when reviewing previous strategic decisions. See page 6 of the Preparing for the Commencement of the Socio-economic Duty Welsh Government Guidance.

<b>Section 2</b> <b>Socio-economic Duty (Strategic Decisions Only)</b> <i>The Welsh Governments <a href="#">Socio-economic Duty</a> provides a framework in order to ensure tackling inequality is at the forefront of decision making.</i>			
<b>.Please consider the below vulnerable groups and consider how the proposal could affect them:</b>			
<ul style="list-style-type: none"> <li>➤ Single parents and vulnerable families</li> <li>➤ People with low literacy/numeracy</li> <li>➤ Pensioners</li> <li>➤ Looked after children</li> <li>➤ Homeless people</li> <li>➤ Carers</li> <li>➤ Armed Forces Community</li> <li>➤ Students</li> <li>➤ Single adult households</li> <li>➤ People misusing substances</li> <li>➤ People who have experienced the asylum system</li> <li>➤ People of all ages leaving a care setting</li> <li>➤ People living in the most deprived areas in Wales (WIMD)</li> <li>➤ People involved in the criminal justice system</li> </ul>			
Socio Economic disadvantage definitions.	Will the proposal have a positive, negative or neutral impacts on the below?	How could you mitigate the negative impacts outlined?	Please highlight any evidence that has been considered.
<b>Low Income / Income Poverty</b> <i>(cannot afford to maintain regular payments such as bills, food, clothing, transport etc.)</i>	<b>Neutral impact</b>		



<p><b>Low and/or No Wealth</b> (<i>enough money to meet basic living costs and pay bills but have no savings to deal with any unexpected spends and no provisions for the future</i>)</p>	<p>As above</p>		
<p><b>Material Deprivation</b> (<i>unable to access basic goods and services i.e. financial products like life insurance, repair/replace broken electrical goods, warm home, hobbies etc.</i>)</p>	<p>As above</p>		
<p><b>Area Deprivation</b> (<i>where you live (rural areas), where you work (accessibility of public transport) Impact on the environment?</i>)</p>	<p>The new HAMP will allow more effective management of the adopted highway network. This will result in safer access to services and improvement of the physical infrastructure to support a growing economy.</p>		
<p><b>Socio-economic Background</b> (<i>social class i.e. parents education, employment and income</i>)</p>	<p>As above</p>		
<p><b>Socio-economic Disadvantage</b> (<i>What cumulative impact will the proposal have on people or groups because of their protected characteristic(s) or vulnerability or because they are already disadvantaged</i>)</p>	<p>As above</p>		




**Section 3-Corporate Plan**

*Please outline any Corporate Plan linkages of the proposal -[BG Corporate Plan 22-27](#)*

<p><b>Priority 1</b> - Maximise learning and skills for all to create a prosperous, thriving, resilient Blaenau Gwent</p>	<p>A well-maintained highway infrastructure will provide for ease of access to local community facilities such as schools, libraries and colleges.</p>
<p><b>Priority 2</b> - Respond to the nature and climate crisis and enable connected communities</p>	<p>A well-maintained highway infrastructure will reduce the need for unprogrammed and unnecessary road maintenance, allowing for free-flowing traffic, extended life of the asset and reduced cost. Planned rather than reactive response will result in a reduction in travel time and therefore vehicle emissions.</p>
<p><b>Priority 3</b> - An ambitious and innovative council delivering quality services at the right time and in the right place</p>	<p>As above</p>
<p><b>Priority 4</b> - Empowering and supporting communities to be safe, independent and resilient</p>	<p>The new HAMP will allow resources to be deployed in such a way that highway maintenance activities can be programmed, preventing deterioration of maintenance defects into safety defects thus prolonging the life of the road and facilitating safer travel. The purchase of materials can be planned more easily, reducing numbers of deliveries. Community resilience will be improved through the provision of better maintained and safer access</p>

**Section 4-Well-being of Future Generations (Wales) Act 2015 – The Five Ways of Working (ICLIP)**  
*Sustainable development principles. The WCFG Act requires the Council to consider how any proposal improves the economic, social, environmental and cultural well-being of Wales using the five ways of working as a baseline)*

<b>Five Ways of Working</b>	<b>How have you used the Sustainable Development Principles in forming the proposal?</b>
<p><b>Long Tern</b></p> 	<p>Consider the long-term impact of the proposal on the ability of communities to secure their well-being.</p> <p>The collection of pertinent data such as traffic counts and identifying trends in defect types and severity will be carried out. The impact of the HAMP will be monitored, and regular reviews will take place as this data is made available.</p> <p>The HAMP provides a risk-based approach to Highway Safety Inspections and offers an opportunity to optimise resource</p> <p>The purpose of the HAMP is to prevent longer term deterioration of the highway network through targeted inspection and maintenance regimes.</p>
<p><b>Prevention</b></p> 	<p>Consider how the proposal is preventing problems from occurring or getting worse</p> <p>The key principle of the HAMP is to implement a risk-based approach to Highway Inspection and Response</p> <p>The methodology behind the HAMP utilises data relating to the risk of damage to persons or property and recommends a way of optimising available resources that allows this to be mitigated effectively.</p> <p>The collection of pertinent data will be ongoing.</p> <p>Regular reporting will be in place to facilitate monitoring of the impact of the new HAMP.</p> <p>All data, reports and stakeholder feedback will be considered as part of regular review and revision.</p>

<p><b>Integration</b></p> 	<p>Consider how your proposal will impact on other services provided in our communities (these might be Council services or services delivered by other organisations or groups)</p> <p>By taking a risk-based approach and focussing on preventative maintenance, the HAMP will improve the condition of the adopted highway within Blaenau Gwent and impact positively on its people, economy, environment and culture.</p> <p>All data, reports and stakeholder feedback will be considered as part of regular review and revision.</p>
<p><b>Collaboration</b></p> 	<p>Consider how you are working with Council services or services delivered by other organisations or groups in our communities.</p> <p>Blaenau Gwent County Borough Council will continue to work with other stakeholders including:</p> <ul style="list-style-type: none"> <li>• County Surveyors Society Wales (CSSW)</li> <li>• Insurance Companies</li> <li>• Other Highway Authorities</li> <li>• Council Departments</li> <li>• Town and community Councils</li> <li>• Local community Groups</li> </ul> <p>to implement the new HAMP successfully.</p>
<p><b>Involvement</b></p> 	<p>Consider how you involve people who have an interest in this proposal and ensure that they represent the diversity of our communities.</p> <p>Preparation of the HAMP has involved consultation with and involvement from:</p> <ul style="list-style-type: none"> <li>• CSSW</li> <li>• Insurance Section</li> <li>• Welsh Highway Authorities</li> <li>• Cabinet Member for Highways and Environmental Services</li> <li>• Council Members</li> <li>• Other affected departments within Blaenau Gwent CBC</li> </ul> <p>It is intended in the future to communicate with local community groups and the general public in relation to the HAMP. Feedback received from stakeholders in response to the HAMP will inform review.</p>

**How does your proposal link to the Welsh Governments Priorities for Wales? Please indicate below.**

1. **A PROSPEROUS WALES ...** an innovative, productive and low carbon society which recognises the limits of the global environment and therefore uses resources efficiently and proportionately (including acting on climate change); and which develops a skilled and well-educated population in an economy which generates wealth and provides employment opportunities, allowing people to take advantage of the wealth generated through securing decent work.

The HAMP will ensure the efficient use of public resources – both within the County Council and those of other public agencies and organisations.

The HAMP will benefit all road users, local businesses and service providers by improving the condition of the adopted highway within Blaenau Gwent and providing safe and efficient travel.

An improved highways maintenance regime will extend the life span of the assets allowing for free-flowing traffic, thus reducing the carbon footprint.

2. **A RESILIENT WALES ...** a nation which maintains and enhances a biodiverse natural environment with healthy functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change (for example climate change). Think about how your activity will have regard to protecting and enhancing biodiversity.

Planned Maintenance and well-maintained highways will be more energy efficient. Efficiencies and targeted response / planning will serve to reduce the impact on the environment and at all times where it is possible protect and enhance that environment.

Work programmes will be planned / programmed in a targeted and efficient manner which will reduce travel time and associated negative impacts such as CO2 emissions.

Better maintained roads will contribute towards ease of travel, reducing traffic congestion and emissions from transport and travel across the County.



3. **A HEALTHIER WALES ...** a society in which people’s physical and mental well-being is maximised and in which choices and behaviours that benefit future health are understood.

The HAMP details how to manage risks which will provide a safer environment for highway users.

Highways that are in a good condition will make access to the services of the Council and other organisations that support health and wellbeing safer and easier.

Improved condition of the highway will also encourage active and leisure travel.

The Department of Transport statistics identify the road environment, including poor or defective road surface, as a contributory factor in some reported road accidents, well inspected and maintained roads will help mitigate this.

4. **A MORE EQUAL WALES ...** A society that enables people to fulfil their potential no matter what their background or circumstances (including their socio economic background and circumstances).

The new HAMP will benefit all age groups by improving the condition of carriageways and footways, providing a safer environment for all those who use them.

5. **A WALES OF COHESIVE COMMUNITIES ...** attractive, viable, safe and well-connected communities.

The HAMP will support the continued economic, social and cultural viability of towns and local communities across the County by allowing the Council’s resources to be managed more efficiently, improving maintenance of the highway and thus providing safe access to services and opportunities.

6. **A WALES OF VIBRANT CULTURE AND THRIVING ...** a society that promotes and protects culture, heritage and the Welsh language, and which encourages people to participate in the arts, and sports and recreation.

As above the HAMP will support the continued economic, social and cultural viability of towns and local communities across the County by allowing the Council’s resources to be managed more efficiently, improving maintenance of the highway and thus providing safe access to services and opportunities.

7. **A GLOBALLY RESPONSIBLE WALES ...** a nation which, when doing anything to improve the economic, social, environmental and cultural well-being of Wales, takes account of whether doing such a thing may make a positive contribution to global well-being.

Work programmes will be planned / programmed in a targeted and efficient manner which will reduce travel time and associated negative impacts such as CO2 emissions.

Better maintained roads will contribute towards ease of travel, reducing traffic congestion and emissions from transport and travel across the whole County.

**Section 5-Welsh Language (Wales) Measure 2011 and Welsh Language Standards**

*(The Welsh Language Measure 2011 and the Welsh Language Standards require the Council to have 'due regard' for the positive or negative impact that any proposal may have on opportunities to use the Welsh language. [Welsh Language Standards](#)*



Requirement	Does the proposal have any positive, negative or neutral impacts in regards to the below?	What can be done to mitigate any negative impacts?	Please demonstrate any evidence used to form this opinion.
<b>Compliance with the Welsh Language Standards.</b> <i>Specifically Standards 88 - 93</i>	All road signage is produced bilingual.		
<b>What opportunities are there to promote the Welsh Language?</b> <i>e.g. status, use of Welsh language services, use of Welsh in everyday life in work / community</i>	In compliance with the Standards all signage, media, communications of events and campaigns will be bilingual		
<b>What opportunities are there for a person or person to use the Welsh</b>	No		

Language? e.g. staff, residents and visitors			
Has the Welsh Language been considered in order to treat the Welsh language no less favourably than the English language?	No		

**Section 6 – Children’s Rights Approach - [The Right Way](#)**

The Children’s Rights Approach – The Right Way is a framework for working with children, grounded in the UN Convention on the Rights of the Child (UNCRC). It places the UNCRC at the core of planning and service delivery and integrates children’s rights into every aspect of decision-making, policy and practice. The Right Way focuses on three main them Participation, Provision and Protection.

Protected characteristics	Will the proposal have any positive impacts on the Children’s Rights Approach?	Will the proposal have any negative impacts on the Children’s Rights Approach?	Outline how the proposal could maximise any positive impacts or minimise any negative impact. Please indicate any views evidence you have that supports this.
<b>Participation</b> (child or young person as someone who actively contributes to society as a citizen)	None	No	

<b>Provision</b> (the basic rights of children and young people to survive and develop)	None	No	
<b>Protection</b> (children and young people are protected against exploitation, abuse or discrimination)	None	No	

<b>Section 7– Community Safety</b>			
<b>Duty to Consider Crime and Disorder Implications</b>			
Section 17 of the Crime and Disorder Act 1998 places a duty on the local authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder, anti-social and other behaviour adversely affecting the local environment, the misuse of drugs, alcohol and other substances, re-offending and serious violence.			
<b>Impacts</b>	<b>Will the proposal have any positive impacts on crime and disorder?</b>	<b>Will the proposal have any negative impacts on crime and disorder?</b>	<b>Outline how the proposal could maximise any positive impacts or minimise any negative impact. Please indicate any views evidence you have that supports this.</b>
<b>Crime</b>	A well maintained environment will have a positive impact on crime.	No	

(consider impact on each: victims, offenders and neighbourhoods)			
<b>Anti-Social Behaviour and behaviour adversely affecting the local environment</b> (consider impact on each: victims, offenders, neighbourhoods and green spaces)	<b>As above</b>	No	
<b>Misuse of drugs, alcohol and other substances</b> (Think vulnerable children, adults, families and communities)	<b>As above</b>	No	
<b>Re-offending</b> (Think young people and adults, victims, families, communities)	<b>As above</b>	No	
<b>Serious Violence</b> (Think vulnerable young people, vulnerable adults, victims, families, communities)	<b>As above</b>	No	

<b>Counter Terrorism</b> (People and places that are vulnerable to terrorism or violent extremism)	No	No	
<b>Community Cohesion</b> (Asylum seekers, Migrants, Victims or Hate Crime, Community tensions)	No	No	

<b>Section 8- Armed Forces Covenant Duty</b> <a href="#">AFC Draft Statutory Guidance - Final.pdf</a>			
<b>Impacts</b>	<b>Will the proposal have any positive impacts on the armed forces community?</b>	<b>Will the proposal have any negative impacts on the armed forces community?</b>	<b>Outline how the proposal could maximise any positive impacts or minimise any negative impact. Please indicate any views evidence you have that supports this.</b>
<b>Health</b> <ul style="list-style-type: none"> <li>• Provision of services</li> <li>• Planning and funding</li> <li>• Co-operation between bodies and professionals</li> </ul>	The proposal will have a positive impact and support and comply with the Armed Forces Covenant to give 'Due Regard' in respect of the Armed Forces	No	

<p>These healthcare functions are within scope of the Duty in the following settings:</p> <ul style="list-style-type: none"> <li>• NHS Primary Care services, including general practice, community pharmacies, NHS dental, NHS optometry services and public health screening services.</li> <li>• NHS Secondary Care services, including urgent and emergency care, hospital and community services, specialist care, mental health services, and additional needs services (as applicable).</li> <li>• Local authority-delivered healthcare services, including sexual health services and drug and alcohol misuse services</li> </ul>	<p>Community and the challenges they face.</p>		
<p><b>Education</b></p> <ul style="list-style-type: none"> <li>• Admissions</li> <li>• Educational attainment and curriculum</li> <li>• Child wellbeing</li> </ul>			

<ul style="list-style-type: none"> <li>• Transport</li> <li>• Attendance</li> <li>• Additional needs support</li> <li>• Use of Service Pupil Premium funding (England only)</li> </ul> <p>These education functions are within scope of the Duty in compulsory education settings, that is, primary, secondary, and, for England only, compulsory further education. The Duty does not cover nursery (early years education), higher education, or other voluntary adult education settings</p>			
<p><b>Housing</b></p> <ul style="list-style-type: none"> <li>• Allocations policy for social housing</li> <li>• Tenancy strategies (England only)</li> <li>• Homelessness</li> <li>• Disabled Facilities Grants</li> </ul>			



**Section 9-Data-Please outline any data or evidence that has been used to develop the proposal, this can be previous consultations, local/national data, pilot projects, reports, feedback from clients etc.**

Data/evidence –What data/evidence was used? - provide any links.	What were the key findings?	How has the data/evidence informed this proposal?
<p>The HAMP will assist Blaenau Gwent County Borough Council in meeting its legal duties and to support this the following National Guidance has been used. The methods adopted in the HAMP are based upon the contents of the following:</p> <ul style="list-style-type: none"> <li>- “Well-Managed Highway Infrastructure: A Code of Practice, UK Roads Liaison Group, 2016”</li> <li>- “Risk Based Approach: Method”, 2018, County Surveyor Society (WALES) CSSW, 2018</li> <li>- “Highway Inspection Defect Recording Manual”, CSSW, 2018</li> <li>- Works orders and highway repair work backlog figures (potholes/patching/structures).</li> <li>- Inspection reports.</li> <li>- Customer complaints.</li> </ul>	<p>The HAMP will guide Blaenau Gwent County Borough Council acting as the Highway Authority, in the management of the adopted highway network to ensure that:</p> <ul style="list-style-type: none"> <li>- All assets continue to deliver a service to the community and highway users.</li> <li>- There is clear direction for Elected Members and Council staff to make informed decisions regarding the adopted highway network.</li> <li>- Legislative requirements are satisfied.</li> <li>- Exposure to safety risk is mitigated to agreed and acceptable levels.</li> <li>- Asset purchases, increases or construction are only approved after whole life costs and benefits are assessed and agreed.</li> <li>- Clear and transparent allocation of responsibilities for the management of individual assets is recorded.</li> </ul>	<p>The evidence and data have identified the need to introduce additional financial resources to enable the related strategies to be delivered successfully.</p>

**Are there any data or information gaps and if so what are they and how do you intend to address them?**

Yes, there are data gaps that need to be addressed going forward, these include;

- Accurate vehicle movement figures on the highway network.
- Pedestrian footfall on pavements, walkways and within town centres.
- Highway detailed condition survey

It is the intention to look to introducing monitoring counters at locations to assess pedestrian and vehicle volumes. There are now opportunities to explore digital highway surveys from moving vehicles.

**Section 10-Consultation. Please provide details of consultation undertaken to support the proposal. Please consider the Gunning Principles: -**

Principle 1: Consultation must take place when the proposals are still at a formative stage. You must not have already made up your mind.

Principle 2: Sufficient reasons must be put forward to allow for intelligent consideration and response. Have people been given the information and opportunity to influence?

Principle 3: Adequate time must be given for consideration and response. Is the consultation long enough bearing in mind the circumstances?

Principle 4: The product of consultation must be conscientiously taken into account when finalising the decision

**Briefly describe any planned consultations or consultations that have been carried out to date. Please consider the above principles.**

**Please consider the following questions; -**

**1. Who did you consult?**

- CSSW Codes
- Insurance Section
- Welsh Highway Authorities through CSSW
- Cabinet Member for Highways and Environmental Services
- Council Members through members briefing 18<sup>th</sup> April 2023
- Other affected departments within Blaenau Gwent CBC

**2. When did the consultation take place and was adequate time given for a response?**

During 2022/23 through meetings and member briefing

**3. Was there enough information provided to respond effectively?**

Yes

**4. What were the findings?**

To identify the necessary information to create a Highways Asset Maintenance Plan for adoption by Blaenau Gwent CBC.

**5. Have the findings been considered in regard to the decision?**

Yes

Section 11-Monitoring and Review	
<b>How will the implementation of the proposal be monitored, including the impacts or changes made?</b>	<p>The HAMP will be monitored through the following methods:</p> <ul style="list-style-type: none"> <li>• Service inspections/Team briefings</li> <li>• Customer complaints</li> <li>• Annual committee performance reports/including PI's</li> <li>• Service reviews (every 2 years) Commencing 2025.</li> </ul>
<b>What monitoring tools will be used?</b>	<p>Electronic - Mayrise system, AXA system, My Council Services</p> <p>Other tools available are:</p> <ul style="list-style-type: none"> <li>• Gazetteer Asset Inventory</li> <li>• Highways conditions surveys (Scanner &amp; SCRIM annual reports).</li> <li>• Inspection reports</li> <li>• Highways user figures (to be developed)</li> <li>• Safety/Accident records</li> <li>• Financial resources</li> </ul>
<b>How will the results be used for future development?</b>	<p>The results will be used to:</p> <ul style="list-style-type: none"> <li>• Identify necessary financial resources required</li> <li>• Identify highway assets to be updated/replaced</li> <li>• Establish an improved planned maintenance regime</li> <li>• To prioritise resources for immediate and future highways maintenance</li> </ul>
<b>How and when will it be reviewed?</b>	<p>The HAMP will be reviewed every 2 years and reported through the Council's committee/democratic process</p>
<b>Who is responsible for ensuring this happens?</b>	<p><b>Head of Service</b></p>

**Section 12 - Decision**

*Using the information you have gathered from sections 1-9 please state in the table below whether you are able to proceed with the proposal.*

Continue with the proposal in its current form	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Continue with proposal but take into account reasonable steps to mitigate any negative impacts of the proposal	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Page 677

Name of person completing the IIA	
<b>Name:</b>	David Watkins
<b>Job Title:</b>	Team Manager – Street Scene
<b>Date:</b>	01/06/23

Head of Service Approval			
<b>Name:</b>	Clive Rogers		
<b>Job Title:</b>	Head of Community services		
<b>Signature:</b>		<b>Date:</b>	

Please contact Policy & Partnerships should you require any further advice or guidance on completing your assessment via [lissa.friel@blaenau-gwent.gov.uk](mailto:lissa.friel@blaenau-gwent.gov.uk) or [emma.scherptong@blaenau-gwent.gov.uk](mailto:emma.scherptong@blaenau-gwent.gov.uk).

This page is intentionally left blank

# Agenda Item 21

*Cabinet and Council only*

Date signed off by the Monitoring Officer: 08.09.2023

Date signed off by the Section 151 Officer: 11.09.2023

Committee: **Council**

Date of Meeting: **21<sup>st</sup> September, 2023**

Report Subject: **Annual Report of the Director of Social Services 2022/2023**

Portfolio Holder: **Councillor Hayden Trollope – Cabinet Member People & Social Services**

Report Written by: **Tanya Evans, Interim Director of Social Services**

Reporting Pathway								
Directorate Management Team	Corporate Leadership Team	Portfolio Holder / Chair	Audit Committee	Democratic Services Committee	Scrutiny Committee	Executive Committee	Council	Other (please state)
22.8.23	24.8.23				19.9.23		21.9.23	

## 1. Purpose of the Report

The purpose of this report is to provide People Scrutiny with the Annual Report of the Director of Social Services 2022/2023 (Appendix 1).

## 2. Scope and Background

- 2.1 The performance of the department is monitored throughout the financial year from April to March, with a six-month report presented to People Scrutiny Committee during 2022-23. At the end of the year a comprehensive self-evaluation of performance is undertaken to inform the Annual Report of the Director of Social Services
- 2.2 The Social Services and Well-being (Wales) Act 2014 (SSWBA) places a statutory duty on all local authorities to produce an annual report on the discharge of its social services functions.

## 3. Options for Recommendation

People Scrutiny Committee considered the report at its meeting on 19<sup>th</sup> September, 2023.

### Option 1

Approve the publication of the Annual Report of the Director of Social Services 2022/2023.

### Option 2

Consider the detail contained in the Annual Report of the Director of Social Services 2022/2023 and contribute to the continuous assessment of effectiveness by making appropriate comments and or recommendations for amendment prior to approval and publication.

4. **Evidence of how does this topic support the achievement of the Corporate Plan / Statutory Responsibilities / Blaenau Gwent Well-being Plan**

It is a statutory responsibility of the Director of Social Services to assess the effectiveness of the delivery of Social Services and produce an Annual Report. The Annual Report contributes and forms part of the Annual Council Reporting Framework (ACRF).

5. **Implications Against Each Option**

5.1 ***Impact on Budget (short and long term impact)***

The Director's Annual Report identifies the pressures and budgetary implications for 2022/2023.

5.2 ***Risk including Mitigating Actions***

Social Services maintain a directorate risk register which is aligned to both service level and corporate risk. The risk register is reviewed as part of the business planning process and included within the performance reporting of the Director of Social Services.

5.3 **Legal**

There are no legal implications with this report

5.4 **Human Resources**

There are no staffing implications related in this report

6. **Supporting Evidence**

6.1 **Performance Information and Data**

Detail is provided within the Director's Annual Report 2022/2023.

6.2 ***Expected outcome for the public***

The key theme of the Social Services and Well-being Act is to promote the well-being of people who need care and support. Within the annual report it is highlighted where the Directorate has worked closely with the public to improve service delivery and user outcomes. Reporting provides the public with the opportunity to view progress of the Directorate and ensure accountability.

6.3 ***Involvement (consultation, engagement, participation)***

The Social Services and Well-being (Wales) Act 2014 looks to build and strengthen on existing arrangements by involving service users, carers and other key partners where possible in helping shape and influence future design of services.

6.4 ***Thinking for the Long term (forward planning)***

The Annual report enables the department to plan for the future as spend, risk and performance is continuously reported on and provides a baseline of where the department is currently and where it needs to be in the future.



6.5 ***Preventative focus***

The work undertaken by the department looks to promote a preventative approach to practice through early identification and intervention. Having a proactive rather than reactive approach to service planning can also help with planning resources and not spending as much on services in the future.

6.6 ***Collaboration / partnership working***

Social Services work collaboratively across boundaries to benefit citizens requiring health and social care services across Gwent.

6.7 ***Integration (across service areas)***

The purpose of the SSWBA is to foster integration between Health and Social Services.

6.8 ***Decarbonisation and Reducing Carbon Emissions***

The workforce who deliver the functions of the SSWBA 2014 have adopted the agile working policy of the council which will have a positive impact on car emissions as staff are now able to work from home to undertake paperwork and do not have to travel to the office.

6.9a ***Socio Economic Duty Impact Assessment***

All service provision and functions that sit under social services are subject to socio economic disadvantages for example, low income, material and area deprivation. All programmes work towards addressing these disadvantages.

6.9b ***Equality Impact Assessment***

The overarching vision is to support the needs of the most vulnerable children and adults in our communities through a range of early intervention, prevention and support mechanisms. With the aim of building resilient individuals, resilient families and resilient communities.

7. ***Monitoring Arrangements***

7.1 Monitoring of the performance of the Social Services Directorate will be reported through the People Scrutiny Committee as per the forward work programme.

**Background Documents /Electronic Links**

Appendix 1 – Annual Report of the Director of Social Services



# Director Social Services

Annual Report

2022/23



# Contents

<b>Introduction</b>	<b>3</b>
<b>Director’s Summary of Performance</b>	<b>4</b>
<b>How People are Shaping our Services</b>	<b>6</b>
<b>Promoting and Improving the Well-being of Those We Help</b>	<b>8</b>
• <b>Quality Standard 1</b>	<b>9</b>
• <b>Quality Standard 2</b>	<b>11</b>
• <b>Quality Standard 3</b>	<b>14</b>
• <b>Quality Standard 4</b>	<b>17</b>
• <b>Quality Standard 5</b>	<b>19</b>
• <b>Quality Standard 6</b>	<b>21</b>
<b>How We Do What We Do</b>	
• <b>Our Workforce and How We Support their Professional Roles</b>	<b>24</b>
• <b>Local, Political Leadership, Governance and Accountability</b>	<b>25</b>
• <b>Audit and Inspection</b>	<b>25</b>
• <b>Working in Partnership</b>	<b>26</b>
• <b>‘More than just Words’</b>	<b>27</b>
• <b>Our Financial Resources and How We Plan for the Future</b>	<b>27</b>
<b>Conclusion</b>	<b>29</b>
<b>Accessing Further Information and Key Documents</b>	<b>30</b>
• <b>Useful Documents</b>	
• <b>Useful Websites</b>	
• <b>Providing Feedback</b>	

# Introduction

**Welcome to the Blaenau Gwent County Borough Council Social Services Annual Report 2022/2023. Over the past few years the Department has been developing this annual report to highlight the key areas of improvements and challenges that have been faced.**

This report has been developed in line with the Social Services and Well-being (Wales) Act 2014, referred to as 'the Act' throughout this document. The Act aims to provide the most radical change to the way in which Social Services is provided since 1948. It focuses on improving the well-being of people who come to Social Services for support. It is person centred and focuses on prevention and reducing the need for care and support. It recognises that responsibility lies not only within Social Services Departments, but also within the wider Local Authority and with partners (particularly Health and the Third Sector).

The Act shares similar principles with a number of key national/regional strategies that are being implemented throughout the Council, in particular the Well-being of Future Generations (Wales) Act 2015.

The Director of Social Services has a statutory requirement to publish an annual report in relation to the delivery of its functions, to evaluate its performance and also include lessons learned. A key aspect of the report is showing how the six Quality Standards have been implemented in relation to well-being outcomes.

This report provides a strategic overview of the work undertaken throughout 2022/2023 and what plans are in place to move forward. Further supporting information can be found from page 30 of the report.

The report includes evidence of where Social Services have worked collaboratively with partners.

Experiences and learning from service users has been considered as part of the development of the report. Care Inspectorate Wales (CIW) findings, Audit Wales (AW) findings, case studies, complaints and compliments and quarterly reporting have all been considered as part of the development of this report and evidence from these has been used to inform future learning.

The annual report is used to demonstrate accountability to citizens and service users. As part of this process, the report will be presented to full Council for ratification before it is published on the Council's website and will then be sent to Welsh Ministers. The report will be available on line bilingually and will be shared with partner agencies in order to share good practice, learning and experiences.

## Director's Summary of Performance

22/23 saw a great deal of change for the Council and the Social Services Directorate. The council has a new political administration which in turn has led to a change in the executive member for social services. Councillor Trollope is now our Executive Member bringing with him a sound knowledge of the Social Services agenda, having previously held this position, and having sat on the Social Services scrutiny committee for many years. We have seen a change in the way scrutiny committees have been designed. Social Services now report to the PEOPLE scrutiny committee to which our Education Directorate also report.

A new Corporate Plan has been developed to take us through to 2027. The plan has the following 4 priorities which the Social Services Directorate will be working to

- Maximise learning and skills for all to create a prosperous, thriving, resilient Blaenau Gwent
- Respond to the nature and climate crisis and enable connected communities.
- An ambitious and innovative council delivering quality services at the right time and in the right place
- Empowering and supporting communities to be safe, independent, and resilient

The change has also extended to the senior leadership of the Social Services Directorate, with myself Tanya Evans taking up the role of Interim Director and Alison Ramshaw stepping up as Interim Head of Children's services. These interim arrangements have remained in place throughout the whole of 22/23.

As a Directorate we have reviewed our priorities alongside the priorities for both children's and adult services. It is no surprise to see that both children's and adult services have very similar priorities in relation to safeguarding, workforce, the preventative agenda, plus the sustainability of services.

Budget pressures have been a significant factor during this year due to the increase in demand and complexity of need we have been dealing with. That said the outturn for the end of the financial year was better than expected, all be it still an overspend position. This directorate is heavily dependent on grants from Welsh Government to deliver its core services. If these grants stop in the coming years, it will have a negative impact on our ability to provide our statutory responsibilities.

The Directorate has a clear workforce strategy in place, which has had a positive impact on recruitment to hard to fill vacancies in provider services and our front-line children's social work teams. It has led to a reduction in sickness rates in provider services which had been a hot spot for some time. The workforce has been working as hard as ever this year to meet the needs and provide quality service to the people of Blaenau Gwent. We have much to be proud of in relation to what has been achieved in the last 12 months.

Some of the achievements include: -

- Cwrt Mytton our residential home for people with dementia has been able to open back up to visitors following the pandemic and have held numerous successful social events which have been shared on social media
- Successful staff recruitment to areas we have been struggling to recruit to for some time
- The adult services new IAA structure went live in April 22 and is no longer reliant on grant funding
- The Commissioning Team have continued to support the external sector by passporting the numerous grants received from Welsh Government to support them to continue to deliver services
- We have opened our new SMART flat and progressing the use of technology to support people in Blaenau Gwent to remain independent and living at home for as long as possible.
- Community Meals take up is increasing including our 'tea time trays'

- We have maintained a strong outcomes based approach to the way in which we deliver practice ensuring we hear about “What Matters” to the people we serve balancing their rights and responsibilities
- Augusta House respite provision has been extended to include Children
- The 14 plus Team won a social care accolade for building brighter futures for children and families.
- The child care and play sufficiency assessments have successfully been completed with 5-year action plan in place
- We have seen the launch of our own BG MyST which works intensively with children with complex needs to prevent them entering residential care and working with those in residential care to support their return to foster care or their families.
- The joint Youth Offending Services we have with Caerphilly had a positive inspection.
- Our Children Looked After numbers continue to remain stable.
- We have successfully placed all our children allocated seeking asylum Seeking under the National Transfer Scheme
- The opening of the Augusta House reablement PODS which will give people with learning difficulties the opportunity to develop their independence skills in a purpose-built supported environment.
- The purchase of electric vehicles for Community Meals and home care to support the climate crisis agenda.
- Implementation of the new operating model for the children locality teams to manage the workload and demand for services.
- Successfully used the Regional Integrated capital fund to purchase our first residential home for children looked after.
- Our Families First Young Carers group are finalists in this year’s Social Care Accolade awards



**Tanya Evans**  
**Interim Corporate Director**  
**Social Services 2022/23**



**Cllr Haydn Trollope**  
**Cabinet Member for People and**  
**Social Services**

# How People are shaping our Services

## Engagement

The Social Services Directorate is committed to providing high quality services to its citizens and uses various engagement methodologies in order to understand if the service is achieving the intended outcomes or if amendments to service delivery needs to be considered. The service ensures that the voice of people is used to inform and improve the service moving forward.

The staff ensure that people's voices are heard and listened to by having the 'what matters; conversation to establish the personal outcomes each individual wants to achieve and the support networks they may already have in place to rely on to meet those outcomes.

Throughout April 2022 to March 2023 a variety of engagement events have taken place and include the following:

- **Summer of Fun activities**
- **National Play Day**
- **Men's Health Week**
- **Child Safety Week**
- **Summer Platinum Jubilee events in Cwrt Mytton Residential Care Home**
- **A Gwent regional stakeholder consultation**
- **National Children's Day - promoting the importance of a healthy childhood and the rights of a child**
- **National Smile Month**
- **Involvement with Individuals, children and families occurs on a daily basis and is recorded as part of care planning**
- **Unpaid adult and young carers sessions.**

## Complaints and Compliments

The Social Services Department is committed to providing high quality services to its users; however, despite best intentions, it is recognised that sometimes things can go wrong and the Social Services complaints procedure provides people with the opportunity to voice their concerns when they are dissatisfied with a service. The service uses learning from these complaints to improve services moving forward. The service also welcomes positive feedback and compliments and also uses this information to further improve services.

**From 1st April 2022 to 30th April 2023 in children's services there were 5 stage 1 complaints and 6 stage 2 complaints (1 stage 2 complaint is currently being investigated).**

Some examples of the complaints received are shown below:

- Lack of communication between social services and childcare setting
- Quality in the recording of information
- Not sharing information with parents in respect of safeguarding concerns and actions taken between care settings



- Unhappy with the conduct and communication of a staff member
- Information omitted from minutes during a professionals meeting

Some examples of learning identified and actioned within Childrens services throughout the period were:

- Processes to be reviewed and staff reminded via supervision and training sessions of the importance of communication between professionals
- Staff to receive refresher training focusing on recording factually accurate information in the appropriate language and that is not subjective
- Staff to receive training on how to have 'uncomfortable conversations' in order to be honest and open with parents when keeping observations at the request of social services
- Discussions to take place in 1: 1 supervision session in respect of professional presentation and communication skills
- Minutes to be amended to reflect the full dialogue of the meeting and training and development sessions to be arranged for staff

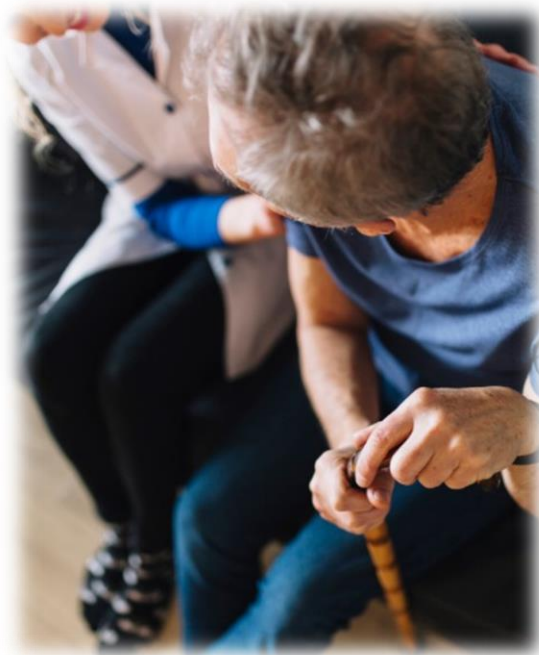
**From 1st April 2022 to 30th April 2023 in adults' services there were 2 stage 2 complaints, 1 completed and 1 complaint is currently being investigated.**

Some examples of the complaints received are shown below:

- The recording of information in formal documents and the quality of communication shared between professionals and complainants

Some examples of learning identified and actioned within Adults services throughout the period were:

- Staff will be reminded of the importance of recording accurate information in the appropriate language, and to include service users and families as part of this process.



# Promoting and Improving the Well-being of Those We Help

## Priorities

The Corporate Plan 2022/27 is the Council's roadmap setting out the vision, values and priorities of the Council and the business plans within Social Services are aligned directly to the Corporate Plan. The Social Services priorities are shown below and the Quality Standards demonstrate where improvement has been made, challenges have been addressed and where outcomes have been achieved.

### Departmental Priorities

- To improve accessibility, provision of information and advice to enable people to support their own well-being
- To work with people to make sure they have a say in achieving what matters to them
- To intervene early to prevent problems from becoming greater
- To work with our communities and partners including Aneurin Bevan Health Board and neighbouring authorities to deliver integrated responsive care and support
- Ensure we have an appropriately skilled, motivated and supported workforce with clear career development pathways in place that support our service delivery
- To have effective safeguarding arrangements in place to protect people from harm
- To develop a partnership approach to reducing and alleviating the impacts of poverty

### Children's Services Priorities

- Ensure all children are safeguarded
- Ensure we have an appropriately skilled, motivated and supported workforce with clear career development pathways in place that support our service delivery
- Ensure all teams deliver an outcomes based approach to practice and service delivery
- Ensure that we provide / commission modern, flexible, cost effective high quality support services that meet both current and future well-being needs of children
- Ensure that preventative support is available for children and their families, that promote early intervention and prevents needs from escalating.
- Manage the Children's Services budget to ensure expenditure comes within budget
- Ensure the Safe Reduction of Children Looked After Strategy 2020 – 2025 actions are regularly monitored and reviewed
- Ensure outcomes for children looked after continue to improve through the implementation of the Corporate Parenting action plan
- Review the way in which children's services operates and decide if a change is necessary in order to manage demand and workload.
- Children's Services contributes to meeting the Sustainable Development Principles

### Adult Services Priorities

- Ensure all adults are safeguarded
- Ensure we have an appropriately skilled, motivated and supported workforce with clear career development pathways in place that support our service delivery
- Ensure all teams deliver an outcomes based approach to practice and service delivery
- Ensure that we provide / commission modern, flexible, cost effective high quality support services that meet both current and future well-being needs of vulnerable adults and their unpaid family carers
- Ensure that preventative support is available for adults and their unpaid carers, that promote and maintain personal independence
- Manage the Adults Services budget to ensure expenditure comes within budget
- Undertake a review of the current model of Community Options
- Adult Services contributes to meeting the Sustainable Development Principles

## Progress of Quality Standards

During a comprehensive assessment of performance at the end of 2022/23, the following achievements and challenges were identified as part of the Council's Performance Management Framework.

### Working with people to define and co-produce personal well-being outcomes that people wish to achieve

The dedicated **Information Advice and Assistance (IAA)** Teams are the first point of contact for the public who wish to access advice and support and for contacts and referrals for both adult and children services. In relation to adult services this also includes contacts for some health functions. A range of other professionals work within these teams. The teams take a **preventative approach** to ensure needs are met at the earliest opportunity, by the right service, to prevent needs from escalating. Contacts into IAA remain high and have been increasing throughout the period of this report. The Children's IAA Team is funded by a mixture of core and grant funding which is a risk if future grant funding is removed. However, the new Adult Services IAA structure went live in April 2022 and is no longer reliant on grant funding creating a more sustainable service.

Preventative service delivery continues to be a priority across all services. Children's Service's IAA teams have seen a significant rise in referrals, but, despite this, all referrals have been dealt with within statutory timescales. All contacts across both adult and children's services take an outcomes strength based approach by establishing **'what matters'** to the customer and the number of referrals being allocated continues to be stable, evidencing that the preventative work, undertaken at the 'front door', continues to be successful.

Staff are supported with access to training on 'what matters'. New staff have also attended training sessions on **Collaborative Communication** and accessed other learning opportunities available in order to support outcome focused practice, and deliver interventions based on an outcomes/strengths based approach. **Monthly reflective practice sessions** continue in each of the service areas and refresher training is available to all staff through Workforce Development.

Adult Service staff have been undertaking **learning and development opportunities in collaboration with colleagues from Aneurin Bevan University Health Board (ABUHB)** as part of a project facilitated by Social Care Wales (SCW) and there has been a strong emphasis on focussing on changing the conversation with patients during our assessments within our acute and community settings. This work was evaluated by Social Care Wales in the Autumn of 2022. The outcome of the Social Care Wales work will be presented to the Gwent Adult Strategic Partnership Board as part of showcasing across the Regional Partnership Board (RPB). An evaluation report on Balancing Rights and Responsibilities Programme Evaluation can be found at the end of the document under 'useful documents'.

**Regional partnership arrangements** continue and Blaenau Gwent has a strong voice in the development of these arrangements. Joint Service Manager supervision takes place between the Heads of Service from Caerphilly and Blaenau Gwent Children Services regarding the Youth Offending Service (YOS) delivery, this ensures the children and young people of Blaenau Gwent, in receipt of services from YOS, have their continued needs met.

Across Adult Services we continue to provide opportunities for wider case discussion and problem solving. We have weekly 'fish bowl' meetings which focus on:

- **The presentation of complex cases**
- **Peer support**
- **Quality assurance**
- **General opportunities for creative problem solving**
- **Case discussions**
- **New ways of working**
- **How to best support people who access our services.**

Adult Services are also looking at meeting structures on how best to streamline the 'fish bowl' approach with Balancing Rights and Responsibilities and Systems Review. This to be agreed and finalised in Quarter 1 of 2023/24.

Performance measures reported during 2022/23 are showing: -

**Adults Services Information Advice and Assistance (IAA)** - The number of **enquires received at 'front door' was 4610** compared to **2931 in 21/22 (Aug 21 – March 22)**. Number of **referrals resolved at IAA was 2767** (made up of those enquiries signposted, closed down before progressing to assessment and those that led to an IAA) **compared to 1562 in 21/22 (Aug 21 – March 22)**. The remainder **1843 went onto the Long term teams, Safeguarding, Community Resource Team (CRT) and The Local Authority unpaid carers team compared to 1369 in 21/22 (Aug 21 – March 22)**.

**Children's Services IAA**- there were a total of **6,755 referrals** with **772 of them being referred to preventative services (Families First) compared to 5781 referrals in 21/22 with 546 of them being referred to preventative services (Families First)**.

Support to our unpaid carers including our Young Carers, have benefited from the development of a new scheme that supports them with the impact of the cost of living crisis. The department has implemented a series of information opportunities along with a carers small grant scheme with funding provided by Welsh Government and the Carers Trust for 2022/23 and 2023/24. The coordination of this project has been led by officers from both Children and Adult Services to ensure that we provide equitable opportunities to both our young and adult carers.

Across both Adult and Children's Services we continually monitor and review the way in which services operate and decide if a change is necessary in order to manage demand and workload. As a result of this, as of January 2023, a new pilot commenced with the Children Services **Locality Teams** which will run over a 12-month period. Within this pilot, three new operational care planning teams were established with the 4<sup>th</sup> becoming the **Statutory Assessment Team**. Early indications are that the change is impacting positively on capacity and outcomes for the child and family. The Statutory Assessment Team has also eased the work pressure on the Locality Teams. The pilot is reviewed regularly to ensure that the staff complement is appropriate and that the new model is working well. Caseloads continue to be monitored and all staff and team managers are ensuring caseloads are accurate to ensure they are manageable.



## Working with people and partners to protect and promote people's physical and mental health and emotional well-being

Within Adult Services we have introduced a new post of Social Work Senior Practitioner with responsibility for the Mental Capacity Act and the Deprivation of Liberty Safeguards (DoLS). We continue to work in partnership with the Gwent DOLS team which is hosted by Aneurin Bevan University Health Board (ABUHB). The numbers of people waiting for a DOLS assessment within Blaenau Gwent has reduced considerably during 2022/23 as a direct result of the local monitoring and as a result of coordinated resource to address the back log via both the Gwent DoLS team and externally commissioned assessments.

A **Gwent Dementia Action Plan** has been developed and aligns to the 20 All Wales Dementia Pathway Standards which will also include performance measures. Work stream subgroups have been developed to take forward this programme of work which includes:

- **Engagement**
- **Memory Assessment Service**
- **Dementia Connector role**
- **Dementia Friendly Hospital Charter**
- **Education/Workforce**
- **Measurement/Performance**

Discussions continue with the Alzheimer's society regarding dementia advisors for the dementia reablement programme in line with the Dementia action plan and this new service is due to commence in April 2023.

We continue to aim for the delivery of modern flexible and responsive services that enable older people to maximise their independence and live with appropriate support within their communities. We have developed a new assistive technology SMART flat. Our reablement service within our integrated Community Resource team continues to deliver person centred reablement support.

We have continued to see **increasing demands placed on the Health and Social Care system including at our community and acute hospital sites**. We have been working with our Gwent Local Authority colleagues and ABUHB to revise current models of support to enable patients who are ready for discharge to either safely return back to their own homes or to utilise alternative accommodation, on a temporary basis, whilst waiting for support to enable them to return home. We are using current partnership Regional Integrated Fund (RIF) grant funding to develop a menu of support services including, **increasing the use of Step Closer to Home beds to reduce the dependency on hospital stays and reduce length of stays**, providing additional care home capacity as well as additional capacity within our assessment teams in order to address both the current and future demand.

A Gwent wide 'whole-system' approach is in operation to support people who are experiencing a mental health crisis and includes:

- **Mental Health 111- point of contact live 28th November, this provides a point of contact that is accessible for anyone experiencing a mental health crisis or emotional distress within Gwent - also for family/friends and carers**
- **Emergency Department support service has been introduced at Grange University Hospital Emergency Department, peer support workers provide support to those in emotional distress, preventing escalation and improve quality of mental health support services. Alternatives to hospital**
- **Mental Health Shared Lives service continues to be successful in minimising those in crisis being admitted to psychiatric units and also supporting earlier discharge. Citizens report improved satisfaction.**
- **Crisis Support House, Ty Cynol for those who meet requirements of a safe stay**

Within Children Services, the **South East Wales Adoption Service (SEWAS)** have entered into the early alert process whereby children are referred to a link worker within one month of a placement order to ensure all potential links to potential adoptive families are explored in a timely manner.

The **Life Journey Work Coordinator** is rolling out training to childcare social workers. Improvements have been made to the quality of materials provided to **adoptive parents**. Understanding the child days and trauma nurture timelines are completed for children aged 18 months + and this provides adoptive families with enhanced information of the impact a child's early life experiences.

The SEWAS Contact Worker continues to promote sibling contact which involves speaking to child care social workers at an earlier date with regards to **sibling contact arrangements** and reviewing existing arrangements. One off birth parent meetings are increasing.

Referrals to **advocacy** are closely monitored by the service manager and good performance is reported across the teams. All staff within preventative services are training in **Collaborative Communication** and new staff entered onto training as part of their induction.

Work has taken place to ensure that **mandatory safeguarding training for foster carers** is being delivered on a face-to-face basis rather than virtually. The training needs of foster carers continue to be monitored and promoted during annual reviews, appraisals and supervision sessions, a programme of training/reflective sessions for foster carers commenced in January 2023 and is being delivered by the **MyST (My Support Team)**.

A **Circle of Security Parenting Programme** has been delivered to a small number of parents with young children, in collaboration with the Psychologist and Support Worker. Additionally, Circle of Security has been delivered to a cohort of foster carers, helping to **stabilise children in care** and preventing a risk of breakdown in placement. Feedback is that they have found the parenting programme to be very beneficial and are adapting their parenting styles accordingly.

In April 2022, Blaenau Gwent established its own MyST to provide greater capacity within the service. Since this time, staff from MyST have been attending News and Networking events and meeting mentors in order to embed the service fully within Blaenau Gwent. Positively, the service is now working with children, under each of the operational teams, suggesting that the service is being utilised by all. MyST are operating at full capacity **providing support to 15 children and young people** as well some additional bespoke pieces of work. The MyST service also continue to work with a number of young people in residential care on a 'step-down' basis as well as working with a number of **young people who are at risk of entering residential care** on a preventative basis.

Challenges remain regarding the availability of '**step down**' **accommodation** from residential care into foster care which is largely dependent on the availability of 'step-down' foster placements. **With the demand on placements and the difficulties with recruitment of foster carers the reduction of children in residential care is slower than we would have hoped for, however 22/23 progressed numbers were reducing mainly due to the current cohort of young people reaching 18 and moving into independent accommodation.**

A **Worcester University Evaluation of the 0 -25 Disability Service** has been undertaken. The Evaluation evidences good use of the **disability index and the disability Facebook page** and these services continue to be offered within the team.

Work is underway in respect of supporting partners, to support young people. As part of this, the **Supporting Change Team has been working collaboratively with the Youth Service** to run a small trauma informed, activity based group for some of the hardest to reach young people open to the team. This includes the establishment of a sports session and the continuation of the **Carers Support Group**. The team has also concluded a group work project working in partnership and alongside a targeted group of **young girls looking at raising aspirations/self-esteem and self-worth**. The project has been very well evaluated and the team are looking into how they can run further projects.

This year, Augusta House requested registration from our regulator Care Inspectorate Wales (CIW) to provide **respite support** to young children in addition to adults which was agreed. This has now enabled the **Disability Team** to have access to a residential respite provision which is proving successful for children with a disability and supporting the needs of their parents and carers, as well as outcomes for the young people.

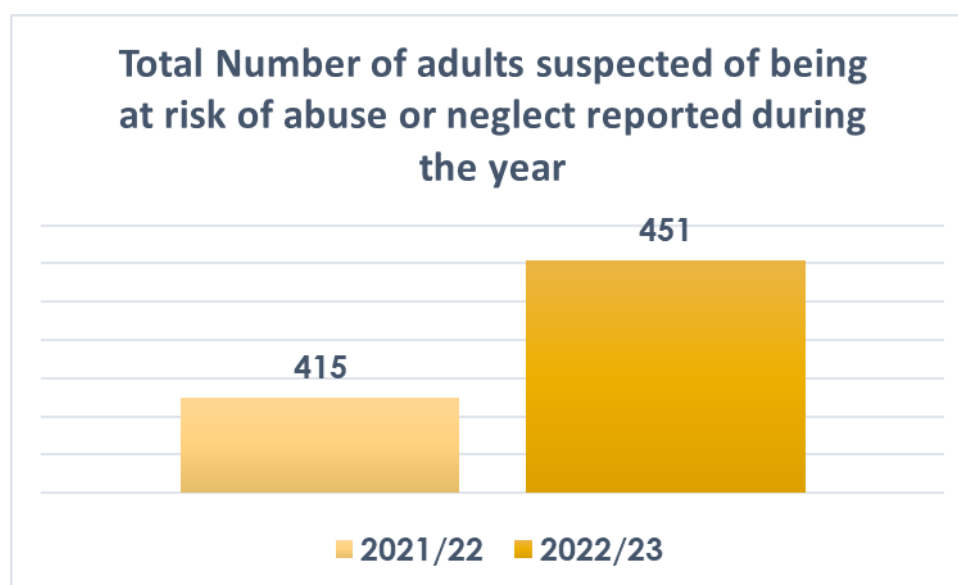


## Protecting and safeguarding people from abuse, neglect or harm

The Department recognises the importance of having robust and sustainable **Safeguarding Teams across both Adult and Children Services** to ensure we not only meet our legislative requirements, but that we are also able to protect our most vulnerable citizens.

Adult Services has implemented a new **adult safeguarding staffing structure** which is now operational and working effectively. An additional senior practitioner for safeguarding has been created to create additional capacity and also provide decision making resilience.

We have seen an increase in numbers of referrals of safeguarding referrals during 2022/23 compared to 2021/22.



**Staff safeguarding training** is ongoing with different models of learning offered to different staff groups. Refresher training has been provided to Provider Services which has included commissioned sessions from the Workforce Development Team and also bespoke learning sessions provided by our Safeguarding Team.

All safeguarding referrals continue to be managed in line with the **Wales Safeguarding Procedures** and statutory requirements. An internal audit has taken place in relation to safeguarding processes across the directorate and reasonable assurance was given.

Despite good progress being made, the **low Social Worker vacancy rates in the Children's Locality Teams needs to be sustained**, plus there are savings attributed to the workforce which could impact on the ability to safeguard.

The **Audit Wales Safeguarding report** was presented to Governance and Audit Committee on 8th March 2023. The Corporate **Safeguarding Leads Group**, chaired by the Interim Head of Children's Services, with representation from each directorate across the Council, will implement the recommendations identified by Audit Wales Report. The Corporate Safeguarding Policy has been amended to reflect the recommendations made, and a new Corporate Safeguarding Training Framework has been approved and compliance across the council will be monitored by the Corporate Safeguarding Leads Group.

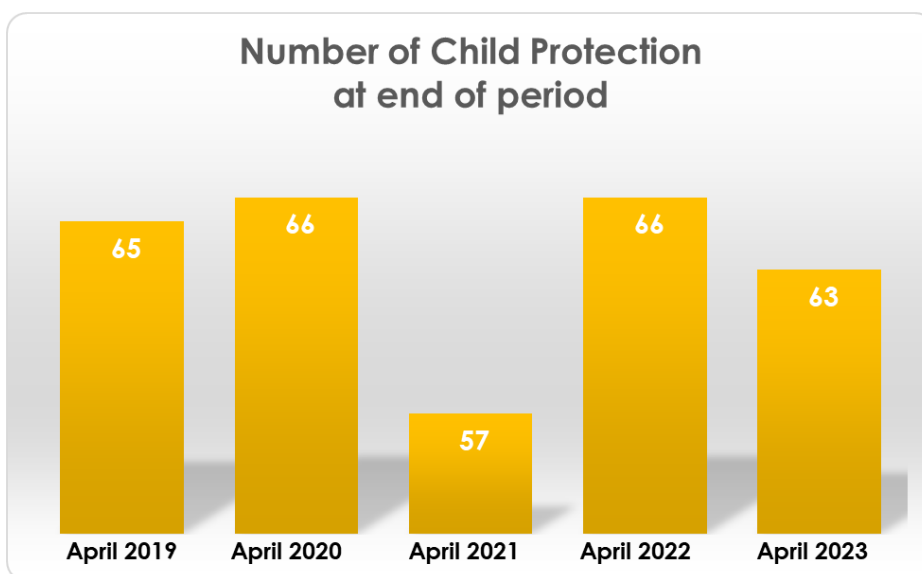
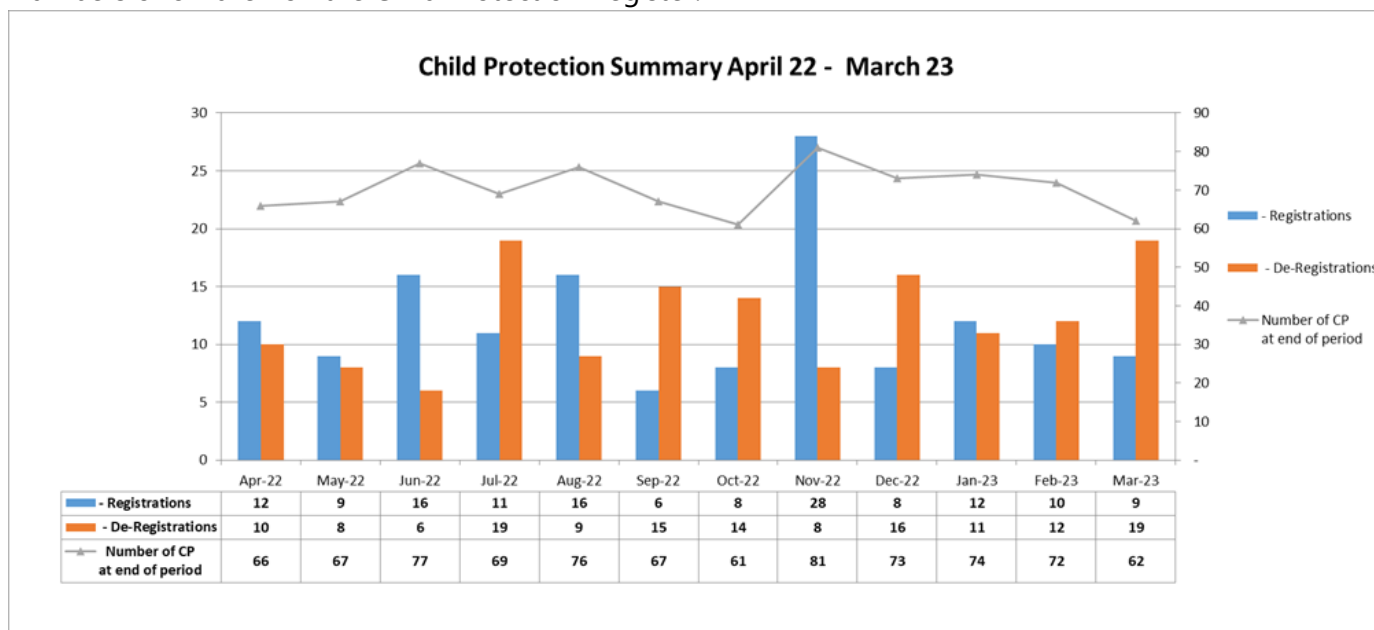


All new Council staff are informed of the Council’s safeguarding arrangements as part of their induction programme. All staff within teams have completed the relevant level of safeguarding training. Within the Children’s IAA team all Safeguarding referrals must be responded to within 24 hours and we are continuing to respond accordingly. All safeguarding concerns are responded to with appropriate decision making and all strategy discussions are usually held within 24 hours. The issue with Police meeting this timescale remains an issue when they deem it 'non-urgent' they will arrange for this to be held out of this time scale.

**Safeguarding performance** is good, **Child Protection** conferences have been held within statutory timescales as have all Child Protection statutory visiting for children on the register.

Currently the Child Protection Conference process is operating as a Hybrid model of face to face meetings and meetings on TEAMS. Indications are that this model is proving popular with partner agencies and families. The Safeguarding Team Manager continues to review models of facilitating conferences ensuring that the child’s safeguarding needs remains paramount to any future decisions made.

Numbers of children on the Child Protection Register: -



**‘What Matters’** meetings have been implemented and used regularly in practice with multi-agency participation and high scrutiny of all **Child Protection plans**.

The **Early Years, Child Protection Training programme** is created annually and checked monthly to ensure that it is up to date. Safeguarding is always a standing item in the Network Meetings and six monthly meetings are held with Safeguarding Lead and the Early Years, Child Protection Manager.

We continue to be a key partner of the **Gwent Safeguarding Strategic Board** and relevant operational sub groups. As a partner of the Gwent DoLS Board we continue to prepare for the implementation of the **Liberty Protection Safeguards legislation (LPS)** and during the year have contributed to the consultation on the long-awaited codes of practice.

There have been ongoing reviews of the care management waiting lists due to capacity demands and **reduced availability of domiciliary care** to support people safely at home. We have proactively utilised the DASH emergency domiciliary care service to cover unplaced packages of care and this has ensured that no citizens have been without their domiciliary care packages and that they are safely supported at home. All people are safely supported within available capacity.

Work has commenced on the reviewing of all Adult Services policies and procedures. As part of this work **our Provider services medication policy has been revised and fully implemented, along with a comprehensive training package to all Provider front line care staff.**

Having a suitably qualified and skilled workforce is paramount when ensuring that vulnerable people are safeguarded. The department has developed a workforce strategy that not only ensures that we recruit and retain staff across Adult Services, Children Services and our Provider teams but that we also support their development, progression and wellbeing. To assist in the delivery of the workforce strategy the department has successfully recruited a lead officer to support managers in progressing and promoting the opportunities that we can offer staff in Blaenau Gwent.

As a partnership, we have submitted a **Welsh Government Regional (Gwent) bid to support capacity for the development of Liberty Protection Safeguards** in order to provide important rights and protections for people who lack the mental capacity to agree to care, support or treatment arrangements, where these arrangements amount to a deprivation of liberty. In addition to this, a new **Social Work senior practitioner with responsibility for Mental Capacity Act support and DoLS** has been recruited and due to start in July 2023.

There continues to be a slow but steady reduction of **Children Looked After**. New children are still coming into care but we are also progressing with discharging Care Orders for children living at home or with kinship carers.



## Encouraging and supporting people to learn, develop and participate in society

Work-based services within our **Community Options and Day Activities teams** have continued throughout the year with students returning to placements within our catering enterprise in partnership with Vison 21. As part of our employment and training opportunities for people with a Learning Disability or living with poor mental health, we continue to scope new opportunities for development including the development of additional catering enterprises including a new community café

Our community meals and afternoon tea tray options offer continues to grow and we are working in partnership with learners from **Abertillery Learning Community** to re-brand the service as part of the implementation of our new electric delivery vans

Our Adult Service Community Options Service continues to provide day activities for vulnerable adults in their own communities. This includes supporting people to access training and development courses, activity sessions, exercise classes, gym sessions etc.

Provider managers have commenced engagement with **Coleg Gwent (Ebbw Vale Campus) Health and Social Care students** and will be offering work based placements to approximately 15 students during the 2022/23 academic year. This will enable our tenants / residents to engage with the students and in addition we are planning for students from the Hair and Beauty courses to provide sessions at our Care Homes.

The reduction in COVID restrictions has enabled our residential care homes, supported living services and Augusta Respite Centre to re-engage with the wider community activities and welcome visitors back into support our residents. Cwrt Mytton has welcomed learners from a number of our school as part of our intergenerational work streams and our resident and friends' associations are coordinating regular activities that bring the community back in to residents.

Our new Promoting Independence pods at Augusta Respite Centre have been completed following an allocation of funding from the Welsh Government Regional Integration Fund (RIF) grant. They are due to open in the Summer of 2023 and will provide opportunities for people with a learning disability to experience independent living, in a safe environment.

A cost of living Welsh Government funded grant scheme delivered over the winter proved a huge success with many **unpaid carers supported with food vouchers** and items to help them maintain their wellbeing including:

- **Gym membership**
- **iPads**
- **Laptops**
- **Driving lessons.**

**Flying Start** services were involved in the Estyn inspection that was undertaken in November 2022 on Blaenau Gwent Education Services and came out as an **area of excellence** in verbal feedback.

**Families First** continue to work intensively to prevent cases escalation into statutory services with:

- **330 cases active at the end of March 2023**
- **237 cases being discussed at Wellbeing panels in the last quarter**
- **A variety of group, community work and events being delivered throughout the year**

At the end of academic year 2021-2022 the following related to our children looked after

- **142 children of statutory school age were looked after by Blaenau Gwent local authority.**
- **This is a decrease compared with the**
- **previous academic year when there were 154 children**
- **The majority continue to be educated within Blaenau Gwent and attend mainstream schools.**
- **A small proportion attend more specialist education settings**
- **Almost all learners achieved recognised qualifications at the end of their statutory school studies**
- **The majority now engaged in post 16 educational and/ or training opportunities**
- **A total of 11 plans were not initiated within 10 days:**
  - **Eight were as a result of delay in the Children Looked After education team being notified at the point that the children became looked after; and**
  - **Three were as a result of the learners being unaccompanied Asylum Seeking Children who were not in school at the point of becoming looked after.**
- **Incidents of exclusions issued in respect of children looked after increased.**
- **The number who received fixed term exclusions during the year increased compared with the previous year**
- **The primary reason why exclusions are issued continues to be for persistent disruptive behaviour The majority of exclusions continue to be issued in respect of secondary aged pupils.**
- **The number of exclusions being issued for primary aged children remains low.**
- **54% of Personal Education Plans for newly accommodated children were initiated within statutory timescales.**

A small proportion of children looked after **experienced a change of school** during the course of the year. This is an increase when compared with the previous year. Consistency of schooling continues to be considered as part of the matching process when a child looked after moves placement. Transport is provided where necessary to ensure the stability of schooling. When a child does have to move school, processes are in place to ensure that delays in admissions are avoided, wherever possible.

The Welsh Government has continued to provide funding for a set number of children to participate in the Letterbox Club each year. The **Letterbox Club encourages reading for pleasure and learning at home**. It helps to improve the educational outlook for children who are looked after. Parcels have continued to be distributed to our children on a monthly basis between October and May, with an additional festive parcel provided in December.



## Supporting people to develop safely and to maintain healthy domestic, family and personal relationships

A pathway for **Antenatal support supported by Families First** has been developed, which will mean every pregnant woman in Blaenau Gwent will be able to access the appropriate Antenatal support until the child is 1-year-old.

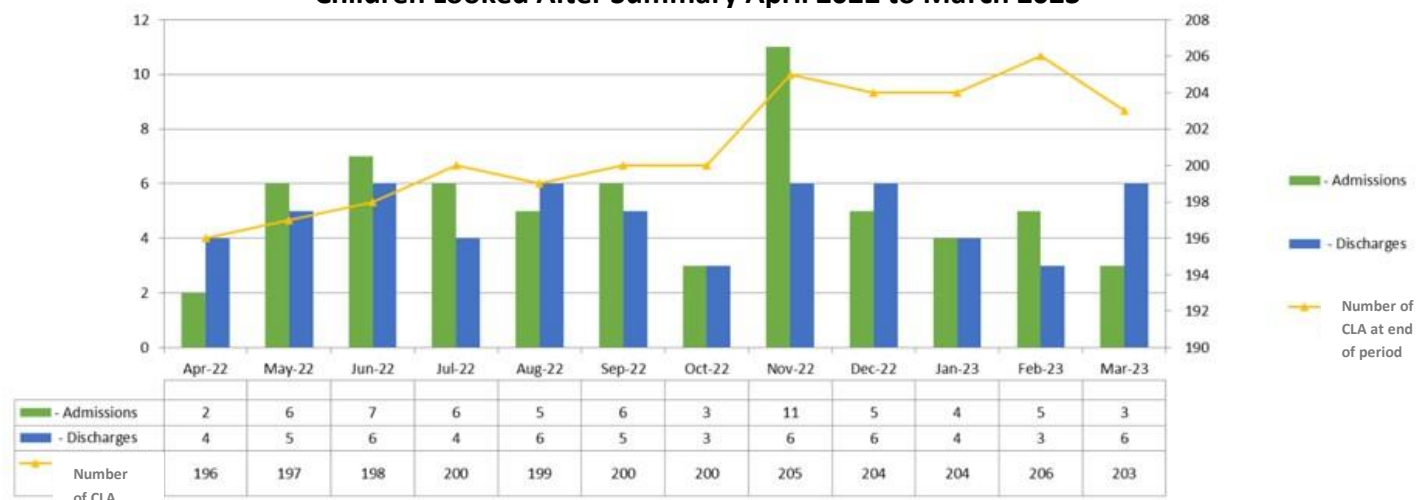
A **special guardianship order (SGO)** is a way of providing stability for a child who cannot return to live with their birth parent and for whom adoption is not appropriate. It is a legal way of giving the person caring for the child, clear, long-term responsibilities for the child's upbringing. **As at 31<sup>st</sup> March 2023 there were 145 children subject of SGO living in 107 families open to the service.**

A **formal consultation process for foster carers** has been implemented with the deadline for submission of the survey by 31st March 2023, the outcome of the consultation will be processed and reported going forward.

It has proven to be **extremely difficult to recruit foster carers** and interest in fostering at this current time is very low, despite efforts to increase awareness via social media and recruitment activity. Close working relationships with the Foster Wales Manager and the promotion of the Foster Wales brand continues. **Demand for foster placements has increased** and there has been a **greater reliance on Independent Fostering Agency placements (IFA).**

Teams continue to practice in an **outcome focused** way where we identify family options early in the intervention process, which we prioritise if children have to be admitted into the care of the Local Authority. However, there are situations when appropriate placements are not available locally leading to having to access **Independent Fostering Agency placements and residential care for young children.** Supervision is used consistently to review the plans of Children Looked After and consider opportunities for discharging the Care Orders. Regular review of care planning for these children is a priority and for those with a high level of needs referrals to MyST are considered and prioritised.

**Children Looked After Summary April 2022 to March 2023**



In order to help mitigate the limited placement availability, **Foster Wales** delivered local and regional campaigns as follows:

- **New Purpose**
- **Right time to foster**
- **Make a difference in 2023**
- **Become a foster carer in your local area**

A '**Men Who Care**' **Regional Support Group** has been established with four meetings being held over a year. 15 male foster carers attended the first group.

Adult Services has reviewed its Hospital Social work team and it has created additional capacity to support patients and their families and carers to avoid unnecessary lengthy stays in hospital. This team works closely with the hospital ward staff, discharge assistants and therapists to ensure that patients can return home as quickly as possible. The team also supports family unpaid carers through the discharge process and provides statutory carers assessments to enable carers to maintain their caring role alongside their work, health, leisure and family commitments.

Respite is an important part of maintaining caring responsibilities. The department is currently working with our neighbouring authorities to develop enhanced respite offers alongside the more traditional offers of care home placements, Augusta House Respite Centre and Day Opportunities. The new scheme is due to be launched in Summer 2023 and is a partnership arrangement with NEWCIS, a large North Wales provider of carer services.



## Working with and supporting people to achieve greater economic well-being, have a social life and live in suitable accommodation that meets their needs

Work continues to support a **reduction in the impact of poverty and homelessness** by providing innovative and effective Housing Support Grant (HSG) services and a new hybrid model of support is now fully embedded across Provider Services. However, **the future of the HSG funding remains a significant concern**. Support Providers are indicating their costs are rising considerably and their current contractual value no longer covers the costs of providing the service. This will impact not only on current services but also the future commissioning of services. This is being closely monitored by the Supporting People Team.

**Stability and sustainability of our domiciliary care and care home market is a significant priority** for our teams due to the impact of COVID 19, early indications of the impact of the rise in fuel and utility costs, and severe staffing pressures. Many providers, including our own in house services, have during 2022/23 reported **high levels of staff vacancies** which impact on their ability to provide support. Our commissioning team has continued to work with Providers in relation to the introduction to the **real living wage** and also by scoping the potential support that can be given to our domiciliary care workers to increase wages to compensate them for the increased costs of fuel. The rapidly increasing fuel prices caused concern amongst the domiciliary care market. To address this, **the Council acted swiftly and provided additional funding to staff to support the increase in fuel costs during the early part of the year**.

Due to the cost of Living Crisis the Supporting People Team were able to **fund additional Home Sustainment Packs** to support people when moving into their own accommodation to assist with the cost of living.

A cultural change is needed to consider **assistive technology as a solution** that enables people to achieve their outcomes and live independently and helps prevent/delay costly health and social care interventions. The development of our **SMART flat** will assist this by further promoting assistive technology to professionals, individuals, and their families/carers. We continue to receive requests from partners to visit the SMART flat [innovative-assistive-technology/ SMART flat](#). This to be further promoted in 2023/24. The Service Manager for Preventative Services and the Supporting People Team Manager have delivered presentations on the SMART flat to a number of organisations. We are continuing to add to the TEC equipment at the Smart Flat to ensure we continue to broaden awareness and knowledge of TEC services.

### IMAGES OF SMART FLAT



Sitting Room (virtual tour screenshot)



Sitting Room (virtual tour screenshot)



Kitchen (virtual tour screenshot)



Sensory Room (virtual tour screenshot)

The Augusta PODS were completed in March 2023 and will give people with **learning difficulties** the opportunity to **develop their independence skills** in a purpose built supported environment.

We have reviewed the use of the **CARIAD** (Collaborative Assessment Reducing Interventions, Admissions and Delayed transfers of care) **reablement units** and are re-branding them with our colleagues in ABUHB so that they are maximised to support hospital flow. We have worked with colleagues in ABUHB to develop step down beds across our Blaenau Gwent care homes.

Our **Better Care / Single Handed care project** continues to promote people's independence and reduce their reliance on staff for manual handling and personal care tasks. The Better Care Team have developed a comprehensive training and support package for all staff across the Blaenau Gwent Health and Social Care community who provide frontline care.

The Local Authority has utilised equipment purchased as part of the **Welsh Government Promoting Independence Grant** to provide the latest equipment (beds / hoists/ standing aids) to support the ethos of single handed care. CARIAD bariatric flat was completed in September 2022 and now forms part of the Blaenau Gwent CARIAD offer. The coordination and monitoring will be facilitated by our Community Resource Team as part of the review of the functions and to ensure that we have a reablement and **promote independence for our most vulnerable people.**

The Better care team have been 'in-reaching' into the hospital's, working with individuals whilst undergoing assessments and were able to work with individuals to reach their potential in hospital thus eliminating the need for reablement package of care on discharge

During 2019/20, 2020/21 and 2021/22, **the Council incurred costs of around £2m per annum** (£2.5M, £2M & £1.8M) respectively) on residential placements for Children Looked After. **Costs have been reducing as a result of lower numbers of children requiring residential provision**, however, the local authority will always need to provide residential care for some children. To address these high costs, in September 2022, it was agreed to proceed with the development of a business case to deliver local authority residential placements for children looked after. This will:

- **Reduce our reliance on private childcare providers**
- **Provide care closer to home**
- **Remove the profit element included within the current charges made by private providers.**

The **development of our own children's home** will take place over two stages. The first stage will include the acquisition of a suitable property. A **grant of £1.2 million** has recently been approved, and the process that will need to be followed are progressing such as working with CIW to ensure the home meets the regulatory requirements, following the 'change of use' processes and completing the refurbishment. The second stage will be the refurbishment and a second grant application to meet the costs of this has been submitted.

A resident's engagement group has been set up chaired by the Interim Head of Childrens Services. These meetings are proving very beneficial in ensuring local residents are kept fully informed of developments and are able to voice any views as they arise.

**SEWAS are working with the National Adoption service central team** and other regions to ensure marketing is targeted to increase the number of adopters for more complex children. We have been able to provide in house adopters for a number of siblings in a timelier manner. At present, the number of children



waiting for placements is decreasing as is the rate of referrals from prospective adopters. This could be linked to the cost of living crisis and will need to be monitored more closely moving forward.

During the period, the Placement Team prioritised matching meetings for placements outside of the framework, and consistently delivered monthly foster carer supervisions where this level of involvement has been required with annual appraisals also being maintained.

Work is ongoing in all areas and all teams continue to be invested in its corporate responsibilities. An accolade has been received by the 14+ team due to the work they are committed to in the young people they work with. We are now part of the **National Transfer Scheme** and responsible for a cohort of **Unaccompanied Asylum Seeking Children who are CLA**. We currently have 8 children placed mostly in England. The team is learning to develop their skills in working with this group as this is very new to Blaenau Gwent.



# How We Do What We Do

## Our Workforce and How We Support their Professional Roles

Having a skilled and motivated workforce is essential in order to provide high quality services. As part of this, the Council has a Joint Workforce Development Team with Caerphilly County Borough Council with responsibility for delivering a training and development strategy that supports development opportunities for staff at all levels in Social Services.

A full programme of learning is provided for the whole social care sector. All statutory, legislative, and registration linked requirements are planned and accounted for. The offer includes developmental opportunities for the workforce and support for resilience and well-being.

The challenges for the workforce to fully embrace learning opportunities remain high. The current recruitment environment has a major impact on the sector and forces harsh choices that without doubt impact on the capacity available to fully embrace development opportunities beyond the essentials.

The first half of the year continued its support for the registration of residential workers ahead of October. The Social Work Strategy continues to deliver qualified professionals, and at a rate above the national norm.

The way the workforce wants to learn has changed, they expect choice and flexibility. Various initiatives within the organisation are in place to support improving digital confidence and access to digital learning. The authority underpins its approach with the recognition of barriers that exist for parts of the social care workforce, so the offer includes the traditional classroom route.

Classroom activities use digital devices to provide safe space learning with facilitator and peer support:

- **The authority has co led the All-Wales project on securing an organisational level, fit for purpose, future proof, digital learning platform that will meet the needs of the whole sector, communities and volunteers. The authority, one of four in the first phase, are demonstrating nationally to others the benefits to the workforce of sharing across boundaries**
- **The power of social media is used to engage and communicate with the sector**
- **The learning delivery model, currently blended learning approaches and a choice of digital or face to face, will shortly include hybrid delivery – the required investment in technology having been funded by a successful bid to Social Care Wales**

The engagement from the workforce with new ways of learning is exceptional and they continue to reward the community with their ongoing resilience and determination.

Benefits continue to be realised for and by the workforce through the scale of opportunity possible due to the joint workforce development service model hosted by us in partnership with Caerphilly.

Workforce stability is a key consideration within Social Services as some teams are facing staffing shortages, however, it is acknowledged that this is a Wales wide position and there is no simple solution. The department as a whole has been working hard to look at innovative ways of managing the workload within teams as well as developing recruitment and retention strategies to address workforce pressures. Despite these significant pressures the existing staff and providers of services have continued to ensure children and adults needs are met, risks are managed, and safeguarding issues dealt with.

Social Services are working closely with Organisational Development to establish a Strategic Workforce Plan to support capacity concerns in the short, medium and longer-term as well as considering the opportunity to collaborate on a regional basis. The workforce in Social Services has been identified as a critical risk and has therefore been included on the Council's Corporate Risk Register.

### **Local Political Leadership, Governance and Accountability**

The structure of the Social Services Directorate provides clear levels of management and accountability. The Council has a clear governance and accountability framework in place which all directorates are signed up to. This framework identifies how reporting and monitoring works throughout the Council to create a 'golden thread'. This framework is complied with by Social Services who also have additional monitoring requirements as part of the Social Services and Well-being (Wales) Act 2014.

The Corporate Director of Social Services is a member of the Council's Corporate Leadership Team, whereby all Council Directors meet on a weekly basis to consider and make strategic and operational decisions, although some decisions need to be considered by Scrutiny and then ratified by Cabinet or Council.

In 2022/23 the Directorate had one Executive Member with Portfolio responsibility for People and Social Services and was scrutinised by the People Scrutiny Committee, with safeguarding information also reported to this Committee. Regular liaison meetings were held with the Directorate, the Cabinet Member and the Chair and Vice Chair of the Scrutiny Committee.

The Social Services Directorate is subject to audit, inspection and review by the Care Inspectorate Wales (CIW). On a quarterly basis the Director of Social Services and/or Heads of Adult and Children's Services meet with CIW to discuss achievements, performance and key challenges. CIW also undertake an annual review and evaluation of the Directorate's performance.

### **Audit and Inspection Progress**

#### **Audit Wales**

Following on from an initial Audit in 2019 'Corporate Arrangements for Safeguarding of Children', Audit Wales, in February 2022, commenced a follow-up review. The focus of the review was to determine the extent to which the Council had addressed the eight outstanding recommendations and proposals for improvement to strengthen its corporate arrangements for the safeguarding of children. Seeking to answer the following question: Can the Council provide assurance that it has made effective progress since 2019 in addressing the outstanding recommendations / proposals for improvements? The overall summary outcome was positive, Audit Wales made recommendations for improvement which have been monitored as part of the corporate business planning process.

### Care Inspectorate Wales (CIW) Children's Services

In 2018 CIW reported on their inspection undertaken on Children's Social Services in Blaenau Gwent. Despite the overall summary being positive, the CIW made recommendations for improvement which have been monitored as part of the corporate business planning process.

### Care Inspectorate Wales (CIW) Fostering Services

In 2018 CIW reported on their inspection of the Fostering Service in Blaenau Gwent. Despite the overall summary being positive the CIW made recommendations for improvement which have been monitored as part of the corporate business planning process.

### Working in Partnership

Part 9 of the Social Services & Wellbeing (Wales) Act places a key emphasis on partnership working including a statutory requirement for the development of **Regional Partnership Boards**. The Boards have been established on current local health board footprints. The Gwent Board includes ABUHB and Blaenau Gwent, Caerphilly, Monmouthshire, Newport and Torfaen local authorities. The Cabinet Member in each local authority, with responsibility for health and social care, sits on the Regional Partnership Board. It is an advisory body which provides oversight and direction for areas of integrated working across health and social care.

Blaenau Gwent Council supports partnership and collaborative working and the Social Services Department continues to work with a wide range of partners where partnership opportunities provide better outcomes for local residents than the Council could achieve if working on its own. Social Services work in partnership with a variety of stakeholders including staff, residents and businesses. In addition, Social Services fully participates in the sharing of knowledge, good practice and information, which can result in improved services. Social Services partnership arrangements include:

- **Joint Partnership and Workforce Development Service with Caerphilly**
- **Greater Gwent Workforce Development Board**
- **Regional Adoption Service**
- **South East Wales Adoption Service (SEWAS)**
- **South East Wales Emergency Duty Team**
- **South East Wales Adult Placement Scheme**
- **Gwent Frailty Programme Integrated Health and Social Care Teams**
- **South East Wales Safeguarding Children Board (SEWSCB)**
- **Gwent Wide Adult Safeguarding Board (GWASB)**
- **Regional Safeguarding Board covering all partners across Gwent**
- **Shared Lives scheme run on behalf of six Local Authorities and the Aneurin Bevan University Health Board**
- **Gwent Mental Health & Learning Disabilities Partnership Team**
- **South East Wales Improvement Collaboration -4C's (SEWIC)**
- **Gwent Deprivation of Liberty Safeguards (DoLS) Team**
- **Gwent Regional Collaborative (RCC) - Supporting People**
- **Gwent wide agreement with National Youth Advocacy Service (NYAS) to provide children's advocacy services**

### 'Mwy na geiriau/ More than just words

As a department we continue to monitor compliance with our responsibilities within **More Than Just Words** and the Active Offer. We continue to ensure that when citizens contact both our Adult and Children Services Departments, that they are offered the opportunity to communicate in the language of their choice. Our assessment tools within our Welsh Community Care Information System (WCCIS) system specifically asks the question "Do you require this conversation / assessment to be carried out in Welsh?" The form is then attached to the person's referral.

The More Than Just Words action plan has progressed, there is liaison with the local Welsh language champions and promoting the wide resources and opportunities available is now standard. Our commissioned providers work in partnership with us to promote the Welsh Language and this is reflected in our contracts and service level agreements.

### Our Financial Resources and How We Plan for the Future

The total budget allocation for Social Services for 2022/23 was £49.9m. This is an increase from the previous year of £3.290m. At the end of 2022/23 Social Services had an overspend of £240,608 and this is due to the increased demand within the Looked after Children service area.

The provision of regular financial forecasting reports in line with the budget monitoring and reporting framework has enabled the Social Services Senior Management Team to make informed decisions on service delivery.

In setting the 2023/24 budget, Council agreed a number of savings proposals totalling £0.690m, and awarded additional cost pressures funding of £0.861m. For 2022/23 the department achieved £153,000 of savings.

The allocated budget and outturn for 2022/23 is provided in the table below:

Service Area	Budget	Outturn	Variance (Adverse)/Favourable
Children's Services	£14,288,800	£15,327,638	(1,038,838)
Adult Services	£29,231,440	£28,464,957	766,483
Business Management / Staff Support	£6,421,310	£6,389,563	31,747
<b>Total</b>	<b>£49,941,550</b>	<b>£50,182,158</b>	<b>(£240,608)</b>

The budget for 2023/24 is provided in the table below and includes Financial Efficiency Project savings of £0.690m.

Social Services Budget 2023/24		£
1	Commissioning & Social Work	4,247,760
2	Children Looked After	7,349,740
3	Family Support Services	203,070
4	Youth Justice	276,080
5	Other Children's and Family Services	2,523,810
7	Older People Aged 65 and Over	8,011,920
8	Adults aged under 65 with a Physical Disability or Sensory Impairment	18,290
9	Adults aged under 65 with Learning Disabilities	3,801,990
10	Adults aged under 65 with Mental Health Needs	532,560
11	Older Adult Services	434,760
12	Community Care	20,292,770
13	Support Services and Management Costs	906,020
14	Corporate Recharges	5,803,660
	<b>Total</b>	<b>54,402,430</b>



## Conclusion

**This annual report outlines how we have delivered and developed services in line with the** six quality standards in relation to well-being outcomes under the Social Services and Wellbeing Act 2014. It also highlights some of the challenges we have faced over the past 12 months.

23/24 will present even greater challenges due to the need to generate further savings to ensure the council can deliver its functions within the budget set by Welsh Government. We cannot deal with these challenges in isolation, so the need to work as one council and with our partners across the region and nationally is of huge importance to enable us to continue to deliver our statutory responsibilities. We will be looking to engage with those who use our service and staff to look for ideas on how we can achieve efficiencies and look at ways in which we can generate income now and into the future.

**This Annual Report of the Director of Social Services provides a snapshot of service activity undertaken throughout 2022/23. Details of Further supporting information and links can be found on the following page:**



# Accessing Further Information and Key Documents

## Useful Documents

Reports to Social Services Scrutiny Committee - <http://democracy.blaenau-gwent.gov.uk/ieListMeetings.aspx?CId=1157&Year=0&LLL=0>

Council Corporate Plan – [https://www.blaenau-gwent.gov.uk/fileadmin/documents/Council/Policies\\_Strategies\\_Plans/Corporate\\_Plan\\_2018-22.pdf](https://www.blaenau-gwent.gov.uk/fileadmin/documents/Council/Policies_Strategies_Plans/Corporate_Plan_2018-22.pdf)

Blaenau Gwent Council Budget Monitoring - <http://democracy.blaenau-gwent.gov.uk/ieListMeetings.aspx?CId=1148&Year=0&LLL=0>

Social Services Website – <http://www.blaenau-gwent.gov.uk/en/resident/health-wellbeing-social-care/>

Workforce Development - <http://socialservicesblaenau-gwent.caerphilly.gov.uk/>

Balancing Rights and Responsibilities Programme Evaluation, October 2022



Appendix B.docx

Internal Audit Corporate Safeguarding Report

Audit Wales Safeguarding Report <https://www.audit.wales/publication/blaenau-gwent-county-borough-council-corporate-safeguarding-follow>

Safeguarding Performance Report April 2022 – June 2022 <https://democracy.blaenau-gwent.gov.uk/documents/s12813/Appendix%201.pdf?LLL=0>

## Useful Websites

Social Care Wales - <https://socialcare.wales>

Care Inspectorate Wales (CIW) - <https://careinspectorate.wales/>

Data Cymru - [www.data.cymru](http://www.data.cymru)

Dewis Wales - <https://www.dewis.wales>

Gwent Safeguarding - <https://www.gwentsafeguarding.org.uk/en/Home.aspx>

Public Service Board - <http://www.blaenau-gwent.gov.uk/council/partnerships/partnership-working/>

South East Wales Safeguarding Children's Board - [www.sewsc.org.uk](http://www.sewsc.org.uk)

## Providing Feedback

Social Services welcomes feedback on the Annual Report of the Director of Social Services. Your views are important to us. Please contact us if you would like to give feedback on the plan or if you require this document in a different format e.g. large print, Braille, audio version, etc.

## Fersiwn Gymraeg

Yn unol â Chynllun Iaith Gymraeg y Cyngor, bydd fersiwn Gymraeg o Adroddiad Blynyddol y Cyfarwyddwr Gwasanaethau Cymdeithasol ar gael ar wefan y Cyngor.

## Write to us:

Director of Social Services  
Anvil Court  
Church Street, Abertillery, NP13 1DB

**Call us:** (01495) 355 006

**Email us:** [info@blaenau-gwent.gov.uk](mailto:info@blaenau-gwent.gov.uk)

**Visit our website:** [www.blaenau-gwent.gov.uk](http://www.blaenau-gwent.gov.uk)





# Agenda Item 22

*Cabinet and Council only*

Date signed off by the Monitoring Officer: 08.09.2023

Date signed off by the Section 151 Officer: 11.09.2023

Committee: **Council**

Date of Meeting: **21<sup>st</sup> September, 2023**

Report Subject: **ALN Resource Base Capacity – Proposed Implementation of Additional Resource Bases**

Portfolio Holder: **Councillor Sue Edmunds, Cabinet Member for People & Education**

Report Submitted by: **Joanne Watts, Service Manager Education Transformation and Business Change**

Reporting Pathway								
Directorate Management Team	Corporate Leadership Team	Portfolio Holder / Chair	Governance Audit Committee	Democratic Services Committee	Scrutiny Committee	Cabinet	Council	Other (please state)
	24.8.23					04.09.23	21.09.23	

## 1. Purpose of the Report

1.1 The purpose of the report is:

- a) To provide the outcome of the Statutory Notice on which concluded on 26<sup>th</sup> July, 2013.
- b) To seek approval for the implementation of proposals to increase the capacity of ALN Resource Bases through a phased approach as follows:

## 1.2 Phase 1 (based on immediate demand)

- To recognise the transition group established in Ebbw Fawr 3-16 Learning Community - Secondary Phase as a 6-place extension to the current Learning Resource Base from September 2023
- To create a 6-8 place Resource Base at Tredegar Comprehensive School from September 2023
- To create a 10 place Resource Base at Sofrydd Primary School from September 2024/25
- To create a 15 place Resource Base at Ysgol Gymraeg Bro Helyg from September 2024

In addition, to provide increased wellbeing support from September 2023 to support learners who are presented to the Vulnerable Learner Panel (VLP).

## Phase 2 (subject to further business case)

The development of a medium-term plan to secure additional capacity to facilitate sustained growth and development. It should be noted some/all of these will only be implemented if required following a review of the impact of

Phase 1. This proposal suggests provision at the below schools between 2025 and 2029:

- To create a Resource Base at Brynmawr Foundation School for 10 pupils
- To create a Resource Base at Cwm Primary School for 10 pupils
- To create a Resource base at a Faith Based Primary school (such as Roman Catholic/Church in Wales Schools) in Blaenau Gwent (yet to be determined) for 10 pupils
- To create a Resource Base at Abertillery 3-16 Learning Community - Roseheyworth Road Primary Campus for 10 pupils

A determination is sought from Council to proceed to implementation, in line with the outcome of the Statutory Notice.

## 2. **Scope and Background**

2.1 The Welsh Government School Organisation Code (2018), dictates that proposals **must** be published for the following elements of school reorganisation:

1. the opening of a maintained school (including a special school);
2. the closing of a maintained school (including a special school);
3. to make a regulated alteration to a maintained school; and,
4. to change the category of a maintained school.

Therefore, the proposal to increase the capacity for Additional Learning Needs (ALN) Resource Bases across the County Borough **must** be subject to a formal consultation.

2.2 On Wednesday 19<sup>th</sup> April 2023, the Cabinet agreed to endorse a formal consultation on proposals to increase the capacity for Additional Learning Needs (ALN) Resource Bases in both Primary and Secondary settings.

2.3 Formal consultation commenced on Monday 24<sup>th</sup> April 2023. The process then concluded on Tuesday 6<sup>th</sup> June 2023 at 5:00pm. Consultees were asked to provide their views, opinions and feedback via one or more of the following methods:

- attending a drop-in session.
- completion of an on-line survey; and/or,
- in writing via the 21st Century School's email address.

2.4 In accordance with the Welsh Government School Organisation Code, the Authority is required to publish a consultation report which:

- summarises the issues raised by consultees;
- responds to these by means of clarification, amendment to the proposal or rejection of the concerns, with supporting reasons; and
- sets out Estyn's response to the consultation.

This report was presented at a Special Cabinet meeting held on Wednesday 21st June 2023 and Cabinet agreed to proceed to the next stage, to publish a Statutory Notice (**Appendix 1**).

2.5 This report presents the summary of the issues arising from the publication of the Statutory Notice and proposes the next steps in relation to increasing the capacity for Additional Learning Needs (ALN) Resource Bases. As part of the Statutory notice, the public were given a period of 28 days to object to the proposals. The Statutory Notice period concluded on the 26<sup>th</sup> July 2023 and there were no objections to the proposals.

2.6 A full business case has been prepared in relation to the implementation of the proposal and is attached as **Appendix 2**.

### 3. **Options for Recommendation**

CLT considered the proposals at their meeting on 24<sup>th</sup> August, 2023. Special Cabinet endorsed the proposals at its meeting on 4<sup>th</sup> September, 2023 and recommends that Council accepts the Objections report and grants approval to proceed to implementation stage and accepts the full business case in relation to the resources bases from September 2023 onwards.

3.1 Option 1 - It is recommended that:

- Council considers and accepts this Objections report, with evidence from the Statutory Notice (**Appendix 1**) and grants approval to proceed to the implementation stage;
- The full business case (**Appendix 2**) be accepted in relation to the implementation of the resources bases from September 2023 onwards.

Option 2 – Council does not accept the Objections report and business case in relation to implementation of the resourced bases from September 2023.

### 4. **Evidence of how this topic supports the achievement of the Corporate Plan / Statutory Responsibilities / Blaenau Gwent Well-being Plan**

4.1 In accordance with the Welsh Government School Organisation Code (2018), there is a statutory requirement for Councils to consult upon and publish school reorganisation proposals. Education is a strategic priority within the Corporate Plan. In order to enable people to 'Maximise learning and skills for all to create a prosperous, thriving, resilient Blaenau Gwent'. In addition, the proposal would support the Education Directorate's purpose to deliver:

#### ***'Better Schools, Better Citizens and Better Communities'***

The Local Authority also has a statutory responsibility to ensure that it meets the needs of all learners, including ALN learners in line with the requirements of the Additional Learning Needs and Education Tribunal (Wales) Act 2018. This proposal would support the Education Directorate to fulfil this statutory responsibility.

## 5. Implications Against Each Option

### 5.1 *Impact on Budget (short- and long-term impact)*

#### 5.1.1 Capital

There are capital financial implications associated with Phase 1 of this proposal for the Council of approximately £400,000. This will be met via contributions from the Welsh Government ALN Grant funding and Sustainable Communities for Learning Programme over a 2-year period.

#### 5.1.2 Revenue

Blaenau Gwent currently has 11 ALN pupils that are educated outside the Local Authority at a cost of £600,000 per year (22/23 price base), the budget for 2023/24 is £720,000. If Blaenau Gwent was able to increase capacity in resource base provisions, there would be opportunities to consider making education provision for some of the 11 pupils back in Blaenau Gwent.

5.1.3 Revenue implications associated with Phase 1 of the project have been modelled as part of the business case (**Appendix 2**) - If pupils are unable to be placed locally in a resource base, then they would need to be placed in Out County placements which could see these annual costs incrementally increase in line with the projected demand by approximately £1.288 million by the 2025/26 financial year:

Impact each financial year			
	2023/24	2024/25	2025/26
Rising Costs of Out County Placements if do nothing	£273,624	416,280	598,253

It is anticipated the proposal will begin to impact on the requirement for Out of County placements from the 2024/25 financial year, therefore reducing this expenditure and allowing funding to be vired accordingly.

In the short term the proposal will likely result in a shortfall when compared to the current budgets, however the proposal is predicted to avoid significant cost increases in terms of Out of County placements. It is proposed these additional costs be funded from award of a cost pressure for 2 financial years as follows:

2024/25- £178,611  
2025/26 - £113,000

Costs associated with home to school transport for out county placements are increasing for ALN pupils, the costs are forecast to be £158,569 for the 2023/24 financial year. These costs are regularly reviewed and subject to change in line with pupil placement. Should the proposal be implemented the

Council would also see an incremental reduction in the transport costs associated with Out of County placements every year. These savings would be used to mitigate any transport costs to transport pupils to the new ALN resource bases which would prevent any long-term additional cost pressure associated with transport. However, there may be a short-term transport cost pressure if none of the 11 pupils currently in Out of County placements change to a Blaenau Gwent placement.

## 5.2 ***Risk including Mitigating Actions***

If this proposal is not taken forward, the Local Authority will be unable to meet the needs of many learners particularly those with Autistic Spectrum Disorder (ASD) or Additional Learning Needs (ALN) within Blaenau Gwent. Therefore, they would need to be placed Out of County. The costs of Out of County specialist provision will increase significantly year-on-year, and learners are likely to be traveling longer distances to receive specialist education extending their school day, care etc. and placing further pressures on the Home-to-School Transport budget. The cost associated with Out of County placements and home to school transport represents a significant risk to the Council. However, there are also risks associated with implementing the resource bases, in particular costs of necessary building/adaption rates which may increase if inflation continues to be high or rises further.

## 5.3 ***Legal***

Legal advice has been sought in relation to the Statutory Notice. In accordance with the Welsh Government School Organisation Code (2018), there is a statutory requirement for the Council to undertake formal consultation with all interested and affected parties.

## 5.4 ***Human Resources***

The proposed increase in pupil numbers will require the Governing Body of all affected schools to plan for the workforce requirements in readiness for the respective expansions. Organisational Development will provide advice, support and guidance to the Governing Bodies for the workforce planning and consequential recruitment processes.

## 5.5 ***Health & Safety***

The Corporate Health and Safety Team have initially been consulted with regards to the impact associated with any physical works planned within education settings and will be further consulted as the projects are progressed.

## 6. ***Supporting Evidence***

### 6.1 ***Performance Information and Data***

6.1.1 The Statutory Notice was published for the statutory 28-day period plus the 1 day of publication from 26th June 2023 until 26th July 2023. This timeframe is known as the objection period. During the objection period the Council did not receive any objections to the proposal.

6.1.2 Please refer to the full business case (**Appendix 2**) relating to the implementation of the proposal

- 6.2 ***Expected outcome for the public.***  
The public can expect a fair and equitable consultation process, which is fully compliant with the Welsh Government School Organisation Code (2018).
- 6.3 ***Involvement (consultation, engagement, participation)***  
Stakeholder engagement is a key focus of all school organisation proposals. The proposal has been subject to consultation in line with the Welsh Government School Organisation Code (2018), which has been used to inform the decision-making process. In addition, in line with the code, pupils have been consulted with via the school councils of the affected schools.
- 6.4 ***Thinking for the Long term (forward planning)***  
The proposal looks to secure additional provision for both Autistic Spectrum Disorder (ASD) and ALN Resource Base (ALNRB) provision in line with local demand for places for the long-term development, and sustainability of the education system in Blaenau Gwent.
- 6.5 ***Preventative focus***  
The proposal seeks to address sustainability issues associated with the future growth and development of the ALN reform Act and resource base placements in the County Borough, preventing the need to utilise costly Out County placements.
- 6.6 ***Collaboration / partnership working.***  
The consultation along with the development of the proposal has been developed collaboratively with both the Inclusion Team, Headteachers, Finance, and Community Services.
- 6.7 ***Integration (across service areas)***  
The proposal seeks to secure integration for new and existing pupils in ALN placements supporting growth and sustainability of provision for the future needs of learners.
- 6.8 ***Decarbonisation and Reducing Carbon Emissions***  
By having provision locally, it will address the climate change agenda reducing carbon emissions for learners travelling excessively for their educational needs. Any physical works planned and undertaken within education settings will take account of decarbonisation and reducing carbon emissions and are firmly aligned to the work of the Council.
- 6.9 ***Integrated Impact Assessment***  
A full impact assessment has been prepared and published as part of the consultation exercise.

## 7. **Monitoring Arrangements**

7.1 There has been extensive monitoring in line with the consultation processes, responses and outcomes which have been answered, analysed and taken via the Council's political processes.

### **Background Documents / Electronic Links**

#### **Appendix 1 Statutory Notice**



STATUTORY NOTICE  
FV 21.6.23 signed.pdf

#### **Appendix 2 Full Business Case**



ALN Resource Base  
Business Case.docx

This page is intentionally left blank



## STATUTORY NOTICE

**Blaenau Gwent County Borough Council, Education Directorate, Floor 8 Anvil Court, Abertillery, Blaenau Gwent, NP13 1DB.**

Notice is given in accordance with section 42 of the School Standards and Organisation (Wales) Act 2013 and the School Organisation Code (011/2018) that Blaenau Gwent County Borough Council (“the Council”), having consulted such persons as required, proposes to establish and change provision which is recognised by the Council as reserved for children with additional learning needs in the Primary and Secondary Schools listed below.

The proposals will be implemented in two phases and will result in an increase in the capacity for Additional Learning Needs (“ALN”) and Autistic Spectrum Disorder (“ASD”) Resource Bases across the County Borough in the schools involved. The proposal is to increase ASD and ALN places from 61 to 86 across the Primary Schools and increase the provision at Secondary Schools from 62 to 80 places in Phase 1 (including 15 Welsh-medium places). The proposals also include the potential to increase places by a further 40 places in Phase 2 (including a Faith Based provision). This will take effect from September 2023 on a phased basis over the next 5 years.

Blaenau Gwent County Borough Council will be the admission authority via the Council’s ALN panel. The new ALN Resource Bases will be for pupils of statutory school age (3-16).

### Phase 1

School	Alteration	Planned Date of Implementation
Ebbw Fawr 3-16 Learning Community - Secondary Campus	The establishment of 6 places reserved for children with additional learning needs as an ASD/ALN Resource Base	September 2023
Tredegar Comprehensive School	The establishment of 6 to 8 places reserved for children with additional learning needs as ASD Resource Base	September 2023
Sofrydd Primary School	The establishment of 10 places reserved for children with additional learning needs as an ASD/ALN Resource Base	September 2024 or September 2025
Ysgol Gymraeg Bro Helyg	The establishment of 10 places reserved for children with additional learning needs as an ASD/ALN Resource Base	September 2024

### Phase 2

School	Alteration	Planned Date of Implementation
Brynmawr Foundation School	The establishment of 10 places reserved for children with additional learning needs as an ASD/ALN Resource Base	2025 - 2029
Cwm Primary School	The establishment of 10 places reserved for children with additional learning needs as an ASD/ALN Resource Base	2025 - 2029
Faith Based Primary School in Blaenau Gwent (to be determined)	The establishment, if required, of 10 places reserved for children with additional learning needs as an ASD/ALN Resource Base	2025 - 2029
Abertillery 3-16 Learning Community (Roseheyworth Road Primary Campus)	The establishment of 10 places reserved for children with additional learning needs as an ASD/ALN Resource Base	2025 - 2029

The names, addresses and details of the maintaining local authority for each of the schools the subject of these proposals is as follows:

<b>School</b>	<b>Address</b>	<b>Maintaining Authority</b>
Abertillery 3-16 Learning Community	Roseheyworth Road Campus, Roseheyworth Road, Abertillery, NP13 1SR	Blaenau Gwent County Borough Council
Cwm Primary School	Canning Street, Cwm, Ebbw Vale, NP23 7RD	Blaenau Gwent County Borough Council
Ebbw Fawr 3-16 Learning Community	Secondary Phase, Lime Avenue, Ebbw Vale, NP23 6GL	Blaenau Gwent County Borough Council
Sofrydd Primary School	Sofrydd Road, Sofrydd, NP11 5DW	Blaenau Gwent County Borough Council
Tredeggar Comprehensive School	Stable Lane, Tredeggar, NP22 4BH	Blaenau Gwent County Borough Council
Ysgol Gymraeg Bro Helyg	Rising Sun Industrial Estate, Blaina, NP13 3DQ	Blaenau Gwent County Borough Council
Brynmawr Foundation School	Clydach Dingle, Brynmawr, NP23 4XT	Foundation School, maintained by Central Government

Blaenau Gwent County Borough Council undertook a period of consultation before deciding to publish this proposal. A consultation report containing a summary of the issues raised by consultees, the proposer's responses and Estyn's full response is available on:-

**Outturn report:** <https://www.blaenau-gwent.gov.uk/media/gv2jbza2/aln-consultation-outturn-report-for-cabinet-21-6-23.docx>

**Estyns Response:** [1-estyn-eng.pdf \(blaenau-gwent.gov.uk\)](#)

Pupils will be provided with transport in accordance with the Council's Home to School transport policy. The Council has established a process in order to assess the travel needs of children who may require ALN transport. Pupils requiring ALN transport who live:

- over 1.5 miles (for those under 8 years of age); and/or,
- over 2 miles (for those aged between 8-16 years of age)

from their nearest suitable ALN provision, will automatically qualify for free home to school transport. \*Please note that in instances where the school is a parental choice and not the provision determined by the ALN Panel, no transport will be provided.

Within a period of 28 days of the date on which the proposal was published, **that is to say by 26<sup>th</sup> July 2023** any person may object to the proposals.

- Objections by e-mail should be sent to [21stcenturyschools@blaenau-gwent.gov.uk](mailto:21stcenturyschools@blaenau-gwent.gov.uk).
- Objections in writing should be sent to Joanne Watts, Service Manager for Education Transformation and Business change, Blaenau Gwent County Borough Council, Floor 8 Anvil Court, Abertillery, Blaenau Gwent, NP13 1DB.

Signed 

**Interim Corporate Director of Education  
Blaenau Gwent County Borough Council.  
26<sup>th</sup> June 2023**

## EXPLANATORY NOTE

Should this proposal proceed, it will improve the suitability of the learning environment for pupils with ALN. It will also provide access to local provision in mainstream settings for ALN pupils. This will help with individual needs of pupils such as health, safety and welfare issues identified in the application for places in Resource Bases. Places will be available locally for pupils living in Blaenau Gwent; improving learner outcomes and inclusion on a County Borough level. Also the proposal can offer places in Blaenau Gwent for pupils from other Local Authorities, should the need arise and if space is available.

There is a need for ASD/ALN provision in our mainstream schools to support this proposal. Currently provision is full in our ALN resource bases and there will be no growth to support our learners if this proposal does not proceed. Blaenau Gwent already has cross border regional working arrangements in place for places in ALN provision.

The consultation period for this proposal commenced on **Monday 24<sup>th</sup> April 2023** and concluded on **Tuesday 6<sup>th</sup> June 2023**.

Therefore, this proposal will be delivered in 2 phases:

### Phase 1

- To recognise the transition group established in Ebbw Fawr 3-16 Learning Community- Secondary Phase as a 6 place RB from September 2023
- To create a 6-8 place ASD Resource Base at Tredegar Comprehensive School from September 2023
- To create a 10 place ASD/ALN Resource Base at Sofrydd Primary School from September 2024/25
- To create a 15 place ASD/ALN Resource Base at Ysgol Gymraeg Bro Helyg from September 2024

### Phase 2

- The development of a Medium-term plan to secure additional capacity to facilitate sustained growth and development in Primary and Secondary Schools. This will include provision at the below schools between 2025 and 2029:
- To create an ASD/ALN Resource Base at Brynmawr Foundation School for 10 pupils
- To create an ASD/ALN Resource Base at Cwm Primary School for 10 pupils
- To create, if required, an ASD/ALN Resource base at a Faith Based Primary school (such as Roman Catholic/Church in Wales Schools) in Blaenau Gwent (yet to be determined) for 10 pupils
- To create an ASD/ALN Resource Base at Abertillery 3-16 Learning Community - Roseheyworth Road Primary Campus for 10 pupils

The consultation report is available on Blaenau Gwent County Borough Council's website.

Further information on this proposal can be found here:

[aln-resource-base-consultation-document-fv-17-4-23.pdf \(blaenau-gwent.gov.uk\)](#)

The Council welcomes correspondence in Welsh and English and we will communicate with you in the language of your choice, as long as you let us know which you prefer. Corresponding in Welsh will not lead to any delay.

**END OF NOTICE**

This page is intentionally left blank



## ALN Resource Base Capacity Review

### Business case

SRO:	<b>Dr Luisa Munro-Morris</b>
Project Manager:	<b>Joanne Watts</b>
Organisation:	<b>Blaenau Gwent County Borough Council – Education Directorate – Inclusion Team</b>

	Name	Signature	Date
Prepared by:			
Reviewed by:			
Approved by:			

## 1. INTRODUCTION

### 1.1 Purpose

The purpose of this business case is to seek the approval from Cabinet to increase the capacity for Resource Bases across the County Borough in both Primary and Secondary settings for Additional Learning Needs pupils, accommodating the demand for places in both Primary and Secondary settings.

1.2 In addition, the business case is seeking approval to commission Brynmawr Foundation School to provide wellbeing support, which will be accessible to learners across Blaenau Gwent that are presented at the Vulnerable Learner Panel. This support consists of a full time Teaching Assistant and a part time administrator who will co-ordinate the support timetable. The wellbeing support will be part funded by the Whole School Approach to Wellbeing element of funding from the LEAG. The estimated cost for this support is: £48,667 and the LEAG can fund £22,305, which leaves a total of £26,362 to fund for the 2023/24 financial year.

1.3 *The business case is seeking revenue funding to support this of:*

2024/25 - £178,611 and a further £113,000 in 2025/26 as the implementation of the Resource Bases covers academic years.

## 2. THE CASE FOR CHANGE

### 2.1 Scope & Background

There are currently 7 Resource Bases across Blaenau Gwent accommodating 61 learners in Primary settings and 62 at Secondary settings. There is an increasing need for Resource Base placements in mainstream settings for children and young people within the Borough both at Primary (aged 3-11) and Secondary settings (aged 11-16).

All current resource bases in the County Borough are full to capacity. The recent Estyn inspection highlighted 'In the planning of provision for pupils with additional learning needs (ALN), data is not always used effectively enough to inform long-term planning'. The Education Transformation and Inclusion teams have therefore undertaken a review of the current provision and have used this data to project the demand going forward, under this proposal Education are seeking to set up new bases in line with the projected demand (**Appendix 1**), with the aim of also reducing Out of County placements in the medium term and having a more localised strategy for learners.

The Council is committed to providing all children and young people with high quality education and training tailored to meet their needs, which will develop their potential, extend aspirations, promote social inclusion and contribute to the economic regeneration of the area. Resource Bases are essential for pupils with identified ALN requirements to enable them to fulfil their potential.

Both Welsh Government and the Authority's Welsh in Education Forum (WEF) partnership have identified that there is no ALN provision for Welsh medium education across the Borough, this can result in learners having to transfer into English medium settings when an additional learning need is identified, therefore highlighting the need for a Welsh medium resource base to be established.

In light of the new ALN reform and the need to establish a Vulnerable Learner Panel to align with the new legislation, the Local Authority must offer provision for those learners being brought to panel. Learners at panel require something additional in terms of wellbeing support, in order to prevent disengagement and exclusions, or to support integration back into school where they have been absent for a period of time.

## 2.2 The Proposal

Education has recently undertaken a formal consultation exercise to extend the capacity of resource bases in line with the following proposal:

Blaenau Gwent County Borough Council propose to increase the capacity for Additional Learning Needs (ALN) Resource Bases across the County Borough in both Primary and Secondary settings. The Council will work with the schools to develop a long-term plan to support sustained growth and development. Therefore, this proposal will be delivered in 2 phases:

**Phase 1 (based on immediate demand)** - To increase resource base capacity within schools as follows:

- To recognise the transition group established in Ebbw Fawr 3-16 Learning Community-Secondary Phase as a 6-place extension to the current LRB from September 2023
- To create a 6-8 place ASD Resource Base at Tredegar Comprehensive School from September 2023
- To create a 15 place ASD/ALN Resource Base at Ysgol Gymraeg Bro Helyg from April 2024
- To create a 10 place ASD/ALN Resource Base at Sofrydd Primary School from September 2024

The Council will also remodel learning environments to create additional classroom space and associated facilities to accommodate the proposal and will also develop nurture provisions in schools in order to create a more inclusive environment and to support the majority of learners with additional learning needs in a mainstream setting to prevent the requirement of additional learning need support.

The local authority Education Directorate (Inclusion Team) are also proposing to commission wellbeing support operating from Brynmawr Foundation School. This will enable engagement of learners and ensure the local authority's ability to ensure that a full-time education (statutory requirement) is offered, in place, and maintained. This provision will consist of a full time TA (Teaching Assistant) with a part time administrator to co-ordinate the support timetable for all

learners in receipt via the Vulnerable Learner Panel. The support offered can be flexible and delivered at appropriate venues and will depend on the current education situation. As an example the learner may still be accessing school but is at risk of disengaging/becoming excluded; support would likely be offered to take place at the current school setting. Another example may be that the learner is already disengaged or excluded and requires support for reintegration; support may then be offered in a local setting i.e. library.

**Phase 2 of the proposal** – This has been included as part of the consultation exercise. However, it should be noted some/all of these will only be implemented if required following a review of the impact of Phase 1.

The development of a Medium-term plan to secure additional capacity to facilitate sustained growth and development in Primary and Secondary settings. This will include provision at the following schools between 2025 and 2029:

- To create an ASD/ALN Resource Base at Brynmawr Foundation School for up to 10 pupils
- To create an ASD/ALN Resource Base at Cwm Primary School for up to 10 pupils
- To create an ASD/ALN Resource base at a faith based primary school in Blaenau Gwent (yet to be determined) for up to 10 pupils.
- To create an ASD/ALN Resource Base at Abertillery 3-16 Learning Community - Roseheyworth Road Primary Campus for up to 10 pupils

2.3 A review of Phase 1 will be undertaken in September 2025. As a result, this business case considers the implications of Phase 1 only and a further business case will be prepared (if required) for phase 2 during the Autumn term 2025 following a detailed impact assessment of Phase 1.

2.4 **Alignment with Corporate Plan / Statutory Responsibilities etc**  
Education is a strategic priority within the Corporate Plan. In order to enable people to 'Maximise learning and skills for all to create a prosperous, thriving, resilient Blaenau Gwent'.

The proposal would support the Education Directorate's purpose to deliver:

***'Better Schools, Better Citizens and Better Communities'***

2.5 ***Collaboration Partnership working***  
The consultation along with the development of the business case has been developed collaboratively with both the Inclusion Team, Headteachers, Finance, Health & Safety colleagues and Community Services.

2.6 ***Decarbonisation and Reducing Carbon Emissions***  
By having provision locally, it will address the climate change agenda reducing carbon emissions for learners travelling excessively for their educational needs. Any physical works planned and undertaken within education settings will take



account of decarbonisation and reducing carbon emissions and are firmly aligned to the work of the Council.

## **2.7 Expected Benefits and Advantages**

- Creation of a local solution which will address the increased demand for ALN provision.
- Continuity and sustainability in terms of local education for learners with specialist and medical needs.
- The structure will build confidence and self-esteem in pupils' parents and staff.
- A local option for pupils transitioning from mainstream school to resources bases.
- Reduced costs associated with out of county placements, whilst securing local investment within the Blaenau Gwent school estate.
- Improve access to and facilities for learners who meet the criteria for ALN provision across the county borough.
- Reduced travel time for learners and the carbon footprint.

## **2.8 Risks**

Should nothing change, the Local Authority will be unable to meet the needs of many learners, particularly those with Autistic Spectrum Disorder (ASD) or Additional Learning Needs (ALN) within Blaenau Gwent. Therefore, they would need to be placed Out of County. The costs of Out of County specialist provision would increase significantly year-on-year, and learners are likely to be traveling longer distances to receive specialist education extending their school day, care etc. and placing further pressures on the Home-to-School Transport budget which is already pressured and so represents a risk to the Council.

## **3. OPTIONS ANALYSIS**

### **3.1 Options Considered**

A detailed option appraisal was undertaken to explore ways in which the requirement for additional ALN provision could be addressed in line with primary and secondary need. The critical success factors below were considered.

### **3.2 Critical Success Factors:**

- Strategic fit & business needs - ensuring the provision meets the vision for education i.e. a localised, accessible and high-quality Education provision
- Achievability - Securing places needed in line with demand.
- Affordability - Financial viability and optimising value for money

### **3.3 Long list of options**

The long list of options detailed within **Table 2**, were evaluated by the project group and a short-list drawn up.

## Long List of Options

Options	Description:	Conclusion:
1	Business as usual maintain the status quo - As all resource bases are full this would result in sending pupils who require support to Out of County Resource Bases	Not enough capacity exists, and this would not support the vision for education in securing localised, accessible and high-quality provision. Also, very costly. <b>Discounted</b>
2	Implement Phase 1 of the proposal at this stage only - Build capacity immediately in resources bases in both Primary and Secondary settings, whilst also developing further nurture provisions and wellbeing support	Preferred way forward in, this will address Secondary need and Welsh Medium demand Imminently and plan medium and long-term growth.  <b>Possible</b>
3	Implement Phase 1 & Phase 2 of the proposal by increasing capacity in resource bases over a number of Primary and Secondary provision	Preferred way forward in, this will address Secondary need and Welsh Medium demand Imminently and plan medium and long-term growth. Merits further consideration, but financial constraints, would not permit effective and timely implementation. <b>Possible</b>
4	Tackle capacity issues in just secondary school settings	There is currently immediate demand in the secondary sector for places also, as illustrated in the demand analysis. <b>Discounted</b>
5	Tackle capacity issues in just Primary school settings	There is currently immediate demand in the secondary sector for places also, as illustrated in the demand analysis. <b>Discounted</b>

Based on the Critical Success factors, options 1, 4 and 5 have been discounted as they would potentially:

- Not address the immediate and medium-term need
- Result in increased costs for ALN pupils if they had to be educated out of county.
- Cause disruption within the existing education system
- Negatively affect provision and access to specialist facilities and services

### 3.4 The short list of options

- **Option 1** Maintain the status quo (business as usual) This is a standard baseline comparator which must be considered - As all resource bases are full this would result in sending pupils who require support to Out of County placements
- **Option 2** Implement Phase 1 of the proposal only by increasing capacity in resource bases in Primary and Secondary provision. Whilst also providing the wellbeing support immediately to learners being presented at the VLP in order to ensure maximum engagement at school and developing further nurture provisions to support pupils in the mainstream environment.

- **Option 3** Implement Phase 1 & Phase 2 of the proposal by increasing capacity in resource bases over several Primary and Secondary settings.

### 3.5 **The Preferred Option**

Option 1 - A detailed financial analysis was undertaken for Option 1 but it was not considered to be financially viable. In addition, there would unlikely be sufficient capacity in the private sector and this would not support the vision for education in securing localised, accessible and high-quality Education provision.

Option 3 - Was discounted in terms of achievability and meeting the business needs, as this would result in the creation of more places in resource bases than are required in the medium term. As there are plans to develop wellbeing and nurture provisions to create a more inclusive ALN environment in mainstream this could impact on the requirement for the growing the number of places in the medium term

Option 2 - Implement Phase 1 of the proposal at this stage only – Building capacity immediately in resources bases in both Primary and Secondary mainstream settings was therefore considered to be the preferred option. It was considered that it met all the critical success factors in terms of a localised, accessible and high-quality education provision. It would secure places in the short term and potentially impact on the requirements for places going forward. It is the most financially viable option in terms of securing value for money.

- 3.6 As a result, this business case considers the implications of Option 2 only (Phase1). Following a detailed impact assessment of Phase 1, a further business case will be prepared for phase 2 in the Autumn term 2025, should it be required.

## 4. **PROCUREMENT ROUTE**

- 4.1 All project related procurements will be via competitive tendering in accordance with the Council's Contract Procedure Rules.

### 4.2 **Procurement Plan**

If successful all projects will be procured where appropriate via a single stage, design and build procurement tender process. Tenders will be assessed on a cost/quality basis, and the Contractor appointed at tender stage as the most economically advantageous tender.

### 4.3 **Contract**

A suitable form of contract will be adopted. Under the SEWSCAP Framework, both NEC and JCT forms are available for use with the design and build/develop and construct approach.

#### 4.4 Community Benefits

Community benefits will be set out in the tender documents for all projects and will be assessed as part of the quality evaluation process and will follow the Welsh Government Guidelines. The community benefits process will be managed by experienced officers within the Council and will work with the Contractor's community liaison representative to deliver the outcomes. The community benefits registered will be developed with colleagues from the regeneration team at the next stage of the EOI.

### 5. FUNDING AND AFFORDABILITY

Table 1: Cost and Funding for the Recommended Option (Appendix 3)

#### 5.1 Capital Funding

There are capital financial implications associated with Phase 1 of this proposal for the Council of approximately £400,000. This will be met via contributions from the Welsh Government ALN Grant funding and Sustainable Communities for Learning Programme over a 2-year period.

#### 5.2 Revenue Funding

Blaenau Gwent currently has 11 ALN pupils that are educated outside the Local Authority, with forecast expenditure for 2023/2024 of £695,000 against a budget of £720,000. These costs could increase to £1.9m per annum by 2027/28. If Blaenau Gwent was able to increase capacity in resource base provisions, there would be opportunities to consider making education provision for some of the 11 pupils back in Blaenau Gwent. However the assumption in the financial modelling is that the 11 learners remain in their current provision.

Revenue implications associated with Phase 1 of the project have been modelled (Appendix 2) - If pupils are unable to be placed locally in a resource base, then they would need to be placed in Out County placements which could see these annual costs incrementally increase in line with the projected demand by approximately £3.3m over the next 5 years

	Impact each financial year			2026/27	2027/2/28
	2023/24 £'000	2024/25 £'000	2025/26		
Rising Costs of Out County Placements if do nothing	274	£41 16	£598	853	1,180

It is anticipated the proposal will begin to impact on the requirement for Out County placements from the 2024/25 financial year, therefore reducing this expenditure and allowing funding to be vired accordingly.

Costs associated with home to school transport for out county placements are increasing for ALN pupils, the costs are forecast to be £158,569 for the 2023/24 financial year. These costs are regularly reviewed and subject to change in line with pupil placement. Should the proposal be implemented the Council should also see an incremental reduction in the transport costs associated with Out County placements every year as learners naturally leave education, however as this funding is released it will be assumed that this will be used to mitigate any cost pressures that may arise in transporting learners to the new Resource Bases. No cost pressure is assumed at this stage within the business case for transport however, a cost pressure could emerge initially as the resource bases are established and the timing of existing learners leaving Out County placements, but it is unknown at this stage and very difficult to estimate.

Both options would result in a cost pressure for the local authority although under option 2 the amount would be considerably less,( £1.2m over 5 years)

Under option 2 In the short term there will likely be a shortfall in years 2 and 3 when compared to the current budgets however the proposal is predicted to avoid significant cost increases in terms of Out of County placements. It is proposed these additional costs be funded from an award of a cost pressure for 2 financial years as follows:

2024/25 £178,611

2025/26 £113,000

## **6. DELIVERY ARRANGEMENTS**

- 6.1 The projects will be managed in accordance with Blaenau Gwent Corporate Project Management Framework, which is based upon PRINCE 2 methodology. Risk, issues, dependencies and benefits registers will be compiled in line with project delivery and are monitored on a monthly basis and/or in line with key developments.
- 6.2 The Project Team (inclusive of Education, schools, community Services directorate and finance) will be led by the Service Manager - Education Transformation and Business Change and will report into the Education Transformation Programme Board on a quarterly basis or more frequently if required and form part of the programme board overall risk register. Along with detailed project risk registers on project level being reviewed and monitored on a monthly basis, including risk escalation and de-escalation agreed at Project Group Meetings.
- 6.3 All risks will be considered in line with any lessons learned, issues, dependencies and assumptions logs. Project development and implementation is operationally managed via the Education Transformation Team Leader in respect of client, finance and education matters and the Architectural Project Manager from a technical, and construction perspective.
- 6.4 Although the Education Transformation Team have gained extensive knowledge over the years of Planning and delivering post occupancy

evaluations in line with grant funding requirements, and have developed series of questions, systems and analysis tools such as snap surveys to capture all comments. The Closure report system for Sustainable Communities for Learning Programme and small projects delivered under the Educational Transformation change agenda requires feedback after year 1, 2 and year 5. This means that project benefits may not be realised fully until the end of year 2 or 3 of the finalised project.

- 6.5 Post occupancy evaluation sessions will be planned with all relevant parties, (Schools, pupils, staff and Community etc) along with a dedicated lessons learned session. These will be used to inform closure reporting, benefits realisation and support the Programme lessons learned register.
- 6.6 Contingency planning is built into each project timeline, financial profile and programme – all of which are monitored on a monthly basis by the Project team.

## **Appendices.**

### **Appendix 1 – Demand Analysis**



Demand Analysis.pdf

### **Appendix 2 - Financial appraisal table**



Financial\_Annex1\_all\_  
Business-Justification-

### **Appendix 3 - Cost and Funding for the Recommended Option**



Table.docx

# Agenda Item 23

*Council only*

Date signed off by the Monitoring Officer: N/A

Date signed off by the Section 151 Officer: N/A

Committee: **Council**

Date of Meeting: **21<sup>st</sup> September, 2023**

Report Subject: **Memberships Report**

Portfolio Holder: **Councillor S. Thomas – Leader/  
Cabinet Member – Corporate Overview  
& Performance**

Report Submitted by: **Democratic Services**

Report Written by: **Democratic Services**

Reporting Pathway								
Directorate Management Team	Corporate Leadership Team	Portfolio Holder / Chair	Governance & Audit Committee	Democratic Services Committee	Scrutiny Committee	Cabinet	Council	Other (please state)
							21/09/23	

## 1. Purpose of the Report

- 1.1 To present a list of Memberships for consideration and determination by Members of the Council.

## 2. Scope

### 2.1 ADVISORY PANEL FOR LOCAL AUTHORITY GOVERNORS

To ratify the following appointments made at the panel meeting held on 13th September, 2023:

**Willowtown Primary School – Sian Barrett**

**Ystruth Primary School – Melanie Rogers**

**Cwm Primary School – Natalie Marshall**

**Coed-y-Garn Primary School – Joan Price**

**Brynmawr Foundation School – Gail Watkins**

## 2.2 **TOWN/COMMUNITY COUNCILS LIAISON COMMITTEE**

To establish the above-named Liaison Committee with the following membership:

Leader / Cabinet Member – Corporate Overview & Performance (Chair)

Deputy Leader/ Cabinet Member – Place & Environment

Cabinet Member – Place & Regeneration and Economic Development

Cabinet Member – People & Education

Cabinet Member – People & Social Services

## 3. **Options for Recommendation**

To consider the above.