



# CYFANSODDIAD CYNGOR CAERDYDD

Mae'r Cyfansoddiad yn sefydlu sut mae'r Cyngor yn gweithredu, sut y gwneir penderfyniadau a'r gweithdrefnau a ddilyniir Mae rhai o'r prosesau hyn yn ofynnol o dan y gyfraith, ac mae rhai eraill yn fater i'r Cyngor eu dewis. Daeth y Cyfansoddiad i rym ar 30 Mai 2002 a chaiff ei adolygu o bryd i'w gilydd a'i ddiwygio gan y Cyngor yn ôl yr angen. Mae'n bosibl y bydd ychydig o oedi o ran diweddarau fersiwn y wefan, ond gall staff Gwasanaethau Cyfreithiol eich cynghori ai'r fersiwn ddiweddaraf yw unrhyw ran benodol o'r fersiwn a gyhoeddir ar ein gwefan.

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Mae'r dudalen hon yn cael ei adael yn wag yn fwriadol

## **RHAN 1 – CRYNODEB AC ESBONIAD**

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### **Cyfansoddiad y Cyngor Sir**

1. Mae Cyfansoddiad Cyngor Caerdydd yn rhestru sut mae'r Awdurdod yn gweithredu, sut y gwneir penderfyniadau a'r gweithdrefnau a ddilynir er mwyn sicrhau bod y rhain yn effeithlon, yn dryloyw ac yn atebol i bobl leol. Mae rhai o'r prosesau hyn yn ofynnol o dan y gyfraith, ac mae rhai eraill yn fater i'r Cyngor eu dewis.
2. Rhennir y Cyfansoddiad yn 15 Erthygl sy'n rhestru'r rheolau sylfaenol sy'n rheoli busnes yr Awdurdod. Darperir gweithdrefnau a chodau ymarfer mwy manwl mewn rheolau a phrotocolau ar wahân ar ddiwedd y ddogfen.

### **Beth sydd yn y Cyfansoddiad?**

3. Mae Erthygl 1 y Cyfansoddiad yn ymrwymo'r Cyngor i ddarparu arweinyddiaeth atebol i'r gymuned, mewn partneriaeth â'i ddinasyddion, i wella darpariaeth gwasanaethau i holl bobl Caerdydd. Mae Erthyglau 2-15 yn esbonio hawliau dinasyddion a sut mae rhannau allweddol yr Awdurdod yn gweithredu. Mae'r rhain fel a ganlyn:
  - Aelodau'r Cyngor (Erthygl 2)
  - Dinasyddion a'r Awdurdod (Erthygl 3)
  - Aelodau'r Cyngor (Erthygl 4)
  - Cadeirio'r Cyngor (Erthygl 5)
  - Pwyllgorau Craffu (Erthygl 6)
  - Y Weithrediaeth (Erthygl 7)
  - Pwyllgorau rheoleiddiol a rhai eraill (Erthygl 8)
  - Y Pwyllgorau Safonau ac Moeseg (Erthygl 9)
  - Trefniadau ar y cyd (Erthygl 10)
  - Cyflogeion y Cyngor (Erthygl 11)
  - Gwneud Penderfyniadau (Erthygl 12)
  - Cyllid, Contractau a Materion Cyfreithiol (Erthygl 13)
  - Adolygu a Diwygio'r Cyfansoddiad (Erthygl 14)
  - Gwahardd, dehongli a chyhoeddi'r Cyfansoddiad (Erthygl 15)

### **Sut mae'r Awdurdod yn gweithredu**

#### **Trefniadau'r Cyngor**

4. Mae'r Cyngor yn cynnwys 75 o gynghorwyr a etholir bob pedair blynedd. Mae cynghorwyr yn ddemocrataidd atebol i drigolion eu ward. Dyletswydd pennaf cynghorwyr yw i'r holl gymuned, ond mae ganddynt ddyletswydd arbennig i'w hetholwyr, gan gynnwys y rhai na wnaethant bleidleisio drostynt.
5. Mae'n rhaid i gynghorwyr gytuno i ddilyn Cod Ymddygiad er mwyn sicrhau safonau uchel o ran y ffordd y byddant yn ymgymryd â'u dyletswyddau. Bydd

y Pwyllgor Safonau a Moeseg yn eu cyngori ar y Cod Ymddygiad ac ar anghenion datblygu sy'n gysylltiedig ag ymddygiad.

6. Bydd pob Cyngorydd yn cyfarfod â'i gilydd fel y Cyngor. Fel arfer bydd cyfarfodydd y Cyngor ar agor i'r cyhoedd. Bydd y Cyngor yn penderfynu ar bolisiâu strategol, fel y rhestrir yn Erthygl 4 a bydd yn gosod y gyllideb bob blwyddyn.

### **Trefniadau Gweithredol (Arweinydd a'r Cabinet)**

7. Y Cabinet yw'r rhan o'r Cyngor sy'n gyfrifol am y rhan fwyaf o benderfyniadau pwysig. Mae'r Cabinet yn cynnwys yr Arweinydd a etholir gan y Cyngor, a hyd at naw cyngorydd arall y mae'n eu henwebu ar gyfer eu cymeradwyo gan y Cyngor. Mae cyfarfodydd y Cyngor, Pwyllgorau Craffu, y Cyngor a phwyllgorau eraill yn agored i'r cyhoedd i'w mynychu ac eithrio lle bydd gwybodaeth gyfrinachol neu eithriedig yn cael ei thrafod, fel y'i diffinnir gan y gyfraith. Mae'n rhaid i'r Cabinet wneud penderfyniad sydd yn unol â pholisiâu a chyllideb cyffredinol y Cyngor. Os yw'n dymuno gwneud penderfyniad sydd y tu allan i'r gyllideb neu'r fframwaith polisi, mae'n rhaid i hyn gael ei gyfeirio at y Cyngor yn ei gyfanrwydd i'w benderfynu.

### **Craffu**

8. Mae Pwyllgorau Craffu yn cefnogi gwaith y Cabinet a'r Cyngor yn ei gyfanrwydd. Pennir nifer y Pwyllgorau Craffu gan y Cyngor. Bydd Pwyllgorau Craffu yn monitro penderfyniadau'r Cabinet. Maent yn caniatáu i aelodau'r meinciau cefn, dinasyddion a rhanddeiliaid fod â mwy o fewnbwn o ran materion sy'n ymwneud â'r Awdurdod. Byddant yn llunio adroddiadau ac argymhellion sy'n cyngori'r Cabinet a'r Cyngor ar ei bolisiâu, cyllideb a darpariaeth gwasanaethau. Gallant 'alw i mewn' penderfyniad a gafodd ei wneud ond sydd heb ei weithredu eto. Mae hyn yn galluogi Craffu i ystyried a yw'r penderfyniad yn briodol. Mae'n bosibl y byddant yn argymhell bod y Cabinet yn ailystyried y penderfyniad. Mae'n bosibl hefyd y bydd y Cabinet neu'r Cyngor yn ymgynghori â nhw ar benderfyniad i ddod a datblygu polisiâu.

### **Cyflogeion yr Awdurdod**

9. Mae gan yr Awdurdod gyflogeion er mwyn rhoi cyngor, gweithredu penderfyniadau'r Cabinet a'r Cyngor, a rheoli darpariaeth ei wasanaethau o ddydd i ddydd, gan gynnwys gwneud penderfyniadau yn unol â Chynllun Dirprwyo. Rhwymir cyflogeion gan God Ymarfer statudol ac mae Protocol yn rheoli'r perthnasoedd rhwng cyflogeion a Chynghorwyr. Mae cyflogeion yr Awdurdod yn gwasanaethu'r Awdurdod yn ei gyfanrwydd ac mae gofyn iddynt roi cyngor diduedd.

### **Hawliau Dinasyddion**

10. Mae gan ddinasyddion nifer of hawliau wrth ymwneud â'r Awdurdod. Rhestrir y rhain yn fwy manwl yn Erthygl 3. Mae rhai o'r rhain yn hawliau cyfreithiol, ac mae rhai eraill yn dibynnu ar brosesau'r Awdurdod ei hun.

11. Pan fydd aelodau'r cyhoedd yn defnyddio gwasanaethau penodol yr Awdurdod, er enghraifft fel rhiant i ddisgybl ysgol neu fel tenant y cyngor, mae ganddynt hawliau ychwanegol nad ydynt yn gynwysedig yn y Cyfansoddiad hwn.

Caiff dinasyddion:

- bleidleisio mewn etholiadau lleol os ydynt wedi'u cofrestru;
- gysylltu â'u cynghorydd lleol ynglŷn ag unrhyw faterion sy'n eu pryderu;
- gopi o'r Cyfansoddiad;
- fynychu cyfarfodydd y Cabinet, y Cyngor a'i Bwyllgorau heblaw am, er enghraifft, lle mae materion personol neu gyfrinachol yn cael eu trafod;
- ddeisebu i ofyn am refferendwm ar weithrediaeth ar ffurf faerol;
- gyfrannu at ymchwiliadau gan y Pwyllgorau Craffu;
- weld adroddiadau a phapurau cefndirol, ac unrhyw gofnod o benderfyniadau a wnaed gan y Cyngor a'r Cabinet ac eithrio os byddant yn cynnwys gwybodaeth bersonol neu gyfrinachol;
- gwyno i'r Awdurdod o ran anfodlonrwydd a deimlir ynglŷn â safon y gwasanaeth, camau gweithredu neu ddiffyg camau gweithredu gan yr Awdurdod neu ei staff. Ymdrinnir â phob cwyn yn unol â Pholisi Cwyno yr Awdurdod, sy'n rhoi fframwaith effeithiol ar gyfer adolygiad, pe bai'r achwynwr yn anfodlon ar yr ymateb cychwynnol;
- gwyno i'r Comisiwn dros Weinyddu Lleol yng Nghymru (Ombwdsmon) os ydynt yn credu nad yw'r Awdurdod wedi dilyn ei weithdrefnau yn briodol. Fodd bynnag, mae'r Awdurdod yn disgwyl i achwynwr roi'r cyfle iddo ddatrys y gŵyn gan ddefnyddio Polisi Cwyno yr Awdurdod ei hun cyn cysylltu â'r Ombwdsmon, a bydd yr Ombwdsmon fel arfer yn disgwyl hyn hefyd;
- gwyno i'r Ombwdsmon os oes tystiolaeth ganddynt sydd yn eu tyb hwy yn dangos nad yw Cynghorydd neu Aelod Cyfetholedig wedi dilyn Cod Ymarfer yr Aelodau; ac
- archwilio cyfrifon yr Awdurdod a gwneud eu barn yn hysbys i'r archwilydd allanol.

Mae'r Awdurdod yn croesawu cyfranogiad gan ei ddinasyddion yn ei waith.

Mae'r dudalen hon yn cael ei adael yn wag yn fwriadol



## **RHAN 2 – ERTHYGLAU'R CYFANSODDIAD**

### **Erthygl 1 – Y Cyfansoddiad**

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#### **1.1 Pwerau'r Awdurdod**

#### **1.2 Y Cyfansoddiad**

Y Cyfansoddiad hwn, a'i holl atodiadau, yw Cyfansoddiad Cyngor Sir Dinas a Sir Caerdydd.

#### **1.3 Diben y Cyfansoddiad**

Diben y Cyfansoddiad yw:

- (a) galluogi'r Awdurdodi i roi arweinyddiaeth glir i'r gymuned mewn partneriaeth â dinasyddion, busnesau a sefydliadau eraill;
- (b) darparu fframwaith ar gyfer llywodraethiant da;
- (c) helpu Cyngorwyr i gynrychioli eu hetholwyr yn fwy effeithiol trwy raglen gynhwysfawr o ddatblygu Cyngorwyr;
- (d) galluogi penderfyniadau i gael eu gwneud yn effeithlon ac effeithiol;
- (e) darparu ffyrdd o wella cyflawni gwasanaethau i'r gymuned;
- (f) creu ffordd effeithiol o ddwyn y rhai sy'n gwneud penderfyniadau i gyfrif yn gyhoeddus;
- (g) sicrhau na fydd neb yn adolygu neu'n craffu ar benderfyniad y buont yn rhan uniongyrchol ohono;
- (h) sicrhau bod y rhai sy'n gyfrifol am wneud penderfyniad yn amlwg hysbys i bobl leol a'u bod yn esbonio'r rhesymau dros y penderfyniad;  
a
- (i) cefnogi ymwneud actif dinasyddion â phroses awdurdod lleol o wneud penderfyniadau.

#### **1.4 Adolygu'r Cyfansoddiad**

Bydd y Cyngor yn monitro ac yn gwerthuso gweithrediad y Cyfansoddiad fel y'i gosodwyd yn Erthygl 14 .

Mae'r dudalen hon yn cael ei adael yn wag yn fwriadol

## **RHAN 2 – ERTHYGLAU'R CYFANSODDIAD**

### **Erthygl 2 – Aelodau'r Cyngor**

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#### **2.1 Cynnwys**

Bydd i'r Awdurdod 75 o Gynghorwyr (a elwir fel arall yn Aelodau). Caiff un neu fwy o Gynghorwyr eu hethol gan etholwyr pob Adran Etholiadol yn unol â chynllun a luniwyd gan Gomisiwn Ffiniau Llywodraeth Leol i Gymru a'i gymeradwyo gan Gynulliad Cenedlaethol Cymru.

#### **2.2 Ethol a chyfnodau Cynghorwyr**

Cynhelir etholiad rheolaidd Cynghorwyr ar ddydd Iau cyntaf mis Mai bob pedair blynedd neu ar unrhyw adeg arall o'r fath a gaiff ei bennu gan y gyfraith. Bydd cyfnodau Cynghorwyr yn eu swyddi yn dechrau ar y pedwerydd diwrnod ar ôl cael eu hethol a byddant yn gorffen ar y pedwerydd diwrnod ar ôl dyddiad yr etholiad rheolaidd nesaf.

#### **2.3 Rolau a swyddogaethau pob Cynghorydd**

##### **(a) Rolau allweddol**

Bydd Cynghorwyr yn:

- (i) pennu'r Fframwaith Polisi ar y cyd a chyflawni nifer o swyddogaethau strategol;
- (ii) cynrychioli eu cymunedau a dod â'u barn i broses benderfynu'r Awdurdod, h.y. dod yn lladmerydd dros ac ar ran eu cymunedau;
- (iii) ymdrin â gwaith achos unigol a gweithio fel lladmerydd ar gyfer etholwyr wrth ddatrys pryderon neu gwynion penodol;
- (iv) ceisio cydbwysu buddiannau a nodwyd o fewn y ward a chynrychioli'r ward yn ei chyfanrwydd;
- (v) cyfrannu at wella gwasanaethau cyngor yn barhaus trwy Raglen Gwella Cymru;
- (vi) bod yn rhan o'r broses benderfynu;
- (vii) bod ar gael i gynrychioli'r Awdurdod ar gyrff eraill; a
- (viii) cadw'r safonau uchaf o ran ymddygiad a moeseg.

##### **(b) Hawliau a Dyletswyddau**

- (i) Bydd gan Gynghorwyr hawliau mynediad at y dogfennau, y wybodaeth, tir ac adeiladau'r Cyngor sydd eu hangen arnynt er mwyn cyflawni eu swyddogaethau'n briodol ac yn unol â'r gyfraith a'r Cyfansoddiad hwn;

(ii) Caiff cynghorwyr ymweld ag unrhyw dir neu adeilad o eiddo'r Awdurdod yn amodol ar y canlynol:

- mae'n rhaid iddynt ddweud pwy ydynt yn briodol i'r person sy'n rheoli adeilad ac ni chânt roi cyfarwyddiadau i gyflogeion;
- na chyfweld ag unrhyw gyflogai heblaw am Gyfarwyddwr Corfforaethol neu Brif Swyddog neu unrhyw uwch swyddog a enwebir at y diben hwnnw ar faterion o bolisi neu egwyddor, neu unrhyw fater sydd naill ai'n cael ei ystyried gan y Cyngor neu'r Cabinet neu'n debygol o fod gerbron y Cyngor neu'r Cabinet neu unrhyw un o'i Bwyllgorau;
- rhaid i ymweliadau â sefydliadau preswyl ystyried preifatrwydd a diogelwch preswylwyr ac felly cânt eu cynnal ar ôl dilyn rhybudd priodol i'r Prif Swyddog priodol neu ei (h)enwebai ac wedyn caiff yr ymweliad ei wneud yn unol â'r trefniadau a nodwyd.

(iii) Ni fydd cynghorwyr yn gwneud gwybodaeth sy'n gyfrinachol neu'n eithriedig yn gyhoeddus heb gydsyniad yr Awdurdod, neu ddatgelu gwybodaeth a roddwyd yn gyfrinachol i unrhyw un heblaw am Gynghorydd, swyddog neu berson arall sydd â hawl gyfreithiol i wybod.

## 2.4 Ymddygiad

Bydd cynghorwyr a chyflogeion yn cadw at eu Cod Ymarfer a'u Protocol ar Gysylltiadau Aelodau/Swyddogion a restrir yn Rhan 5 y Cyfansoddiad hwn bob amser.

Ar ôl iddynt gael eu hethol, bydd pob Cynghorydd yn rhoi Ymrwymiad Caerdydd er mwyn dangos eu hymrwymiad yn gyhoeddus ar y cyd â'r holl Gynghorwyr eraill i gynnal y safonau uchaf o ran ymddygiad ac i wasanaethu buddiannau'r Cyngor, Caerdydd, ei dinasyddion a'r rheiny y mae ar y Cyngor ddyletswydd iddynt.

Bydd rhoi Ymrwymiad Caerdydd yn digwydd yn:

- (a) y cyfarfod blynyddol ar ôl yr etholiad arferol neu
- (b) os na fydd y Cynghorydd yn mynychu'r cyfarfod blynyddol hwnnw yna yng nghyfarfod cyntaf y Cyngor wedi hynny y bydd y Cynghorydd yn ei fynychu neu
- (c) pan gaiff y Cynghorydd ei ethol mewn is-etholiad, cyfarfod cyntaf y Cyngor y mae'r Cynghorydd yn ei fynychu ar ôl yr is-etholiad.

## 2.5 Lwfansau

Bydd hawl gan Gynghorwyr i dderbyn lwfansau yn unol â Chynllun Lwfansau Aelodau, fel y rhestrir yn Rhan 6 y Cyfansoddiad hwn.

## **RHAN 2 – ERTHYGLAU'R CYFANSODDIAD**

### **Erthygl 3 - Dinasyddion a'r Cyngor**

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#### **3.1 Hawliau Dinasyddion**

Mae gan ddinasyddion yr hawliau canlynol. Caiff eu hawliau i wybodaeth ac i gymryd rhan eu hegluro'n fanylach yn y Rheolau Gweithdrefnol Mynediad at Wybodaeth, a nodir yn Rhan 4 y Cyfansoddiad hwn.

##### **(a) Pleidleisio a Deisebau**

Mae gan ddinasyddion ar gofrestr etholiadol yr ardal yr hawl i lofnodi deiseb i wneud cais am refferendwm ar gyfer 'maer etholedig' a'r hawl i bleidleisio mewn unrhyw refferendwm o'r fath.

##### **(b) Gwybodaeth**

Mae gan ddinasyddion yr hawl i:

- (i) mynychu cyfarfodydd y Cyngor, ei Bwyllgorau a'r Cabinet heblaw am rannau o'r cyfarfodydd pan fo gwybodaeth gyfrinachol neu wybodaeth eithriedig yn cael ei thrafod, a bod y busnes yn cael ei drafod yn breifat;
- (ii) gweld adroddiadau neu bapurau cefndirol y cyfarfodydd cyhoeddus, ac unrhyw gofnodion o benderfyniadau a wnaed gan y Cyngor, y Cabinet ac uwch swyddogion dynodedig; ac
- (iii) archwilio cyfrifon y Cyngor a dweud eu barn wrth yr archwiliwr allanol.

##### **(c) Cyfranogiad**

- (i) Mae gan ddinasyddion yr hawl i gyfrannu at ymchwiliadau gan Bwyllgorau Craffu yn unol â'r Rheolau Gweithdrefnol Craffu, fel y nodir yn Rhan 4 y Cyfansoddiad hwn;
- (ii) gofyn cwestiynau yng nghyfarfodydd y Cyngor, gofyn cwestiynau i aelodau'r Cabinet neu Gadeirydd Pwyllgor.

##### **(d) Cwynion**

Mae gan ddinasyddion yr hawl i gwyno wrth:

- (i) yr awdurdod ei hun dan ei Bolisi Cwynion;
- (ii) yr Ombwdsmon am unrhyw anghyfiawnder y maen nhw wedi'i ddioddef o ganlyniad i gamweinyddu, ond cânt eu hannog i ddefnyddio Polisi Cwynion y Cyngor yn gyntaf;

(iii) yr Ombwdsmon os ydynt yn credu bod Cynghorydd neu aelod cyd-etholedig yr Awdurdod wedi torri Cod Ymddygiad yr Aelodau.

### 3.2 **Cyfrifoldebau dinasyddion**

Ni chaiff dinasyddion fod yn dreisgar nac yn ymosodol tuag at Gynghorwyr neu gyflogeion, na niweidio eiddo'r Awdurdod, Cynghorwyr na chyflogeion ar bwrpas.

## RHAN 2 – ERTHYGLAU'R CYFANSODDIAD

### Erthygl 4 – Y Cyngor

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#### 4.1 Swyddogaethau'r Cyngor

Dim ond y Cyngor fydd yn cyflawni'r swyddogaethau canlynol:-

- (a) mabwysiadu a newid trefniadau gweithredol yr Awdurdod a'r Cyfansoddiad hwn, ac eithrio'r rhai sydd yn Erthygl 11.3 (a)
- (b) cymeradwyo neu fabwysiadu'r fframwaith polisi, y gyllideb ac unrhyw gais i Gynulliad Cenedlaethol Cymru mewn perthynas ag unrhyw Drosoglwyddiad Tir Tŷ;
- (c) Yn amodol ar y weithdrefn frys sydd yn Rheolau'r Weithdrefn Mynediad at Wybodaeth a nodir yn Rhan 4 y Cyfansoddiad hwn, gwneud penderfyniadau ar unrhyw fater o ran cyflawni Swyddogaeth Weithredol a gynhwysir yn y Fframwaith Polisi neu'r gyllideb lle mae'r person sy'n gwneud penderfyniadau am wneud penderfyniad mewn modd sydd yn groes i'r Fframwaith Polisi neu'n groes i/neu ddim yn unol yn llwyr â'r gyllideb;
- (ch) ethol a symud yr Arweinydd a phenodi a symud aelodau'r Cabinet (nid yr Arweinydd);
- (d) Cytuno ar gylich gorchwyl pwyllgorau a/neu eu newid, gan benderfynu ar eu cyfansoddiad a gwneud penodiadau iddynt, ac eithrio pan fo hynny'n cael ei ddirprwyo'n gyfreithiol ac yn ffurfiol;
- (f) penodi cynrychiolwyr i gyrff allanol oni bai bod y penodiad yn Swyddogaeth Weithredol neu wedi'i ddirprwyo gan y Cyngor;
- (g) mabwysiadu cynllun lwfans dan Erthygl 2.5;
- (h) newid enw'r ardal, gan roi'r teitl henadur anrhydeddus neu ryddid y Ddinas;
- (i) gwneud neu gadarnhau penodiad i swydd y Prif Weithredwr;
- (j) gwneud, newid, dileu, ail-fabwysiadu neu fabwysiadu is-ddeddfau a hyrwyddo neu wrthwynebu gwneud deddfwriaeth leol neu Filiau personol;
- (k) yr holl swyddogaethau dewis yn Rhan 3 y cyfansoddiad hwn y mae'r Cyngor yn penderfynu y dylai ef ei hun ei wneud neu berson neu gorff y mae wedi dirprwyo ei bwerau iddo yn hytrach na'r Cabinet; a
- (l) yr holl faterion eraill y dylent gael eu cadw, yn ôl y gyfraith, i'r Cyngor.

## 4.2 Ystyron

### (a) Polisi Fframwaith

Mae'r polisi fframwaith yn golygu'r cynlluniau a'r strategaethau canlynol:-

- Cynllun Gwella Caerdydd;
- “Beth sy'n Bwysig: Strategaeth 10 Mlynedd i Gaerdydd”, strategaeth partneriaeth integredig sengl sy'n ymgorffori (i) Strategaeth Gymunedol; (ii) Strategaeth Leihau Trosedd ac Anhrefn; (iii) Cynllun Plant a Phobl Ifanc; a (iv) Strategaeth Iechyd a Lles;
- Cynllun Lles Lleol;
- Cynllun Trafnidiaeth Lleol;
- Cynllun Datblygu Lleol;
- Strategaeth y Gymraeg;
- Cynllun Cyfiawnder Ieuenctid;
- Cynllun Corfforaethol;
- Strategaeth Barcio;
- Cynllun Gwella Hawliau Tramwy;
- Datganiad Polisi Tâl;

Ynghyd â chynlluniau a strategaethau eraill o'r fath y gallai'r Awdurdod benderfynu y dylent gael eu mabwysiadu gan y Cyngor fel mater o ddewis lleol.

### (b) Cyllideb

Mae'r gyllideb yn cynnwys dyrannu adnoddau ariannol i wahanol wasanaethau a phrojectau, cronfeydd wrth gefn arfaethedig, Sylfaen y Dreth Gyngor, gosod y Dreth Gyngor a phenderfyniadau sy'n ymwneud â rheoli gofyniad benthyca'r Cyngor, rheoli ei wariant cyfalaf a gosod cyfyngiadau ar drosglwyddo arian.

### (c) Trosglwyddo Tir Tai

Mae Trosglwyddo Tir tai yn golygu cymeradwyo neu fabwysiadu ceisiadau (bod ar ffurf drafft neu ddim) i Gynulliad Cenedlaethol Cymru gymeradwyo gwerthu 500 o eiddo neu fwy i berson dan Ddeddf Diwygio Cyfraith Lesddaliad, Tai a Datblygu Trefol 1993 neu werthu tir at ddibenion preswyl pan fo angen cymeradwyaeth dan adrannau 32 neu 43 Deddf Tai 1985.

## 4.3 Cyfarfodydd y Cyngor

Mae'r Cyngor yn cynnal tri math o gyfarfodydd:

- (a) y cyfarfod blynyddol;
- (b) cyfarfodydd arferol;
- (c) cyfarfodydd anarferol



a chânt eu cynnal yn unol â Rheolau Gweithdrefn Cyfarfod y Cyngor, fel y nodir yn Rhan 4 y Cyfansoddiad hwn.

#### 4.4 **Cyfrifoldeb dros Swyddogaethau**

Bydd y Swyddog Monitro'n sicrhau bod y manylion yn Rhan 3 y Cyfansoddiad hwn; sy'n nodi'r cyfrifoldebau dros swyddogaethau'r Cyngor nad yw'r Cabinet yn gyfrifol drostynt, yn gyfredol.

Mae'r dudalen hon yn cael ei adael yn wag yn fwriadol

## RHAN 2 – ERTHYGLAU'R CYFANSODDIAD

### Erthygl 5 – Cadeirio'r Cyngor

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#### 5.1 Rôl a Swyddogaeth yr Arglwydd Faer

Bydd y Cyngor yn penodi Arglwydd Faer ac Is-Arglwydd Faer pob blwyddyn. Bydd yr Arglwydd Faer, ac os nad yw'r Arglwydd Faer yn bresennol, yr Is-Arglwydd Faer yn cadeirio cyfarfodydd y Cyngor ac yn cyflawni rolau a'r swyddogaethau a ganlyn:

- (a) cynnal a hyrwyddo dibenion y Cyfansoddiad, a dehongli'r Cyfansoddiad pan fo angen;
- (b) cadeirio cyfarfodydd y Cyngor fel bod modd cyflawni ei fusnes yn effeithlon a chan ystyried hawliau'r Cynghorwyr a budd y gymuned;
- (c) sicrhau bod cyfarfod y Cyngor yn fforwm ar gyfer dadlau ar faterion gerbron y cyfarfod ac yn le lle caiff Cynghorwyr nad ydynt yn aelodau Cabinet ddwyn y Cabinet i gyfrif;
- (d) cyflawni dyletswyddau mewn perthynas ag Absenoldeb Teuluol Aelodau dan Reoliadau Absenoldeb Teuluol ar gyfer Aelodau Awdurdodau Lleol (Cymru) 2013.

Mae'r dudalen hon yn cael ei adael yn wag yn fwriadol

## RHAN 2 – ERTHYGLAU'R CYFANSODDIAD

### Erthygl 6 – Pwyllgorau – Craffu

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#### 6.1 Cylch Gorchwyl, Maint ac Aelodaeth

Mae'r Cyngor wedi penodi'r Pwyllgorau Craffu canlynol:

- (a) Plant a Phobl Ifanc
- (b) Gwasanaethau Oedolion a Chymunedau
- (c) Economi a Diwylliant
- (d) Amgylcheddol
- (e) Adolygu Polisi a Pherfformiad

i gyflawni'r swyddogaeth a nodir yn y Cylch Gorchwyl yn Atodiad 2 Rhan 3 y Cyfansoddiad hwn. Bydd pob Pwyllgor Craffu yn cynnwys 9 Aelod etholedig. Dim ond y Cyngorwyr hynny nad ydynt yn aelodau o'r Cabinet all fod yn aelodau o'r Pwyllgorau Craffu.

#### 6.2 Cyffredinol

Yn eu Cylch Gorchwyl, bydd Pwyllgorau Craffu yn:

- adolygu a/neu graffu ar benderfyniadau sy'n cael eu gwneud neu gamau sy'n cael eu cymryd mewn cysylltiad â chyflawni unrhyw o swyddogaethau'r Awdurdod;
- llunio adroddiadau ar gyfer a/neu wneud argymhellion i'r Cyngor a/neu'r Cabinet;
- ystyried materion sy'n effeithio ar yr ardal neu'r bobl sy'n byw ynddi; a
- arfer yr hawl i 'alw i mewn' i ailystyried penderfyniadau sydd wedi'u gwneud ond heb eu gweithredu gan y Cabinet, Aelodau'r Cabinet ac uwch swyddogion dynodedig.
- Derbyn ac ystyried adroddiadau gan archwilwyr allanol statudol wedi'u cyfeirio atynt.
- Gweithredu'n unol â Rheolau'r Weithdrefn Craffu.

#### 6.3 Swyddogaethau penodol

##### (a) Adolygu Polisi a Pherfformiad

Bydd y Pwyllgor Craffu **Adolygu Polisi a Pherfformiad** yn:

- (i) cynorthwyo'r Cyngor a'r Cabinet gyda'r gwaith o ddatblygu ei gyllideb a fframwaith polisi trwy ddadansoddi materion polisi'n fanwl;
- (ii) gwneud ymchwil a chynnal ymgynghoriadau cymunedol ac ymgynghoriadau eraill i ddadansoddi materion polisi a chael opsiynau posibl;

- (iii) ystyried a gweithredu mecanweithiau i annog a gwella cyfranogiad y gymunedol yn y gwaith o ddatblygu opsiynau polisi;
- (iv) Cwestiynau pobl a sefydliadau perthnasol am eu barn ar faterion a chynigion sy'n effeithio ar yr ardal;
- (v) cydgysylltu â sefydliadau allanol eraill sy'n gweithredu yn yr ardal, boed yn genedlaethol, yn rhanbarthol neu'n lleol, i sicrhau bod buddiannau pobl leol yn cael eu gwella trwy weithio ar y cyd; a
- (vi) Dyfarnu unrhyw swyddogaethau sy'n cael eu gwneud gan fwy nag un Pwyllgor Craffu a dyrannu unrhyw gyfrifoldebau ychwanegol nad ydynt eisoes wedi'u cynnwys yng nghylch gorchwyl unrhyw Bwyllgor Craffu penodol.

### **(b) Craffu**

Bydd y Pwyllgorau Craffu yn:

- (i) adolygu a chraffu ar benderfyniadau sy'n cael eu gwneud y Cabinet a/neu bwyllgorau a chyflogeion mewn perthynas â phenderfyniadau unigol a thros amser yn ogystal â'u perfformiad;
- (ii) adolygu a chraffu ar berfformiad yr Awdurdod mewn perthynas ag amcanion ei bolisi, ei dargedau perfformiad a/neu wasanaethau;
- (iii) cwestiynau aelodau o'r Cabinet a phwyllgorau a/neu gyflogeion am eu penderfyniadau a pherfformiad, boed yn gyffredinol mewn cymhariaeth i gynlluniau gwasanaeth a thargedau dros amser, neu mewn perthynas â phenderfyniadau, mentrau neu brojectau penodol;
- (iv) gwneud argymhellion i'r Cabinet a/neu'r pwyllgor priodol a/neu'r Cyngor sy'n dod o ganlyniad y broses craffu;
- (v) adolygu a chraffu ar berfformiad cyrff cyhoeddus eraill yn yr ardal a gwahodd adroddiadau ganddynt gan ofyn iddynt roi gwybodaeth i'r pwyllgor craffu a phobl leol am eu gweithgareddau a'u perfformiad; a
- (vi) cwestiynau a chasglu tystiolaeth gan unrhyw berson (gyda'i ganiatâd).

### **(c) Adnoddau**

Gall Pwyllgorau Craffu arfer cyfrifoldeb cyffredinol am yr adnoddau fydd ar gael iddynt.

### **(d) Adroddiad blynyddol**

Rhaid i Bwyllgorau Craffu adrodd yn flynyddol i'r Cyngor ar eu gwaith a gwneud argymhellion ar gyfer rhaglenni gwaith i'r dyfodol a dulliau gwaith diwygiedig os yn briodol.

#### 6.4 **Gweithrediadau Pwyllgorau Craffu**

Bydd Pwyllgorau Craffu yn cyflawni eu gweithrediadau yn unol â Rheolau'r Weithdrefn Craffu, fel y nodir yn Rhan 4 y Cyfansoddiad hwn.

Mae'r dudalen hon yn cael ei adael yn wag yn fwriadol



## **RHAN 2 – ERTHYGLAU'R CYFANSODDIAD**

### **Erthygl 7 – Y Cabinet (Gweithredol)**

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#### **7.1 Rôl**

Bydd y Cabinet yn trefnu i gyflawni swyddogaethau'r awdurdod lleol nad ydynt yn gyfrifoldeb ar unrhyw ran arall o'r awdurdod lleol, un ai yn ôl y gyfraith neu'r Cyfansoddiad hwn.

#### **7.2 Ffurf a chyfansoddiad**

##### **Cabinet**

Bydd y Cabinet yn cynnwys yr Arweinydd a dim mwy na naw Cynghorydd arall.

Mae'r Cyngor yn ethol Arweinydd.

Bydd y Cyngor yn penodi o leiaf dau ond dim mwy na naw cynghorydd i'r Cabinet (ac eithrio'r Arweinydd).

#### **7.3 Arweinydd**

Bydd yr Arweinydd yn Gy nghorydd sydd wedi'i ethol i swydd yr Arweinydd gan y Cyngor. Bydd yr Arweinydd yn ei swydd nes:

- (a) y bydd ef/hi yn ymddiswyddo o'r swydd; neu
- (b) y bydd ef/hi yn cael ei atal rhag bod yn Gy nghorydd neu yn Arweinydd neu yn aelod o'r Cabinet dan Ran III Deddf Llywodraeth Leol 2000 (er y gallai ef/hi ddod yn ôl i'w swydd ar ddiwedd y cyfnod hwnnw); neu
- (c) nid yw ef/hi yn Gy nghorydd mwyach; neu
- (d) mae'r Cyngor yn penderfynu diswyddo ef/hi; neu
- (e) tan ddyddiad yr etholiad cyffredinol nesaf.

#### **7.4 Aelodau Cabinet Eraill**

Bydd yr aelodau Cabinet (heblaw am yr Arweinydd) yn Gy nghorwyr sydd wedi'u penodi gan y Cyngor.

Ni ellir cyfnewid unrhyw aelodau cyfetholedig nac is-aelodau nac aelodau wrth gefn am aelodau Cabinet (ar wahân i'r Arweinydd). Nid oes modd penodi'r Arglwydd Faer na'r Is-Arglwydd Faer i'r Cabinet, ac nid oes hawl gan aelodau'r Cabinet (gan gynnwys yr Arweinydd) fod yn aelodau o Bwyllgor Craffu.

Bydd Cy nghorydd sydd wedi'i benodi yn Aelod Cabinet yn ei swydd nes:

- (a) y bydd ef/hi yn ymddiswyddo o'r Cyngor; neu
- (b) y bydd ef/hi yn cael ei atal rhag bod yn Gyngorydd neu'n Arweinydd neu aelod o'r Cabinet dan Ran III Deddf Llywodraeth Leol 2000 (er y gallai ef/hi ddod yn ôl i'w swydd ar ddiwedd y cyfnod hwnnw); neu
- (c) nid yw ef/hi yn Gyngorydd mwyach; neu
- (d) mae'r Cyngor yn penderfynu diswyddo ef/hi; neu
- (e) tan ddyddiad yr etholiad cyffredinol nesaf.

### 7.5 Cynorthwywyr Aelodau Cabinet

Gall y Cabinet benodi Cyngorwyr i weithredu fel cynorthwywyr y Cabinet cyn belled bod y Cabinet yn ystyried bod hynny'n rhesymol angenrheidiol ac yn briodol. Bydd eu swydd yn cynnwys:

- (a) cynorthwyo'r Cabinet yn gyffredinol;
- (b) cysylltu â Chadeiryddion ac aelodau Pwyllgorau Craffu perthnasol; a
- (c) gweithredu fel goruchwylwyr mewn cyfarfodydd Cabinet neu bwyllgor y Cabinet

yn unol â'r Disgrifiad Swydd manwl a nodir yn Atodiad A.

Ni chaiff cynorthwywyr y Cabinet bleidleisio ar faterion gerbron y Cabinet, na chymryd lle Aelod Cabinet mewn cyfarfod Cabinet na chyflawni unrhyw rôl sy'n cynnwys gwneud penderfyniad.

### 7.6 Trafodion y Cabinet

Bydd trafodion y Cabinet yn digwydd yn unol â Rheolau Gweithdrefn y Cabinet, fel y nodwyd yn Rhan 4 y Cyfansoddiad hwn.

### 7.7 Cyfrifoldeb am swyddogaethau

Mae Rhan 3 y Cyfansoddiad yn nodi'r darpariaethau a wnaed mewn perthynas â rhannu unrhyw swyddogaethau sy'n gyfrifoldeb ar y Cabinet ymhlith y bobl ganlynol:-

- (a) y Cabinet;
- (b) unrhyw aelod Cabinet;
- (c) unrhyw bwyllgor y Cabinet; a
- (d) unrhyw swyddogion yr awdurdod.

Os nad yw'r swyddogaethau sy'n gyfrifoldeb ar y Cabinet yn cael eu rhannu fel y nodwyd uchod (ond nid ymhellach neu fel arall) gall yr Arweinydd gyflawni'r swyddogaethau hynny neu bennu priod gyfrifoldebau'r Cabinet, Pwyllgorau'r Cabinet, Aelodau Cabinet a Swyddogion mewn perthynas â gwneud Penderfyniadau Gweithredol penodol. Bydd yr Arweinydd yn rhoi gwybod i'r Swyddog Priodol yn ysgrifenedig am unrhyw gyfrifoldebau a ddirprwyir, a bydd y Swyddog Priodol yn cynnal rhestr yn nodi'r priod gyfrifoldebau fel y gallant fod o bryd i'w gilydd yn unol â Rheolau Gweithdrefnol y Cabinet a nodir yn Rhan 4 y Cyfansoddiad hwn.

Bydd unrhyw berson neu gorff sydd wedi trefnu i gyflawni unrhyw swyddogaeth yn unol â'r pwerau a nodir yn adran 15 Deddf Llywodraeth Leol 2000 yn rhoi gwybod i'r Swyddog Priodol yn ysgrifenedig am unrhyw drefniadau o'r fath a bydd y Swyddog Priodol yn cadw cofnod o drefniadau o'r fath fel y gallant fod o bryd i'w gilydd yn unol â Rheolau Gweithdrefnol Cabinet a nodir yn Rhan 4 y Cyfansoddiad hwn.

- 7.8 Yn ystod unrhyw gyfnod ble nad oes Cabinet, bydd unrhyw swyddogaethau sy'n gyfrifoldeb ar y Cabinet yn cael eu dyrannu a'u gweithredu gan Bennaeth y Gwasanaeth Cyflogedig neu os nad yw ef/hi yn bresennol y Cyfarwyddwyr Corfforaethol yn cydweithio, gan sicrhau y bydd ymgymryd â swyddogaethau o'r fath yn ystyried ac yn cydymffurfio ag unrhyw brotocol sy'n ymwneud ag arfer pwerau dynodedig cyn belled ag sy'n rhesymol ymarferol, ac wrth ymgynghori ag unrhyw Gynghorydd sy'n Arweinydd ar blaid wleidyddol yn unol â Rheoliadau Llywodraeth Leol (Pwyllgorau a Grwpiau Gwleidyddol) 1990.

## ATODIAD A – CYNORTHWYWYR AELODAU CABINET – DISGRIFIAD SWYDD

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- 1 Mae Cynorthwywyr Aelodau Cabinet yn Aelodau a benodir gan y Cabinet i weithio gydag Aelod Cabinet neu Aelodau Cabinet a'u cynorthwyo ag unrhyw swyddogaeth ac eithrio gwneud penderfyniadau yn amodol ar y cyfyngiadau isod.
- 2 Mae hyn yn cynnwys bwrw ymlaen â phrojectau neu raglenni penodol. Bydd y rhan fwyaf o swyddi Cynorthwywyr yn cynnwys ystod eang o swyddogaethau'r Aelod Cabinet, ond mae'n gyfrifoldeb ar bob Aelod Cabinet unigol, ar ôl trafod gydag Arweinydd y Cyngor, i sefydlu unrhyw gyfyngiadau neu amodau ynghylch y ffordd y bydd y Cynorthwy-ydd yn gweithio. Bydd unrhyw gyfyngiadau ar swydd y Cynorthwy-ydd yr hoffai'r Aelod Cabinet eu gosod gael eu cofnodi, eu copïo i'r Arweinydd a'r Swyddog Monitro.
- 3 Nid yw rôl Cynorthwy-ydd Aelod Cabinet yn arwain at lwfans cyfrifoldeb arbennig.
- 4 Gall Cynorthwywyr Aelodau Cabinet:
  - (a) Gyflawni tasgau, gwaith ymchwil ac ymchwiliadau penodol a mynychu cynadleddau, seminarau a chyfarfodydd ar gais yr Aelod Cabinet, er mwyn sicrhau bod ganddynt y wybodaeth ddiweddaraf am fentrau polisi a datblygiadau.
  - (b) Mynychu Cyfarfodydd Briffio'r Cabinet ar ran Aelod Cabinet.
  - (c) Mynychu cyfarfodydd y Cabinet (ond nid pleidleisio ynddynt) ar ran Aelod Cabinet.
  - (d) Mynychu digwyddiadau ffurfiol ac anffurfiol ar ran Aelod Cabinet, ac eithrio am agoriadau neu seremonïau neu ddigwyddiadau swyddogol pan fo angen rhoi araith ffurfiol. Mewn achos o'r fath, os bydd Aelod Cabinet yn absennol, bydd yr Arglwydd Faer neu Aelod Cabinet arall yn cynrychioli'r Cyngor.
  - (e) Siarad yn ffurfiol mewn digwyddiadau a swyddogaethau ar faterion yn ymwneud â'i faes cyfrifoldeb ei hun pan fo'r Cynorthwy-ydd wedi'i wahodd yn benodol i siarad.
  - (f) Cysylltu gydag aelodau nad ydynt yn aelodau gweithredol er mwyn sicrhau bod yr Aelod Cabinet yn hollol ymwybodol o faterion sy'n peri pryder i Aelodau.
  - (g) Ymddangos gerbron Pwyllgor Craffu os nad yw'r Aelod Cabinet yn gallu bod yn bresennol neu pan fo'r Cynorthwy-ydd wedi canolbwyntio ar y project neu raglen benodol. (Fodd bynnag, gall y Pwyllgor Craffu ofyn i'r Aelod Cabinet fod yn bresennol ar achlysur pellach).

(h) Bod yn aelod o Bwyllgor Craffu nad yw'n ymwneud â phortffolio ei Aelod Cabinet.

(i) Bod yn aelod o Grŵp Gorchwyl a Gorffen Craffu.

5 Fodd bynnag, ni all Cynorthwy-ydd Aelod Cabinet wneud y canlynol:

(a) Gwneud penderfyniadau

(b) Dirprwyo ar ran Aelod Cabinet yng Nghyfarfodydd y Cyngor

(c) Bod yn aelod o Bwyllgor Craffu sy'n craffu ar bortffolio ei Aelod Cabinet ei hun.

Mae'r dudalen hon yn cael ei adael yn wag yn fwriadol

## RHAN 2 – ERTHYGLAU'R CYFANSODDIAD

### Erthygl 8 – Pwyllgorau Rheoleiddiol a Rhai Eraill

#### 8.1 Pwyllgorau rheoleiddiol a rhai eraill

Bydd y Cyngor yn penodi'r pwyllgorau canlynol gyda'r cylch gorchwyl a nodir yn Atodiad 2 Rhan 3 y Cyfansoddiad.

PWYLLGOR	MAINT
Pwyllgor Penodiadau <i>(gelwir yn ôl yr angen)</i>	I gynnwys 5 Aelod o blith y rheini a benodwyd i wasanaethau yn unol â'r rheol ar gydbwysedd gwleidyddol
Pwyllgor Archwilio	12 (8 Aelod Etholedig a 4 Aelod Annibynnol)
Pwyllgor y Cyfansoddiad	12
Pwyllgor Cynghori Rhianta Corfforaethol	8
Pwyllgor Apeliadau'r Cyngor	9
Pwyllgor Gwasanaethau Democrataidd	12
Pwyllgor Apeliadau Disgyblu a Chwynion  <i>(Trefnir yr ôl yr angen)</i>	I gynnwys dim llai na 3 a dim mwy na 5 Aelod o'r rheini a benodwyd i wasanaethau yn unol â'r rheol ar gydbwysedd gwleidyddol.
Pwyllgor Amodau Cyflogaeth	8
Panel Apeliadau Absenoldeb Teulu <i>(Gelwir yr ôl yr angen)</i>	3
Y Pwyllgor Trwyddedu	12
Pwyllgor Pensiynau	5
Y Pwyllgor Cynllunio	12
Pwyllgor Diogelu'r Cyhoedd	12
Pwyllgor Safonau a Moeseg	9 (3 Aelod Etholedig, 5 Aelod Annibynnol ac 1 aelod Cyngor Cymuned)





## RHAN 2 – ERTHYGLAU'R CYFANSODDIAD

### Erthygl 9 - Y Pwyllgor Safonau a Moeseg

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#### 9.1 Pwyllgor Safonau a Moeseg

Mae'r Cyngor wedi penodi Pwyllgor Safonau a Moeseg statudol a bydd yn parhau i wneud felly.

#### 9.2 Cynnwys

##### Cydbwysedd Gwleidyddol

Nid oes rhaid i'r Pwyllgor Safonau a Moeseg gydymffurfio â'r rheolau cydbwysedd gwleidyddol yn adran 15 Deddf Llywodraeth Leol a Thai 1989 ac mae'r Cyngor wedi penderfynu y caiff y tri Chynghorydd a etholwyd yng nghyfarfod blynyddol y Cyngor eu henwebu i sefyll ar y Pwyllgor.

##### **(a) Aelodaeth**

Bydd y Pwyllgor Safonau a Moeseg yn cynnwys naw aelod. Bydd ei aelodaeth yn cynnwys:

- (i) Pum aelod 'annibynnol', nad ydynt yn Gyngorydd neu gyflogai neu ŵr/gwraig cynghorydd neu gyflogai'r Awdurdod neu unrhyw awdurdod perthnasol arall fel y diffinni gan y Ddeddf, wedi'u penodi yn unol â'r weithdrefn a nodir yn Rheoliadau Pwyllgorau Safonau (Cymru) 2001;
- (ii) Tri Chynghorydd (na fydd yn cynnwys yr Arweinydd na mwy nag un aelod o'r Cabinet) o'r Awdurdod; a
- (iii) Un aelod o Gyngor Cymuned sy'n gweithredu'n bennaf neu rannol yn ardal y Cyngor ('Aelod Pwyllgor Cymunedol').

##### **(b) Cyfnod yn y swydd**

- (i) Caiff aelodau annibynnol eu penodi am gyfnod nad yw'n llai na phedair blynedd ac nad yw'n fwy na chwe blynedd. Bydd y Cyngor yn penderfynu ar y cyfnod hwn pan gânt eu penodi. Gallant gael eu hail-benodi am un term olynol pellach o hyd at pedair blynedd bellach yn unig.
- (ii) Caiff aelodau o Gyngor Caerdydd sy'n aelodau o'r Pwyllgor Safonau a Moeseg gael eu penodi tan ddyddiad yr etholiad llywodraeth leol gyffredin nesaf ar ôl iddynt gael eu penodi. Byddant yn stopio bod yn aelod o'r Pwyllgor Safonau a Moeseg os byddant yn stopio bod yn aelod o Gyngor Caerdydd. Gallant gael eu hail-benodi am un term olynol pellach yn unig.
- (iii) Caiff yr Aelod Pwyllgor Cymunedol ei benodi tan ddyddiad yr etholiadau cyffredin nesaf ar gyfer y cyngor cymuned ar ôl iddo gael ei benodi. Bydd yn stopio bod yn aelod o'r Pwyllgor Safonau a Moeseg os bydd yn stopio

bod yn aelod o gyngor cymuned yn ardal y Cyngor. Gall gael eu hail-benodi am un term olynol pellach yn unig.

### **(c) Cworwm**

Bydd cyfarfod y Pwyllgor Safonau a Moeseg yn gworwm dim ond pan fo:

- (i) o leiaf tri aelod yn bresennol; a
- (ii) o leiaf hanner yr aelodau sy'n bresennol yn aelodau annibynnol.

### **(d) Pleidleisio**

Bydd hawl gan yr aelodau annibynnol ac aelodau pwyllgorau cymunedol hawl i bleidleisio mewn cyfarfodydd.

### **(e) Aelodau Pwyllgorau Cymunedol**

Ni fydd aelod pwyllgor cymunedol yn cymryd rhan yng ngweithrediadau'r Pwyllgor Safonau a Moeseg neu unrhyw o'i is-bwyllgorau pan fo unrhyw fater sy'n ymwneud ag aelod o'i Gyngor Cymunedol yn cael ei ystyried.

### **(f) Cadeirio'r Pwyllgor**

- (i) Aelod annibynnol o'r Pwyllgor Safonau a Moeseg yn unig sy'n gallu bod yn Gadeirydd.
- (ii) Caiff y Cadeirydd a'r Is-gadeirydd eu hethol gan aelodau o'r Pwyllgor Safonau a Moeseg ar gyfer p'un o'r cyfnodau canlynol sy'n fyrraf o (dim llai na 4 blynedd a dim mwy na 5 blynedd, neu (b) nes y bydd cyfnod y person hwnnw fel aelod annibynnol o'r Pwyllgor yn dod i ben. Gall y Cadeirydd a'r Is-gadeirydd eu hail-benodi.

## **9.3 Is-bwyllgor Cynghorau Cymunedol**

Bydd y Pwyllgor Safonau a Moeseg yn cynnwys is-bwyllgor i gyflawni'r swyddogaeth a nodir yn Erthygl 9.4(h) isod. Bydd yr is-bwyllgor yn cynnwys o leiaf dau aelod annibynnol ac un aelod pwyllgor cymunedol, oni bai bod y mater sydd gerbron yr is-bwyllgor yn berthnasol i Gyngor yr aelod pwyllgor cymunedol ne aelod o'r cyngor hwnnw. Yn yr achos hwn, bydd aelod arall o'r Pwyllgor Safonau a Moeseg yn cymryd lle'r aeloda pwyllgor cymunedol.

## **9.4 Rôl a Swyddogaeth**

Bydd gan y Pwyllgor Safonau a Moeseg y rolau a'r swyddogaethau canlynol:

- (a) hybu a chynnal safonau uchel o ymddygiad gan yr Arweinydd, y Cynghorwyr, aelodau cyfetholedig a chynrychiolwyr eglwys a rhiant-lywodraethwr;

- (b) cynorthwyo Cynghorwyr, aelodau cyfetholedig a chynrychiolwyr eglwys a rhiant-lywodraethwr i gydymffurfio â Chod Ymddygiad yr Aelodau.
- (c) cynghori'r Cyngor ar fabwysiadu ac adolygu Cod Ymddygiad yr Aelodau;
- (d) sicrhau bod Cod Ymddygiad yr Aelodau'n cael ei roi ar waith;
- (e) cynghori, hyfforddi neu drefnu hyfforddi Cynghorwyr, aelodau cyfetholedig a chynrychiolwyr eglwys a rhiant-lywodraethwr ar faterion yn ymwneud â Chod Ymddygiad yr Aelodau;
- (f) esgusodi Cynghorwyr, aelodau cyfetholedig a chynrychiolwyr eglwys a rhiant-lywodraethwr rhag gofynion yn ymwneud â buddiannau a nodi yng Nghod Ymddygiad yr Aelodau;
- (g) ymdrin gydag unrhyw adroddiadau o achos tribiwnlys neu achos tribiwnlys dros dro ac unrhyw adroddiad gan y Swyddog Monitro ar unrhyw fater y cyfeirir at y Swyddog hwnnw gan yr Ombwdsman, sy'n penderfynu a yw'r Cod Ymddygiad wedi'i dorri a phenderfynu a ddylid gosod cosb ar y Cynghorydd neu aelodau cyfetholedig sydd wedi torri'r Cod;
- (h) cyflawni 9.4(g) uchod mewn perthynas â chynghorau cymunedol yn gyfan gwbl neu'n bennaf yn ei ardal ac aelodau'r cynghorau cymunedol hynny;
- (i) ymdrin gydag unrhyw honiad o gamymddygiad gan Gynghorwyr o fewn grymoedd hunan-reoleiddio'r Awdurdod;
- (j) monitro'r gwaith o weithredu polisiau cwyno a datgelu camarfer yr Awdurdod a gwneud argymhellion i'r Cyngor i wella eu heffeithiolrwydd; a
- (k) y swyddogaethau hynny mewn perthynas â chynghorau cymunedol a leolir yn ardal y Cyngor ac aelodau o'r cynghorau cymunedol hynny sydd eu hangen yn ôl y gyfraith.

Mae'r dudalen hon yn cael ei adael yn wag yn fwriadol

## **RHAN 2 – ERTHYGLAU'R CYFANSODDIAD**

### **Erthygl 10 – Trefniadau ar y cyd**

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#### **10.1 Trefniadau ar y cyd**

- (a) Gallai'r Cyngor hefyd sefydlu trefniadau ar y cyd gydag un neu fwy o awdurdodau lleol a/neu eu gweithredwyr i gyflawni eu swyddogaethau, nad ydyn yn Swyddogaethau Gweithredol yn unrhyw o'r awdurdodau cyfranogol. Gallai trefniadau o'r fath gynnwys penodi pwyllgor ar y cyd gyda'r awdurdodau lleol hyn.
- (b) Gallai'r Cyngor hefyd sefydlu trefniadau ar y cyd gydag un neu fwy o awdurdodau lleol a/neu eu gweithredwyr i gyflawni eu swyddogaethau, nad ydyn yn Swyddogaethau Gweithredol yn unrhyw o'r awdurdodau cyfranogol. Gallai trefniadau o'r fath gynnwys penodi pwyllgorau ar y cyd gyda'r awdurdodau lleol eraill hyn.
- (c) Gallai'r Cabinet benodi Aelodau cabinet i bwyllgor ar y cyd. Gallai'r Cabinet hefyd benodi pobl nad ydynt yn Aelodau Cabinet i gynrychioli'r Cabinet ac wrth wneud felly dylai'r Aelodau hyn adrodd i'r Cabinet, nid i'r Cyngor. Nid oes angen i Aelodau o'r fath adlewyrchu cyfansoddiad gwleidyddol yr awdurdod lleol fel cyfanwaith.
- (d) Bydd manylion am unrhyw drefniadau ar y cyd dan Erthyglau 10.1(a) a (b) gan gynnwys unrhyw ddirprwyaethau i bwyllgorau ar y cyd yn y cynllun dirprwyaethau yn Rhan 3 y Cyfansoddiad hwn.

#### **10.2 Mynediad at wybodaeth**

- (a) Mae Rheolau Gweithdrefn Mynediad at Wybodaeth yn berthnasol.
- (b) Os yw'r holl aelodau o bwyllgor ar y cyd yn aelodau o'r gweithredwr ym mhob o'r awdurdodau cyfranogol yna mae ei drefn yr un â'r hyn sy'n berthnasol i'r Cabinet.
- (c) Os yw'r pwyllgor ar y cyd yn cynnwys aelodau nad ydynt ar weithredwr unrhyw awdurdod cyfranogol yna bydd Rheolau Gweithdrefn Wybodaeth yn Rhan V (A) Deddf Llywodraeth Leol 1972 yn berthnasol.

#### **10.3 Dirprwyaeth i ac o awdurdodau lleol**

- (a) Gallai'r Cyngor ddirprwyo Swyddogaethau Anweithredol i awdurdod lleol arall neu, mewn amgylchiadau penodol, weithredwr awdurdod lleol arall.
- (b) Gallai'r Cabinet ddirprwyo Swyddogaethau Gweithredol i awdurdod lleol arall neu weithredwr awdurdod lleol arall mewn amgylchiadau penodol.

- (c) Bydd y Cyngor yn penderfynu a fydd yn derbyn dirprwyaeth o'r fath gan awdurdod lleol arall neu beidio.

#### 10.4 **Contractio allan**

Gallai'r Cyngor neu'r Cabinet drefnu i'r Cyngor gontractio swyddogaethau a allent gael eu cyflawni gan swyddog allan i gorff neu sefydliad arall. Gellir trefnu contractio allan i awdurdod arall dan A101 Deddf Llywodraeth Leol 1972. Mae darpariaethau statudol arbennig yn caniatáu trefniadau ar y cyd gyda Byrddau Iechyd, ond fel arall gallai fod angen orchymyn dan Adran 70 Deddf Dadreoleiddio a Chontractio Allan 1994, oni bai bod y trefniadau contractio yn nodi bod y contractwr yn gweithredu fel asiant y Cyngor dan egwyddorion contractio arferol, ac ar yr amod nad yw grym penderfynu diamod yr Awdurdod yn cael ei ddirprwyo.

## RHAN 2 – ERTHYGLAU'R CYFANSODDIAD

### Erthygl 11 - Cyflogeion y Cyngor

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#### 11.1 Strwythur Rheoli

(a) **Cyffredinol**

Gall y Cyngor gyflogi'r cyflogeion hynny y mae'n eu hystyried sy'n angenrheidiol i gyflawni ei swyddogaethau.

(b) **Pennaeth y Gwasanaeth Cyflogedig, Swyddog Monitro a Swyddog Adran 151**

Bydd y Cyngor yn penodi cyflogeion Cyngor i gyflawni'r swyddi statudol hyn, fel y nodir yn Rhan 7 y Cyfansoddiad hwn. Bydd y swyddi hyn yn cyflawni'r swyddogaethau a ddisgrifir yn Erthygl 11.2-11.4 isod.

(c) **Strwythur**

Bydd Pennaeth y Gwasanaeth Cyflogedig yn paratoi ac yn cyhoeddi disgrifiad o strwythur staffio cyffredinol y Cyngor yn dangos y strwythur rheoli a threfn y swyddogion. Nodir hyn yn Rhan 7 y Cyfansoddiad hwn.

#### 11.2 Swyddogaethau cyfansoddiadol Pennaeth y Gwasanaeth Cyflogedig

(a) **Cyflawni swyddogaethau gan y Cyngor**

Mae gan Pennaeth y Gwasanaeth Cyflogedig yr hawl i roi gwybod i'r Cyngor am unrhyw fater yn ymwneud â'r ffordd y cydlynir y gwaith o gyflawni swyddogaethau'r Cyngor, nifer a gradd y cyflogeion sydd eu hangen i gyflawni swyddogaethau a threfniadaeth y cyflogeion.

(b) **Cyfyngiadau ar swyddogaethau**

Ni chaiff Pennaeth y Gwasanaeth Cyflogedig fod yn Swyddog Monitro ond caiff fod yn ddeiliad swydd y Swyddog Adran 151 os yw'n gyfrifydd cymwys.

(c) **Rolau craidd Pennaeth y Gwasanaeth Cyflogedig yw:**

- bod â chyfrifoldeb cyffredinol am reolaeth gorfforaethol a gweithredol (gan gynnwys cydlynu'r gwaith o gyflawni gwahanol swyddogaethau ar ran yr awdurdod a bod â chyfrifoldeb cyffredinol am reoli'r holl staff);
- cynnig cyngor proffesiynol a diduedd i'r holl bartïon yn y broses gwneud penderfyniadau (y Cabinet, Pwyllgorau Craffu, y Cyngor llawn a phwyllgorau eraill);
- bod yn gyfrifol am system o gadw cofnodion ar gyfer holl benderfyniadau'r awdurdod;
- Cynrychioli'r awdurdod ar gyrf partneriaeth ac allanol (fel sy'n ofynnol drwy statud neu'r Cyngor); a
- gwasanaethu'r Cyngor cyfan, ar sail wleidyddol niwtral.

### 11.3 Swyddogaethau cyfansoddiadol y Swyddog Monitro

(a) **Cadw at y Cyfansoddiad**

Bydd y Swyddog Monitro yn sicrhau bod y fersiwn ddiweddaraf o'r Cyfansoddiad ar waith a'i fod ar gael yn helaeth i ymgynghori arno gan Gynghorwyr, cyflogeion a'r cyhoedd. I'r diben hwn dirprwywyd y pŵer i ddiwygio'r Cyfansoddiad i'r Swyddog Monitro er mwyn sicrhau bod unrhyw benderfyniadau a wnaed gan y Cyngor neu'r Cabinet yn cael eu rhoi ar waith, ac o ran ystyried unrhyw newidiadau o ran ffeithiau neu'r gyfraith.

(b) **Sicrhau cyfreithlondeb a thegwch wrth wneud penderfyniadau**

Ar ôl ymgynghori â Phennaeth y Gwasanaeth Cyflogedig a Swyddog Adran 151 bydd y Swyddog Monitro yn adrodd i'r Cyngor neu i'r Cabinet mewn perthynas â Swyddogaeth Weithredol - os yw ef neu hi yn ystyried y byddai unrhyw gynnig, penderfyniad neu ddiffyg gweithredu yn arwain at gamweinyddu. Cyn belled nad yw'r penderfyniad eisoes wedi'i roi ar waith bydd adroddiad o'r fath yn atal y gwaith o roi'r cynnig neu benderfyniad ar waith nes bydd yr adroddiad wedi'i ystyried.

(c) **Cynorthwyo'r Pwyllgorau Safonau a Moeseg**

Bydd y Swyddog Monitro yn cyfrannu at hybu a sicrhau safonau ymddygiad uchel drwy gynorthwyo'r Pwyllgor Safonau a Moeseg.

(d) **Derbyn adroddiadau**

Mae'r Swyddog Monitro yn gyfrifol am dderbyn a phan fo hynny'n angenrheidiol cydlynu unrhyw gamau gweithredu'n gysylltiedig ag adroddiadau a wnaed gan yr Ombwdsmon Gwasanaethau Cyhoeddus a phenderfyniadau tribiwnlysoedd achosion. Bydd rhaid i unrhyw Aelod neu Swyddog Cyngor arall y cyfeirir adroddiadau fel hyn atynt ei anfon ymlaen at y Swyddog Monitro.

(e) **Cynnal ymchwiliadau**

Bydd y Swyddog Monitro yn cynnal ymchwiliadau i faterion a atgyfeiriwyd gan yr Ombwdsmon ac yn paratoi adroddiadau neu argymhellion yn eu cylch i'r Pwyllgor Safonau a Moeseg. Bydd y Swyddog Monitro hefyd yn cynnal ymchwiliad i unrhyw honiad o gamymddwyn gan Gynghorydd pan fydd ganddo ef/hi reswm i gredu ei bod yn briodol efallai i'r Cyngor arfer ei bwerau hunanreoleiddiol, ac adrodd i'r Pwyllgor Safonau a Moeseg fel y bo'n briodol.

(f) **Swyddog priodol ar gyfer mynediad at wybodaeth**

Bydd y Swyddog Monitro yn sicrhau y caiff Penderfyniadau Gweithredol a phenderfyniadau gan uwch swyddogion penodedig, ynghyd â'r rhesymau dros y penderfyniadau hynny ac adroddiadau a phapurau cefndirol perthnasol gan gyflogeion yn cael eu rhyddhau i'r cyhoedd cyn gynted â phosibl.



- (g) **Cynghori p'un ai yw penderfyniadau gweithredol yn unol â'r gyllideb a'r fframwaith polisi**  
Bydd y Swyddog Monitro, ar y cyd â'r Swyddog Adran 151 fel y bo'n briodol, yn cynghori p'un ai yw penderfyniadau'r Cabinet neu Aelodau Cabinet yn unol â'r gyllideb a'r fframwaith polisi.
- (h) **Cynnig cyngor**  
Bydd y Swyddog Monitro, ar y cyd â'r Swyddog Adran 151 fel y bo'n briodol, yn rhoi cyngor ar gwmpas y pwerau a'r awdurdod i wneud penderfyniadau, camweinyddu, amhriodoldeb ariannol, uniondeb a materion yn ymwneud â'r gyllideb a'r fframwaith polisi i'r holl Gynghorwyr.
- (i) **Rheolaeth gorfforaethol**  
Bydd y Swyddog Monitro yn cyfrannu at waith rheoli corfforaethol yr awdurdod, yn benodol drwy gynnig cyngor ar faterion cyfansoddiadol, cyfreithlondeb a phriodoldeb.
- (j) **Cyfyngiadau o ran swyddi**  
Ni chaiff y Swyddog Monitro fod yn Swyddog Adran 151 na Phennaeth y Gwasanaeth Cyflogedig.

#### 11.4 Swyddogaethau cyfansoddiadol Swyddog Adran 151

- (a) **Sicrhau cyfreithlondeb a doethineb ariannol wrth wneud penderfyniadau**  
Ar ôl ymgynghori â Phennaeth y Gwasanaeth Cyflogedig a'r Swyddog Monitro, bydd y Swyddog Adran 151 yn adrodd i'r Cyngor neu i'r Cabinet o safbwynt Swyddogaeth Weithredol ac i archwilydd allanol yr Awdurdod, os yw ef neu hi yn ystyried y bydd unrhyw gynnig, penderfyniad neu ddull gweithredu yn cynnwys gwariant anghyfreithlon, neu yn anghyfreithlon ac yn debygol o achosi colled neu ddiffyg neu os yw'r Awdurdod ar fin cyflwyno eitem cyfrif anghyfreithlon.
- (b) **Gweinyddu materion ariannol**  
Bydd y Swyddog Adran 151 yn gyfrifol am weinyddu materion ariannol y Cyngor.
- (c) **Rheolaeth gorfforaethol**  
Bydd y Swyddog Adran 151 yn cyfrannu at waith rheoli corfforaethol y Cyngor, yn benodol drwy gynnig cyngor ariannol proffesiynol.
- (d) **Cynnig cyngor**  
Bydd y Swyddog Adran 151, ar y cyd â'r Swyddog Monitro fel y bo'n briodol, yn rhoi cyngor ar gwmpas y pwerau a'r awdurdod i wneud penderfyniadau, camweinyddu, amhriodoldeb ariannol, uniondeb a materion yn ymwneud â'r gyllideb a'r fframwaith polisi i'r holl Gynghorwyr.
- (e) **Rhoi gwybodaeth ariannol**

Bydd y Swyddog Adran 151 yn rhoi gwybodaeth ariannol i'r cyhoedd a'r gymuned, fel y bo'n angenrheidiol a phriodol.

#### **11.5 Y Swyddogion Statudol**

Bydd Pennaeth y Gwasanaeth Cyflogedig, y Swyddog Monitro a'r Swyddog Adran 151 yn cyfarfod bob yn hyn a hyn gyda'r cyflogeion sy'n gyfrifol am archwilio adnoddau dynol yn fewnol a darparu gwasanaethau cyfreithiol i'r Awdurdod i ystyried sut y gellir diogelu a gwella uniondeb prosesau gwneud penderfyniad yr Awdurdod a'r gwaith o gyflawni swyddogaethau.

#### **11.6 Ymddygiad**

Bydd cynghorwyr a chyflogeion yn cydymffurfio â Chod Ymarfer yr Aelodau a'r Protocol ar Gysylltiadau Aelodau/Swyddogion a restrir yn Rhan 5 y Cyfansoddiad hwn.

#### **11.7 Cyflogaeth**

Bydd y gwaith o recriwtio, dewis a diswyddo cyflogeion yn cydymffurfio â Rheolau'r Weithdrefn Gyflogaeth.

## RHAN 2 – ERTHYGLAU'R CYFANSODDIAD

### Erthygl 12 - Gwneud Penderfyniadau

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#### 12.1 Cyfrifoldeb dros wneud penderfyniadau

Bydd yr Awdurdod yn paratoi ac yn diweddarau Cynllun Dirprwyo sy'n cofnodi pa ran o'r Awdurdod neu ba unigolyn sy'n gyfrifol am benderfyniadau penodol neu benderfyniadau'n ymwneud â meysydd neu swyddogaethau penodol. Nodir hyn yn Rhan 3 y Cyfansoddiad hwn.

#### 12.2 Egwyddorion gwneud penderfyniadau

Caiff holl benderfyniadau'r Awdurdod eu gwneud yn unol â'r egwyddorion canlynol:

- (a) ar sail teilyngdod a budd y cyhoedd;
- (b) drwy ymgynghori'n briodol ac ar ôl cael cyngor proffesiynol gan gyflogaion;
- (c) drwy roi sylw dyledus i'r angen i hyrwyddo cyfle cyfartal, cynaliadwyedd, risg a hawliau dynol ac ati;
- (d) yn unol â mynediad priodol at wybodaeth; a chan
- (e) esbonio'r rhesymau dros y penderfyniad, cofnodi unrhyw fudd personol datganedig, unrhyw hawl i siarad a roddwyd gan Bwyllgor Safonau a Moeseg yr Awdurdod a manylion unrhyw ymgynghori perthnasol.

#### 12.3 Mathau ar benderfyniad

- (a) **Penderfyniadau a neilltuwyd i'r Cyngor**  
Caiff penderfyniadau'n ymwneud â'r swyddogaethau a restrir yn Erthygl 4.1 eu gwneud gan y Cyngor ac ni chânt eu dirprwyo.
- (b) **Penderfyniadau a wneir gan y Cyngor**  
Yn amodol ar Erthygl 12.4, bydd y cyfarfod Cyngor yn dilyn Rheolau Gweithdrefn Cyfarfodydd y Cyngor wrth ystyried unrhyw fater.
- (c) **Penderfyniadau a wneir gan y Cabinet**  
Yn amodol ar Erthygl 12.4, bydd y Cabinet yn dilyn Rheolau Gweithdrefnau'r Cabinet wrth ystyried unrhyw fater.
- (d) **Penderfyniadau a wneir gan Bwyllgorau Craffu ac unrhyw is-bwyllgorau'r Pwyllgorau Craffu**  
Bydd Pwyllgorau Craffu a'u his-bwyllgorau yn dilyn Rheolau Gweithdrefnau Cyfarfodydd Pwyllgor a Rheolau Gweithdrefnau Craffu wrth ystyried unrhyw fater.
- (e) **Penderfyniadau a wneir gan bwyllgorau ac is-bwyllgorau eraill a sefydlwyd gan y Cyngor**

Yn amodol ar Erthygl 12.4, bydd pwyllgorau ac is-bwyllgorau yn dilyn y Rheolau Gweithdrefnau Cyfarfodydd Pwyllgor fel ag sy'n berthnasol iddynt.

(f) **Penderfyniadau a wneir gan Swyddogion**

Bydd swyddogion yn gwneud penderfyniadau yn unol â Rhan 2, Adran 4 y Cyfansoddiad hwn.

**12.4 Penderfyniadau a wneir gan gyrrff y Cyngor yn gweithredu fel tribiwnlysoedd**

Bydd y Cyngor, ei bwyllgorau, Cynghorydd neu gyflogai sy'n gweithredu fel tribiwnlys neu mewn dull lled-farnwrol neu yn penderfynu/ystyried (ac eithrio at ddibenion cyngori) hawliau sifil ac ymrwymadau neu gyfrifoldeb troseddol unrhyw berson, yn dilyn gweithdrefn briodol sy'n cyd-fynd â gofynion cyfiawnder naturiol a'r hawliau sydd wedi'u cynnwys yn y Confensiwn Ewropeaidd ar Hawliau Dynol.

## **RHAN 2 – ERTHYGLAU'R CYFANSODDIAD**

### **Erthygl 13 - Cyllid, Contractau a Materion Cyfreithiol**

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#### **13.1 Rheolaeth ariannol**

Caiff materion ariannol yr Awdurdod eu rheoli yn unol â'r Rheolau Gweithdrefn Ariannol.

#### **13.2 Contractau**

Bydd pob contract a wneir gan yr Awdurdod yn cydymffurfio â Rheolau Gweithdrefn Contractau.

#### **13.3 Gweithrediadau cyfreithiol**

Mae'r Cyfarwyddwr Llywodraethu a Gwasanaethau Cyfreithiol a Chyfreithiol wedi'i awdurdodi i gychwyn, amddiffyn neu gymryd rhan mewn unrhyw weithrediadau cyfreithiol mewn unrhyw achos pan fo rhaid gweithredu i roi penderfyniadau'r Awdurdod ar waith neu mewn unrhyw achos pan fo'r Cyfarwyddwr Llywodraethu a Gwasanaethau Cyfreithiol a Chyfreithiol yn ystyried bod rhaid gweithredu felly i amddiffyn buddiannau'r Cyngor.

#### **13.4 Dilysu dogfennau**

Pan fo rhaid cael unrhyw ddogfen ar gyfer unrhyw weithdrefn neu weithrediadau cyfreithiol ar ran y Cyngor, caiff ei llofnodi gan y Cyfarwyddwr Llywodraethu a Gwasanaethau Cyfreithiol a Chyfreithiol neu gyflogai arall a awdurdodwyd ganddo ef/hi, oni bai fod unrhyw ddeddf a fabwysiadwyd yn awdurdodi neu'n mynnu fel arall, neu fod y Cyngor wedi rhoi'r awdurdod angenrheidiol i berson arall.

Ac eithrio unrhyw gontract a lunnir gan ddefnyddio system gaffael electronig neu sydd â'i werth yn llai na thri deg mil o bunnau [£30,000], bydd unrhyw gontract a wneir ar ran yr Awdurdod yn cael ei wneud yn ysgrifenedig a'i llofnodi dan drefniadau a nodwyd yn y Rheolau Gweithdrefn Gontract. Bydd unrhyw gontract a wneir ar ran yr Awdurdod yn cydymffurfio â gofynion y Rheolau Gweithdrefn Gontract a'r Rheolau Gweithdrefn Ariannol.

#### **13.5 Sêl Gyffredin y Cyngor**

Caiff Sêl Gyffredin yr Awdurdod ei chadw mewn man diogel yng ngofal y Cyfarwyddwr Llywodraethu a Gwasanaethau Cyfreithiol a Chyfreithiol. Bydd penderfyniad yr Awdurdod, neu unrhyw ran ohono, yn awdurdod digonol i selio unrhyw ddogfen sy'n angenrheidiol i weithredu'r penderfyniad. Caiff y Sêl Gyffredin ei hatodi at y dogfennau hynny y dylid eu selio ym marn y Cyfarwyddwr Llywodraethu a Gwasanaethau Cyfreithiol a Chyfreithiol. Caiff atodi'r Sêl Gyffredin ei hardystio gan y Cyfarwyddwr Llywodraethu a Gwasanaethau Cyfreithiol a Chyfreithiol neu unrhyw gyflogai arall a awdurdodir ganddo/ganddi.

Mae'r dudalen hon yn cael ei adael yn wag yn fwriadol

## **RHAN 2 – ERTHYGLAU'R CYFANSODDIAD**

### **Erthygl 14 - Adolygu a Diwygio'r Cyfansoddiad**

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#### **14.1 Dyletswydd i fonitro ac adolygu'r cyfansoddiad**

Bydd y Swyddog Monitro yn monitro ac adolygu gweithrediad y Cyfansoddiad er mwyn sicrhau bod amcanion ac egwyddorion y Cyfansoddiad yn cael eu gweithredu'n llawn, a bydd yn hysbysu'r Cyngor ar sail hynny.

#### **14.2 Newidiadau i'r Cyfansoddiad**

##### **(a) Cymeradwyaeth**

Ac eithrio fel y nodwyd fel arall, dim ond y Cyngor all gymeradwyo newidiadau i'r elfennau canlynol yn y Cyfansoddiad:

- Erthyglau
- Rheolau'r Cyngor, Pwyllgor, Craffu a Gweithdrefnau Cyflogaeth
- Cynllun Dirprwyo'r Cyngor
- Cylch Gorchwyl ar gyfer y Cyngor a Phwyllgorau Craffu
- Protocol Cysylltiadau Aelodau / Swyddogion
- Cod Ymarfer Aelodau
- Cynllun Lwfansau Aelodau

##### **(b) Newid o weithrediaeth ar ffurf arweinydd a gweithrediaeth i drefniadau amgen, neu i'r gwrthwyneb**

Rhaid i'r Cyngor gymryd camau rhesymol i ymgynghori ag etholwyr lleol a phobl eraill â diddordeb yn yr ardal wrth lunio cynigion ar gyfer newid.

Mae'r dudalen hon yn cael ei adael yn wag yn fwriadol



## RHAN 2 – ERTHYGLAU'R CYFANSODDIAD

### Erthygl 15 - Atal, Dehongli a Chyhoeddi'r cyfansoddiad a Darpariaethau Pontio

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#### 15.1 Atal y Cyfansoddiad

(a) **Terfyn ar yr atal**

Ni ellir atal Erthyglau'r Cyfansoddiad hwn. Gall Rheolau Gweithdrefnau'r Cyngor gael eu hatal yn llawn neu yn rhannol gan y Cyngor llawn i'r graddau a ganiateir o fewn y Rheolau hynny a'r gyfraith.

(b) **Gweithdrefn i atal**

Ni chaiff cynnig i atal unrhyw reolau ei basio heb hysbysiad oni bai bod o leiaf hanner nifer y cynghorwyr llawn yn bresennol. Bydd hyd a lled yr ataliad yn gymesur â'r canlyniad a ddeisyfir, gan ystyried pwrpasau'r Cyfansoddiad a sefydlwyd yn Erthygl 1.

#### 15.2 Dehongliad

- (a) Pan fo Cyfansoddiad yn caniatáu i'r Awdurdod ddewis rhwng gwahanol gamau gweithredu, bydd yr Awdurdod bob tro yn dewis y dewisiad hwnnw sydd agosaf yn ei farn at y dibenion a nodwyd yn Erthygl 1.
- (b) Ni chaiff penderfyniad yr Arglwydd Faer mewn cysylltiad â dehongli neu gymhwyso'r Cyfansoddiad hwn na'r modd y caiff ei weithredu neu unrhyw un o weithrediadau'r Cyngor eu herio yn unrhyw un o gyfarfodydd y Cyngor. Bydd dehongliad o'r fath yn ystyried dibenion y Cyfansoddiad hwn a geir yn Erthygl 1.
- (c) Ystyr y geiriau, cymalau a'r termau canlynol fydd yr hyn a briodolir iddynt oni bai bod y cyd-destun neu'r gyfraith yn nodi fel arall.

Gair, cymal neu derm	Ystyr
Rheolau'r Weithdrefn Mynediad at Wybodaeth	Y rheolau a enwyd felly a nodwyd yn Rhan 4 y Cyfansoddiad
Erthygl	Erthygl o'r Cyfansoddiad hwn
Awdurdod	Y corff corfforaethol sef Cyngor Sir Dinas a Sir Caerdydd
Cyllideb	Yr ystyr sydd iddo yn Erthygl 4.2 (b)
Rheolau'r Weithdrefn Gyllid a Fframwaith Polisi	Y rheolau a enwyd felly a nodwyd yn Rhan 4 y Cyfansoddiad

<b>Gair, cymal neu derm</b>	<b>Ystyr</b>
Cabinet	Gweithrediaeth y Cyngor
Rheolau'r Weithdrefn Cabinet	Y rheolau a enwyd felly a nodwyd yn Rhan 4 y Cyfansoddiad
Galw i Mewn	Atgyfeirio penderfyniad yn unol â Rheolau'r Weithdrefn Graffu.
Ymrwymiad Caerdydd	Ymrwymiad a roddir drwy gyflwyno dogfen a lofnodwyd gerbron cyfarfod o'r Cyngor (sy'n agored i'r cyhoedd) i gynnal y safonau ymddygiad uchaf a sicrhau buddion y Cyngor, Caerdydd, ei dinasyddion a'r rheiny y mae gan y Cyngor ddyletswydd iddynt. Mae'n rhaid i ymrwymiad o'r fath fod ar ffurf neu'n debyg i'r ffurf a nodwyd yn Rhan 5 y Cyfansoddiad.
Cadeirydd	Y person a etholwyd gan y Cyngor yn Gadeirydd Pwyllgor neu a benodwyd yn Gadeirydd is-bwyllgor neu yn ei absenoldeb ef neu hi, Dirprwy Gadeirydd y pwyllgor neu'r is-bwyllgor hwnnw pan fo unigolyn wedi'i ethol neu ei benodi, neu'r person sy'n llywyddu cyfarfod pwyllgor neu is-bwyllgor.
Llywydd	Person sy'n llywyddu mewn cyfarfod o'r Cyngor neu Bwyllgor yn unol â darpariaethau'r Cyfansoddiad
Diwrnodau Clir	Sef y diwrnodau hynny ac eithrio'r diwrnod y caiff y ddogfen ei rhyddhau i'w harchwilio am y tro cyntaf neu ei hanfon at Gynghorwyr a dyddiad y cyfarfod y mae'n ymwneud ag ef ond gan gynnwys unrhyw ddiwrnodau yn y canol pan fo'r ddogfen ar gael i'w harchwilio gan y cyhoedd.
Pwyllgor	Pwyllgor neu Is-bwyllgor yr Awdurdod
Rheolau'r Weithdrefn Cyfarfod Pwyllgor	Y rheolau a enwyd felly a nodwyd yn Rhan 4 y Cyfansoddiad
Gwybodaeth gyfrinachol	Gwybodaeth gyfrinachol yn ôl diffiniad isadran 100A(3) Deddf Llywodraeth Leol 1972 ac fel y'i nodwyd yn fwy penodol yn Erthygl 10.3 Rheolau'r Weithdrefn Mynediad at Wybodaeth
Cyfansoddiad	Y cyfansoddiad hwn, fel y'i diwygiwyd
Rheolau'r Weithdrefn Gontract	Rheolau Sefydlog y Contract a'r Rheolau Caffael a nodwyd yn Rhan 4 y Cyfansoddiad

<b>Gair, cymal neu derm</b>	<b>Ystyr</b>
Y Cyngor	Yr Awdurdod sy'n cyfarfod gyda'i gilydd yn unol ag Atodlen 12 Deddf Llywodraeth Leol 1972
Rheolau'r Weithdrefn Cyfarfod Cyngor	Y rheolau a enwyd felly a nodwyd yn Rhan 4 y Cyfansoddiad
Rheolau Gweithdrefn y Cyngor	Y rheolau a nodwyd yn Rhan 4 y Cyfansoddiad
Cynghorydd	Aelod o'r Awdurdod
Cyflogai	Cyflogai i'r Awdurdod
Rheolau'r Weithdrefn Gyflogaeth	Y rheolau a enwyd felly a nodwyd yn Rhan 4 y Cyfansoddiad
Penderfyniad Gweithredol	Penderfyniad a wnaed er mwyn gweithredu Swyddogaeth y Weithrediaeth
Swyddogaeth Weithredol	Swyddogaeth yr Awdurdod y penderfynwyd ei bod yn swyddogaeth weithredol yn unol ag isadran 13 o Ddeddf Llywodraeth Leol 2000
Gwybodaeth a eithriwyd	Gwybodaeth fel y'i disgrifiwyd yn Atodlen 12A o Ddeddf Llywodraeth Leol 1972 ac fel y'i nodwyd yn fwy penodol yn Erthygl 10.4 yn Rheolau'r Weithdrefn Mynediad at Wybodaeth
Rheolau'r Weithdrefn Ariannol	Y rheolau a enwyd felly a nodwyd yn Rhan 4 y Cyfansoddiad
Blaen Gynllun	Y cynllun y cytunwyd arno ar gyfer busnes y Cabinet, i'w gyhoeddi yn fisol, gan nodi'r holl fusnes i'w gyflawni gan y Cabinet am gyfnod o ddeuddeg mis
Pennaeth y Gwasanaeth Cyflogedig	Swyddog y Cyngor a benodwyd gan y Cyngor dan isadran 4 o Ddeddf Llywodraeth Leol a Thai 1989
Arweinydd	Yr arweinydd gweithredol yn ôl y diffiniad yn isadran 48 o Ddeddf Llywodraeth Leol 2000
Arglwydd Faer	Yr Arglwydd Faer ar y pryd ac yn ei absenoldeb ef/hi, y Dirprwy Arglwydd Faer
Aelod	Oni bai y nodir yn wahanol, aelod pwyllgor neu gorff y mae'r rheol neu'r gofyniad yn berthnasol iddo

Gair, cymal neu derm	Ystyr
Cod Ymarfer Aelodau	Y Cod Ymarfer a fabwysiadwyd gan y Cyngor yn unol ag isadran 51 o Ddeddf Llywodraeth Leol 2000
Cynllun Lwfansau Aelodau	Y cynllun y cyfeirir ato yn Rhan 6 y Cyfansoddiad
Swyddog Monitro	Swyddog y Cyngor a benodwyd gan y Cyngor dan isadran 5 o Ddeddf Llywodraeth Leol a Thai 1989
Swyddogaeth Anweithredol	Swyddogaeth yr Awdurdod y penderfynwyd ei bod yn swyddogaeth anweithredol yn unol ag isadran 13 o Ddeddf Llywodraeth Leol 2000
Tir / Eiddo Gweithredol	Tir ac eiddo Cyngor a gedwir i hwyluso'r gwaith o ddarparu gwasanaethau'r Cyngor gan gynnwys, heb gyfyngiad, dir ac eiddo megis swyddfeydd, ysgolion a chaeau chwarae, meithrinfeydd, canolfannau ieuentid, tai gofalgwyr, llyfrgelloedd, canolfannau cymunedol a neuaddau, canolfannau chwaraeon a hamdden a phyllau nofio, cartrefi preswyl, canolfannau dydd a hyfforddi, canolfannau menter, swyddfeydd tai lleol, depos, safleoedd amwynderau dinesig, mynwentydd, amlogsfeydd, labordai, llochesi anifeiliaid, cyfleusterau cyhoeddus, theatrau a neuaddau cyngerdd, adeiladau hanesyddol a phreswylfeydd dinesig, parciau a meysydd hamdden, caeau chwaraeon, mannau chwarae a'r holl adeiladau atodol, ystafelloedd newid a llety preswyl atodol, ond ac eithrio tir a gedwir at ddibenion buddsoddi neu ddatblygu. Os oes amheuaeth, caiff penderfyniad ei wneud gan y Cyfarwyddwr Corfforaethol, Adnoddau a'r Cyfarwyddwr Llywodraethu a Gwasanaethau Cyfreithiol
Ombwdsmon	Comisiwn Gweinyddiaeth Gyhoeddus yng Nghymru
Deiseb	Deiseb ysgrifenedig yn gofyn am gam gweithredu neu wneud yn iawn ynglŷn â mater sy'n dod o dan awdurdod y Cyngor.
Fframwaith Polisi	Y Cynlluniau a'r strategaethau y cyfeirir atynt yn Erthygl 4 paragraff 4.2 y Cyfansoddiad
Swyddog Priodol	Swyddog yn yr Awdurdod a benodwyd i'r perwyl hwnnw gan yr Awdurdod ac yn absenoldeb swydd o'r fath, pennir mai Clerc y Sir a'r Swyddog Monitro fydd y Swyddog Priodol
Pwyllgor rheoliadol	Unrhyw bwyllgor ag iddo swyddogaethau rheoliadol statudol cydnabyddedig, er enghraifft, y Pwyllgor Trwyddedu, y Pwyllgor Cynllunio a Phwyllgor Diogelu'r

Gair, cymal neu derm	Ystyr
	Cyhoedd Ni all Pwyllgor Craffu na Phwyllgor o'r Cabinet fod yn Bwyllgor Rheoliadol
Pwyllgorau Craffu	Y pwyllgorau hynny yn yr Awdurdod a benodwyd yn unol ag Erthygl 6
Rheolau'r Weithdrefn Graffu	Y rheolau a enwyd felly a nodwyd yn Rhan 4 y Cyfansoddiad
Swyddog Adran 151	Swyddog y Cyngor a bennwyd gan y Cyngor dan Adran 151 o Ddeddf Llywodraeth Leol 1972 fel y person sydd â'r cyfrifoldeb dros weinyddiaeth materion ariannol yr Awdurdod.
Diwrnod Gwaith	Unrhyw ddiwrnod y gall prif swyddfeydd yr Awdurdod fod ar agor ar gyfer busnes arferol ac er mwyn osgoi amheuaeth bydd y cymal 'diwrnodau gwaith clir' yn eithrio diwrnod cyflwyno hysbysiad neu ddiwrnod rhyddhau dogfennau i'w harchwilio neu eu hanfon at Gynghorwyr fel y bo'r achos, a hefyd ddyddiad y cyfarfod neu ddigwyddiad y mae'n ymwneud ag ef.
Ysgrifennu	Bodlonir y gofyniad bod rhywbeth yn cael ei gyflwyno yn ysgrifenedig drwy anfon e-bost at gyfeiriad a bennir gan y Swyddog priodol at y diben hwnnw cyn belled ag y caiff ei anfon gan y Cynghorydd dan sylw o gyfeiriad e-bost y Cynghorydd, ac mewn amgylchiadau o'r fath bernir iddo gael ei lofnodi gan y Cynghorydd dan sylw.

- (d) Mae cyfeiriad at unrhyw statud neu ddarpariaeth statudol yn cynnwys cyfeiriad at:
- (i) y statud neu'r ddarpariaeth statudol honno fel y'i diwygir o bryd i'w gilydd, neu ei hystyng, ei hail-ddeddfu neu ei chadarnhau;
  - a
  - (ii) phob offeryn neu orchymyn statudol a wneir yn unol â hi.
- (e) Bydd geiriau sy'n dynodi'r unigol yn unig yn cynnwys y lluosog ac i'r gwrthwyneb.
- (f) Mae geiriau sy'n dynodi rhywedd yn cynnwys pob rhywedd.
- (g) Mae'r penawdau yn y ddogfen hon wedi eu cynnwys er cyfleustra yn unig ac ni fyddant yn effeithio ar greu na dehongli'r Cyfansoddiad hwn.

- (h) Mae cyfeiriadau at gyflogai dynodedig y Cyngor yn cynnwys (ac eithrio pan fo'r gyfraith yn mynnu bod y swyddogaeth, cam gweithredu neu debyg yn cael ei wneud gan y person hwnnw yn unig) person a awdurdodwyd i weithredu dros neu ar ran y person hwnnw ar yr amod bod y cyflogai a ddynodwyd gan neu at ddibenion y Cyfansoddiad, yn parhau i fod yn atebol i'r Awdurdod.
- (i) Ystyrir bod cyfeiriadau at swydd neu deitl yn cyfeirio at y cyflogai sy'n gyfrifol am gyflawni'r swyddogaethau hynny ar yr adeg honno pan fo enw swydd neu deitl yn newid neu pan gaiff y swyddogaethau eu hail-bennu a phan fo cyfeiriad at deitl cyffredinol (e.e. Prif Swyddog Gweithredol, Prif Swyddog) ystyrir bod cyfeiriad o'r fath yn cynnwys swyddi eraill beth bynnag yw eu teitl neu eu henw ond eu bod yn yr un rheng reoli neu gyfrifoldeb.

### 15.3 Cyhoeddi

- (a) Bydd y Swyddog Monitro yn rhoi copi print o'r Cyfansoddiad hwn i bob Cynghorydd sy'n gwasanaethu yn yr Awdurdod.
- (b) Bydd y Swyddog Monitro yn sicrhau bod copïau ar gael i'w harchwilio yn swyddfeydd y cyngor, llyfrgelloedd a lleoliadau perthnasol eraill, ac y gellir eu prynu gan aelodau'r wasg leol a'r cyhoedd drwy dalu ffi resymol.
- (c) Bydd y Swyddog Monitro yn sicrhau fod crynodeb o'r Cyfansoddiad ar gael ar raddfa helaeth yn yr ardal a'i fod yn cael ei ddiweddarau yn ôl yr angen.

### 15.4 Darpariaethau Pontio

- (a) Gall unrhyw beth, ar y dyddiad y daw'r Cyfansoddiad hwn i rym, sydd yn y broses o gael ei wneud wrth arfer, neu mewn cysylltiad â swyddogaethau'r Awdurdod, ei barhau gan y person neu'r corff y daw'r swyddogaethau hynny i'w ran mewn cysylltiad â'r swyddogaeth dan sylw.
- (b) Gall unrhyw beth a wneir gan, neu wrth arfer, neu mewn cysylltiad ag unrhyw un o swyddogaethau'r Awdurdod, cyn dyddiad mabwysiadu'r Cyfansoddiad hwn gan y Cyngor, cyn belled â'i fod yn angenrheidiol i'w effaith barhau ar y dyddiad hwnnw ac wedi hynny, gael effaith fel petai wedi ei wneud gan neu mewn perthynas â'r corff neu'r person sy'n gyfrifol am y swyddogaeth honno.
- (c) Ac eithrio unrhyw beth a nodir yn Rheolau'r Weithdrefn Graffu, gellir cyflwyno adroddiad Pwyllgor Craffu sydd wedi ei baratoi a'i gymeradwyo gan Bwyllgor Craffu cyn y dyddiad y daeth y Cyfansoddiad i rym, mewn cyfarfod o'r Cyngor i'w ystyried ar yr amod nad oes unrhyw beth yn y ddarpariaeth hon yn caniatáu i unrhyw berson neu gorff wneud penderfyniad ar unrhyw adroddiad o'r fath ac eithrio yn unol â'r Cyfansoddiad.



Mae'r dudalen hon yn cael ei adael yn wag yn fwriadol



## RHAN 3 – CYFRIFOLDEB AM SWYDDOGAETHAU

### Adran 1A – Cyfarfod y Cyngor

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#### Swyddogaethau'r Cyngor

Mae Cyfansoddiad y Cyngor (Erthygl 4) yn nodi'r swyddogaethau canlynol y gall y Cyngor Llawn h.y. cyfarfod holl aelodau'r Cyngor yn unig eu harfer ac sy'n cynnwys mabwysiadu'r fframwaith polisi. Dim ond y Cyngor fydd yn arfer y swyddogaethau canlynol:-

- (a) mabwysiadu a newid trefniadau gweithredol yr Awdurdod a'r Cyfansoddiad);
- (b) cymeradwyo neu fabwysiadu'r fframwaith polisi, y gyllideb ac unrhyw gais i Gynulliad Cenedlaethol Cymru yn ymwneud â Throsglwyddo Tir ar gyfer Tai;
- (c) yn amodol ar y weithdrefn frys sydd wedi'i chynnwys yn y Rheolau Gweithdrefnol Mynediad at Wybodaeth a nodir yn Rhan 4 y Cyfansoddiad hwn, gwneud penderfyniadau am unrhyw fater wrth gyflawni Swyddogaeth Weithredol sydd wedi'i gynnwys yn y Fframwaith Polisi neu'r gyllideb, pan fo'n debygol i'r sawl sy'n gwneud y penderfyniad ei wneud mewn modd a fyddai'n mynd yn groes i'r Fframwaith Polisi neu'n groes i'r gyllideb neu heb gydymffurfio'n llawn â'r gyllideb;
- (d) ethol a diswyddo'r Arweinydd a phenodi a diswyddo aelodau'r Cabinet (heblaw am yr Arweinydd);
- (d) dod i gytundeb ynghylch a/neu ddiwygio Cylch Gorchwyl Pwyllgorau, penderfynu ar eu cyfansoddiad a phenodi pobl i wasanaethu arnynt;
- (f) penodi cynrychiolwyr i gyrff allanol oni bai bod y penodiad yn Swyddogaeth Weithredol neu wedi'i ddirprwyo gan y Cyngor;
- (g) mabwysiadu Cynllun Lwfansau dan Erthygl 2.5;
- (h) newid enw'r ardal, ymgynghori ar deitl Henadur Anrhydeddus neu Ryddid y Ddinas;
- (i) penodi neu gadarnhau penodiad y Prif Weithredwr;
- (j) creu, diwygio, diddymu, ail-sefydlu neu fabwysiadu is-ddeddfau a hybu neu wrthwynebu datblygiad o ddeddfwriaeth leol neu Filiau personol;
- (k) pob swyddogaeth dewis lleol a nodir yn Rhan 3 y Cyfansoddiad hwn y mae'r Cyngor yn penderfynu y dylai ef ei hun weithredu arni, neu berson neu gorff y mae wedi dirprwyo ei bwerau iddo yn hytrach na'r Cabinet; a

(l) phob mater arall y mae'n rhaid i'r Cyngor ei weithredu, yn ôl y gyfraith.

Mae'r fframwaith polisi yn cynnwys y cynllun a'r strategaethau a restrir yn Atodlen 3 i Reoliadau Awdurdodau Lleol (Trefniadau Gweithrediaeth) (Swyddogaethau a Chyfrifoldebau) (Cymru) 2007(fel y'u diwygiwyd), ynghyd â chynlluniau a strategaethau eraill y gall yr Awdurdod benderfynu y dylid eu mabwysiadu gan y Cyngor fel mater o ddewis lleol, fel y nodir yn Erthygl 4.2(a) y Cyfansoddiad hwn.

## **RHAN 3 – CYFRIFOLDEB AM SWYDDOGAETHAU**

### **Adran 1B – Swyddogaethau Anweithredol**

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Mae Rhan II Deddf Llywodraeth Leol 2000 yn darparu ar gyfer cyflawni swyddogaethau awdurdod lleol gan weithredwr yr awdurdod. Mae'r rhain wedi'u cynnwys yn Adran 2 y Cynllun hwn.

Fodd bynnag, ni all y weithrediaeth (Cabinet) fod yn gyfrifol am rai swyddogaethau. Gellir gweld y swyddogaethau hyn yn Rheoliadau Awdurdodau Lleol (Trefniadau Gweithredol) (Swyddogaethau a Chyfrifoldebau) (Cymru) 2007 fel y'i diwygiwyd.

Mae Swyddogaethau Anweithredol wedi'u nodi yn Atodiad 1.

Yn achos dirprwyo unrhyw swyddogaeth y Cyngor caiff y pŵer o addasu neu amrywio unrhyw gymeradwyaeth, caniatâd, trwydded neu gofrestrriad neu unrhyw amod, cyfyngiad, neu delerau y mae'n destun iddo neu ddiddymu unrhyw gymeradwyaeth, caniatâd, trwydded neu gofrestrriad o'r fath hefyd ei ddirprwyo.

Mae Atodiad 2 yn rhoi manylion y Cylch Gorchwyl ar gyfer y Pwyllgorau Anweithredol.

Mae'r dudalen hon yn cael ei adael yn wag yn fwriadol

## RHAN 3 – CYFRIFOLDEB AM SWYDDOGAETHAU

### Adran 2 – Swyddogaethau'r Cabinet

Mae'r Cyngor wedi penderfynu mai'r Cabinet h.y. mewn cyfarfod y Cabinet, yn unig a all arfer y swyddogaethau canlynol. *[I osgoi amheuaeth, gall y Cabinet benderfynu ar unrhyw fater penodol y mae'r Cabinet wrthi'n ei ystyried, yn unol ag Adran 2, y gellir dirprwyo penderfyniad ar unrhyw fater penodol o'r fath (neu unrhyw rhan ohono) i uwch swyddog yn haen Cyfarwyddwyr Cynorthwyol o ran cyfrifoldeb rheoli neu uwch.*

1	Argymhell i'r Cyngor y bydd unrhyw bolisi, cynllun neu strategaeth y mae'r Awdurdod wedi'u datrys yn amodol ar gymeradwyaeth y Cyngor yn rhan o'r Fframwaith Polisi ac unrhyw ddiwygiad o'r unrhyw gynllun neu strategaeth bolisi sy'n ffurfio rhan o'r Fframwaith Polisi.
2	Gwneud unrhyw benderfyniadau brys sy'n groes i'r Gyllideb gymeradwy, nad ydynt yn cydymffurfio'n llawn â hi, neu sy'n groes i'r Fframwaith Polisi.
3	Datblygu strategaeth ariannol tymor canolig, gyda blaenoriaethau a thargedau, dros gyfnod treigl o dair blynedd.
4	Paratoi cynlluniau, polisiau a strategaethau'r Awdurdod nad ydynt yn ffurfio rhan o'r Fframwaith Polisi, cytuno arnyn nhw, ac ymgynghori arnyn nhw pan fo hynny'n briodol.
5	Cychwyn a thywys adolygiadau o Fframwaith Polisi'r Awdurdod.
6	Arwain y gwaith o integreiddio amcanion strategol ym mhob rhan o'r Awdurdod.
7	Gwneud trefniadau ar gyfer gwneud newidiadau yn ystod y flwyddyn i'r Fframwaith Polisi, i'r graddau y'u cymeradwyir gan yr Awdurdod.
8	Cytuno ar ymatebion i bapurau ymgynghori o'r Llywodraeth (gan gynnwys papurau Gwyn a Gwyrdd), o Lywodraeth Cynulliad Cymru, LGA, CLILC a phob corff arall mewn perthynas â pholisi strategol.

9	Penderfynu ar yr ymateb i adroddiadau gan y Pwyllgorau Trosolwg a Chraffu.
10	Argymhell i'r Cyngor ac adolygu polisïau Rheoli'r Trysorlys a chyfyngiadau blynyddol.
11	Derbyn rhagolygon ariannol gan gynnwys y strategaeth ariannol tymor canolig a monitro gwybodaeth a dangosyddion ariannol.
12	Argymhell y gyllideb flynyddol i'r Cyngor, gan gynnwys y Cyllidebau Cyfalaf a Refeniw, y dangosyddion Ariannol, y cyfyngiad benthyca awdurdodedig a lefel y Dreth Gyngor.
13	Sicrhau y caiff y gyllideb flynyddol ei rhoi ar waith ac y glynir at egwyddorion sylfaenol pan fo angen unrhyw newidiadau o bryd i'w gilydd a rhwng cyllidebau blynyddol. Bydd hyn yn cynnwys argymhell i'r Cyngor unrhyw newidiadau i bolisi a fydd yn lleihau neu'n cynyddu gwasanaethau'r Awdurdod yn sylweddol neu greu ymrwymïadau ariannol sylweddol yn y dyfodol.
14	Adolygu a monitro strategaeth yr Awdurdod a'r gwaith o'i gweithredu mewn perthynas ag e-Lywodraeth, telegyfathrebu, systemau gwybodaeth a thechnoleg gwybodaeth.
15	Cytuno ar bolisi cyffredinol yr Awdurdod mewn perthynas â grantiau i gyrff allanol, ei oruchwylio, a chytuno i strategaeth yr Awdurdod ar gyfer talu grantiau.
16	Cymeradwyo prynu, gwerthu neu feddiannu tir ac adeiladau pan nad yw trefniadau wedi'u gwneud i swyddog yr Awdurdod gyflawni'r swyddogaeth.
17	Cymeradwyo gosod neu gael prydles, tenantiaeth neu drwydded dir a/neu drwydded pan nad yw trefniadau wedi'u gwneud i swyddog yr Awdurdod gyflawni'r swyddogaeth.
18	Awdurdodi gwneud archebion prynu gorfodol ac eithrio archebion prynu gorfodol a wneir mewn perthynas â thai unigol dan Ran II Deddf Tai 1985 a neu Deddf Caffael Tir 1981.
19	Ystyried, o leiaf bob blwyddyn, lefel yr arian wrth gefn, darpariaethau a balansau y'u cedwir gan yr Awdurdod a gwneud argymhellion i'r Cyngor lle bo'n briodol.
20	Cymeradwyo dileu dyledion pan nad yw trefniadau wedi'u gwneud i swyddog yr Awdurdod gyflawni'r swyddogaeth.
21	Cymeradwyo dileu stociau, storau ac asedau eraill pan nad yw trefniadau wedi'u gwneud i swyddog yr Awdurdod gyflawni'r swyddogaeth.
22	Argymhell y Cynllun Rheoli Asedau Corfforaethol i'r Awdurdod a chymeradwyo rhaglen dreiglo o werthu eiddo.
23	Derbyn adroddiadau o orwariant contract yn unol â chyfyngiadau a nodir yn Rheolau Gweithdrefn Ariannol ac argymhell camau i'w cymryd.

24	Cymeradwyo trosglwyddiadau cyllideb referniw a chyfalaf neu drosglwyddiadau rhyng-wasanaeth pan fo diben y gyllideb wedi'i newid neu pan nad yw trefniadau wedi'u gwneud i swyddog yr Awdurdod gyflawni'r swyddogaeth ac o fewn y Fframwaith Polisi a Chyllidebu.
25	Cytuno i ddarparu ysgolion cynradd ac uwchradd newydd, ysgolion meithrin ac arbennig newydd, a darparu safleoedd ar gyfer ysgolion newydd, wedi amnewid neu wirfoddol wedi trosglwyddo.
26	Cymeradwyo cyhoeddi cynigion i gau ysgolion, newid ysgolion yn sylweddol neu fwyhau ysgolion yn sylweddol a chau neu newid neu fwyhau unrhyw ysgolion ar ôl i Lywodraeth Cynulliad Cymru gytuno.
27	Cymeradwyo unrhyw drefniadau ar gyfer cyd-wasanaeth gyda'r Gwasanaeth Iechyd Gwladol.
28	Datblygu Strategaeth Tai a Chynllun Gweithredol a'u hargymell i'r Cyngor.
29	Cytuno i adolygiadau i Bolisi Dyraniadau Tai'r Awdurdod.
30	Cytuno i Bolisi a strategaeth yr Awdurdod ar gyfer pennu ffioedd a chostau.
31	Cytuno i newidiadau i feini prawf cyffredinol ar gyfer mynediad at wasanaeth yr Awdurdod.
32	Cymeradwyo gwneud ceisiadau i Lywodraeth Cynulliad Cymru a chyrrff eraill ar gyfer ariannu cyfalaf (ac eithrio pan fo'r rhain o fewn y Fframwaith Polisi a Chyllidebu).
33	Awdurdodi gweithredu unrhyw broiect cyfalaf nad yw'n rhan o'r rhaglen gyfalaf gymeradwy ac nad yw'n cael ei ariannu gan gorff neu berson heblaw am yr Awdurdod.
34	Awdurdodi gwahodd tendrau, cynigion neu geisiadau yn unol â Rheolau Gweithdrefn Contractau a lle bo'n briodol at y diben hwnnw gymeradwyo dewis restri o gontractwyr, darparwyr a chynigwyr pan nad yw trefniadau wedi'u gwneud i swyddog yr Awdurdod gyflawni'r swyddogaeth. (Fel y nodir yn Adran 4).
35	Awdurdodi cyhoeddi neu gymeradwyo amrywiadau yn y contract os nad yw trefniadau wedi'u gwneud i swyddog yr Awdurdod gyflawni'r swyddogaeth. (Fel y nodir yn Adran 4).
36	Nodi a chytuno ar feini prawf gwerthuso tendrau priodol a phwysigrwydd/pwysau perthynol pob ffactor yn unol â Rheolau Gweithdrefn Contractau fel y gellir gwerthuso tendrau i benderfynu ar y tendr sy'n cynrychioli'r Gwerth Gorau i'r Awdurdod pan nad yw trefniadau wedi'u gwneud i swyddog yr Awdurdod gyflawni'r swyddogaeth. (Fel y nodir yn Adran 4).
37	Cymeradwyo derbyn tendrau yn unol â Rheolau Gweithdrefn Contractau pan nad yw trefniadau wedi'u gwneud i swyddog yr Awdurdod gyflawni'r swyddogaeth. (Fel y nodir yn Adran 4).
38	Ystyried adroddiadau cyrrff adolygu allanol ar faterion yn ymwneud â darpariaeth gwasanaeth strategol.
39	Cymeradwyo amrywio gwariant cyfalaf trwy ychwanegu, dileu neu addasu'n sylweddol project cyfredol trwy drosglwyddo i neu o broiect arall sydd eisoes yn y rhaglen pan nad yw trefniadau wedi'u gwneud i swyddog yr Awdurdod gyflawni'r swyddogaeth.
40	Cychwyn neu ymateb i faterion Seneddol priodol (heblaw am hyrwyddo neu wrthwynebu Biliau personol neu leol).

41	Penderfynu ar unrhyw fater a ddirprwyir i swyddog, pan fo'r swyddog hwnnw yn ystyried ei bod yn fwy priodol i'r Cabinet ymdrin ag ef.
42	Cymeradwyo sefydlu neu gau (ac eithrio cau dros dro am resymau cynnal a chadw neu adnewyddu neu yn achos argyfwng) unrhyw gyfleuster y mae'r Awdurdod yn ei ddefnyddio i gynnig gwasanaethau uniongyrchol i ddefnyddwyr gwasanaeth (e.e. llyfrgelloedd, canolfannau hamdden, canolfannau dydd).
43	Perfformio unrhyw Swyddogaeth Weithredol pan nad yw trefniadau wedi'u gwneud i swyddog yr Awdurdod gyflawni'r swyddogaeth. (Fel y nodir yn Adran 4).
44	Cytuno i unrhyw ddiwygiadau neu amrywiadau i, a threfniadau dan gytundeb dyddiedig 27 Mawrth 2000 wedi'i wneud dan Adran 165 o Ddeddf Gynllunio a Thir Llywodraeth Leol 1980 rhwng Corfforaeth Datblygu Bae Caerdydd a'r Awdurdod.
45	Cyflawni swyddogaethau a rhwymedigaethau ac arfer pwerau'r Awdurdod dan Ddeddf Forglawdd Bae Caerdydd 1993 (ac eithrio i'r raddau nad yw swyddogaethau o'r fath yn rhai Anweithredol) pan nad yw trefniadau wedi'u gwneud i swyddog yr Awdurdod gyflawni'r swyddogaeth.
46	Perfformio unrhyw swyddogaethau'r Awdurdod fel awdurdod yr harbwr pan nad yw trefniadau wedi'u gwneud i swyddog yr Awdurdod gyflawni'r swyddogaeth.



## RHAN 3 – CYFRIFOLDEB AM SWYDDOGAETHAU

### Adran 3 – Cyfrifoldeb am Swyddogaethau Dewis Lleol

Mae'r Cyngor yn gallu pennu pwy sy'n gyfrifol am y swyddogaethau, a nodir fel swyddogaethau Dewis Lleol. Mae wedi aseinio'r swyddogaethau hyn i'r cyrff sy'n gwneud penderfyniadau a nodir yn y tabl isod:

Swyddogaeth	Corff sy'n Gwneud Penderfyniadau	Dirprwyaeth
Cyflawni unrhyw swyddogaeth gan yr Awdurdod sy'n gweithredu fel Awdurdod Harbwr.	Y Cabinet	
Unrhyw swyddogaeth o dan Ddeddf leol ar wahân i swyddogaeth a nodir neu a gyfeirir ati yn Atodlen 1 Rheoliadau Awdurdodau Lleol (Trefniadau Gweithredol) (Swyddogaethau a Chyfrifoldebau) (Cymru) fel y'i diwygiwyd.	Y Cyngor	
Pennu apêl yn erbyn unrhyw benderfyniad a wneir gan yr awdurdod neu ar ei ran.	Pwyllgor Apeliadau	
Swyddogaethau yn ymwneud ag adolygiadau a wneir mewn cysylltiad â hawliadau am fudd-dal tai neu fudd-dal treth gyngor ac ar gyfer apeliadau a wneir yn erbyn penderfyniadau o'r fath o dan adran 68 ac Atodlen 7 y Ddeddf Cymorth Plant, Pensiynau a Nawdd Cymdeithasol 2000.	Y Cyngor	Swyddog Monitro
Llunio trefniadau yn ymwneud ag apeliadau yn erbyn allgau disgyblion mewn ysgolion a gynhelir o dan adran 52 Deddf Addysg 2002.	Y Cabinet	Swyddog Monitro
Llunio trefniadau yn unol ag adran 94(1), (1A) a (4), ac Atodlen 24, Deddf Safonau a Fframwaith Ysgolion 1998 (apeliadau yn erbyn derbyniadau).	Y Cabinet	Swyddog Monitro

Swyddogaeth	Corff sy'n Gwneud Penderfyniadau	Dirprwyaeth
Llunio trefniadau yn unol ag adran 95(2) Deddf Safonau a Fframwaith Ysgolion 1998 (plant y mae adran 87 yn berthnasol iddynt: apeliadau gan gyrff llywodraethu).	Y Cabinet	Swyddog Monitro
Llunio trefniadau o dan adran 20 (cwestiynau ar faterion yr heddlu mewn cyfarfodydd y cyngor) Deddf yr Heddlu 1996 am alluogi cwestiynau i gael eu cyflwyno ar gyflawni swyddogaethau awdurdod heddlu.	Y Cyngor	
Penodi o dan baragraffau 2 i 4 (penodi Aelodau gan gynghorau perthnasol) Atodlen 2 (awdurdodau heddlu a sefydlwyd o dan adran 3) Deddf yr Heddlu 1996.	Y Cyngor	
Cynnal adolygiadau gwerth gorau yn unol â darpariaethau unrhyw orchymyn am y tro sy'n weithredol o dan adran 5 (adolygiadau gwerth gorau) Deddf Llywodraeth Leol 1999.	Y Cabinet	
Unrhyw swyddogaeth yn ymwneud â thir halogedig.	Pwyllgor Diogelu'r Cyhoedd/Cydbwyllg or Gwasanaeth Rheoliadol a Rennir	Cyfarwyddwr/Cyfarwyddwr Cynorthwyol/Prif Swyddog/Pennaeth Gwasanaeth Rheoliadol a Rennir
Cyflawni unrhyw swyddogaeth yn ymwneud â rheoli llygredd.	Pwyllgor Diogelu'r Cyhoedd/Cydbwyllg or Gwasanaeth Rheoliadol a Rennir	Cyfarwyddwr/Cyfarwyddwr Cynorthwyol/Prif Swyddog/Pennaeth Gwasanaeth Rheoliadol a Rennir
Cyflawni unrhyw swyddogaeth yn ymwneud â rheoli ansawdd aer.	Y Cabinet	

<b>Swyddogaeth</b>	<b>Corff sy'n Gwneud Penderfyniadau</b>	<b>Dirprwyaeth</b>
Gwasanaeth rhybudd diddymiad yn ymwneud â niwsans statudol.	Pwyllgor Diogelu'r Cyhoedd/Cydbwyllg or Gwasanaeth Rheoliadol a Rennir	Cyfarwyddwr/Cyfarwyddwr Cynorthwyol/Prif Swyddog/Pennaeth Gwasanaeth Rheoliadol a Rennir
Pasio penderfyniad y dylai Atodlen 2 Deddf Niwsans Statudol 1993 fod yn berthnasol yn ardal yr awdurdod.	Pwyllgor Diogelu'r Cyhoedd	Cyfarwyddwr/Cyfarwyddwr Cynorthwyol/Prif Swyddog
Archwilio ardal yr awdurdod i ganfod unrhyw niwsans statudol.	Pwyllgor Diogelu'r Cyhoedd/Cydbwyllg or Gwasanaeth Rheoliadol a Rennir	Cyfarwyddwr/Cyfarwyddwr Cynorthwyol/Prif Swyddog/Pennaeth Gwasanaeth Rheoliadol a Rennir
Ymchwilio i unrhyw gŵyn er mwyn ynghylch bodolaeth niwsans statudol.	Pwyllgor Diogelu'r Cyhoedd/Cydbwyllg or Gwasanaeth Rheoliadol a Rennir	Cyfarwyddwr/Cyfarwyddwr Cynorthwyol/Prif Swyddog/Pennaeth Gwasanaeth Rheoliadol a Rennir
Cael gwybodaeth o dan adran 330 Deddf Cynllunio Gwlad a Thref 1990 ynghylch diddordebau mewn tir.	Y Cabinet a Phwyllgorau anweithredol	Cyfarwyddwr/Cyfarwyddwr Cynorthwyol/Prif Swyddog

<b>Swyddogaeth</b>	<b>Corff sy'n Gwneud Penderfyniadau</b>	<b>Dirprwyaeth</b>
Cael manylion personau sydd â diddordeb mewn tir o dan adran 16 Deddf Llywodraeth Leol (Darpariaethau Amrywiol) 1976.	Y Cabinet	Cyfarwyddwr/Cyf arwyddwr Cynorthwyol/Prif Swyddog
Unrhyw un o'r swyddogaethau canlynol yn ymwneud â phrifyrdd: (a) llunio cytundebau ar gyfer caniatáu gwaith prifyrdd.	Y Cyngor	Swyddog Monitro/ Cyfarwyddwr/ Cyfarwyddwr Cynorthwyol / Prif Swyddog
(b) y swyddogaethau a gynhwysir yn narpariaethau canlynol Rhan III Deddf Prifyrdd 1980 (creu prifyrdd) – (i) adran 25 – creu llwybr cerdded, llwybr ceffylau neu gilffordd gyfyngedig drwy gytundeb; (ii) adran 26 – pwerau gorfodol i greu llwybrau cerdded, llwybrau ceffylau neu gilffyrdd cyfyngedig;	Y Cyngor	Y Pwyllgor Cynllunio

Swyddogaeth	Corff sy'n Gwneud Penderfyniadau	Dirprwyaeth
<p>(c) y swyddogaethau a gynhwysir yn narpariaethau canlynol Rhan VIII Deddf Priffyrdd 1980 (cau a dargyfeirio priffyrdd ac ati) –</p> <ul style="list-style-type: none"> <li>(i) adran 16 – rhoi pŵer i lysoedd ynadon i awdurdodi cau neu ddargyfeirio priffyrdd;</li> <li>(ii) adran 117 – cais o dan adran 116 ar ran person arall;</li> <li>(iii) adran 118 – cau llwybrau cerdded, llwybrau ceffylau a chilffyrdd cyfyngedig;</li> <li>(iv) adran 118ZA – cais am orchymyn dileu llwybr cyhoeddus;</li> <li>(v) adran 118A – cau llwybrau cerdded, llwybrau ceffylau a chilffyrdd cyfyngedig sy'n croesi rheilffyrdd;</li> <li>(vi) adran 118B – cau rhai priffyrdd at ddibenion atal troseddau ac ati;</li> <li>(vii) adran 118C – cais gan berchennog ysgol am orchymyn dileu arbennig;</li> <li>(viii) adran 119 – dargyfeirio llwybrau cerdded, llwybrau ceffylau a chilffyrdd cyfyngedig;</li> <li>(ix) adran 119ZA – cais am orchymyn dargyfeirio llwybr cyhoeddus;</li> <li>(x) adran 119A – dargyfeirio llwybrau cerdded, llwybrau ceffylau a chilffyrdd cyfyngedig sy'n croesi rheilffyrdd ac ati;</li> <li>(xi) adran 119B – dargyfeirio rhai priffyrdd at ddibenion atal troseddau ac ati;</li> <li>(xii) adran 119C – cais gan berchennog ysgol am orchymyn dargyfeirio arbennig;</li> <li>(xiii) adran 119D – dargyfeirio rhai priffyrdd er mwyn gwarchod Safleoedd o Ddiddordeb Gwyddonol Arbennig;</li> <li>(xiv) adran 120 – arfer pwerau i lunio gorchmynion dileu a dargyfeirio llwybrau cyhoeddus;</li> <li>(xv) adran 121B – cofrestru ceisiadau;</li> </ul>	Y Cyngor	Y Pwyllgor Cynllunio

Swyddogaeth	Corff sy'n Gwneud Penderfyniadau	Dirprwyaeth
<p>(d) y swyddogaethau a gynhwysir yn narpariaethau canlynol rhan IX Deddf Priffyrdd 1980 (ymyrraeth gyfreithlon ac anghyfreithlon â phriffyrdd a strydoedd) -</p> <ul style="list-style-type: none"> <li>(i) adran 130 – gwarchod hawliau'r cyhoedd;</li> <li>(ii) adran 139 – rheoli sgipiau adeiladwyr;</li> <li>(iii) adran 140 – cael gwared ar sgipiau adeiladwyr;</li> <li>(iv) adran 140A(1) – sgipiau adeiladwyr: taliadau am eu gosod ar briffordd;</li> <li>(v) adran 142 – trwydded i blannu coed, llwyni ac ati ar briffordd;</li> <li>(vi) adran 147 – pŵer i awdurdodi codi camfeydd ac ati ar lwybr cerdded neu lwybr ceffylau;</li> <li>(vii) adran 147ZA(1) – cytundebau yn ymwneud â gwelliannau er budd pobl â phroblemau symudedd;</li> <li>(viii) adran 149 – cael gwared ar bethau wedi'u gadael ar briffyrdd er mwyn peri niwsans ac ati;</li> <li>(ix) adran 169 – rheoli sgaffaldau ar briffyrdd;</li> <li>(x) adran 171 – rheoli gollwng deunyddiau adeiladu</li> <li>(xi) adran 171A(2) a rheoliadau a wnaed o dan yr adran honno – gwaith o dan adran 169 neu adran 171: codi tâl am feddiannu'r briffordd;</li> <li>(xii) adran 172 – palisiau i'w gosod yn ystod gwaith adeiladu ac ati;</li> <li>(xiii) adran 173 – gosod palisiau yn ddiogel;</li> <li>(xiv) adran 178 – cyfyngiad o ran gosod rheiliau, trawstiau, ac ati o dan strydoedd, a goleuadau palmentydd ac awryddion;</li> <li>(xv) adran 179 – rheoli'r gwaith o adeiladu seleri ac ati o dan strydoedd;</li> <li>(xvi) adran 180 – rheoli agoriadau i seleri ac ati o dan strydoedd, a goleuadau palmentydd ac awryddion;</li> </ul>	Y Cyngor	Y Pwyllgor Cynllunio
<p>(e) cyflawni swyddogaethau o dan adran 34 Deddf Bywyd Gwylt a Chefn Gwlad 1981 (gorchmynion calchbalmentydd); a</p>	Y Cyngor	Y Pwyllgor Cynllunio

Swyddogaeth	Corff sy'n Gwneud Penderfyniadau	Dirprwyaeth
(f) cyflawni swyddogaethau o dan adran 53 Deddf Bywyd Gwylt a Chefn Gwlad 1981 (dyletswydd i sicrhau bod datganiad a map diffiniol yn cael eu hadolygu'n barhaus).	Y Cyngor	Y Pwyllgor Cynllunio
<p>Penodiad unrhyw unigolion:-</p> <p>(a) i unrhyw swydd ar wahân i swydd y caiff ef/hi ei chyflogi gan yr awdurdod;</p> <p>(b) i unrhyw gorff ar wahân i:</p> <p>(i) yr awdurdod;</p> <p>(ii) Cydbwyllgor yn cynnwys un awdurdod neu fwy; neu</p> <p>(c) unrhyw bwyllgor neu is-bwyllgor corff o'r fath,</p> <p>a dirymiad unrhyw benodiad o'r fath.</p>	Y Cyngor – ar wahân i benodiadau yn unol â phwerau ymyrraeth o dan adran 6 neu 7 Deddf Safonau a Threfniadaeth Ysgolion (Cymru) 2013 Dirprwyaeth – sy'n cael ei neilltuo fel Swyddogaethau'r Cabinet.	Ar gyfer penodiadau yn unol â phwerau ymyrraeth – y Cyfarwyddwr Addysg dan ddirprwyaeth cyfeirnod DEd1 (yn Adran 4F y cynllun hwn)
Pŵer i wneud taliadau neu gynnig buddiannau eraill mewn achosion o gamweinyddu ac ati	Y Cyngor	Cyfarwyddwr/Cyf arwyddwr Cynorthwyol/Prif Swyddog
<p>Swyddogaethau ynghylch cyfrifo sylfaen treth gyngor yn unol ag unrhyw un o'r canlynol:-</p> <p>(a) pennu swm ar gyfer eitem T yn adran 33(1) a 44(1) Deddf Cyllid Llywodraeth Leol 1992;</p> <p>(b) pennu swm ar gyfer eitem TP yn adrannau 34(3), 45(3), 48(3), 48(4) Deddf Cyllid Llywodraeth Leol 1992;</p> <p>(c) pennu swm sydd ei angen er mwyn pennu swm ar gyfer yr eitem a grybwyllwyd ym mharagraff (a) neu (b) uchod.</p>	Y Cyngor	

Swyddogaeth	Corff sy'n Gwneud Penderfyniadau	Dirprwyaeth
Swyddogaethau trwyddedu yn unol â Rhan 2 Deddf Trwyddedu 2003 ac eithrio Adran 6.	Y Pwyllgor Trwyddedu	
<p>Swyddogaethau o ran gamblo o dan ddarpariaethau canlynol Deddf Gamblo 2005.</p> <ul style="list-style-type: none"> <li>(a) adran 29 – gwybodaeth am yr Awdurdod Trwyddedu;</li> <li>(b) adran 30 – cyfnewid gwybodaeth arall;</li> <li>(c) adran 166 – penderfyniad i beidio â rhoi trwyddedau Casino;</li> <li>(d) adran 212 a rheoliadau a wnaed dan yr adran honno – ffioedd;</li> <li>(e) adran 284 – dileu eithriad;</li> <li>(f) adran 304 – personau awdurdodedig;</li> <li>(g) adran 346 – erlyniadau gan yr awdurdod trwyddedu;</li> <li>(h) adran 349 – polisi trwyddedu tair blynedd o hyd;</li> <li>(i) adran 350 – cyfnewid gwybodaeth;</li> <li>(j) rhan 5 Atodlen 11 – cofrestru â'r awdurdod lleol</li> </ul>	Y Pwyllgor Cynllunio	
Swyddogaethau ynghylch cymeradwyaeth o dan Adran 51 neu benderfyniad o dan Adran 53 Deddf Safonau a Threfniadaeth Ysgolion (Cymru) 2013.	Y Cabinet	



## RHAN 3 – CYFRIFOLDEB AM SWYDDOGAETHAU

### Adran 4 - SWYDDOGAETHAU A DDIRPRWYR I SWYDDOGION Adran 4A – Cyflwyniad

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#### 1 Sail Gyffredinol

1.1 Mae'r cynllun hwn yn dyrannu rhai o swyddogaethau'r Cyngor a'r Cabinet i swyddogion. Dylid ei ddehongli'n gyffredinol yn hytrach na'n llythrennol. Caiff ei rannu i'r isadrannau canlynol:

A - Cyflwyniad

B – Dyraniadau Cyffredinol i'r Prif Weithredwr, Cyfarwyddwyr Corfforaethol a Chyfarwyddwyr

C – Dyraniadau Cyffredinol i Gyfarwyddwyr Cynorthwyol a Phrif Swyddogion (a Phenaethiaid Gwasanaeth)

D - Dirprwyaethau Cyffredinol i Reolwyr Gweithredol

E – Dirprwyaethau Penodol i Swyddogion Statudol

F – Dirprwyaethau Penodol i Swyddogion Eraill

Mae'r isadrannau hyn yn berthnasol i'w gilydd ac ni ddylid eu darllen ar wahân.

1.2 Yn y cynllun hwn, mae "swyddog" yn golygu deiliad unrhyw swydd a enwir sydd â phwerau a dyletswyddau dirprwyedig, ac i osgoi unrhyw ddryswch, bydd y term "swyddog" yn cynnwys unrhyw unigolyn nad yw'n gyflogedig gan y Cyngor (er enghraifft, locwm, gweithiwr asiantaeth, ymgynghorydd arbenigol, rheolwr ar y cyd sydd wedi'i benodi gan sefydliad arall neu debyg) a benodir gan y Cyngor i gymryd cyfrifoldeb am y pwerau a'r dyletswyddau dirprwyedig perthnasol, oni bai bod deddfwriaeth yn gofyn i'r pŵer neu'r ddyletswydd berthnasol gael ei chyflawni gan gyflogai'r awdurdod.

1.3 Mae'r cynllun hwn yn dirprwyo pwerau a dyletswyddau o fewn disgrifiadau swyddogaeth cyffredinol, ac mae'n cynnwys pwerau a dyletswyddau dan yr holl ddeddfwriaeth berthnasol, nawr ac i'r dyfodol, o fewn y disgrifiadau hynny a'r holl bwerau a'r dyletswyddau sy'n berthnasol i'r ddeddfwriaeth honno.

1.4 Mae'r cynllun hwn yn weithredol dan Adrannau 101, 151 a 270 Deddf Llywodraeth Leol 1972, a'r holl bwerau galluogi sydd gan y Cyngor.

1.5 Mae'r cynllun yn rhoi dyletswydd ar swyddogion i roi gwybod i Aelodau am weithgareddau sy'n codi o fewn sgôp y dirprwyaethau hyn. Dylai swyddogion hefyd roi gwybod i Aelodau am unrhyw oedi sylweddol i gynlluniau neu broiectau a gytunwyd.

(a) Wrth wneud, neu ystyried gwneud penderfyniadau a ddirprwywyd, dylai pob swyddog ystyried y cwestiynau canlynol:

(i) A fydd y penderfyniad yn golygu gwariant sylweddol o gyllideb y gwasanaeth, neu gyllideb ehangach y Cyngor?

- (ii) A ydi'r penderfyniad yn effeithio ar enw da'r gwasanaeth a/neu'r Cyngor?
  - (iii) A ydi'r penderfyniad yn arwyddocaol o ran un neu fwy o wardiau?
  - (iv) A oes perygl sylweddol i'r gwasanaeth neu'r Cyngor ehangach yn sgil y penderfyniad?
  - (v) A ydi'r penderfyniad yn cael effaith ar enw da, neu yn cael effaith ariannol ar ddefnyddwyr gwasanaethau, sefydliadau partner neu bwyllgorau y tu allan i'r Cyngor?
- (b) Rhaid i swyddogion ystyried yr uchod, ac os yw'r atebion iddynt yn gadarnhaol, baratoi penderfyniad swyddog dirprwyedig gan ddefnyddio'r pro forma, a rhaid ei gyflwyno i'r Aelod Cabinet perthnasol er mwyn ymgynghori â hwy am y penderfyniad (gellir gwneud hyn dros e-bost).
  - (c) Os yw'r mater yn effeithio'n benodol ar un neu fwy o wardiau (h.y. mae'n fater lleol yn hytrach nag yn un sy'n berthnasol i'r cyngor cyfan) ac ystyrir ei fod yn arwyddocaol, dylai'r swyddog ymgynghori ag aelod neu aelodau'r ward (ac ystyried yr angen i ymgynghori gydag unrhyw Gyngor Cymuned).
  - (d) Ar gyfer materion arwyddocaol neu sensitif iawn, rhaid i swyddogion ystyried, mewn ymgynghoriad â'r Aelod Cabinet perthnasol, a ddylid yn hytrach baratoi Adroddiad Cabinet, a'i roi ym Mlaen Gynllun y Cabinet.
  - (e) Nid oes rhaid i benderfyniadau rheoli o ddydd i ddydd fod yn destun gweithdrefnau penderfyniadau a gofnodir yn ffurfiol.
- 1.6 Yn ogystal â swyddogaethau a ddirprwyir i swyddogion dan y cynllun hwn, efallai y bydd y Cyngor, unrhyw un o'i bwyllgorau a/neu'r Cabinet hefyd yn penderfynu dirprwyo swyddogaethau a phenderfyniadau penodol i swyddogion. Bydd unrhyw ddirprwyaethau o'r fath i swyddogion yn:
- (i) cael eu cyfeirio at y Swyddog Monitro sydd â chofnod o'r holl ddirprwyaethau (yn unol â gofynion adran 100G Deddf Llywodraeth Leol 1972); a
  - (ii) i osgoi unrhyw ddryswch, ni ddylid dirprwyo ymhellach unrhyw ddirprwyaethau swyddogion o'r fath, oni bai bod eu hangen ar gyfer datrys.
- 1.7 I osgoi dryswch, bydd y darpariaethau Dehongli a nodir yn Rhan 2, Erthygl 15.2 y Cyfansoddiad yn berthnasol i'r Cynllun hwn ble bo'r cyd-destun yn caniatáu ac oni bai y nodir yn benodol fel arall. Mae hyn yn cynnwys, ond nid yn gyfyngedig i Erthygl 15.2(i) mewn perthynas â chyfeiriadau at deitlau swyddi neu ddisgrifiadau mewn unrhyw ddirprwyaeth swyddog, p'un ai ydyw'n ymwneud â neu o dan y Cynllun hwn neu unrhyw ddirprwyaeth swyddog arall a gyfeirir ati ym mharagraff 1.6 uchod.

## 2 Cyfyngiadau Cyffredinol

2.1 Nid yw'r cynllun yn dirprwyo i swyddogion:

- (f) Unrhyw fater sy'n gyfyngedig i'r Cyngor llawn;
- (g) Unrhyw fater nad oes modd ei ddirprwyo i swyddog yn ôl y gyfraith;

- (h) Unrhyw fater nad oes hawl ei ddirprwyo yn ôl y cynllun hwn neu yn ôl y Cabinet ar unrhyw adeg.

2.2 Ym mhob achos, nid yw'r awdurdod dirprwyedig i swyddogion yn cynnwys:-

- (a) gwneud penderfyniadau sy'n diwygio neu nad ydynt yn unol â'r gyllideb a fframwaith polisi
- (b) gosod neu newid polisi a safonau gwasanaeth cysylltiedig;
- (c) adolygu perfformiad
- (d) gosod cyllidebau gwasanaeth cyffredinol
- (e) ymateb i ymgynghoriad llywodraeth canolog ffurfiol mewn perthynas â pholisi strategol

sy'n dal i fod yn gyfrifoldeb ar y Cyngor/y Cabinet/Pwyllgorau fel sy'n briodol.

2.3 Bydd arfer unrhyw bwerau dirprwyedig yn amodol ar:-

- (a) Unrhyw gyfyngiadau statudol
- (b) Cyfansoddiad y Cyngor, gan gynnwys Rheolau Ariannol a Gweithdrefnau'r Tir a Rheolau Gweithdrefnol Contractau
- (c) Cyllideb a fframwaith polisi'r Cyngor
- (d) Unrhyw bolisiau eraill
- (e) Cod Ymddygiad Aelodau
- (f) Cod Ymddygiad Cyflogeion

2.4 Wrth arfer pwerau dirprwyedig dylai swyddogion:-

- (a) beidio â mynd y tu hwn i'r ddarpariaeth yn y cyllidebau refeniw neu gyfalaf ar ran eu gwasanaeth, na chytuno ar unrhyw eitemau gwariant neu hawliau trosglwyddo arian unigol y tu hwnt i ganiatâd y Rheolau Gweithdrefnol Contractau ac Ariannol;
- (b) ystyried unrhyw adroddiad Pennaeth y Gwasanaeth Cyflogedig neu'r Swyddog Monitro dan Adrannau 4 a 5 Deddf Llywodraeth Leol a Thai 1989 neu'r Swyddog Adran 151 dan Adran 114 Deddf Cyllid Llywodraeth Leol 1988;
- (c) cynnal cofnod llawn o weithredu'r pwerau hyn, gan gynnwys yr holl fanylion perthnasol, yn unol ag unrhyw ganllawiau corfforaethol y Swyddog Monitro (ar gyfer penderfyniadau a wneir o fewn y Cynllun, ceir enghraifft o ffurf y dystiolaeth sydd ei hangen yn is-adrannau B, C a D); ac
- (d) ystyried unrhyw adroddiad gan archwilwyr mewnol ac allanol y Cyngor mewn perthynas â gwendid sylfaenol mewn rheolaeth a rheolaethau ariannol.

### **3 Darpariaethau Pellach**

- 3.1 Ym mhob achos, mae awdurdod dirprwyedig yn cynnwys rheoli'r adnoddau dynol a materol sydd ar gael ar gyfer eu swyddogaethau a'u hadrannau dan gyfyngiadau'r cynllun hwn, ac yn amodol ar ddirprwyaethau penodol y cynllun neu fel arall i swyddog arall.
- 3.2 Ym mhob achos, mae awdurdod dirprwyedig yn cynnwys y pŵer i gyflwyno hysbysiadau statudol ac eraill, i sefydlu rhybuddion ffurfiol, i argymhell sefydlu prosesau cyfreithiol o flaen llys neu driwlynys, i gymryd camau diffyg dan yr holl ddeddfwriaeth sy'n berthnasol i'w maes swyddogaethol ac i roi caniatâd i Swyddogion i fod yn bresennol ar ran y Cyngor mewn triwlynlysoedd, byrddau adolygu ac ymchwiliadau, hefyd i lofnodi'r holl ddogfennau angenrheidiol ac i awdurdodi mynediad i dir wrth fynd ar ôl pwerau statudol. Mae'r uchod oll yn berthnasol os yw hyn yn unol â chyfrifoldebau swyddogaethol y swyddog dan sylw, ac yn amodol ar ddarpariaethau Erthygl 13 y Cyfansoddiad hwn.
- 3.3 Ym mhob achos, mae awdurdod dirprwyedig yn cynnwys y pŵer i benderfynu ar geisiadau ac awdurdodi taliadau, a gweithredu cytundebau cenedlaethol.
- 3.4 Bydd gan swyddog hawl i ymgynghori â'r Cabinet bob tro, neu bwyllgor anweithredol wrth arfer pwerau dirprwyedig, neu i beidio ag ymgymryd â'r pwerau dirprwyedig ond yn hytrach cyfeirio'r mater at y Cabinet neu bwyllgor (fel sy'n briodol).
- 3.5 Wrth arfer pwerau dirprwyedig, bydd swyddogion yn ymgynghori gyda swyddogion perthnasol eraill fel sy'n briodol a byddant yn ystyried unrhyw gyngor a geir.
- 3.6 Oni bai ei fod yn hollol i'r gwrthwyneb, mae'r cynllun hwn yn cynnwys pŵer i swyddogion ddirprwyo'n ysgrifenedig unrhyw neu bob un o'r swyddogaethau dirprwyedig i swyddogion eraill (a ddisgrifir yn ôl enw neu swydd) un ai'n llawn neu o dan oruchwyliaeth gyffredinol a rheolaeth y swyddog dirprwyo. Caiff is-ddirprwyaethau eu cofnodi gan y Swyddog Monitro dan Adran 100G Deddf Llywodraeth Leol 1972. Gellid gwneud is-ddirprwyaethau ar draws sawl adran ac i Gynghorau eraill a'u swyddogion fel sy'n briodol.

### **4 Cofnodi Arfer unrhyw Swyddogaeth**

- 4.1 Yn achos penderfyniadau a wneir gan (i) y Cyngor Llawn; Pwyllgor neu Gabinet (ii) y Prif Weithredwr; (iii) Cyfarwyddwr Corfforaethol neu Gyfarwyddwr, yn arfer dirprwyaeth gan Gyfarwyddwr Corfforaethol neu Gyfarwyddwr, oni bai am unrhyw benderfyniad a wneir dan Is-adran 4E y Cynllun:-
  - (a) Dylid anfon cofnod ysgrifenedig o'r penderfyniad, yn y ffurf benodedig, at Reolwr y Gwasanaethau Democrataidd a dylai ef/hi gadw'r cofnod hwnnw;
  - (b) bydd gan y cyhoedd hawl i archwilio cofnod y penderfyniad hwnnw, oni bai ei fod yn cynnwys gwybodaeth eithriadol neu gyfrinachol; a

- (c) bydd copi'n cael ei anfon at Gyfarwyddwr Corfforaethol, Adnoddau, os yw'r penderfyniad yn gofyn am farn ar gyllideb sydd angen iddo ef/hi fod yn ymwybodol ohono.
- 4.2 Bydd pob penderfyniad a wneir gan y Cabinet yn cael ei gyhoeddi yng Nghofrestr Penderfyniadau'r Cabinet. Yn yr un modd, bydd unrhyw Benderfyniadau Gweithredol a wneir gan swyddogion o dan baragraff 4.1 (ii) a (iii) uchod, waeth os ydynt yn benderfyniadau dan y Cynllun hwn neu yn sgil dirprwyaeth gan y Cabinet, yn cael eu cyhoeddi yng Nghofnod Penderfyniadau Swyddogion Gweithredol.
- 4.3 Yn achos penderfyniadau cyflogai ar wahân i'r penderfyniadau a nodir yn is-baragraffau 4.1 a 4.2 uchod:-
- (a) dylid cadw cofnod ysgrifenedig y penderfyniad yn unol â gofynion y Cyfarwyddwr perthnasol neu'r Prif Swyddog;
  - (b) bydd modd i Gynghorydd archwilio cofnod ysgrifenedig penderfyniad yn unol â Rheolau Gweithdrefnau Mynediad at Wybodaeth; a
  - (i) bydd copi'n cael ei anfon at Gyfarwyddwr Corfforaethol, Adnoddau, os yw'r penderfyniad yn gofyn am farn ar gyllideb sydd angen iddo ef/hi fod yn ymwybodol ohono.

I osgoi dryswch, gall cofnod unrhyw weithrediad pŵer dirprwyedig fod yn berthnasol i arfer un neu fwy o bwerau pan fo'r bwerau wedi'u gweithredu mewn modd cyfoes.

Mae'r dudalen hon yn cael ei adael yn wag yn fwriadol

### **RHAN 3 – CYFRIFOLDEB AM SWYDDOGAETHAU**

#### **Adran 4B – Dirprwyaethau i'r Prif Weithredwr, Cyfarwyddwyr Corfforaethol a Chyfarwyddwyr**

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**NODER:** rhaid i'r dirprwyaethau canlynol gael eu darllen ar y cyd ag Is-Adran A sy'n nodi'r sail, cyfyngiadau a'r darpariaethau pellach cyffredinol sy'n berthnasol i'r Cynllun Dirprwyo hwn.

Caiff yr holl benderfyniadau Dirprwyedig yn yr is-adran hon, ar wahân i CD1 a CD2 (Swyddogaethau'r Cyngor), eu cyhoeddi yn y Gofrestr Penderfyniadau Gweithredol Swyddogion, p'un a ydynt wedi cael eu dirprwyo ymhellach ai peidio. Hynny yw, caiff y penderfyniad i ddirprwyo a'r penderfyniad dirprwyedig eu cyhoeddi.

**AR YR AMOD** bod y penderfyniad:

- a) o fewn y gyllideb;
- b) yn unol â fframwaith polisi'r Cyngor;
- c) yn unol â Rheolau Gweithdrefnau Ariannol a Thir a Rheolau Gweithdrefnau Contractau'r Cyngor;
- ch) yn unol â Chynllun Busnes y Gwasanaeth;
- d) ddim yn fater a gedwir yn ôl i'r Cyngor Llawn, un o Bwyllgorau'r Cyngor, y Weithrediaeth neu Swyddog Statudol.

**Awdurdodir y Prif Weithredwr, Cyfarwyddwr Corfforaethol a'r holl Gyfarwyddwyr i:**

- 1.1 **Wneud unrhyw benderfyniadau sy'n ymwneud ag unrhyw fater o fewn eu maes cyfrifoldeb ('Dirprwyaeth Gyffredinol'), gan gynnwys, i osgoi amheuan, unrhyw fater a ddirprwyir yn benodol yn y Cynllun Dirprwyo hwn i Gyfarwyddwr Cynorthwyol, Prif Swyddog (neu Bennaeth Gwasanaeth) neu Reolwr Gweithredol.**
- 1.2 **Cymryd camau priodol angenrheidiol i sicrhau bod gwasanaethau'n cael eu darparu'n effeithlon, cydradd ac effeithiol.**

### 1.3 Arfer y Dirprwyaethau Penodol canlynol:-

Cyf	Dirprwyaeth	Math o Dystiolaeth
<b>Adnoddau Dynol</b> CD1	<p>Yr awdurdod i reoli'r adnoddau dynol yn eu maes cyfrifoldeb, gan gynnwys penodi, sefydlu, cyflog/gradd, hyfforddiant, telerau ac amodau cyflogaeth, iechyd a diogelwch, disgyblaeth, gwahardd a diswyddo staff, yn unol â gweithdrefnau AD ac ariannol y Cyngor ac yn amodol ar ymgynghoriad priodol fel yr amlinellir yn y rheini.</p> <p><b>Cymhwyster: Ni ellir dirprwyo'r maes hwn ymhellach.</b></p>	Ffurflen AD berthnasol
CD2	<p>Yr awdurdod i ystyried a chymeradwyo, fel y bo'n briodol, mewn ymgynghoriad â'r Prif Swyddog AD a'r Cyfarwyddwr Corfforaethol Adnoddau ac yn unol â darpariaethau'r Cynllun Pensiwn Llywodraeth Leol a pholisi a meini prawf cymeradwy'r Cyngor, ymddeoliad cynnar staff (dros 55 oed) dan yr amgylchiadau canlynol:</p> <p>(1) er budd effeithlonrwydd y gwasanaeth (2) cais am ymddeoliad gwirfoddol</p> <p><b>Cymhwyster: Ni ellir dirprwyo'r maes hwn ymhellach.</b></p>	Ffurflen AD berthnasol
<b>Caffael</b> CD3	<p>Caffael gwaith, nwyddau, gwasanaethau a/neu gyflenwadau a rheoli pob agwedd ar y contract (ac eithrio mewn perthynas ag amrywiadau – gweler CD4; trefniadau fframwaith – gweler FS20; neu lle bo'r Rheolau Gweithdrefnau Contractau yn darparu i'r gwrthwyneb) lle nad yw gwerth amcangyfrifedig y contract yn fwy na £5,000,000; ac ym mhob achos, yn amodol ar ymgynghoriad â'r Aelod Cabinet dros Gyllid ac unrhyw Aelod Cabinet arall sydd â chyfrifoldeb portffolio perthnasol a chydymffurfiaeth â Rheolau Gweithdrefnau Ariannol, Rheolau Gweithdrefnau Contractau a'r Fframwaith Polisi a Chyllideb ac ar yr amod y caiff y penderfyniad ei gyfeirio at y Cabinet os ceir gwrthwynebiad gan Aelod/au Cabinet.</p> <p><b>Cymhwyster: Ni ellir dirprwyo'r maes hwn ymhellach.</b></p>	Ffurflenni Cyn Tendre a Dyfarnu Contract  Ffurflen ac Adroddiad Penderfyniad Swyddog



Cyf	Dirprwyaeth	Math o Dystiolaeth
CD4	<p>Awdurdodi, cyhoeddi neu gymeradwyo amrywiadau yn unol â'r gwerthoedd, fel y nodir yn y Rheolau Gweithdrefnau Contractau, yn amodol ar ymgynghoriad â'r Aelod Cabinet dros Gyllid ac unrhyw Aelod Cabinet arall â chyfrifoldeb portffolio perthnasol, ac ar yr amod y caiff y penderfyniad ei gyfeirio at y Cabinet os ceir gwrthwynebiad gan Aelod/au Cabinet.</p> <p><b>Cymhwyster: Ni ellir dirprwyo'r maes hwn ymhellach.</b></p>	
CD5	<p>Penodi pobl i gynnal ymgynghoriaeth rheoli hyd at werth o £500,000 lle bo'r swm wedi'i ddyrannu yn y gyllideb at y diben hwnnw, yn amodol ar gydymffurfiaeth â'r Rheolau Gweithdrefnau Contractau a'r Fframwaith Polisi a Chyllideb.</p> <p><b>Cymhwyster: Ni ellir dirprwyo'r maes hwn ymhellach.</b></p>	Ffurflenni Cyn Tendro a Dyfarnu Contract
<b>Arall</b> CD6	<p>O fewn Gwasanaethau, trosglwyddo symiau heb fod yn fwy na £250,000 a ddarperir dan benawdau cyllideb refeniw cyhoeddus penodol at ddibenion eraill (refeniw yn unig), yn amodol ar gydymffurfiaeth â'r Rheolau Gweithdrefnau Ariannol.</p> <p><b>Cymhwyster: Ni ellir dirprwyo'r maes hwn ymhellach.</b></p>	Ffurflen Hawl Trosglwyddo
CD7	<p>O fewn gwasanaethau, amrywio'r rhaglen gymeradwy o wariant cyfalaf drwy ychwanegu neu ddileu neu addasu'n faterol broject sydd eisoes yn bodoli drwy drosglwyddiad nad yw'n fwy na £250,000 i neu o broject arall ond yn amodol ar y Fframwaith Polisi a Chyllideb ac yn unol â'r Rheolau Gweithdrefnau Ariannol.</p> <p><b>Cymhwyster: Ni ellir dirprwyo'r maes hwn ymhellach.</b></p>	Ffurflen Hawl Trosglwyddo
CD9	<p>Yn unol ag unrhyw bolisi neu strategaeth a gymeradwyir gan y Cabinet i ystyried a phennu ceisiadau am gymorth ariannol neu gymorth mewn nwyddau a chymeradwyo neu wrthod ceisiadau nad yw eu gwerth yn fwy na £1,000,000 fesul grant.</p>	Ffurflen Gais Grant

Cyf	Dirprwyaeth	Math o Dystiolaeth
CD10	Arfer hawliau a chyfrifoldebau'r Cyngor fel rhanddeiliad neu aelod o gwmni neu gorff arall, lle nad oes darpariaeth benodol arall wedi'i gwneud. <b>Cymhwyster: Gall hyn gael ei ddirprwyo ymhellach i swyddogion gradd RhG1 neu uwch yn unig.</b>	

## **RHAN 3 – CYFRIFOLDEB AM SWYDDOGAETHAU**

### **Adran 4C – Dirprwyaethau i Gyfarwyddwyr Cynorthwyol, Prif Swyddogion (a Phenaethiaid Gwasanaethau)**

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#### **DIRPRWYAETHAU I BOB CYFARWYDDWR CYNORTHWYOL, PRIF SWYDDOG AD A'R PRIF SWYDDOG CYLLID**

**NODER:** rhaid darllen y dirprwyaethau canlynol yng nghyd-destun Is-adran A o'u blaenau sy'n nodi'r sail gyffredinol i'r cynllun dirprwyo hwn, ei wendidau a darpariaethau eraill sy'n berthnasol iddo.

**CYN BELLED, YM MHOB ACHOS, â bod y penderfyniad:**

- a) o fewn y gyllideb;
- b) yn unol â fframwaith polisi'r Cyngor;
- c) yn unol â Rheolau Gweithdrefn Ariannol, Rheolau Gweithdrefn Tir, a Rheolau Gweithdrefn Contractau;
- d) yn unol â'i Gynllun Busnes Gwasanaeth; ac
- e) yn un nad yw wedi'i neilltuo'n benodol ar gyfer y Cyngor Llawn, un o Bwyllgorau'r Cyngor, Swyddog Statudol, y Prif Weithredwr, Cyfarwyddwr Corfforaethol neu Gyfarwyddwr.

**Awdurdodir pob Cyfarwyddwr Cynorthwyol:-**

- 1.1 I wneud unrhyw benderfyniadau ar unrhyw fater yn ei gylch cyfrifoldeb ('Dirprwyaeth Gyffredinol') gan gynnwys, at ddibenion osgoi amheuaeth, unrhyw fater a ddirprwyir yn benodol yn y Cynllun Dirprwyo i Reolwr Gweithredol.
- 1.2 I roi'r camau gweithredu priodol ar waith sydd eu hangen i sicrhau y caiff gwasanaethau eu darparu'n effeithlon, yn deg ac yn effeithiol.

### 1.3 I arfer y Dirprwyaethau Penodol canlynol:-

Cyfeirnod	Dirprwyaeth	Math o Dystiolaeth
<b>Adnoddau Dynol</b> CO1	<p>Awdurdod i reoli adnoddau dynol o fewn ei gylch cyfrifoldeb, gan gynnwys materion penodi, sefydlu, pennu cyflog/gradd, hyfforddi, pennu telerau ac amodau cyflogaeth, iechyd a diogelwch, disgyblu, atal dros dro a diswyddo, yn unol â Gweithdrefnau AD a gweithdrefnau ariannol y Cyngor, a chan ymgynghori fel yr amlinellir ynddyn nhw.</p> <p><b>Cymhwyster: Ni chaniateir i hyn gael ei ddirprwyo'n is.</b></p>	Ffurflen AD berthnasol
CO2	<p>Awdurdod i ystyried a chymeradwyo, pan fo hynny'n briodol a chan ymgynghori â'r Prif Swyddog AD a'r Cyfarwyddwr Corfforaethol, Adnoddau, ac yn unol â darpariaethau Cynllun Pensiwn Llywodraeth Leol a pholisi a meini prawf cymeradwy'r Cyngor, ceisiadau gan staff (55 oed a hŷn) i ymddeol yn gynnar yn yr amgylchiadau canlynol:</p> <p>(1) Byddai hynny'n gwella effeithlonrwydd y gwasanaeth (2) Sy'n gofyn am ymddeoliad gwirfoddol</p> <p><b>Cymhwyster: Ni chaniateir i hyn gael ei ddirprwyo'n is.</b></p>	Ffurflen AD berthnasol
<b>Caffael</b> CO3	<p>Caffael gwaith, nwyddau, gwasanaethau a/neu gyflenwadau a rheoli pob rhan o'r contract (heblaw mewn perthynas ag amrywiadau – gweler CO4; trefniadau fframwaith – gweler FS20; neu pan fo'r Rheolau Gweithdrefn Contractau'n gwneud darpariaeth sy'n groes) pan nad yw gwerth amcangyfrifedig y contract yn uwch na £1,000,000; ac ym mhob achos, yn amodol ar gydymffurfiaeth â Rheolau Gweithdrefn Ariannol, Rheolau Gweithdrefn Contractau a'r Fframwaith Cyllideb.</p> <p><b>Cymhwyster: Ni chaniateir i hyn gael ei ddirprwyo'n is.</b></p>	Ffurflenni Cyn Tendr a Dyfarnu Contract

Cyfeirnod	Dirprwyaeth	Math o Dystiolaeth
CO4	<p>Awdurdodi, cyflwyno neu gymeradwyo amrywiadau yn unol â'r gwerthoedd yn y Rheolau Gweithdrefn Contractau.</p> <p><b>Cymhwyster: Ni chaniateir i hyn gael ei ddirprwyo'n is.</b></p>	
<p><b>Arall</b> CO5</p>	<p>Gwneud unrhyw geisiadau dan y ddeddfwriaeth gynllunio i'r Awdurdod yn rhinwedd ei rôl Awdurdod Cynllunio Lleol o ran datblygu tir yng nghylch cyfrifoldeb y Prif Swyddog gan gynnwys Ceisiadau Cynllunio i ddatblygu unrhyw dir ym meddiant y Cyngor neu i ddatblygu tir unrhyw dir ym meddiant yr Awdurdod ar ei ben ei hun neu ar y cyd ag eraill.</p>	
CO6	<p>Rheoli unrhyw dir neu safleoedd neu asedau gweithredol a threfnu gwaith cynnal a chadw, atgyweirio neu adnewyddu ar eu cyfer. Eithrir gwaith prynu, atgyweirio, prydlesu, hurio, Gwaredu, a chynnal a chadw cerbydau - caiff y gwaith hwn ei reoli yn unol â threfniadau gan Swyddog Trafnidiaeth yr Awdurdod ar y pryd.</p>	
CO7	<p>O fewn y gwasanaeth, amrywio'r rhaglen gymeradwy o wariant cyfalaf drwy ychwanegu neu ddileu newidiad arwyddocaol i broject sydd eisoes ar waith drwy drosglwyddiad nad yw'n uwch na £100,000 i neu o broject arall gan ddibynnu ar y Fframwaith Polisi a Chyllideb ac yn unol â'r Rheolau Gweithdrefn Ariannol.</p> <p><b>Cymhwyster: Ni chaniateir i hyn gael ei ddirprwyo'n is.</b></p>	Ffurflen Drosglwyddiad
CO8	<p>O fewn gwasanaethau, i drosglwyddo symiau nad ydynt yn uwch na £50,000, a ddarperir dan benawdau cyllidebau refeniw cyhoeddedig penodol, i'w defnyddio at ddibenion eraill (refeniw'n unig) yn amodol ar gydymffurfio â'r Rheolau Gweithdrefn Ariannol.</p> <p><b>Cymhwyster: Ni chaniateir i hyn gael ei ddirprwyo'n is.</b></p>	Ffurflen Drosglwyddiad

Cyfeirnod	Dirprwyaeth	Math o Dystiolaeth
CO9	<p>Yn unol ag unrhyw bolisi neu strategaeth a gymeradwyir gan y Cabinet, ystyried ceisiadau am gymorth ariannol neu gymorth materol a phenderfynu arnyn nhw, a chymeradwyo neu wrthod ceisiadau o werth nad yw'n uwch na £250,000.</p> <p><b>Cymhwyster: Ni chaniateir i hyn gael ei ddirprwyo'n is.</b></p>	Ffurflen Cais am Grant
CO10	Yn unol ag unrhyw bolisi neu strategaeth y mae'r Cabinet yn ei gymeradwyo, pennu unrhyw ffioedd a chostau y bydd yr Awdurdod yn eu gwneud a diystyru'r ffioedd neu'r costau neu'r gostyngiadau grant pan y byddai'n debygol o hyrwyddo lles economaidd, cymdeithasol neu amgylcheddol o faes yr Awdurdod .	Ffurflen Gosod Consesiynol
CO11	Gwneud ceisiadau neu gyflwyno cynigion am gyllid neu gymorth ariannol neu gymorth materol, i unrhyw berson neu gorff a rhoi pob cam ar waith sydd ei angen i dderbyn y cymorth hwn.	Ffurflen Cyflwyno Grant
CO12	Cymeradwyo i stociau, storfeydd ac asedau eraill gael eu hystyried yn golledion pan nad yw eu gwerth yn fwy na £5,000.	
CO13	Dyfarnu ar gwynion dan Bolisi Cwyno'r Cyngor pan fo'n briodol, a allai gynnwys ymddiheuro, gwneud iawn, neu mewn amgylchiadau eithriadol, gwneud taliad ariannol hyd at £100; a dyfarnu at argymhellion gan Adran 21 o Ddeddf Ombwdsmon Gwasanaethau Cyhoeddus (Cymru) 2005, hyd at £1,000.	

## **RHAN 3 – CYFRIFOLDEB AM SWYDDOGAETHAU**

### **Adran 4D - Dirprwyaethau i Reolwyr Gweithredol**

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**NODER:** rhaid i'r dirprwyaethau canlynol gael eu darllen ar y cyd ag Isadran 4A sy'n nodi'r sail, y cyfyngiadau a'r darpariaethau pellach cyffredinol sy'n berthnasol i'r Cynllun Dirprwyo hwn.

**AR YR AMOD** bod y penderfyniad:

- a) o fewn y gyllideb;
- b) yn unol â fframwaith polisi'r Cyngor;
- c) yn unol â Rheolau Gweithdrefnau Ariannol a Thir a Rheolau Gweithdrefnau Contractau'r Cyngor;
- d) yn unol â Chynllun Busnes y Gwasanaeth; ac
- e) ar yr amod nad yw'n fater wedi'i neilltuo'n benodol ar gyfer y Cyngor Llawn, Pwyllgor y Cyngor, y Cabinet, Swyddog Statudol, y Prif Weithredwr, Cyfarwyddwr Corfforaethol, Cyfarwyddwr, Cyfarwyddwr Cynorthwyol, Prif Swyddogion neu Benaethiaid Gwasanaeth.

**Bydd caniatâd gan bob Rheolwr Gweithredol i:-**

- 1.1 Wneud unrhyw benderfyniadau yn ymwneud ag unrhyw fater o fewn eu maes cyfrifoldeb ('Dirprwyaeth Gyffredinol'),
- 1.2 Cymryd camau priodol angenrheidiol i sicrhau bod gwasanaethau'n cael eu darparu'n effeithlon, yn gydradd ac effeithiol.

### 1.3 Arfer y Dirprwyaethau Penodol canlynol:-

Cyf.	Dirprwyaeth	Math o Dystiolaeth
<b>Adnoddau Dynol</b> RhG1	Awdurdod i reoli'r adnoddau dynol o fewn eu maes cyfrifoldeb fel y nodir yn y polisiau a gweithdrefnau Adnoddau Dynol cymeradwy.	Ffurflen AD berthnasol
<b>Caffael</b> RhG2	Caffael gwaith, nwyddau, gwasanaethau a/neu gyflenwadau a rheoli pob agwedd ar y contract (ac eithrio mewn perthynas ag amrywiadau – gweler RhG3; trefniadau fframwaith – gweler FS20; neu lle bo'r Rheolau Gweithdrefnau Contractau yn darparu i'r gwrthwyneb) lle nad yw gwerth amcangyfrifedig y contract yn fwy na £250,000; ac ym mhob achos, yn amodol ar gydymffurfiaeth â Rheolau Gweithdrefnau Ariannol, Rheolau Gweithdrefnau Contractau a'r Fframwaith Polisi a Chyllideb.  <b>Cymhwyster: Ni cheir dirprwyo hyn ymhellach ar gyfer caffaeliadau gwerth £10,000 neu fwy.</b>	Ffurflenni Cyn Tendro a Dyfarnu Contract
RhG3	Awdurdodi, cyflwyno neu gymeradwyo amrywiadau yn unol â'r gwerthoedd, fel y'i nodir yn y Rheolau Gweithdrefnau Contractau.	
<b>Arall</b> RhG4	Yn unol ag unrhyw bolisi neu strategaeth a gymeradwyir gan y Cabinet i ystyried a phennu ceisiadau am gymorth ariannol neu gymorth mewn nwyddau a chymeradwyo neu wrthod ceisiadau nad yw eu gwerth yn fwy na £50,000.  <b>Cymhwyster: Ni cheir dirprwyo'r maes hwn ymhellach.</b>	Ffurflen Gais Grant



## RHAN 3 – CYFRIFOLDEB AM SWYDDOGAETHAU

### Adran 4E – DIRPRWYAETHAU ARBENNIG I SWYDDOGION STATUDOL, CYFREITHIOL, ARIANNOL AC ADNODDAU DYNOL

**SYLWER:** Mae'n rhaid darllen y dirprwyaethau canlynol ar y cyd ag Is-adrannau A, B a C sy'n nodi'r sail gyffredinol, y cyfyngiadau, ac unrhyw ddarpariaethau pellach sy'n berthnasol i'r Cynllun Dirprwyo hwn, ac hefyd y dirprwyaethau cyffredinol i'r Prif Weithredwr, Cyfarwyddwyr Corfforaethol, Cyfarwyddwyr, Cyfarwyddwyr Cynorthwyol a Phrif Swyddogion.

Bydd yr holl benderfyniadau Dirprwyedig a wneir gan y Prif Weithredwr yn yr is-adran hon yn cael eu cyhoeddi yng Nghofrestr Penderfyniadau Gweithredol Swyddogion.

**AR YR AMOD** bod y penderfyniad:

- a) o fewn y gyllideb;
- b) yn unol â fframwaith polisi'r Cyngor;
- c) yn unol â Rheolau Gweithdrefnau Ariannol a Thir a Rheolau Gweithdrefnau Contractau'r Cyngor;
- d) yn unol â Chynllun Busnes y Gwasanaeth; ac
- e) nad yw'n fater wedi'i neilltuo'n benodol ar gyfer y Cyngor Llawn, Pwyllgor y Cyngor, y Cabinet, Swyddog Statudol, y Prif Weithredwr, Cyfarwyddwr Corfforaethol neu Gyfarwyddwr.

#### Prif Weithredwr a Phennaeth y Gwasanaeth Cyflogedig

CE1	Mewn achosion brys neu argyfwng, arfer unrhyw Swyddogaeth Weithredol (hyd yn oed pan fo materion o'r fath wedi'u neilltuo'n benodol i'r Cabinet) neu wneud unrhyw benderfyniad ar ran y Cyngor pan fo hyn yn angenrheidiol i amddiffyn buddion y Cyngor.
CE2	Gweithio fel Pennaeth y Gwasanaeth Cyflogedig ac arfer swyddogaethau penodi a diswyddo, a chymryd camau disgyblu yn erbyn unrhyw aelod staff, yn unol â gweithdrefnau AD ac ariannol y Cyngor ac yn amodol ar ymgynghori priodol fel y nodir, oni bai bod swyddogaethau o'r fath wedi'u neilltuo i'r Pwyllgor Penodi.
CE3	Arfer swyddogaethau corfforaethol y Cyngor fel sy'n briodol.
CE4	Creu gwariant mewn argyfwng dinesig.

CE5	Penderfynu ar unrhyw fater nad yw'n fater sydd wedi'i neilltuo'n benodol i'r Cyngor llawn, pwyllgor y Cyngor, y Cabinet neu Swyddog Statudol arall.
CE6	At ddibenion Deddf Llywodraeth Leol (Contractau) 1997, awdurdod i'r Cyfarwyddwr Corfforaethol, Adnoddau ac unrhyw un o'r canlynol - Prif Weithredwr, Cyfarwyddwr Llywodraethiant a Gwasanaethau Cyfreithiol a Swyddog Monitro a Chyfreithiwr Sirol (neu Brif Swyddog y Gwasanaethau Democraidd a Chyfreithiol), i lofnodi pob tystysgrif a gyflwynir dan y Ddeddf.
CE7	Rhoi hawl i'r Prif Weithredwr neu Enwebydd (Prif Swyddog AD) wneud penderfyniadau ar Delerau ac Amodau cyflogeion (gan gynnwys gweithdrefnau diswyddo), heblaw y rheiny sy'n ymwneud â: <ul style="list-style-type: none"> <li>• Prif Weithredwr, Prif Swyddogion a Chyd-gynghorau Trafod Telerau ar gyfer swyddi Prif Swyddogion;</li> <li>• Newidiadau i strwythur raddfa gyflog corfforaethol y Cyngor;</li> <li>• Newidiadau i Delerau ac Amodau cyflogeion sy'n destun dadlau gyda'r undebau llafur.</li> </ul>
CE8	[Nid yw'n cael ei ddefnyddio]
CE9	[Nid yw'n cael ei ddefnyddio]
CE10	Penodi swyddogion priodol lle bo gofyn cyfreithiol ar gyfer cyflawni Swyddogaethau Gweithredol.
CE11	Ceisiadau ail-raddio – Pennu ceisiadau i ail-raddio gan y Prif Swyddog AD.
CE12	Cymeradwyo polisïau cyflogaeth AD gweithredol newydd a newidiadau i bolisiau presennol yn ôl yr angen.
CE13	Derbyn hysbysiad o ddiwedd swydd (yn unol ag adran 84 Deddf Llywodraeth Leol 1972)
<b>Cymhwyster: Nid oes modd dirprwyo'r uchod ymhellach, ond yn absenoldeb y Prif Weithredwr, gellir arfer y rhain gan ei ddirprwy enwebedig.</b>	
<b>CYFARWYDDWR LLYWODRAETHIANT A GWASANAETHAU CYFREITHIOL a'r swyddogion sydd wedi eu henwebu yn y cyfamser fel y Swyddog Monitro a'r Dirprwy Swyddog Monitro, i'r graddau y mae'r materion isod yn berthnasol i swyddogaethau statudol y Swyddog Monitro, ac sy'n ofynnol er mwyn cyflawni eu swyddi.</b>	
LD1	Penodi swyddogion priodol neu awdurdodi swyddog yr Awdurdod ar gyfer unrhyw ddiben y mae ei weithredu'n Swyddogaeth Gweithredol, lle bo'n statudol angenrheidiol i benodi neu awdurdodi'r swyddog ar gyfer y diben neu'r dibenion penodol hynny.
LD2	Pob swyddogaeth swyddog priodol nas dyrannwyd i swyddogion eraill, ac i weithredu fel Cyfreithiwr y Cyngor.
LD3	Awdurdod i lynu Sêl Gyffredin y Cyngor.

LD4	<b><u>Deddf Llywodraeth Leol 1972 Rhan V – Darpariaethau Cyffredinol i Aelodau a Phrosesau Awdurdodau Lleol</u></b> Adran 83(1) i (4) – Tystio i a Derbyn Datganiadau Derbyn Swydd.
LD5	[Nid yw'n cael ei ddefnyddio]
LD6	Adran 88(2) – Cynnal cyfarfod i lenwi sedd wag y Cadeirydd o dro i dro.
LD7	[Nid yw'n cael ei ddefnyddio]
LD8	[Nid yw'n cael ei ddefnyddio]
LD9	[Nid yw'n cael ei ddefnyddio]
LD10	Adran 99 ac Atodlen 12 Paragraff 4(2)(b) – Llofnodi Gwysion Cyfarfodydd y Cyngor
LD11	Adran 99 ac Atodlen 12 Paragraff 4(3) – Derbyn Hysbysiadau ynghylch Cyfeiriadau y dylid anfon Gwysion y Cyngor atyn nhw.
LD12	<b><u>Rhan V A – Mynediad at Wybodaeth</u></b> <ul style="list-style-type: none"> <li>• Adran 100b(2) – Gwahardd eitemau a eithriwyd rhag mynediad gan y cyhoedd.</li> <li>• Adran 100B(7)C – Anfon copïau o ddogfennau at bapurau newydd.</li> <li>• Adran 100C(2) – Darparu crynodeb ysgrifenedig o brosesau eithrio</li> <li>• Adran 100D(1)(a) – Paratoi rhestrau o bapurau cefndirol.</li> <li>• Adran 100D(5) – Adnabod pa bapurau cefndirol sy'n berthnasol i adroddiad.</li> <li>• Adran 100F(2) – Adnabod gwybodaeth a eithriwyd na ddylid ei datgelu.</li> </ul>
LD13	<b><u>Rhan XI Darpariaeth Gyffredinol – Dogfennau a Hysbysiadau ac ati</u></b> <ul style="list-style-type: none"> <li>• Adran 228(3) – Archwilio cyfrifon</li> <li>• Adran 229(5) – Ardystio dogfennau swyddogol.</li> <li>• Adran 231(1) – Derbyn Hysbysiadau a gyflwynwyd i'r Cyngor.</li> <li>• Adran 233 – Cyflwyno Hysbysiadau'r Cyngor.</li> <li>• Adran 234(1) a (2) – Llofnodi Dogfennau</li> <li>• Adran 238 – Ardystio is-ddeddfau.</li> </ul>

LD14	<p><b><u>Deddf Tai Llywodraeth Leol 1989</u></b></p> <ul style="list-style-type: none"> <li>• Adran 2(4) – Derbyn rhestr o swyddi sy'n wleidyddol gyfyngedig.</li> <li>• Adran 19(1) – Derbyn hysbysiad cyffredinol o ddi-ddordebau ariannol gan Aelodau.</li> </ul>
LD15	<p><b><u>Rheoliadau (Pwyllgorau a Grwpiau Gwleidyddol) Llywodraeth Leol 1990</u></b></p> <p>Rheoliad 8 – Derbyn hysbysiad o ffurfio grwpiau gwleidyddol a newidiadau i aelodaeth grwpiau gwleidyddol.</p>
LD16	<p><b><u>Cyfansoddiad (gan gynnwys Rheolau Gweithdrefn)</u></b></p> <p>Arfer dirprwyaethau fel y nodwyd yn y Cyfansoddiad (gan gynnwys Rheolau Gweithdrefn)</p>
LD16A	<p>I wneud mân ddiwygiadau i'r Cyfansoddiad, gan gynnwys:</p> <p>(a) Diwygio camgymeriadau teipio a drafftio;</p> <p>(b) Diweddarau er mwyn adlewyrchu newidiadau deddfwriaethol a mater o gofnod; a</p> <p>(c) Drafftio gwelliannau i wella eglurder a dileu mân anghysonderau.</p>
LD17	<p><b><u>Penodiadau</u></b></p> <p>I benodi cynghorwyr neu aelodau nad sy'n gynghorwyr i seddi pwyllgor, dyrannu i grwpiau gwleidyddol neu gyrff enwebu (neu i newid, llenwi swyddi gweigion neu newid aelodaeth dros dro – "eilyddio") yn unol â dymuniadau grwpiau gwleidyddol neu gorff enwebu aelod.</p>
LD18	<p>Penodi i gyrff allanol yn unol â phenderfyniad y Cyngor.</p>
LD19	<p>Creu aelodaeth pwyllgorau apêl a chwynion a Byrddau Treth Gyngor/Refeniw Budd-dal o blith paneli o aelodau hyfforddedig.</p>

LD20	<p><b><u>Cynrychioli'r Cyngor yn y Llysoedd, Tribiwnlysoedd neu mewn Ymchwiliadau Cyhoeddus</u></b></p> <p>Awdurdodi sefydlu, amddiffyn tynnu cyfaddawd yn ôl ar unrhyw hawliadau neu achosion cyfreithiol, a neu rai troseddol, mewn ymgynghoriad â'r Prif Swyddog perthnasol, ac eithrio pan yw grymoedd i roi achosion ar waith wedi ei ddirprwyo i swyddogion penodol.</p>
LD21	Ymddangos yn bersonol neu awdurdodi swyddogion y Cyngor i ymddangos ar ran y Cyngor mewn achosion llys neu mewn unrhyw dribiwnlys neu ymchwiliad cyhoeddus neu leol.
LD22	Cyflogi Cwnsler i gynrychioli'r cyngor mewn achosion.
LD23	Amddiffyn a setlo (yn amodol ar ymgynghori â'r Cyfarwyddwr/Prif Swyddog perthnasol a'r Prif Swyddog AD unrhyw achosion Tribiwnlys Cyflogaeth.
LD24	<p><b><u>Ceisiadau dan Adran 53 Deddf Bywyd Gwylt a Chefn Gwlad 1981</u></b></p> <p>Awdurdod i benderfynu (gan ddefnyddio'r canllawiau yn y ddeddfwriaeth ac unrhyw ganllaw a roddwyd gan yr awdurdod) pa un ai yw hawliad â digon o dystiolaeth i beri i orchymyn gael ei wneud ac (yn amodol ar ddsbarthu manylion hawliadau o'r fath i Aelodau'r pwyllgor Cynllunio) i hysbysu ymgeiswyr nad sydd wedi cyflwyno tystiolaeth ddigonol neu nad sydd wedi cyrraedd y gofynion cyfreithiol fel na ellir gwneud gorchymyn.</p>
LD25	<p><b><u>Mesur Bugeiliol 1983</u></b></p> <p>Awdurdod i bennu ymateb y Cyngor i unrhyw gynnig a ddaw i law ar ymgynghori i newid ffiniau eglwysig o dan y Mesur, gan ystyried barn cynghorwyr ward yr ardal ac yn amodol ar allu unrhyw un o'r Cynghorwyr hyn i fynnu bod y mater yn cael ei benderfynu gan y Cabinet.</p>
LD26	<p><b><u>Gorchymynion</u></b></p> <p>Llunio pob Gorchymyn Statudol.</p>
LD27	Rhoi achosion cyfreithiol ar waith mewn achosion o ymosod yn erbyn cyflogeion lle yr ystyrir ei bod yn briodol gwneud hynny o ran budd y Cyngor Sir ac lle nad yw'r Heddlu wedi mynd i'r afael â'r cyfryw achosion.

LD28	Arfer swyddogaethau'r awdurdod parthed canslo absenoldeb teuluol yn unol â Rheoliad 34 y Rheoliadau Absenoldeb Teuluol ar gyfer Aelodau Awdurdodau Lleol (Cymru) 2013
<b>Cyfarwyddwr Corfforaethol, Adnoddau; a'r swyddogion sydd wedi eu henwebu am tro fel y Swyddog Adran 151 a'r Dirprwy Swyddog Adran 151, i'r graddau y mae'r materion isod yn berthnasol i swyddogaethau statudol y Swyddog Adran 151, ac sy'n ofynnol er mwyn cyflawni eu swyddi.</b>	
FS1	Dirprwyo'r grymoedd a roddwyd i'r Cyfarwyddwr Corfforaethol, Adnoddau o dan y Rheolau Gweithdrefn Ariannol.
FS2	I fod y Swyddog â chyfrifoldeb dros weinyddiad cywir materion ariannol y Cyngor o dan Adran 151 Deddf Llywodraeth Leol 1972 a chwrdd â'r gofyniad dan Adran 113 Deddf Cyllid Llywodraeth Leol 1988 i fod yn aelod o un o'r cyrff cyfrifyddiaeth cydnabyddedig.
FS3	Enwebu aelod o staff cymwys i ddirprwyo os na all y Cyfarwyddwr Corfforaethol, Adnoddau gyflawni ei ddyletswydd/dyletswydd o dan Adran 114 Deddf Cyllid Llywodraeth Leol 1988.
FS4	Hwyluso a rheoli cydlynu'r gwaith cynllunio ariannol yn y tymor canolig, cynllunio cyllidebau blynyddol, monitro cyllidebau a pharatoi cyfrifon statudol a chyfrifon eraill, hawliadau grant cysylltiedig a chofnodion ategol.
FS5	Rheoli materion a gwasanaethau ariannol y Cyngor, gan gynnwys yr holl faterion yn ymwneud â'r Gronfa Gasglu, y Gronfa Gyffredinol, y Cyfrif Refeniw Tai, Rheoli'r Trysorlys, Cronfeydd wrth gefn a Darpariaethau, Is-Gyfrifon, pob cronfa arall a sefydlwyd o dan ofynion statudol a chronfeydd ymddiriedolaeth gan gynnwys cronfeydd ymddiriedolaeth lle mae'r Cyngor neu ei swyddogion yn ymddiriedolwyr.
FS6	At ddibenion Deddf Llywodraeth Leol (Contractau) 1997, awdurdod i'r Cyfarwyddwr Corfforaethol, Adnoddau ac unrhyw un o'r canlynol - Prif Weithredwr, Cyfarwyddwr Llywodraethiant a Gwasanaethau Cyfreithiol a Swyddog Monitro, i lofnodi pob tystysgrif a gyflwynir dan y Ddeddf.
FS7	Cyflawni swyddogaethau ac arfer grymoedd yr Awdurdod o dan Rhan 1 Deddf Cyllid Llywodraeth Leol 1988 (gweinyddu a Chasglu Trethi Cymunedol).

FS8	Cyflawni swyddogaethau ac arfer grymoedd yr Awdurdod o dan Rhan I a II Deddf Cyllid Llywodraeth leol 1992 (ac eithrio penderfyniadau o dan Adran 8 (2) neu 12 (1) deddf 1992) (Gweinyddu a Chasglu'r Dreth Gyngor).
FS9	Cyflawni swyddogaethau ac arfer grymoedd yr Awdurdod o dan Rhan III Deddf Cyllid Llywodraeth Leol 1988.
FS10	Cynnal prif gyfrif banc yr Awdurdod a threfnu fod llofnod y Cyfarwyddwr Corfforaethol, Adnoddau ar bob sic.
FS11	Trefnu a gweithredu cyfrifon banc eraill ac i enwebu llofnodwyr awdurdodedig i weithredu ar ran y Cyngor.
FS12	Cymeradwyo trefniadau cyfrifon banc i ysgolion llyfr sic.
FS13	Dileu dyledion na ellir eu hadennill ac i benderfynu ar gyfnod talu dyledion pan fo dyledwyr yn cynnig talu rhandaliadau lle nad yw'r ddyled dan sylw yn fwy na £100,000.
FS14	Penderfynu ar lefel ddiogelwch perfformiad unrhyw gytundeb ac i gymeradwyo Bondiau Gwarant Contract.
FS15	Derbyn enwebiadau cyrff a dderbyniwyd i gymryd rhan yn y Gronfa Flwydd-dal.
FS16	Penderfynu ar y gyfradd llog priodol pan fo modd ei osod o dan unrhyw un o rymoedd statudol yr Awdurdod.
FS17	Cymeradwyo didyniadau cyflog mewn achosion addas pan geir cais gan staff.
FS18	Caniatáu estyniadau ar gyfnodau ad-dalu o dan forgeisi tai a roddwyd gan yr Awdurdod ac ar adfeddiannu tai a forgeisiwyd, i werthu'r cyfryw mewn ocsiwn neu trwy cytundeb preifat neu i flaen-gau mewn achosion priodol.
FS19	I ildio'r hawl i adennill cyflogau a dalwyd rhag blaen i gyflogeion o dan Adran 30 Deddf (Darpariaethau Amrywiol) llywodraeth Leol 1976.
FS20	Awdurdodi gwahodd tendrau, dyfynbrisiau, neu gynigion a chytuno meini prawf gwerthuso tendrau priodol ar gyfer trefniadau Fframwaith/Yn ôl y Gofyn yn unol â'r Rheolau Gweithdrefn Contractau a lle'n briodol i'r perwyl hwnnw, gymeradwyo restrau dethol o gontractwyr, cyflenwyr a chynigwyr tendrau.
FS21	Cymeradwyo derbyn cynigion tendr, dyfynbrisiau neu amcan-brisiau ar gyfer trefniadau Fframwaith/Yn ôl y Gofyn yn unol â'r Rheolau Gweithdrefn Contractau o fewn amcanion ariannol lle: (a) Nad yw gwerth y contract yn fwy na £5,000,000 ac y rhoddir y contract i'r cynnig tendr isaf; neu (b) hyd yn oed os nad y tendr yw'r isaf gyhyd nad yw gwerth y contract yn fwy na £1,000,000

FS22	Cymeradwyo dileu stociau, storfeydd ac asedau eraill lle nad yw gwerth y stociau, storfeydd ac asedau eraill hynn yn fwy na £50,000.
FS23	<p>Cychwyn achosion cyfreithiol (ac o dan Adran 223 Deddf Llywodraeth Leol 1972 yn awdurdodedig i ymddangos ar ran y Cyngor Sir yng ngwrandawriad unrhyw achos cyfreithiol yn y llys Ynadon) drwy wneud cais am gyhoeddi Gorchymyn Dyled parthed:-</p> <ul style="list-style-type: none"> <li>• Treth Gyngor heb ei thalu a chosbau o dan Rhan VI Rheoliadau'r Dreth Gyngor (Gweinyddiaeth a Gorfodi) 1992; drwy wneud cais i gyhoeddi gwarant o ymrwymiad i garchar o dan Rhan VI Rheoliadau'r Dreth Gyngor (Gweinyddiaeth a Gorfodi) 1992; i fynnu gwybodaeth ariannol, i wneud Gorchymyn Atafaelu Enillion; i godi'r swm priodol drwy atafaelu neu werthu nwyddau; ac i arfer holl rymoedd gorfodi eraill y Cyngor Sir o dan Reoliadau'r Dreth Gyngor (Gweinyddiaeth a Gorfodi)1992 ac unrhyw ddiwygiadau ar y Rheoliadau wedi hynny.</li> <li>• Ardrethi heb eu talu; drwy wneud cais i gyhoeddi gwarant o ymrwymiad; ac i arfer yr holl rymoedd gorfodi eraill y Cyngor Sir o dan y Rheoliadau Annomestig (Casglu a Gorfodi) (Rhestrau Lleol) 1989 ac unrhyw ddiwygiadau wedi hynny.</li> </ul>
FS24	Gyflogi gwasanaethau beiliod i gyflwyno gwysion a gwarantau ymrwymiad, cael gafael ar wybodaeth ariannol, gosod gwarantau atafaelu a gwerthu nwyddau ac unrhyw gamau priodol er mwyn adennill taliadau Treth Gymuned o dan Ddeddf Cyllid Llywodraeth Leol 1988 ac unrhyw reoliadau a wnaed wedi hynny a dyledion Treth Gyngor a chosbau o dan Ddeddf Cyllid Llywodraeth leol 1992 ac unrhyw reoliadau wedi hynny.
FS25	Cyflogi gwasanaethau beiliod i gyflwyno gwysion gwarantau atafaelu, gorchymynion atebolrwydd neu warantau ymrwymiad, gosod gwarantau atafaelu ac i werthu nwyddau fel y bo'n angen rheidiol er mwyn adennill trethi nas talwyd.
FS26	Setlo hawliadau, mewn amgylchiadau arbennig (hawliadau unigol o ran colli neu ddifrod i eiddo personol cyflogeion hyd at uchafswm o £100). (CIS 4.FIN.021A)
FS27	Cymeradwyo trosglwyddiadau arian referniw a chyllidebau cyfalaf neu unrhyw drosglwyddiadau ariannol rhwng gwasanaethau lle nad yw bwriad y gyllideb wedi ei diwygio.



FS28	Yn unol ag unrhyw bolisi neu strategaeth a benderfynwyd gan y Pwyllgor Pensiynau, i gymeradwyo penderfyniadau yn ymwneud a rheolaeth weithredol Cronfa Bensiwn Caerdydd a Bro Morgannwg (“y Gronfa”) a gweinyddu buddion y pensiwn.
FS50	Cynrychioli Caerdydd yn Cyfarfod Cyffredinol Blynyddol Bws Caerdydd
FS52	Swyddogaethau'r Swyddog Canlyniadau.
FS53	Swyddogaethau'r Swyddog Cofrestru Etholiadol.
FS54	Rhoi hysbysiad cyhoeddus o swydd wag dros dro (yn unol ag adran 87(2) Deddf Llywodraeth Leol 1972) a derbyn hysbysiad y galw am etholiad (yn unol â s.89(1) a 89(6) yr un ddeddf, a rheoliadau a wnaed wedi hynny).
<b>Prif Swyddog AD</b>	
HR1	Diwygiadau i'r Sefydliad – I gymeradwyo cynigion y Prif Swyddogion i <ul style="list-style-type: none"> <li>• Benderfynu ar unrhyw gais i ail-raddio ar Lefel Rheolwr Gweithredol ac islaw hynny (CIS 4.C.134)</li> <li>• Amrywio'u sefydliad drwy:- (CIS 4.C.238) <ul style="list-style-type: none"> <li>○ Dileu swyddi</li> <li>○ Creu swyddi (CIS 4.C.217)</li> <li>○ Ail-ddynodi ac ail-ddiffinio swyddi sy'n bod eisoes</li> </ul> </li> </ul>
HR2	Ail-raddio apeliadau – I benderfynu ar apeliadau yn erbyn penderfyniadau a wnaed ar geisiadau i ail-raddio gan swyddogion a raddiwyd ar lefel Rheolwr Gweithredol ac islaw hynny.
HR3	Penodi staff dros dro goruwch nifer y sefydliad am gyfnodau hwy na 12 mis pan fo'r cyllid ar gyfer y swydd(i) yn dod o ffynonellau allanol. (CIS Cyf. 4.C.015)
HR4	Atodiadau Marchnad – Cymeradwyo talu am atodiadau Marchnad hyd at uchafswm o 30% o'r cyflog.
HR5	Penderfynu ar geisiadau i ymestyn cyfnodau hanner tâl salwch.
HR6	Penderfynu ar apeliadau gan staff parthed ceisiadau aflwyddiannus i weithio'n hyblyg.
HR7	Cymeradwyo ceisiadau am ddiswyddo gwirfoddol ar gyfer lefel Rheolwr Gweithredol ac islaw hynny. (CIS 4.C.182)

Mae'r dudalen hon yn cael ei adael yn wag yn fwiadol

## RHAN 3 – CYFRIFOLDEB AM SWYDDOGAETHAU

### Adran 4F – Dirprwyo i Swyddogion Penodol

Caiff y swyddogion a enwir isod eu hawdurdodi i arfer y Dirprwyaethau canlynol, ar yr amod bod y penderfyniad bob amser:

- a) o fewn y gyllideb
- b) yn unol â fframwaith polisi'r Cyngor
- c) yn unol â Rheolau Gweithdrefn Ariannol, Rheolau Gweithdrefn Tir, a Rheolau Gweithdrefn Contractau
- d) yn unol â'r Cynllun Busnes Gwasanaeth
- e) yn un nad yw wedi'i neilltuo'n benodol ar gyfer y Cyngor Llawn, un o Bwyllgorau'r Cyngor, y Cabinet, Swyddog Statudol, y Prif Weithredwr, Cyfarwyddwr Corfforaethol neu unrhyw Gyfarwyddwr neu Gyfarwyddwr Cynorthwyol arall.

Tudalen 95

Cyfeirnod	Dirprwyaeth
Pennaeth y Gwasanaeth Rheoliadol a Rennir	<ul style="list-style-type: none"><li>• Gweithredu fel y Prif Arolygydd Pwysau a Mesurau ac arfer y swyddogaethau wedi'u neilltuo i'r Cyngor fel awdurdod pwysau a mesur.</li><li>• Cyflawni'r dyletswyddau a'r swyddogaethau a restrir yn Atodlen 1 Rhan 3 Cytundeb Cydweithredu'r Gwasanaeth Rheoliadol a Rennir dyddiedig 10 Ebrill 2015.</li><li>• Arfer yr holl gyfrifoldebau swyddogaethol wedi'u dirprwyo gan y Pwyllgor Trwyddedu a Phwyllgor Diogelu'r Cyhoedd.</li></ul>
Rheolwr Gweithredol, Gwasanaethau Profedigaeth a Chofrestru	<ul style="list-style-type: none"><li>• Gweithredu fel swyddog iawn ar gyfer y gwasanaeth cofrestru ac arfer swyddogaethau wedi'u neilltuo i'r Cyngor dan Ddeddf Gofrestriadau.</li></ul>

Cyfarwyddwr Gwasanaethau Cymdeithasol	<ul style="list-style-type: none"> <li>• Bod yn Gyfarwyddwr y Gwasanaethau Cymdeithasol yn unol ag adran 6 Deddf Gwasanaethau Cymdeithasol yr Awdurdod Lleol 1970 gan fod yn gyfrifol am swyddogaethau gwasanaethau cymdeithasol y Cyngor, gan gynnwys yr awdurdod i benderfynu ar dderbyn pobl i gael gwarchodaeth yr Awdurdod dan adrannau 7 a 37 Deddf Iechyd Meddwl 1983, arfer swyddogaethau perthynas agosaf y person sy'n dioddef felly a threfnu penodi Gweithwyr Cymdeithasol Cymeradwy.</li> <li>• Bod yn Swyddog Arweiniol y Cyngor ar Wasanaethau Plant at ddibenion Deddf Plant 2004.</li> </ul>
Cyfarwyddwr, Addysg  Cyfarwyddwr, Addysg, DEd1	<ul style="list-style-type: none"> <li>• Bod yn Brif Swyddog Addysg yr Awdurdod yn unol ag Adran 532 y Ddeddf Addysg.</li> <li>• Arfer pwerau ymyrryd y Cyngor dan Ran 2 Deddf Safonau a Threfniadaeth Ysgolion (Cymru) 2013, gan gynnwys er mwyn osgoi amheuaeth, pwerau i gyhoeddi Hysbysiad o Rybudd; penodi llywodraethwyr ychwanegol neu Fwrdd Gweithredol Dros Dro.</li> </ul>
Cyfarwyddwr Gweithrediadau'r Ddinas	<ul style="list-style-type: none"> <li>• Arfer yr holl gyfrifoldebau swyddogaethol sydd wedi'u dirprwyo gan y Pwyllgor Cynllunio.</li> </ul>
Cyfarwyddwr Cymunedau, Tai a Gwasanaethau Cwsmeriaid	<ul style="list-style-type: none"> <li>• Gwneud archebion prynu gorfodol mewn perthynas ag aneddiadau unigol dan Ran II Deddf Tai 1985 neu Ddeddf Gaffael Tir 1981.</li> <li>• Gwneud yr holl drefniadau angenrheidiol mewn ymgynghoriad â'r Aelod Cabinet dros yr Amgylchedd a chyda chynghor fel sy'n briodol gan Gyfarwyddwr Corfforaethol Adnoddau a'r Cyfarwyddwr Llywodraethiant a Gwasanaethau Cyfreithiol i alluogi'r Cyngor i gyflawni'i swyddogaethau fel Awdurdod Trwyddedu Sengl dan Ran 1 Deddf Tai (Cymru) 2014.</li> </ul>

<b>Cyfarwyddwr Datblygu Economaidd</b>	
DE1	<p>Awdurdodi gwaredu tir neu fuddiant mewn tir lle nad yw'r gwerth yn fwy na £1,000,000 a lle:</p> <ul style="list-style-type: none"> <li>(i) bod ymgynghoriad ag aelodau a chyngor gan y Swyddog Adran 151 a'r Swyddog Monitro wedi cytuno i arfer y ddirprwyaeth;</li> <li>(ii) Bo'r cynnig yn cynrychioli'r pris gorau y gellir ei gael; a</li> <li>(iii) Bo'r cynnig hynny wedi'i dderbyn ar sail pris yn unig,</li> </ul> <p>Yn amodol ar gydymffurfio â'r Rheolau Gweithdrefn ar gyfer Caffael neu Waredu Tir, a Ar yr amod na chaiff y pŵer hwn ei is-ddirprwyo ac eithrio yn unol â dirprwyaeth CP1 isod.</p>
DE2	<p>Awdurdodi caffael tir neu fuddiant mewn tir lle nad yw'r gwerth yn fwy na £1,000,000 a lle:</p> <ul style="list-style-type: none"> <li>(i) bod ymgynghoriad ag aelodau a chyngor gan y Swyddog Adran 151 a'r Swyddog Monitro wedi cytuno i arfer y ddirprwyaeth;</li> <li>(ii) Bo cynnig y Cyngor yn cynrychioli dim mwy na gwerth y farchnad fel y pennir gan brisiwr cymwys; a</li> <li>(iii) bo'r swm a gynigir ar sail pris yn unig,</li> </ul> <p>Yn amodol ar gydymffurfiaeth â'r Rheolau Gweithdrefn ar gyfer Caffael neu Waredu Tir, a Ar yr amod na chaiff y pŵer hwn ei is-ddirprwyo ac eithrio yn unol â dirprwyaeth CP2 isod.</p>

DE3	<p>Awdurdodi'r grant neu gymryd prydles ar rent nad yw'n fwy na £1,000,000 neu gytuno i adnewyddu neu ail-lunio prydlesi cyfredol ar rent nad yw'n fwy na £1,000,000, lle:</p> <ul style="list-style-type: none"> <li>(i) bod ymgynghoriad ag Aelodau a chyngor gan y Swyddog Adran 151 a'r Swyddog Monitro wedi cytuno i arfer y ddirprwyaeth; a</li> <li>(ii) Yn achos grant, bo'r cynnig yn cynrychioli'r rhent gorau y gellir ei gael gan y Cyngor fel y'i cymeradwyir gan brisiwr cymwys; neu</li> <li>(iii) Yn achos caffaeliad, nad yw cynnig y Cyngor yn fwy na gwerth y farchnad fel y cymeradwyir gan brisiwr cymwys,</li> </ul> <p>Yn amodol ar gydymffurfiaeth â'r Rheolau Gweithdrefn ar gyfer Caffael neu Waredu Tir, a Ar yr amod na chaiff y pŵer hwn ei is-ddirprwyo ac eithrio yn unol â dirprwyaeth CP3 isod.</p>
DE4	<p>Datgan bod Tir ac Eiddo Gweithredol yn ychwanegol at ofynion y Cyngor, yn amodol ar ymgynghoriad â gwasanaethau ac Aelodau ward, ac ar yr amod na dderbynnir unrhyw wrthwynebiadau gan Aelodau ward. Os derbynnir gwrthwynebiad gan Aelod ward, bydd angen cyfeirio'r adroddiad at y Cabinet i benderfynu arno.</p> <p><b>Cymhwyster: Ni chaniateir i hyn gael ei ddirprwyo'n is.</b></p>
DE5	Rhoi trwyddedau pori, hawddfreintiau, prydlesi ar gyfer ymrwymadau cyfleustodau at ddibenion gweithredol, trwyddedau dros dro ac adnewyddiadau.
DE6	Rhoi caniatâd landlord ar gyfer newidiadau i dir yn cynnwys newid defnydd (heblaw am A4.8).
DE7	Cytuno i werthu refersiynau rhydd-dal preswyl.
DE8	Cymeradwyo rhyddhau neu addasu cyfamodau cyfyngol ar gyfer newidiadau i safleoedd preswyl.
DE9	Setlo hawliau Rhan 1 dan Ddeddf lawndal Tir 1973.
DE10	Rhoi caniatâd landlord ar gyfer neilltuo tenantiaethau cyfredol.
DE11	Rhoi caniatâd landlord ar gyfer is-brydlesu tenantiaethau cyfredol.
DE12	Rhoi caniatâd landlord ar gyfer newidiadau i dir yn cynnwys newid defnydd.
DE13	Cytuno i werthiannau Tai Cyngor dan ddarpariaethau Hawl i Brynu.

<b>Rheolwr Eiddo ac Ystadau Corfforaethol</b>	
CP1	<p>Yn amodol ar is-ddirprwyo dirprwyaeth DE1, awdurdodi gwaredu tir neu fuddiant mewn tir lle nad yw'r gwerth yn fwy na £1,000,000 a lle:</p> <ul style="list-style-type: none"> <li>(i) Bo'r cynnig yn cynrychioli'r pris gorau y gellir ei gael;</li> <li>(ii) Bo'r cynnig hwnnw wedi'i dderbyn ar sail pris yn unig; a</li> <li>(iii) Bo'r cynnig yn fwy na'r hyn y mae prisiwr cymwys wedi'i amcangyfrif neu ddim mwy na 10% yn is na'r amcangyfrif hwnnw.</li> </ul> <p><b>Cymhwyster: Ni chaniateir i hyn gael ei ddirprwyo ymhellach</b></p>
CP2	<p>Yn amodol ar is-ddirprwyo dirprwyaeth DE2, awdurdodi caffael tir neu fuddiant mewn tir lle nad yw'r gwerth yn fwy na £1,000,000 a lle:</p> <ul style="list-style-type: none"> <li>(i) Nad yw cynnig y Cyngor yn cynrychioli mwy na gwerth y farchnad; a</li> <li>(ii) Bo'r swm a gynigir ar sail pris yn unig,</li> </ul> <p><b>Cymhwyster: Ni chaniateir i hyn gael ei ddirprwyo ymhellach</b></p>
CP3	<p>Yn amodol ar is-ddirprwyo dirprwyaeth DE3, awdurdodi'r grant neu brydlesu ar rent nad yw'n fwy na £100,000 neu gytuno i adnewyddu neu ail-lunio prydlesi cyfredol ar rent nad yw'n fwy na £100,000, lle:</p> <ul style="list-style-type: none"> <li>(i) Yn achos grant, bo'r cynnig yn cynrychioli'r rhent gorau y gellir ei gael gan y Cyngor fel y'i chymeradwyir gan brisiwr cymwys; neu</li> <li>(ii) Yn achos caffaeliad, nad yw cynnig y Cyngor yn fwy na gwerth y farchnad fel y cymeradwyir gan brisiwr cymwys.</li> </ul> <p><b>Cymhwyster: Ni chaniateir i hyn gael ei ddirprwyo ymhellach</b></p>

Mae'r dudalen hon yn cael ei adael yn wag yn fwiadol



## RHAN 3 – CYFRIFOLDEB AM SWYDDOGAETHAU

### Adran 5 – Dirprwyo i Gydbwyllgorau

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Cydbwyllgor Archifau Morgannwg	Yr holl bwerau a dyletswyddau mewn cysylltiad â'r gwaith o gynnal a chadw a rheoli archifau a chofnodion ac eithrio'r pŵer i bennu cyllideb neu fenthyca arian, yn amodol ar delerau'r cytundeb dyddiedig 11 Ebrill 2006.
Consortiwm Prynu Cymru	Yn amodol ar delerau'r cytundeb dyddiedig 26 Tachwedd 1998, mae pwerau o'r fath yn angenrheidiol i gaffael y nwyddau a restrir yn Atodlen 4 y cytundeb, heblaw am bwerau i (i) greu gwariant cyfalaf; a neu (ii) gaffael neu archebu nwyddau neu brynu nwyddau neu mewn unrhyw ffordd arall, i fynd i wariant refeniw ar ran Aelod heb ganiatâd yr Aelod hwnnw.
Prosiect Gwyrdd	Yn amodol ar delerau'r cytundeb dyddiedig 9 Rhagfyr 2013, pwerau penodol mewn perthynas â chydgaffael datrysiad trin gwastraff gweddilliol.
Gwasanaeth Rheoliadol a Rennir	Y swyddogaethau a nodir yn Atodlen 1 Rhan 1 Cytundeb Cydweithio'r Gwasanaeth Rheoliadol a Rennir dyddiedig 10 Ebrill 2015, yn amodol ar delerau'r Cytundeb hwnnw.
Cydgabinet Prifddinas-Ranbarth Caerdydd	Yr holl swyddogaethau mewn perthynas â chyflawni Bargen Ddinesig Prifddinas-Ranbarth Caerdydd, yn unol â darpariaethau'r Cytundeb Gweithio ar y Cyd dyddiedig 1 Mawrth 2017.
Cyd-bwyllgor Llywodraethu Cronfa Fuddsoddi Cymru	At y diben o oruchwylio ac adrodd ar berfformiad Cronfa Fuddsoddi Cymru, pob mater a nodir yn fater i'r Cyd-bwyllgor Llywodraethu yn y Cytundeb Rhyng-Awdurdod dyddiedig 28 Mehefin 2017, yn amodol ar delerau'r Cytundeb hwnnw.

Mae'r dudalen hon yn cael ei adael yn wag yn fwriadol

## PART 3 – RESPONSIBILITY FOR FUNCTIONS

### APPENDIX 1 – Responsibility for Non-Executive Council Functions

Function	Responsibility
<p style="text-align: center;"><b>Functions relating to town and country planning and development control</b></p> <ol style="list-style-type: none"> <li>1. Power to determine application for planning permission.</li> <li>2. Power to determine applications to develop land without compliance with conditions previously attached.</li> <li>3. Power to grant planning permission for development already carried out.</li> <li>4. Power to decline to determine application for planning permission.</li> <li>5. Duties relating to the making of determinations of planning applications.</li> <li>6. Power to determine application for planning permission made by a local authority, alone or jointly with another person.</li> <li>7. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.</li> <li>8. Power to enter into agreement regulating development or use of land.</li> <li>9. Power to issue a certificate of existing or proposed lawful use or development and power to revoke such a certificate.</li> <li>10. Power to serve a completion notice.</li> <li>11. Power to grant consent for the display of advertisements.</li> <li>12. Power to authorise entry onto land.</li> <li>13. Power to require the discontinuance of a use of land.</li> <li>14. Power to serve a planning contravention notice, breach of condition notice or stop notice.</li> <li>15. Power to issue an enforcement notice.</li> <li>16. Power to apply for an injunction restraining a breach of planning control.</li> <li>17. Power to determine applications for hazardous substances consent, and related powers.</li> <li>18. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.</li> <li>19. Power to require proper maintenance of land.</li> <li>20. Power to determine application for listed building consent, and related powers.</li> <li>21. Power to determine applications for conservation area consent.</li> </ol>	<p><b>Planning Committee</b></p>

<ol style="list-style-type: none"> <li>22. Duties relating to applications for listed building consent and conservation area consent.</li> <li>23. Power to serve a building preservation notice, and related powers.</li> <li>24. Power to issue enforcement notice in relation to demolition of unlisted building in conservation area.</li> <li>25. Powers to acquire a listed building in need of repair and to serve a repairs notice.</li> <li>26. Power to apply for an injunction in relation to a listed building.</li> <li>27. Power to execute urgent works.</li> <li>28. Power related to mineral working</li> <li>29. Power related to footpaths and bridleways (in respect of section 257 of the Town and Country Planning Act 1990).</li> <li>30. Power as to certification of appropriate alternative development.</li> <li>31. Duties in relation to purchase notices</li> <li>32. Powers related to blight notices</li> <li>33. Powers relating to the preservation of trees.</li> <li>34. Powers relating to the protection of important hedgerows</li> </ol>	
<p><b>Functions relating to Licensing and registration</b></p> <ol style="list-style-type: none"> <li>1. Power to issue licences authorising the use of land as a caravan site (“site licences”).</li> <li>2. Power to license the use of moveable dwellings and camping sites.</li> </ol>	<p><b>Public Protection Committee / Shared Regulatory Service Joint Committee</b></p>
<ol style="list-style-type: none"> <li>3. Power to license hackney carriages and private hire vehicles.</li> <li>4. Power to license drivers of hackney carriages and private hire vehicles.</li> <li>5. Power to license operators of hackney carriages and private hire vehicles.</li> </ol>	<p><b>Public Protection Committee</b></p>
<ol style="list-style-type: none"> <li>6. Power to register pool promoters.</li> <li>7. Power to grant track betting licences.</li> <li>8. Power to license inter-track betting schemes.</li> <li>9. Power to grant permits in respect of premises with amusements machines.</li> <li>10. Power to register societies wishing to promote lotteries.</li> <li>11. Power to grant permits in respect of premises where amusements with prizes are provided.</li> <li>12. Power to issue entertainments licences.</li> </ol>	<p><b>Licensing Committee</b></p>
<ol style="list-style-type: none"> <li>13. Power to license sex shops and sex cinemas.</li> <li>14. Power to license performances of hypnotism.</li> </ol>	<p><b>Public Protection Committee /</b></p>

<ul style="list-style-type: none"> <li>15. Power to license premises for acupuncture, tattooing ear piercing and electrolysis.</li> <li>16. Power to license pleasure boats and pleasure vessels.</li> <li>17. Power to license market and street trading.</li> <li>18. Duty to keep list of persons entitled to sell non-medicinal poisons.</li> <li>19. Power to license dealers in game and the killing and selling of game.</li> <li>20. Power of register and license premises for the preparation of food.</li> <li>21. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.</li> <li>22. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.</li> <li>23. Duty to promote fire safety.</li> <li>24. Power to license premises for the breeding of dogs.</li> <li>25. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.</li> <li>26. Power to register animal trainers and exhibitors.</li> <li>27. Power to license zoos.</li> <li>28. Power to license dangerous wild animals.</li> <li>29. Power to enforce regulations in relation to animal by-products.</li> </ul>	<p><b>Shared Regulatory Service Joint Committee</b></p>
<ul style="list-style-type: none"> <li>30. Power to license the employment of children.</li> </ul>	<p><b>Public Protection Committee</b></p>
<ul style="list-style-type: none"> <li>31. Power to approve premises for the solemnisation of marriages and the registration of civil partnerships.</li> <li>32. Power to issue a permit to conduct charitable collections.</li> <li>33. Power to grant consent for the operation of a loudspeaker.</li> <li>34. Power to grant a street works licence.</li> <li>35. Duty to register the movement of pigs.</li> <li>36. Power to enforce regulations in relation to the movement of pigs.</li> <li>37. Power to issue a licence to move cattle from a market.</li> <li>38. Power to sanction use of parts of buildings for storage of celluloid.</li> <li>39. 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>	<p><b>Public Protection Committee / Shared Regulatory Service Committee</b></p>

<p>40. [Deleted]</p> <p>41. [Deleted]</p> <p>42. Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to:</p> <ul style="list-style-type: none"> <li>(a) An exchange of lands effected by an order under Section 19(3) of, or paragraph 6 (4) of Schedule 3 to, the Acquisition of Land Act 1981 (c.67) or</li> <li>(b) An order under Section 147 of the Enclosure Act 1845 (c.8 &amp; 9 Vict.c.118).</li> </ul> <p>43. Power to register variation of rights to common.</p>	<p><b>Public Protection Committee</b></p>
<p>Functions in respect of establishing a Licensing Committee (pursuant to section 6 of the Licensing Act 2003)</p>	<p><b>Council</b></p>
<p style="text-align: center;"><b>Functions relating to Health and Safety at Work</b></p> <p>Functions under any of the “relevant statutory provisions” within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of Health and Safety at Work etc. Act 1974), to the extent that those functions are discharged otherwise than in the authority’s capacity as an employer.</p>	<p><b>Public Protection Committee / Shared Regulatory Service Joint Committee</b></p>

<p style="text-align: center;"><b>Functions relating to Elections</b></p> <ol style="list-style-type: none"> <li>1. Duty to appoint an electoral registration officer.</li> <li>2. Power to assign officers in relation to requisitions of the registration officer.</li> <li>3. Power to dissolve community councils.</li> <li>4. Power to make orders for grouping communities.</li> <li>5. Power to make orders for dissolving groups and separating community councils from groups.</li> <li>6. Duty to appoint returning officer for local government elections.</li> <li>7. Duty to provide assistance at European Parliamentary elections.</li> <li>8. Duty to divide constituency into polling districts.</li> <li>9. Power to divide electoral divisions into polling districts at local government elections.</li> <li>10. Powers in respect of holding of elections.</li> <li>11. Power to pay expenses properly incurred by electoral registration officers.</li> <li>12. Power to fill vacancies in the event of insufficient nominations.</li> <li>13. Duty to declare vacancy in office in certain cases.</li> <li>14. Duty to give public notice of a casual vacancy.</li> <li>15. Power to make temporary appointments to community councils.</li> <li>16. Power to determine fees and conditions for supply of copies of, or extracts from, elections documents.</li> <li>17. Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.</li> </ol>	<p><b>Council</b></p>
<p style="text-align: center;"><b>Functions relating to Name and Status of Areas and Individuals</b></p> <p>Note: The following Council functions are not delegated to any committee and will be discharged by the Council itself:-</p> <ol style="list-style-type: none"> <li>1. Power to change the name of a county or county borough.</li> <li>2. Power to change the name of a community</li> <li>3. Power to confer title of honorary alderman or to admit to be an honorary freeman</li> <li>4. Power to petition for a charter to confer county borough status.</li> </ol> <p><b>Power to make, amend, revoke or re-enact byelaws.</b></p> <p><b>Power to promote or oppose local or personal Bills.</b></p>	<p><b>Council</b></p>

<p style="text-align: center;"><b>Functions relating to Pensions</b></p> <ol style="list-style-type: none"> <li>1. Functions relating to local government pensions, etc pursuant to Regulations under Section 7, 12 or 24 of the Superannuation Act 1972</li> <li>2. Functions relating to pensions, allowances and gratuities pursuant to Regulations under Section 18(3A) of the Local Government and Housing Act 1989.</li> </ol>	<p><b>Pensions Committee</b></p>
<p style="text-align: center;"><b>Miscellaneous Functions</b></p> <ol style="list-style-type: none"> <li>1. Duty to approve authority's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be).</li> <li>2. Functions relating to sea fisheries.</li> <li>3. Power to make standing orders</li> <li>4. Power to make standing orders as to contracts.</li> <li>5. Power to consider reports from the Public Services Ombudsman for Wales.</li> <li>6. Duty to determine affordable borrowing limit.</li> <li>7. Approval of annual investment strategy in accordance with guidance</li> </ol>	<p><b>Council</b></p>
<ol style="list-style-type: none"> <li>1. Appointment and dismissal of Chief Officers, Assistant Directors, Corporate Directors and Chief Executive</li> <li>2. Power to appoint officers for particular purposes (appointment of "proper officers")</li> <li>3. Duty to designate an officer as the head of the authority's paid service, and to provide staff, etc.</li> <li>4. Duty to designate an officer as the monitoring officer and to provide staff, etc.</li> <li>5. Duty to make arrangements for proper administration of financial affairs</li> </ol>	<p><b>Appointments Committee</b></p>
<p style="text-align: center;"><b>The promotion and maintenance of high standards of conduct within the Council</b></p> <ol style="list-style-type: none"> <li>1. To advise the Council on the adoption or revision of its Code of Conduct.</li> <li>2. To monitor and advise the Council about the operation of its Code of Conduct in the light of best practice, changes in the law, guidance</li> </ol>	<p><b>Standards &amp; Ethics Committee</b></p>



<p>from the Public Services Ombudsman for Wales and recommendations of case tribunals under section 80 of the Local Government Act 2000.</p> <p>3. To determine complaints referred by the Public Services Ombudsman for Wales.</p> <p><b>Assistance to Members and Co-opted Members of the Authority</b></p> <p>To ensure that all Members of the Council have access to training in all aspects of the Member Code of Conduct, that this training is actively promoted, and that Members are aware of the standards expected from local Councillors under the Code.</p>	
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Mae'r dudalen hon yn cael ei adael yn wag yn fwriadol

## PART 3 – RESPONSIBILITY FOR FUNCTIONS

### APPENDIX 2 – TERMS OF REFERENCE FOR COMMITTEES

Committee	Terms of Reference
<p>Appointments (convened as and when required)</p>	<p>To discharge the functions of the authority in respect of the appointment and dismissal of Chief Officers and Deputy Chief Officers (as defined in the Local Authorities (Standing Orders)(Wales) Regulations 2006) and the statutory Head of Democratic Services, in accordance with the Employment Procedure Rules and any other relevant Council policies and procedures.</p> <p>All Members of the Committee will be required to undertake relevant training to enable them to properly discharge their duties.</p>
<p>Audit</p>	<p><u>Governance, Risk &amp; Control</u></p> <ul style="list-style-type: none"> <li>• To review the Council’s corporate governance arrangements against the good governance framework and consider annual governance reports and assurances.</li> <li>• To review the Annual Governance Statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account the internal audit opinion on the overall adequacy and effectiveness of the Council’s framework of governance, risk management and internal control.</li> <li>• To consider the council’s arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.</li> <li>• To consider the Council’s framework of assurance and ensure that it adequately addresses the risk and priorities of the Council.</li> <li>• To monitor the effective development and operation of risk management in the Council.</li> <li>• To monitor progress in addressing risk-related issues reported to the committee.</li> <li>• To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.</li> <li>• To review the assessment of fraud risks and potential harm to the council from fraud and corruption.</li> <li>• To monitor the Counter-fraud strategy, actions and resources.</li> </ul>

Committee	Terms of Reference
	<p data-bbox="448 232 639 264"><u>Internal Audit</u></p> <ul style="list-style-type: none"> <li data-bbox="448 271 1066 302">• To approve the Internal Audit Charter.</li> <li data-bbox="448 344 1390 488">• To approve the risk-based internal audit plan, containing internal audit's resource requirements, the approach to using other sources of assurances and any work required to place reliance upon those other sources.</li> <li data-bbox="448 530 1390 674">• To approve significant changes to the risk-based internal audit plan, including audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.</li> <li data-bbox="448 716 1390 792">• To approve significant interim changes to the risk based internal audit plan and resource requirements.</li> <li data-bbox="448 835 1390 934">• To make appropriate enquiries of both management and the audit manager to determine if there are any inappropriate scope or resource limitations.</li> <li data-bbox="448 976 1390 1411">• To consider reports from the Audit Manager on Internal Audit's performance during the year. These will include: <ul style="list-style-type: none"> <li data-bbox="523 1052 1390 1151">- Updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work;</li> <li data-bbox="523 1160 1390 1236">- Regular reports on the results of the Quality Assurance and Improvement Programme;</li> <li data-bbox="523 1245 1390 1411">- Reports on instances where the internal audit function does not conform to the PSIAS and Local Government Application Note considering whether the non-conformance is significant enough that it must be included in the Annual Governance Statement.</li> </ul> </li> <li data-bbox="448 1453 1390 1637">• The opinion on the adequacy and effectiveness of the Council's framework of governance, risk management and internal control together with a summary of the work supporting the opinion – these will assist the committee in reviewing the Annual Governance Statement.</li> <li data-bbox="448 1680 1390 1756">• To consider summaries of specific internal audit reports as requested.</li> <li data-bbox="448 1798 1390 1982">• To receive reports outlining the action taken where the Audit Manager has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.</li> <li data-bbox="448 2024 1390 2078">• To contribute to the Quality Assurance and Improvement Programme and in particular the external quality assessment</li> </ul>

Committee	Terms of Reference
	<p>of internal audit that takes place at least once every five years.</p> <ul style="list-style-type: none"> <li>• To consider a report on the effectiveness of internal audit to support the Annual governance Statement, where required to do so by the Accounts and Audit Regulations.</li> <li>• To support the development of effective communication with the audit manager.</li> </ul> <p><u>External Audit</u></p> <ul style="list-style-type: none"> <li>• To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.</li> <li>• To consider specific reports as agreed with the external auditors.</li> <li>• To comment on the scope and depth of external audit work and to ensure it gives value for money.</li> <li>• To commission work from internal and external audit.</li> <li>• To advise and recommend on the effectiveness of relationships between external and internal audit and other inspector agencies or relevant bodies.</li> </ul> <p><u>Financial Reporting</u></p> <ul style="list-style-type: none"> <li>• To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.</li> <li>• To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.</li> <li>• To seek assurances that the Council has complied with the Treasury Management Strategy and Practices by demonstrating effective control of the associated risks and pursuing optimum performance consistent with those risks.</li> </ul> <p><u>Accountability Arrangements</u></p> <ul style="list-style-type: none"> <li>• To report to Council on the Committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of the governance, risk management and internal control frameworks, financial reporting arrangements and internal and external audit functions.</li> </ul>

Committee	Terms of Reference
	<ul style="list-style-type: none"> <li>• To report to Council on an annual basis on the committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.</li> <li>• To raise the profile of probity generally within the Council and to report on matters of concern to the individual Cabinet Member, relevant Scrutiny Committee, Cabinet or to Council as necessary and appropriate.</li> <li>• To work in synergy with the Scrutiny Committees of the Council and liaise with other Council Committees as and when appropriate to avoid duplication in work programmes.</li> </ul> <p><u>Training &amp; Development</u></p> <ul style="list-style-type: none"> <li>• To attend relevant training session in accordance with the Member Development Programme including specialist training tailored for Members of the Audit Committee e.g. treasury management.</li> </ul>
Constitution	<p>To review the Council's Constitution, and to recommend to Council and/or Cabinet any changes, except that the Committee will have authority (subject to the Monitoring Officer's advice) to make the following changes on behalf of the Council:-</p> <ul style="list-style-type: none"> <li>(a) Drafting improvements to enhance clarity and remove minor anomalies.</li> <li>(b) Updating to reflect legislative changes and matters of record.</li> <li>(c) Amendments to the Financial, Contracts and Land Procedure Rules (subject to the advice of the S.151 Officer being sought).</li> </ul>
Corporate Parenting Advisory Committee	<ul style="list-style-type: none"> <li>(a) To actively promote real and sustained improvements in the life chances of Looked After Children, Children in Need, Care Leavers and children and young people in the criminal justice system and to work within an annual programme to that end;</li> <li>(b) To develop, monitor and review a corporate parenting strategy, and ensure its effective implementation through work plans and corporate parenting training programmes;</li> <li>(c) To seek to ensure that the life chances of Looked After Children, Children in Need and care leavers are maximised in terms of health, educational attainment, and access to training and employment, to aid the transition to a secure and productive adulthood;</li> <li>(d) To recommend ways in which more integrated services can be developed across all Council directorates, schools and other</li> </ul>

Committee	Terms of Reference
	<p>stakeholders to lead towards better outcomes for Looked After Children, Children in Need and care leavers;</p> <p>(e) To ensure that mechanisms are in place to enable Looked After Children, Children in Need and care leavers, to play an integral role in service planning and design, and that their views are regularly sought and acted upon;</p> <p>(f) To ensure performance monitoring systems are in place, and regularly review performance data to ensure sustained performance improvements in outcomes for Looked After Children, Children in Need and care leavers;</p> <p>(g) To receive all relevant Children’s Services inspection and annual reports, including: Children’s Homes Quality of Care Report; Case Practice Reviews, Fostering Annual Quality of Care Report; Adoption Fostering Annual Quality of Care Report; 4C’s Commissioning; Out of Area Annual Report; Annual Report of Brighter Futures (with education); Children’s Complaints reports; and Advocacy Annual Report;</p> <p>(h) To report to the Cabinet at least twice a year;</p> <p>(i) To make recommendations to the Cabinet where responsibility for that function rests with the Cabinet;</p> <p>(j) To report to the Children and Young People’s Scrutiny Committee as necessary;</p> <p>(k) To recommend the appointment of co-opted members to the Committee for approval by Council;</p> <p>(l) To develop and undertake a programme of consultation, listening and engagement events with Looked After Children and care leavers, as well as visits to services providing support and advice to Looked After Children, Children in Need and care leavers;</p> <p>(m) To submit an Annual Report on the work of the Committee to full Council.</p> <p>(n) All Members of the Committee will be required to undertake relevant training to enable them to properly discharge their duties.</p>
Council Appeals	<p>To hear and determine appeals (other than those appeals which are within the terms of reference of any other Committee) from determinations and decisions of the Authority where there is a statutory requirement for there to be an appeal to Members of the Council or where such appeal is allowed for in any policy or procedure approved by the Council.</p>

Committee	Terms of Reference
	<p>On hearing an appeal the Committee shall be empowered, on behalf and in the name of the Council, to make such order as it considers appropriate, within the range of decisions permissible at law.</p> <p>The Committee, when sitting to hear an appeal, shall not include any Members of the Cabinet, or Members of any Committee principally concerned with the service by which the decision or determination has been made, or Members who have been concerned in any previous consideration of the matter, which has given rise to or from which the appeal arises.</p> <p>At each sitting of the Committee to hear an appeal, the Committee shall, firstly, ensure that the appeal has been properly made and, secondly, that the appellant has been afforded the opportunity of being represented at the hearing of his/her appeal by such friend, lawyer or other representative as he/she may choose.</p> <p>In hearing an appeal the Committee shall conform to the rules of natural justice.</p> <p>All Members of the Committee will be required to undertake relevant training to enable them to properly discharge their duties.</p>
Democratic Services	<p>(a) To carry out the local authority's function of designating the Head of Democratic Services.</p> <p>(b) To keep under review the adequacy of provision of staff, accommodation and other resources made available to discharge the democratic services functions of the Authority.</p> <p>(c) To make reports, at least annually, to the full Council in relation to these matters.</p>
Disciplinary & Grievance Appeals (convened as and when required)	<p>To hear and determine:</p> <p>(a) all appeals by employees of the Council who may have a right to appeal to Councillors in accordance with disciplinary and grievance procedures approved by the Council;</p> <p>(b) all other appeals from disciplinary actions which may be referred to it, whether by the Council or a Committee;</p> <p>(c) grievances by and against the Chief Executive in accordance with grievance procedures approved by the Council; and, with a differently constituted membership, appeals following decisions on such grievances; and</p> <p>(d) in exceptional circumstances, where the Chief Executive cannot address matters because of an associated grievance,</p>



Committee	Terms of Reference
	<p>disciplinary proceedings against the Chief Operating Officer; a Corporate Chief Officer or a Chief Officer; and, with a differently constituted membership, appeals following decisions in such disciplinary proceedings</p> <p>On hearing each case the Committee shall be empowered, on behalf and in the name of the Council, to make such order as it considers appropriate, except where retirement or redundancy is contemplated, when consultation with the Cabinet will take place prior to determination of the matter.</p> <p>The Committee, when sitting to hear an individual case, shall comprise not less than three nor more than five members. From the members appointed to serve on the Committee, those who are to sit to hear any particular matter shall be chosen by rota following consultation with the Group Whips, subject to the exclusion of any member who:</p> <ul style="list-style-type: none"> <li>(i) is a member of the Cabinet or of a Committee principally concerned with the service in which the employee concerned is employed; or</li> <li>(ii) has been concerned in any previous consideration of the matter which has given rise to the disciplinary action, grievance, or decision from which an appeal arises.</li> </ul> <p>At each sitting of the Committee to hear a disciplinary matter or appeal, the Committee shall, firstly, ensure that the matter of complaint has been clearly put to the employee and, secondly, that the employee has been afforded the opportunity of being represented at the hearing by such friend, trade union officer, lawyer or other representative as he/she may choose.</p> <p>In any hearing the Committee shall conform to the rules of natural justice.</p> <p>All Members of the Committee will be required to undertake relevant training to enable them to properly discharge their duties.</p>
Employment Conditions	<ul style="list-style-type: none"> <li>(a) to consider and determine policy and issues arising from the organisation, terms and conditions of Chief Officers and Deputy Chief Officers (as defined in the Local Authorities (Standing Orders) (Wales) Regulations 2006), together with any other category of employee specified in Regulation from time to time where this is necessary, subject to the approval of Council in respect of any determination or variation of the remuneration of Chief Officers;</li> <li>(b) to decide requests for re-grading of Chief Officers and Deputy Chief Officers (as defined in the Local Authorities (Standing Orders) (Wales) Regulations 2006), together with any other</li> </ul>

Committee	Terms of Reference
	<p>category of employee specified in Regulation from time to time, whether by way of appeal by an employee against a decision to refuse a re-grading application or to decide applications for re-grading which are supported, subject to the approval of Council in respect of any determination or variation of the remuneration of a Chief Officer.</p> <p>(c) All Members of the Committee will be required to undertake relevant training to enable them to properly discharge their duties.</p>
Family Absence Appeals Panel	<p>To be the Appeals Panel required pursuant to Regulation 36(1) of the Family Absence for Members of Local Authorities (Wales) Regulations 2013 and any amendment thereof; and to discharge all functions of the Panel pursuant to those Regulations.</p> <p>All Members of the Committee will be required to undertake relevant training to enable them to properly discharge their duties.</p>
Licensing	<p>To be the Council's Licensing Committee as required by the Licensing Act 2003 and Gambling Act 2005 and any re-enactment or modification thereof; and as full delegate of the Council to exercise all the powers and functions permitted under those Acts or otherwise required by law to be discharged by the statutory Licensing Committee.</p> <p>All Members of the Committee will be required to undertake relevant training to enable them to properly discharge their duties.</p>
Local Authority Governors Panel	<p>For School Governing Bodies constituted under The Government of Maintained Schools (Wales) Regulations 2005:</p> <p>(a) To advise the Council on appointments and removal of governors to those places allocated to the Local Authority;</p> <p>(b) To consider and make decisions relating to the recruitment, training and vetting of potential governors and any other matters that may be referred to the Panel by the Cabinet for the Constitution Committee; and</p> <p>(c) All Members of the Committee will be required to undertake relevant training to enable them to properly discharge their duties.</p>
Planning	<p>(a) Those functions listed in Section A of Schedule 1 of the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 and any amendments thereto and any matters ancillary thereto as defined in Regulation 3 (2) to (4) of the Regulations.</p>

Committee	Terms of Reference
	<p>(b) Those functions listed in paragraphs 3 and 4 of Section I of Schedule 1 of the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 and any amendments thereto and any matters ancillary thereto as defined in Regulation 3 (2) to (4) of the Regulations.</p> <p>(d) All Members of the Committee will be required to undertake relevant training to enable them to properly discharge their duties.</p>
Public Protection	<p>(a) Those functions listed in Sections B and C, and paragraph 10 of Section I, of Schedule 1 of the Local Authorities (Executive Arrangements) (Functions and Responsibilities)(Wales) Regulations 2007 (the Regulations), any amendments thereto and any matters ancillary thereto as defined in Regulation 3 (2) to (4) of the Regulations, except to the extent that such matters fall to the Licensing Committee by virtue of Section 7 of the Licensing Act 2003, the Gambling Act 2005 or any other legislative provision;</p> <p>(b) In relation to those functions acting as Appeal Committee where appropriate;</p> <p>(c) The discharge of any function relating to the control of pollution;</p> <p>(d) The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Authority's area;</p> <p>(e) Any function relating to contaminated land;</p> <p>(f) The service of an abatement notice in respect of a statutory nuisance; and</p> <p>(g) Any function under a local Act of a licensing or regulatory nature,</p> <p>without prejudice to the functions lawfully exercised by the Shared Regulatory Services Joint Committee, pursuant to the Shared Regulatory Service Collaboration Agreement dated 10<sup>th</sup> April 2015.</p> <p>All Members of the Committee will be required to undertake relevant training to enable them to properly discharge their duties.</p>

Committee	Terms of Reference
Standards & Ethics	<p>(a) To monitor and scrutinise the ethical standards of the Authority, its Members, employees and any associated providers of the Authority's services, and to report to the Council on any matters of concern.</p> <p>(b) To advise the Council on the content of its Ethical Code and to update the Code as appropriate.</p> <p>(c) To advise the Council on the effective implementation of the Code including such matters as the training of Members and employees on the Code's application.</p> <p>(d) To consider and determine the outcome of complaints that Councillors and co-opted members have acted in breach of the Code in accordance with procedures agreed by the Standards Committee, including the imposition of any penalties available to the Committee.</p> <p>(e) To oversee and monitor the Council's whistleblowing procedures and to consider ethical issues arising from complaints under the procedure and other complaints.</p> <p>(f) To grant or refuse requests for dispensations in respect of Members' interests under the Members Code of Conduct in accordance with the relevant statutory provisions.</p> <p>(g) To undertake those functions in relation to community councils situated in the area of the Council and members of those community councils which are required by law</p> <p>(h) To recommend to Council and the Cabinet any additional guidance on issues of probity.</p> <p>(i) To hear and determine any complaints of misconduct by Members or a report of the Monitoring Officer, whether on reference from the Ombudsman or otherwise.</p> <p>(j) To recommend the provision to the Monitoring Officer of such resources as he/she may require for the performance of his/her duties.</p> <p>All Members of the Committee will be required to undertake relevant training to enable them to properly discharge their duties.</p>
Pensions Committee	<p>To discharge the functions of the authority as Administering Authority of the Cardiff &amp; Vale of Glamorgan Pension Fund ('the Fund') as described in the Local Government Pension Scheme (LGPS) Regulations made under the Superannuation Act 1972 (sections 7,12 or 24) and Section 18(3A) of the Local Government and Housing Act 1989; and</p>

Committee	Terms of Reference
	<p>To discharge the following specific strategic functions with regards to the Fund, taking account of advice from the Corporate Director Resources and the Fund's professional advisers:-</p> <ul style="list-style-type: none"> <li>a) Determining the Fund's aims and objectives, strategies, statutory compliance statements, policies and procedures for the overall management of the Fund, including in relation to the following areas: <ul style="list-style-type: none"> <li>i) Governance – approving the Governance Policy and Compliance Statement for the Fund;</li> <li>ii) Funding Strategy – approving the Fund's Funding Strategy Statement including ongoing monitoring and management of the liabilities, giving due consideration to the results and impact of the triennial actuarial valuation and interim reports;</li> <li>iii) Investment strategy - approving the Fund's investment strategy, Statement of Investment Principles and Myners Compliance Statement including setting investment targets and ensuring these are aligned with the Fund's specific liability profile and risk appetite;</li> <li>iv) Communications Strategy – approving the Fund's Communication Strategy;</li> <li>v) Discretions – determining how the various administering authority discretions are operated for the Fund; and</li> <li>vi) Internal Dispute Resolution Procedure – determining how the Scheme Member disputes are administered.</li> </ul> </li> <li>b) Monitoring the implementation of these policies and strategies as outlined in a) above on an ongoing basis.</li> <li>c) Considering the Fund's financial statements as part of the approval process and agreeing the Fund's Annual Report. Receive internal and external audit reports on the same.</li> <li>d) Receiving ongoing reports from the Corporate Director Resources in relation to the delegated operational functions.</li> <li>e) To provide independent assurance to members of the Fund of the adequacy of the risk management and associated control environment, responsible for the Fund's financial and non-financial performance.</li> <li>f) To adhere to the principles set out in the Pensions Regulator Code of Practice and undertake its duties in compliance with the obligations imposed on it.</li> <li>g) To receive regular training to enable Committee Members to make effective decisions and be fully aware of their statutory and fiduciary responsibilities and their stewardship role.</li> </ul>

Committee	Terms of Reference
	<p>h) Consider any pension compliance matters raised by the Fund's Local Pension Board.</p> <p>i) All Members of the Committee will be required to undertake relevant training to enable them to properly discharge their duties.</p>
<b>SCRUTINY</b>	
Children & Young People	<p>To scrutinise, measure and actively promote improvement in the Council's performance in the provision of services and compliance with Council policies, aims and objectives in the area of children and young people, including :</p> <ul style="list-style-type: none"> <li>• School Improvement</li> <li>• Schools Organisation</li> <li>• School Support Services</li> <li>• Education Welfare &amp; Inclusion</li> <li>• Early Years Development</li> <li>• Special Educational needs</li> <li>• Governor Services</li> <li>• Children's Social Services</li> <li>• Youth Services and Justice</li> <li>• Children's Play Services</li> </ul> <p>To assess the impact of partnerships with and resources and services provided by external organisations including the Welsh Government, Welsh Government Sponsored Public Bodies, joint local government services and quasi-departmental non-governmental bodies on the effectiveness of Council service delivery.</p> <p>To report to an appropriate Cabinet or Council meeting on its findings and to make recommendations on measures which may enhance Council performance and service delivery in this area.</p>
Community & Adult Services	<p>To scrutinise, measure and actively promote improvement in the Council's performance in the provision of services and compliance with Council policies, aims and objectives in the area of community and adult services, including:</p> <ul style="list-style-type: none"> <li>• Public and Private Housing</li> <li>• Disabled Facilities Grants</li> <li>• Community Safety</li> <li>• Neighbourhood Renewal and Communities First</li> <li>• Advice &amp; Benefits</li> <li>• Consumer Protection</li> <li>• Older Persons Strategy</li> </ul>

Committee	Terms of Reference
	<ul style="list-style-type: none"> <li>• Adult Social Care</li> <li>• Community Care Services</li> <li>• Mental Health &amp; Physical Impairment</li> <li>• Commissioning Strategy</li> <li>• Health Partnership</li> </ul> <p>To assess the impact of partnerships with and resources and services provided by external organisations including the Welsh Government, joint local government services, Welsh Government Sponsored Public Bodies and quasi-departmental non-governmental bodies on the effectiveness of Council service delivery.</p> <p>To report to an appropriate Cabinet or Council meeting on its findings and to make recommendations on measures which may enhance Council performance and service delivery in this area.</p> <p>To be the Council's Crime and Disorder Committee as required by the Police and Justice Act 2006 and any re-enactment or modification thereof; and as full delegate of the Council to exercise all the powers and functions permitted under that Act.</p>
Economy & Culture	<p>To scrutinise, measure and actively promote improvement in the Council's performance in the provision of services and compliance with Council policies, aims and objectives in the area of economic regeneration.</p> <ul style="list-style-type: none"> <li>• Cardiff City Region City Deal</li> <li>• Inward Investment and the marketing of Cardiff</li> <li>• Economic Strategy &amp; Employment</li> <li>• European Funding &amp; Investment</li> <li>• Small to Medium Enterprise Support</li> <li>• Cardiff Harbour Authority</li> <li>• Lifelong Learning</li> <li>• Leisure Centres</li> <li>• Sports Development</li> <li>• Parks &amp; Green Spaces</li> <li>• Libraries, Arts &amp; Culture</li> <li>• Civic Buildings</li> <li>• Events &amp; Tourism</li> <li>• Strategic Projects</li> <li>• Innovation &amp; Technology Centres</li> <li>• Local Training &amp; Enterprise</li> </ul> <p>To assess the impact of partnerships with and resources and services provided by external organisations including the Welsh Government, joint local government services, Welsh Government Sponsored Public Bodies and quasi-departmental non-</p>

Committee	Terms of Reference
	<p>governmental bodies on the effectiveness of Council service delivery.</p> <p>To report to an appropriate Cabinet or Council meeting on its findings and to make recommendations on measures which may enhance Council performance or service delivery in this area.</p>
Environmental	<p>To scrutinise, measure and actively promote improvement in the Council's performance in the provision of services and compliance with Council policies, aims and objectives in the area of environmental sustainability, including:</p> <ul style="list-style-type: none"> <li>• Strategic Planning Policy</li> <li>• Sustainability Policy</li> <li>• Environmental Health Policy</li> <li>• Public Protection Policy</li> <li>• Licensing Policy</li> <li>• Waste Management</li> <li>• Strategic Waste Projects</li> <li>• Street Cleansing</li> <li>• Cycling and Walking</li> <li>• Streetscape</li> <li>• Strategic Transportation Partnership</li> <li>• Transport Policy and Development</li> <li>• Intelligent Transport Solutions</li> <li>• Public Transport</li> <li>• Parking Management</li> </ul> <p>To assess the impact of partnerships with and resources and services provided by external organisations including the Welsh Government, joint local government services, Welsh Government Sponsored Public Bodies and quasi-departmental non-governmental bodies on the effectiveness of Council service delivery.</p> <p>To report to an appropriate Cabinet or Council meeting on its findings and to make recommendations on measures which may enhance Council performance and service delivery in this area.</p>
Policy Review & Performance	<p>To scrutinise, monitor and review the overall operation of the Cardiff Programme for Improvement and the effectiveness of the general implementation of the Council's policies, aims and objectives, including:</p> <ul style="list-style-type: none"> <li>• Council Business Management and Constitutional Issues</li> <li>• Cardiff Council Corporate Plan</li> <li>• Strategic Policy Development</li> <li>• Strategic Programmes</li> <li>• Community Planning &amp; vision Forum</li> <li>• Voluntary Sector Relations</li> </ul>



Committee	Terms of Reference
	<ul style="list-style-type: none"> <li>• Citizen Engagement &amp; Consultation</li> <li>• Corporate Communications</li> <li>• Contact Centre Services and Service Access</li> <li>• International Policy</li> <li>• Cardiff Local Development Plan</li> <li>• Equalities</li> <li>• Finance and Corporate Grants</li> <li>• Organisational Development</li> <li>• Cardiff Efficiencies Programme</li> <li>• E-Government</li> <li>• Information and Communication Technology</li> <li>• Council Property</li> <li>• Commissioning and Procurement</li> <li>• Carbon Management</li> <li>• Legal Services</li> <li>• Public Services Board</li> </ul> <p>To scrutinise, monitor and review the effectiveness of the Council's systems of financial control and administration and use of human resources.</p> <p>To assess the impact of partnerships with and resources and services provided by external organisations including the Welsh Government, joint local government services, Welsh Government Sponsored Public Bodies and quasi-departmental non-governmental bodies on the effectiveness of Council service delivery.</p> <p>To report to an appropriate Cabinet or Council meeting on its findings and to make recommendations on measures which may enhance Council performance and service delivery in this area.</p>

Mae'r dudalen hon yn cael ei adael yn wag yn fwriadol

## **PART 4 – RULES OF PROCEDURE**

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### **COUNCIL MEETING PROCEDURE RULES**

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

##### **1 BUSINESS OF COUNCIL MEETINGS**

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

##### **2 ANNUAL MEETING OF THE COUNCIL**

###### **Timing of the Annual Meeting**

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

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

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

- (xii) decide on the allocation of seats on committees to political groups in accordance with the requirements of the Local Government and Housing Act 1989;
- (xiii) receive nominations of members to serve on each of the standing committees and make such appointments;
- (xiv) receive nominations and make appointments to serve on the outside bodies to which the Council may appoint members (except where doing so has been delegated by the Council or where only the Cabinet has authority to do so);
- (xv) elect a chair and a deputy chair for each of the committees;
- (xvi) approve a Scheme of Members Allowances;
- (xvii) approve a programme of ordinary meetings of the Council for the year;
- (xviii) approve a provisional programme of ordinary meetings of committees;
- (xix) agree any changes, amendments or revisions to the Council's scheme of delegation;
- (xx) for any year in which an ordinary election has taken place, receive a report from the Returning Officer of the Members elected; and
- (xxi) consider other matters which the Chair has certified urgent or appropriate.

### **3 ORDINARY MEETINGS**

(a) Ordinary Meetings of the Council will take place in accordance with a programme decided at the Council's Annual Meeting. Ordinary Meetings will:

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

#### **4 EXTRAORDINARY MEETINGS**

- (a) An Extraordinary Meeting of the Council may be called by:
- (i) the Council by resolution; or
  - (ii) the Chair.
- (b) The following persons may require the Chair to call an Extraordinary Meeting of the Council. If the Chair has not called a meeting (to be held within 10 Working Days of the request) within two Working Days of receipt of such a written request, then they may do so themselves:
- (i) the Leader;
  - (ii) the Head of Paid Service;
  - (iii) the Monitoring Officer or section 151 officer; or
  - (iv) any five Members of the Council.
- (c) Any request presented in accordance with this Rule must:
- (i) specify the business to be transacted at the meeting; and
  - (ii) be accompanied by a copy of any report for the meeting.
- (d) Any Extraordinary Meeting will:
- (i) elect a person to preside if the Chair and Deputy Chair are not present;
  - (ii) receive any declarations of interest from Members;
  - (iii) consider the business specified in the request; and
  - (iv) consider such other matters as the Chair considers to be urgent or appropriate.
- (e) For the avoidance of doubt, the business to be transacted at an Extraordinary Meeting may include one or two Ordinary Motions pursuant to Rule 22, subject to variation of the deadline specified in Rule 22(b) as follows:

the words “by 5.00 pm at least 7 Working Days before the date of the meeting” shall be substituted with the words “at the same time as the request for the meeting is presented under Rule 4(b).”

#### **5 TIME AND PLACE OF MEETINGS**

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

## **6 NOTICE OF AND SUMMONS TO MEETINGS**

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

### **Part 2 – Conduct of Meetings**

## **7 CHAIR OF MEETING**

### **Power of person presiding at meeting**

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

### **Conduct of meeting by Chair**

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

## **8 QUORUM**

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

## **9 UNOPPOSED BUSINESS**

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

## **10 POINT OF ORDER**

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

## **11 PERSONAL EXPLANATION**

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

## **12 DECLARATIONS OF INTEREST**

- (a) A Member may at any time declare a personal interest under the Members' Code of Conduct and when a Member stands to make a declaration he/she

shall be heard immediately and shall be allowed to make the declaration without interruption.

## **13 MEMBERS' CONDUCT**

### **Members Speaking at Council**

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

### **Chair calling the meeting to order**

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

### **Member's to maintain order**

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

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

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



## **14 GENERAL DISTURBANCE**

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

## **15 DISTURBANCE BY PUBLIC**

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

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

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

- (a) On Cabinet Member Statements presented to the Council:
  - (i) A Member may ask the person presenting the statement any question or otherwise comment on the subject matter of the statement without notice. Following the Cabinet Members response to such questions, the Member asking the original question shall be allowed to ask a supplementary question to clarify the response to the question.
  - (ii) One minute shall be allowed for each of the question, answer, supplementary question and supplementary answer.
  - (iii) A maximum of 45 minutes shall be allowed for questions and debate on Cabinet statements.
- (b) On Reports presented to the Council
  - (i) The person presenting the report shall have 6 minutes to introduce it. A maximum of 3 minutes will be allowed to each Member to speak in relation to the report. 3 minutes will be allowed for the presenter of the report to make their closing remarks in response to points raised by other Members.

## **17 ORAL AND WRITTEN QUESTIONS BY MEMBERS**

### **General**

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

## Submission of Questions

(b) A Member wishing to ask a Written Question should provide the question by email to the Council's mailbox for the submission of questions (as specified by the Democratic Services Manager). In doing so the Member must specify the person to whom the question is addressed.

(c) Oral Questions shall be submitted by (or on behalf of):

- (i) each of the spokespersons for each opposition political group recognised by the Council (or such other Member as the leader of that group may nominate); and
- (ii) a backbench Member of the ruling group(s) nominated to the Democratic Services Manager for such purpose;

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

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

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

- (i) Each political group recognised by the Council shall automatically be entitled to 3 Oral Questions;
- (ii) A further 15 Oral Questions shall be allocated amongst the political groups in proportion to their representation on the Council, but Cabinet members and Assistants to Cabinet members shall be disregarded for the purposes of such calculation; and
- (iii) Any Members who are not members of any political group recognised by the Council shall be entitled to submit one Oral Question each.

The allocation will be reviewed annually by the leaders of the political groups in consultation with the Chair.

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

## Oral Questions

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

<b>Day</b>	<b>Action</b>
12.00 noon, 2 Working Days prior to Council Meeting	Deadline for the Submission of Oral Questions
At Council Meeting questions shall be made available in writing and online at least 30 minutes prior to the start of the meeting and dealt with as set out opposite.	<p>A maximum of 90 minutes shall be allowed for Oral Questions, any questions that are not dealt with in this time limit shall fall.</p> <p>Each Oral Question will be made available in writing and online at the start of the meeting and dealt with in the following order:</p> <ul style="list-style-type: none"> <li>- Oral Questions shall not be read orally, but will be dealt with in rounds. In the first three rounds each political group shall each be entitled to ask one question. In subsequent rounds, only political groups with remaining Oral Questions shall be entitled to ask questions.</li> <li>- In each round the ordering of the questions shall be determined by the size of each of the political groups (with the largest going first) except that the ruling group(s) shall go last.</li> <li>- Questions from Members who are not members of a political group recognised by the council shall be asked at the start of the fourth round.</li> </ul> <p>Each question shall be answered orally by the Cabinet Member that the Cabinet deem most suitable to respond (or by the relevant chair of a committee or nominated member of the fire authority if the question was so addressed). A maximum of one minute shall be allowed for the answering of the question.</p> <p>The Member who submitted the question shall then be allowed one minute to ask a supplementary question.</p> <p>The person to whom the question is addressed shall have one minute to answer the supplementary question.</p>

## Urgent Oral Questions

- (e) At the end of the period allocated for Oral Questions the Chair may allow Members to ask further Oral Question for which notice under Rule (b) above has not been given if:
- (a) the Chair and the person to whom the question is addressed has been given at least two hours written notice of the question prior to the start of the meeting; and
  - (b) the Chair has confirmed to the Member asking the Question and the person to whom it is addressed that they are satisfied that the question is of urgent public importance and could not be better dealt with under any other Rule or other procedure of the Council.

## Written Questions

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

<b>Day</b>	<b>Action/Comment</b>
9.00am 9 Working Days prior to Council Meetings	Deadline for the submission of Written Questions for an answer to be received at the Council Meeting. If a question is submitted following this deadline it will be answered at the following Council Meeting.  If a Member submits more than 5 Written Questions, only 5 of these Questions (which the Member will be invited to prioritise) will be answered at the Council Meeting; and the remaining Questions will be answered at the following Council Meeting.
12.00 noon on the day of the Council Meeting	Deadline for answers to Written Questions which are to be answered at the Council Meeting (as referred to above) to be circulated by email to all Members.

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

## Rejection of Questions

- (g) The Chair may reject an Oral Question, Urgent Oral Question or a Written Question if in their opinion it:-
- (i) is not in relation to Relevant Business (as defined in Rule 35);
  - (ii) is in relation to Inappropriate Business (as defined in Rule 35);

- (iii) is substantially the same as a question which has been put at a meeting of the Council in the past six months and there has been no material change in the answer which would be given; or
- (iv) is a statement or otherwise is not a genuine enquiry.

### **Withdrawal of questions**

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

### **Written record of Oral Questions and Responses**

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

## **18 PUBLIC QUESTIONS**

- (a) A period of up to 15 minutes in each meeting shall be allowed for public questions.
- (b) Any person (other than Members) who resides or works in the area of the City and County of Cardiff may ask questions of Cabinet Members or of the chairpersons of committees of the Council at Ordinary Meetings of the Council.
- (c) A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the mailbox set up by the Democratic Services Manager for such purpose no later than 5pm, 6 Working Days before the day of the meeting. Each question must give the name and address of the questioner and must specify the person to whom it is to be put (by name or title).
- (d) At any one meeting no person may submit more than one question and no more than one such question may be asked on behalf of one organisation.
- (e) The number of questions that an individual can ask in a municipal year shall be limited to two, with any further questions being accepted only at the discretion of the Chair.

- (f) The Chair may reject a question if it:
- (i) is not related to Relevant Business (as defined in Rule 35);
  - (ii) is in relation to Inappropriate Business (as defined in Rule 35);
  - (iii) is substantially the same as a question which has been put at a meeting of the Council in the past six months;
  - (iv) relates to a matter which is the subject of legal or enforcement proceedings or an appeal to a court or tribunal or to a Government Minister or the National Assembly or an investigation by the Local Government Ombudsman;
  - (v) relates to the activities and aims of a political party or organisation;
  - (vi) relates to a Regulatory Decision or a matter which may result in a Regulatory Decision;
  - (vii) is a statement or otherwise is not a genuine enquiry; or
  - (viii) would require the expenditure of a disproportionate amount of time, money or effort to prepare the answer.

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

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

### **Answers**

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

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

- (a) An answer may take the form of:

- (i) an oral answer given by the person to whom the question is addressed or another person nominated by them;
  - (ii) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
  - (iii) where the reply cannot conveniently be given orally, a written answer circulated later to Members of the Council.
- (b) A person to whom a question is addressed may decline to answer provided that they state the reason for declining to answer.
- (c) The Monitoring Officer shall have discretion to instruct that a composite answer may be given to any questions which are closely related or on the same subject matter, wherever she considers this appropriate. This shall not prejudice any right to ask a supplementary question, which may be available under the Council Meeting Procedure Rules

## **20 PETITIONS**

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

## **21 GREEN PAPERS**

### **General**

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

### **Procedure for the Debate of Green Papers**

- (b) Any Cabinet Member bringing forward a Green Paper must provide the Chair and the Democratic Services Manager with a copy of the Green Paper at least 5 Working Days prior to the Ordinary Meeting. A copy of the Green Paper shall be attached to the Agenda for the meeting.
- (c) Members shall be given a chance to respond to the Green Paper at the meeting (as set out below) and the Green Paper must also provide an opportunity for

Members to give written comments following the meeting at which the Green Paper is presented.

(d) In the debate:

- (i) The Cabinet Member proposing the Green Paper shall be given 15 minutes to speak, but may choose to allocate a proportion of that time to other Members provided that they:
  - (a) indicate to whom they will allocate time and how much time will be allocated to them at the start of the debate; and
  - (b) in doing so a maximum of 5 Members may speak (including the Cabinet Member proposing the Green Paper).
- (ii) The debate shall then be opened to the floor for Members to give their initial response to and comments on the Green Paper. A maximum of 10 minutes shall be allowed for such debate and no one Member shall be permitted to speak for more than 3 minutes.

## **22 ORDINARY MOTIONS**

### **General**

- (a) No Ordinary Motion moved by notice pursuant to this Rule 22 will be debated at the Annual Meeting of the Council.
- (b) In order to move an Ordinary Motion it must be emailed by the proposer, and seconded by email to the mailbox allocated for that purpose by the Democratic Services Manager, during the 'Submission Period'. For the purposes of this Rule, the Submission Period shall start at 9am on the third Monday before the Council meeting, and end at 5pm on the Friday of that week (the second Friday before the Council meeting).
- (c) Every Ordinary Motion properly delivered will be dated and registered by the Democratic Services Manager in the order in which they were received and open to Members' inspection after the end of the Submission Period.
- (d) Subject to the rules on the number and allocation of Ordinary Motions set out under paragraphs (f) to (i) below, Ordinary Motions will be listed on the agenda in the order in which the notices were received.
- (e) A maximum of 30 minutes shall be allowed for the debate on each Ordinary Motion, unless one or more amendments are moved, in which case the time allowed shall be extended to 45 minutes.

### **Number and Allocation of Ordinary Motions**

- (f) Subject to Rule (g) below, the number of Ordinary Motions shall be limited to a maximum of 2 motions at each Council Meeting where Ordinary Motions may be considered. Urgent Ordinary Motions (under this Rule 22, paragraph (m))



and Ordinary Motions at any Extraordinary Meeting held (under Rule 4) shall be disregarded in counting the maximum number of Motions set under this paragraph.

- (g) Ordinary Motions will be allocated amongst the political groups in proportion to their representation on the Council and as agreed between the political groups, subject to:
- (i) No political group recognised by the Council shall be allocated less than one Ordinary Motion in a municipal year. If necessary, the maximum number of Ordinary Motions at a Council meeting (set under paragraph (f) above) may be increased to accommodate this.
  - (ii) Cabinet Green Papers (debated at full Council under Rule 21) shall be deducted from the number of Ordinary Motions allocated to the leading group.
  - (iii) Cabinet Members and Assistants to Cabinet Members shall be disregarded in the calculation of political proportionality for the purposes of the allocation of Ordinary Motions under this Rule.
- (h) The allocation will be reviewed annually by the leaders of the political groups in consultation with the Chair.
- (i) If more than the maximum number of Motions permitted under paragraph (f) above are submitted for a particular Council meeting, the Chair shall decide which Motions are to be taken, following consultation with the party groups. Factors to be considered in selecting Motions shall include the urgency of the Motion (whether it may reasonably be taken at a later meeting); any policy, budget or other significance to the Council; and the number of Motions from the relevant group which have already been considered by full Council during that municipal year. The Chair's decision shall be final.

### **Scope of Ordinary Motions**

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

## **Urgent Ordinary Motions**

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

## **Withdrawal or alteration of Ordinary Motions**

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

## **Amendments to Ordinary Motions by other Members**

- (r) An amendment to an Ordinary Motion may not be moved unless notice of the amendment has been given to the Democratic Services Manager by email, and seconded by 5.00pm 2 Working Days before the meeting.
- (s) An amendment to an Ordinary Motion must be relevant to the motion and will be:-
  - (i) to leave out words;
  - (ii) to leave out words and insert or add others; or
  - (iii) to insert or add words,

as long as the effect of (i) – (iii) is not to negate the motion.

- (t) Any amendments to Ordinary Motions will be called by the Chair in an order determined by the Chair, in consultation with the Monitoring Officer. The ordering shall be selected to facilitate coherent debate and to, wherever reasonably possible, allow each amendment to have the opportunity to be voted upon.
- (u) Each amendment will be proposed and seconded and then put to the vote in the order determined by the Chair.

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

- (v) Once amendments have been put to the vote, the principal motion, as amended if any amendments have been carried, will then be put to the vote.
- (w) The rights of reply before the vote on an Ordinary Motion takes place are as follows:
  - (i) Before any amendment is put to the vote, the Member who proposed the Ordinary Motion shall be given an opportunity to respond to the amendment.
  - (ii) If no amendments are proposed or carried to an Ordinary Motion, then the Member who proposed the motion shall be given the right of reply before the Ordinary Motion is put to the vote.
  - (iii) If any amendment(s) is carried then the proposer of the amendment shall have the right of reply before the Ordinary Motion (as amended) is voted on. In the event that more than one amendment has been carried, then the Chair shall use their discretion to determine which of the proposers of the amendments shall have the final right of reply.
  - (iv) Before the proposer of an Ordinary Motion or the proposer of an amendment exercises a right of reply given under sub-paragraph (ii) or (iii) above, a relevant Cabinet Member (or Assistant to Cabinet Member) shall have the opportunity to respond to the Motion on behalf of the Cabinet. If the proposer and seconder of the motion are in agreement, the Cabinet member (or Assistant to Cabinet Member) may move that the vote on the Motion be adjourned until the next meeting of Council. If such an adjournment motion is passed, then at the next suitable full Council meeting:
    - (a) a vote on the adjourned Ordinary Motion will be taken without further discussion, unless prior to the commencement of the meeting, notice of withdrawal in writing signed by proposer and seconder has been delivered to the Democratic Services Manager. (For the avoidance of doubt, a vote on an adjourned Ordinary Motion under this rule shall not count for the purposes of the maximum number of Motions permitted at that Council meeting under Rule 22 (f)); or

- (b) if the Motion has been withdrawn in accordance with sub-paragraph (a) above, the Cabinet Member shall report back to Council in his or her Cabinet Member Statement on the withdrawal and any action taken or agreed with the Motion Proposer and Secunder in this regard.

- (x) A Member exercising a right of reply will not introduce any new matter and after the reply, a vote shall be taken without further discussion.

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

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

## **24 AMENDMENTS TO REGULATORY DECISION**

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

## **24A AMENDMENTS TO REPORTS BEFORE COUNCIL**

An amendment to a report before Council may not be moved unless notice of the amendment has been emailed by the proposer, and seconded by email, to the Democratic Services Manager by 9:00am on the Working Day before the meeting.

## **25 MOTIONS DURING MEETINGS**

- (a) In addition to any other provision of these Rules the following motions may be moved without notice by any Member during a meeting:-
  - (i) to appoint a Member to Chair the meeting if the Chair of Council or the Deputy Chair of Council is not present;
  - (ii) in relation to the accuracy of minutes of the Council;
  - (iii) to change the order of business in the agenda;
  - (iv) to refer something to an appropriate Committee, body or individual for consideration or reconsideration;
  - (v) to appoint a Committee or Member arising from an item on the Agenda;
  - (vi) to receive reports and/or to adopt recommendations of the Cabinet, committees or officers;

- (vii) to amend a motion except one to which Rule 22 applies;
- (viii) to proceed to the next business;
- (ix) that the question be put to the vote;
- (x) to adjourn a debate or a meeting;
- (xi) to extend the time limit for a speech or item of business;
- (xii) to consider Ordinary Motions submitted under rule 22 in excess of the number specified in Rule 22(f); and
- (xiii) to exclude the public and media in accordance with the Access to Information Procedure Rules, as set out in Part 4 of the Constitution.

## **26 CLOSURE MOTIONS**

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

## **26A TRIBUTES AND RECOGNITIONS**

Tributes and recognitions may be received as follows:

- (i) Death of sitting Councillors – The Chair shall have discretion to invite group leaders or another nominated speaker from each group and Independent Member/s to pay tribute;
- (ii) Death of a past Lord Mayor – The Chair will make an announcement and pay tribute; and
- (iii) Death of a former Councillor – The Chair will make an announcement only.

The Chair shall have discretion to announce a one minute silence.

## **27 GENERAL RULES OF DEBATE**

- (a) Unless matters are otherwise provided for by other procedures contained in these Rules, the following rules of debate shall apply to the conduct of all business of the Council.
- (b) Members may speak in English or Welsh.
- (c) No speeches may be made after the mover has moved a motion until the motion has been seconded. The Chair may allow the mover to explain the purpose of the motion if he/she thinks fit. The proposer of the motion shall have the right to make the first speech in relation to the motion which he/she has moved.
- (d) When seconding a motion or amendment, a Member may reserve their speech until later in the debate.
- (e) Unless notice of the motion has already been given, the Chair may require it to be written down and handed to the Chair before it is discussed.
- (f) Speeches must be directed to the question under discussion or to a personal explanation or point of order and avoid Irrelevant Business (as defined in Rule 35).
- (g) Proposers of motions or movers of reports may speak for up to six minutes. Unless otherwise stated in these Rules, no other speech may exceed three minutes without the consent of the Chair.
- (h) Unless the Chair is of the view that exceptional circumstances exist, a Member who has spoken on a matter may not speak again whilst it is the subject of debate.
- (i) At any time before the start of the Council meeting, each of the political groups may, through their nominated spokesperson, provide the Chair with a list of their priority speakers in respect of any one or more agenda items. Without prejudice to the Chair's discretion (under Rule 7(b)), and subject to compliance with these Council Meeting Procedure Rules, the Chair will endeavour to allow the named Members to speak in the relevant debate in the prioritised order.

## **28 PREVIOUS DECISIONS AND MOTIONS**

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

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

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

- (b) A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice

of motion or amendment is signed by at least twenty one Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

## **Part 4 – General Provisions**

### **29 VOTING**

#### **Majority**

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

#### **Chair's casting vote**

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

#### **Method of Voting**

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

#### **Voting on appointments excluding employee appointments**

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

#### **Voting on employee appointments**

- (g) In the event of there being more than two candidates for an appointment and no candidate receives the required majority on the first vote, the candidate with the least number of votes will be eliminated and a further vote will be taken.

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

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

### **30 MINUTES**

#### **Signing the minutes**

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

#### **Form of minutes**

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

### **31 RECORD OF ATTENDANCE**

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

### **32 RECORDINGS OF MEETINGS OF THE COUNCIL**

- (a) Council meetings shall be webcast by the Council, in accordance with the Webcasting Protocol (contained within Part 5 of the Constitution).
- (b) Other filming, recording and use of social media is permitted during Council meetings, provided that:
- (i) The recording or transmission must create no disturbance, disruption or distraction to the good order and conduct of the meeting;
  - (ii) Notice has been given (on the meeting agenda and signage outside the meeting) so that everyone attending the meeting is made aware that they may be recorded and that by attending the meeting they are deemed to consent to this;
  - (iii) Any recording must be overt, not covert;
  - (iv) There is to be no recording or transmission of proceedings dealing with any exempt or confidential information;



- (v) The Chair shall have discretion, subject to proper consideration of any relevant representations and legal advice, to prohibit a recording or exclude anyone reasonably considered to be in breach of these rules; and
- (vi) The person making the recording or transmission shall be solely responsible for complying with all applicable legal obligations arising from their actions.

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

#### **Suspension**

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

#### **Amendment**

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

### **34 OFFICER ADVICE**

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

### **35 INTERPRETATION**

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

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

*“Inappropriate Business”* means matters that:

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

- (v) relate to an individual, particular group or business or the questioner's own particular circumstances; or
- (vi) are ultra vires the Council or unlawful.

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

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

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

	Day	General Actions	Oral Question Procedure	Written Questions		Ordinary Motions
Mon	-13					9am – Start of the Submission Period for submission of Ordinary Motions
Tues	-12					
Wed	-11					
Thu	-10					
Fri	-9			9am - Deadline for asking questions to ensure answer given by meeting.		5pm – End of Submission Period (deadline for submission)
WEEKEND						
Mon	-8					
Tue	-7					
Wed	-6	5pm - Deadline for Submission of Public Questions				
Thu	-5	Deadline for submission of Green Papers				
Fri	-4	Summons and Agenda Circulated				
WEEKEND						
Mon	-3					
Tue	-2		12.00 noon – Deadline for submission of Oral Questions			5pm - Deadline for submission of amendments to Ordinary Motions
Wed	-1	9am - Deadline for submission of amendments to reports				
<b>Thu</b>	<b>0</b>	<b>Council Meeting</b>		12.00 noon - Written copies of questions and answers circulated by email		
Fri	1					
WEEKEND						
Mon	2					
Tue	3					
Wed	4					
Thu	5	Circulation of written copy of Oral Question/Answers				

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## **PART 4 – RULES OF PROCEDURE**

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### **BUDGET MEETING PROCEDURE RULES**

#### **1 BUDGET MEETINGS**

Budget meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. Budget meetings will be held in accordance with the Council Meeting Procedure Rules, subject to the variations set out in these Budget Meeting Procedure Rules.

#### **2 TIME AND PLACE OF MEETINGS**

The time and place of meetings will be determined by the Council or in the case of meetings called under Council Meeting Procedure Rule 4(a)(ii) by the Chair and in the case of meetings called under Rule 4(b) by the Proper Officer and notified in the summons.

The Proper Officer may in case of urgency or at the request of the Chair vary the date, time and place of meetings, subject to proper notice of the change being given.

#### **3 NOTICE OF SUMMONS TO MEETINGS**

The Proper Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules. At least three clear days before a meeting, the Proper Officer will send a summons (notice of meeting) signed by him or her by post to every Councillor or leave it at their usual place of residence or at some other place specified by notice in writing given by the Councillor to the Proper Officer. 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 CABINET BUDGET REPORT**

The Cabinet Budget report shall enable the Cabinet:-

- (a) to submit to Council their proposal of the estimates of expenditure and income in order to set the Council Tax in accordance with the Local Government Finance Act 1992;
- (b) to recommend to Council on the strategy and plan for the control of the Authority's borrowing and capital expenditure for the forthcoming year (the Annual Treasury Management Strategy);
- (c) to recommend to Council the adoption of CIPFA's Treasury Management Code of Practice 2009 by formal acceptance of the Four Clauses of Treasury Management and Treasury Management Policy Statement as Council policy;

- (d) to recommend to Council the Prudential Code Indicators and the Council's Minimum Revenue Provision Policy;
- (e) to set the rent levels for Housing Revenue Account properties, service charges and management fees for leaseholders; and
- (f) to agree the rates and Charges for Council services.

## 5 SPEAKING ORDER AND CONDUCT OF DEBATE

A maximum of 45 speakers will be allocated proportionally between political groups. The allocation of speakers will be notified to Whips in advance of the Budget meeting. Any 'independent' Member who is not affiliated to any party or group will also be allowed to speak in the general debate. The speaking order will be as follows:

- (i) Cabinet Proposals (including any alternative proposals as per Rule 25(a)(vi) of the Council Procedure Rules)

Cabinet Member with responsibility for Finance	10 minutes
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Leader of the Council	4 minutes
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- (ii) Party Group Finance Spokespersons/Movers of alternative proposals (as per Rule 24A or Rule 25(a)(vii) of the Council Procedure Rules, as appropriate.

The Finance Spokesperson of each opposition political group and the seconder of any alternative proposal will then be invited to speak in rotation by reference to each of the political groups in size order (largest group first).

**(If more than one amendment is to be moved by one political group then all such amendments will be moved by the relevant Finance Spokesperson at the same time)**

Opposition Group spokesperson:	5 minutes
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Seconder of any alternative proposal:	3 minutes
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- (iii) General Debate on Cabinet proposal and all alternative proposals – including any further alternative proposals moved and seconded. As indicated above the allocation of speakers will be proportionately based per political group and notified to Whips prior to the meeting.

Opposition Group Leaders	4 minutes
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Each other speaker

3 minutes

No Councillor, with the exception of the Councillor with the right of reply at the end of the debate, to speak twice during this item.

The debate will be run in accordance with the rules agreed for the consideration of Notices of Motion, and each amendment will be voted on individually.

(iv) Reserving Right to Speak

Any Member, apart from proposers of the Budget or alternative proposals, may reserve the right to speak later in the debate but any such member will only be entitled to speak for 3 minutes during the general debate.

(v) Right of Reply

The Cabinet Member with responsibility for Finance (or the proposer of an approved alternative proposal) will have the right of reply: 5 minutes

## **6 EXCLUSION OF NOTICES OF MOTION AND FORMAL QUESTIONS**

Formal questions from Councillors and Notices of Motion shall not be received and considered and the respective Council Meeting Rules shall accordingly not apply.

For the avoidance of doubt, public questions may be asked (Council Meeting Procedure Rule 18 applies), other reports may be considered and motions during meetings without notice may be moved (Council Procedure Rule 25 applies).

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## **PART 4 – RULES OF PROCEDURE**

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### **COMMITTEE MEETING PROCEDURE RULES**

#### **1 ESTABLISHMENT OF COMMITTEES AND ALLOCATION OF SEATS**

##### **1.1 Establishment**

The establishment, terms of reference and allocation of seats of Committees will be determined by the Council in accordance with the Council Meeting Procedure Rules.

##### **1.2 Chair and Deputy Chair**

The chair and where the terms of reference allow, the deputy chair, of each committee shall be elected by the Council in accordance with the Council Procedure Rules.

##### **1.3 Period of Office**

The period of office of the chair, deputy chair and members of committee will continue until the first meeting following the Annual Meeting of the Council in any year when no Council elections are held. In a year when Council elections are held the period of office will end on the day of the election.

#### **2 ORDINARY MEETINGS**

Ordinary meetings of each Committee will take place in accordance with a programme decided at the Council's Annual Meeting. Ordinary meetings of Committees will (as may be appropriate):-

- (a) elect a person to preside if the chair and deputy chair are not present;
- (b) approve the minutes of the last meeting;
- (c) receive any petitions and where these Procedure Rules allow hear the address on behalf of any petitioners and any response;
- (d) receive any announcements from the chair;
- (e) deal with any business from the last meeting of the committee;
- (f) receive reports from the Cabinet and from any of the other committees and advice reports from employees of the Council;
- (g) to put questions to the chair or relevant employees of the Council where appropriate on items of business before the committee and to receive responses;
- (h) consider requests from members of the committee for items of business to be considered;
- (i) consider any other business specified in the agenda of the meeting;
- (j) such other matter or matters which the chair has certified as being urgent.

### **3 EXTRAORDINARY MEETINGS**

#### **3.1 Calling extraordinary meetings**

(a) Those listed below may request the proper officer to call a meeting of the committee in addition to ordinary meetings:-

- (i) the Council by resolution;
- (ii) the chair of the committee
- (iii) the Head of Paid Service
- (iv) the Monitoring Officer; and
- (v) one half of the membership of the committee if they have signed a requisition and presented it to the proper officer.

(b) Any request presented in accordance with this Rule must be in writing, specify the business to be transacted at the meeting and be accompanied by a copy of any report of the meeting.

#### **3.2 Business**

Any meeting called in addition to ordinary meetings pursuant to Rule 3.1 will:-

- (a) elect any person to preside if the chair and deputy chair are not present;
- (b) consider the item or items of business specified in the request; and
- (c) such other matter or matters which the chair has certified as being urgent.

### **4 TIME AND PLACE OF MEETINGS**

The time and place of meetings will be determined by the proper officer and notified in the agenda.

### **5 NOTICE OF AND AGENDA TO MEETINGS**

The proper officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules. At least three clear days before a meeting, the proper officer will send a summons (notice of meeting) signed by him or her by post to every member of the committee or leave it at their usual place of residence or at a place nominated by the member. The agenda 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.

### **6 CHAIR OF MEETING**

#### **6.1 Chair of the meeting**

The chair of the committee will chair a meeting of the committee and in his or her absence the meeting will be chaired by the deputy chair of the committee (if any). In the absence of the chair and the deputy chair of the committee,

the committee will choose a chair to chair the committee. The person presiding at the meeting may exercise any power or duty of the chair.

## **6.2 Conduct of the meeting by the chair**

The chair shall conduct the meeting to secure a proper, full and effective debate of business items particularly where a decision is required. The steps the chair may take include:-

- (a) allowing more time for the speaker to properly explain the matter;
- (b) permitting a member to speak more than once;
- (c) allowing employees of the Council to advise the meeting as appropriate;
- (d) allowing a full discussion of reports and matters for decision.

## **7 QUORUM**

The quorum of a meeting will be one quarter of the whole number of members (rounded up to the nearest whole number). If fewer than the quorum attend the meeting or if during any meeting the chair counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

## **8 MOTIONS WHICH MAY BE CONSIDERED**

The following motions may be moved provided that they relate to an item of business on the agenda, concern a matter within the terms of reference of the committee and will not purport to exceed the powers delegated to the committee:-

- (a) to appoint a chair of the meeting;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate Committee, body or individual for consideration or reconsideration;
- (e) to appoint a sub committee of the committee arising from an item on the agenda for the meeting subject to statutory constraints;
- (f) to receive reports and/or to adopt recommendations of committees or officers;
- (g) to receive reports and/or to adopt recommendations of the Cabinet;
- (h) to delegate powers to an officer of the Council or a sub-committee subject to the constraints in this Constitution and of law.
- (i) to propose a resolution which differs from that recommended in a report;
- (j) to proceed to the next business;
- (k) that the question be now put;
- (l) to adjourn a debate;
- (m) to adjourn a meeting;
- (n) to exclude the public and press in accordance with the Access to Information Procedure Rules; and

(o) to not hear further a member named under Rule 15.3 or to exclude him or her from the meeting under Rule 15.

## **9 RULES OF DEBATE**

### **9.1 Content of speeches/debate**

Speeches, discussion and questions must be directed to the matter under discussion or to a personal explanation or point of order. The period allowed for any speech and the number of times a member may be allowed to speak will be determined by the chair subject to the obligation on him or her under Rule 6.2.

### **9.2 Point of order**

A member may raise a point of order at any time. The chair will hear them immediately. A point of order may only relate to an alleged breach of these Committee Meeting Procedure Rules or the law. The member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the chair on the matter will be final.

### **9.3 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 or comment by the member which may appear to have been misunderstood in the present debate. The ruling of the chair on the admissibility of a personal explanation will be final.

### **9.4 Declarations of interest**

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

## **10 PREVIOUS DECISIONS AND MOTIONS**

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

A motion or amendment to rescind a decision made at a meeting of the committee within the past six months cannot be moved unless a motion approving the rescission has been passed at a meeting of the full Council.

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

A motion or amendment in similar terms to one that has been rejected at a meeting of the committee in the past six months cannot be moved unless a motion approving the rescission has been passed at a meeting of the full Council.

## 11 **VOTING**

### 11.1 Majority

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

### 11.2 **Chair's casting vote**

Subject to Rule 11.4 if there are equal numbers of votes for and against, the chair will have a second or casting vote. There will be no restriction on how the chair chooses to exercise a casting vote.

### 11.3 **Show of hands/Electronic Voting**

The chair will take the vote by show of hands or by use of an electronic voting system if available, whichever the chair decides, or if there is no dissent, by the affirmation of the meeting.

### 11.4 **Voting on employee appointments**

(a) In the event of there being more than two candidates for an appointment and no candidate receives the required majority on the first vote, the candidate with the least number of votes will be eliminated and a further vote will be taken. This procedure will be repeated until a candidate receives the required majority. If more than one candidate has the same number of votes and that is the lowest number of votes cast, a vote will be taken to decide the candidate to be eliminated from future votes. In the event of an equal number of votes being cast at this stage, the chair will have a casting vote.

(b) The chair will have a casting vote only in the circumstances mentioned in the preceding paragraph.

### 11.5 **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.

## 12 **MINUTES**

### 12.1 **Signing the minutes**

The chair will sign the minutes of the proceedings of the committee at the next suitable meeting. The chair will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

## **12.2 Form of minutes**

Minutes will contain all motions and amendments in the exact form and order the chair put them but otherwise the form of the minutes will be a matter for the proper officer.

## **13 RECORD OF ATTENDANCE**

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

## **14. MEMBERS OF THE PUBLIC**

### **14.1 Exclusion of members of the public**

Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules or Rule 16 (Disturbance by Public).

### **14.2 Right of Petitioners to address committee**

(a) When a petition contains signatures of not less than fifty Cardiff electors with their addresses, a substantial proportion of whom could reasonably be expected to be affected by the matter to which the petition relates, one person from amongst those signing the petition may address a committee to which the petition has been referred on the subject matter of the petition for up to three minutes.

(b) In any case where the petitioners object to an application which is to be considered by the Planning Committee or the Licensing Committee the applicant will also be given an opportunity to be heard.

(c) Any petition presented direct to a committee shall be delivered to the relevant Chief Officer at least seven clear days prior to the date of the meeting of the committee at which it is to be presented, to enable the applicant to be notified if appropriate and to be present at the meeting of the committee if the applicant so wishes.

(d) When a petitioner has been heard by a committee under this Committee Meeting Procedure Rule no further petition on the same item shall be considered and no further address shall be heard on that item, within six months of the committee meeting at which the petition was first considered or the petitioner heard.

## **15 MEMBERS' CONDUCT**

### **15.1 Members wishing to speak**

When a member speaks at a committee he or she must address the meeting through the chair. If more than one member speaks, the chair will ask one to

Speak and the others must remain silent until invited to speak unless he or she wishes to make a point of order or a point of personal explanation or to declare an interest.

#### **15.2 Chair seeking order**

When the chair asks for order the meeting must be silent.

#### **15.3 Member not to be heard further**

If a member persistently disregards the ruling of the chair by behaving improperly or offensively or deliberately obstructs business, the chair may move that the member be not heard further. If seconded, the motion will be voted on without discussion. If the motion is passed the named member may not discuss or debate any further business whilst it is transacted at the meeting.

#### **15.4 Member to leave the meeting**

If the member continues to behave improperly or offensively or deliberately obstructs business after such a motion is carried, the chair may move that either the member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion. If the motion is passed the named member must leave the meeting forthwith.

#### **15.5 General disturbance**

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

### **16 DISTURBANCE BY PUBLIC**

#### **16.1 Removal of member of the public**

If a member of the public interrupts or disrupts proceedings of a committee, the chair will warn the person concerned. If they continue to interrupt or causes disruption, the chair will order their removal from the meeting room.

#### **16.2 Clearance of part of meeting room**

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

### **17 COUNCILLORS ATTENDING COMMITTEES OF WHICH THEY ARE NOT MEMBERS**

A Councillor may attend any meeting of a committee or sub-committee of which they are not a member and with the permission of the Chair may speak but may not vote subject to the following:

- (a) where the Councillor is required to declare an interest and withdraw from the meeting under the Code of Conduct;
- (b) where the Licensing Committee, the Disciplinary Appeals Committee or any other committee or sub-committee exercising similar jurisdiction have asked the members of the public and the parties to withdraw whilst they deliberate before reaching a decision;
- (c) where the Chief Officer Legal and Democratic Services or his/her representative advises that as a matter of law non-members of a committee should withdraw.

## 18 **RECORDING OF PROCEEDINGS OF COMMITTEES**

- (a) Committee meetings may be webcast by the Council, in accordance with the Webcasting Protocol (contained within Part 5 of the Constitution).
- (b) Other filming, recording and use of social media is permitted during Committee meetings, provided that:
  - (i) The recording or transmission must create no disturbance, disruption or distraction to the good order and conduct of the meeting;
  - (ii) Notice has been given (on the meeting agenda and signage outside the meeting) so that everyone attending the meeting is made aware that they may be recorded and that by attending the meeting they are deemed to consent to this;
  - (iii) Any recording must be overt, not covert;
  - (iv) There is to be no recording or transmission of proceedings dealing with any exempt or confidential information;
  - (v) The Chair shall have discretion, subject to proper consideration of any relevant representations and legal advice, to prohibit a recording or exclude anyone reasonably considered to be in breach of these rules; and
  - (vi) The person making the recording or transmission shall be solely responsible for complying with all applicable legal obligations arising from their actions.
- (c) Use of social media by members of planning, licensing or other regulatory committees is not permitted during the meeting.

## 19 **SUSPENSION OF COMMITTEE PROCEDURE RULES**

All or any of these are Committee Rules of Procedure except Rule 11.5 may be suspended by motion on notice or without notice if at least one half of the whole number of the Councillors are present. Suspension can only be for the duration of the meeting.



## 20 **APPLICATION OF COMMITTEE PROCEDURE RULES**

None of the Committee Procedure rules apply to meetings of the Cabinet or to meetings of the Council, but the rules apply to all Committees and all Sub-Committees of the Council.

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## **PART 4 – RULES OF PROCEDURE**

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### **ACCESS TO INFORMATION PROCEDURE RULES**

#### **1 Summary of Rights**

These rules are a written summary of the rights of the public to attend meetings and the rights of the public and Members of the Council to inspect and copy documents. A copy of these rules will be kept at County Hall and the public shall have the right to inspect them at any reasonable time and to take a copy on payment of a reasonable fee.

#### **2 Scope**

These rules apply to all meetings of the Council, Scrutiny committees, the Standards & Ethics Committee and Regulatory Committees (including Planning Committee) and public meetings of the Cabinet (together called meetings).

Each Corporate Director shall be the Proper Officer for the purposes of all statutory and regulatory provisions relating to the identification listing and availability of background papers for any report where such report is within the scope of these Rules and that Corporate Director is the responsible or contributing author.

Each Corporate Director shall be responsible for securing compliance with the requirements of the Data Protection Act 1998 and of the Freedom of Information Act 2000 in relation to the data and information within the purview of those Acts held in his or her Department and shall make all necessary arrangements within the Department for that purpose.

#### **3 Openness Policy**

The Authority wishes to be as open as possible in terms of sharing access to information both with Councillors and with the public, as permitted within the law and with respect to the rights of others. These rules seek to complement and supplement and not detract from any statutory rights to information (for example within the Data Protection Acts and the Freedom of Information Act) which Councillors and the public are afforded from time to time. These rules do not affect any more specific rights to information contained elsewhere in this Constitution. In the case of any omission or conflict between these rules or the Constitution and statutory rights, statutory rights will always prevail.

#### **4 Rights of the Public to attend Meetings**

Members of the public may attend all meetings subject only to the exceptions in these rules. The right to attend meetings is subject to the Council's right to exclude persons if their conduct is disorderly or if they misbehave at the meeting. The Press may attend that part of any meeting open to the public.

#### **4A Filming, Recording and Social Media**

- (a) Meetings which are open to the public under these rules may be webcast by the Council. The Webcasting Protocol (contained within Part 5 of the Constitution) shall apply to all meetings which are webcast.
- (b) Other filming, recording and use of social media is permitted during meetings which are open to the public under these rules, provided that:
  - (i) The recording or transmission must create no disturbance disruption or distraction to the good order and conduct of the meeting;
  - (ii) Notice has been given (on the meeting agenda and signage outside the meeting) so that everyone attending the meeting is made aware that they may be recorded and that by attending the meeting they are deemed to consent to this;
  - (iii) Any recording must be overt, not covert;
  - (iv) There is to be no recording or transmission of proceedings dealing with any exempt or confidential information;
  - (v) The Chair shall have discretion, subject to proper consideration of any relevant representations and legal advice, to prohibit a recording or exclude anyone reasonably considered to be in breach of these rules; and
  - (vi) The person making the recording or transmission shall be solely responsible for complying with all applicable legal obligations arising from their actions.

#### **5 Notices of Meetings**

- (a) The Authority will give at least three clear days notice of any meeting by posting details of the meeting on the public notice board at County Hall, Atlantic Wharf, Cardiff and on the Council's Website ([www.cardiff.gov.uk](http://www.cardiff.gov.uk)).
- (b) Special Urgency – if a matter is considered by the Monitoring Officer to be so significantly urgent and unexpected that a decision must be taken and that it is not possible to provide 3 clear days notice of the date of the meeting at which the decision must be taken, then with the agreement of the Chair of the body concerned, the Monitoring Officer is authorised to call such a meeting, subject to the agenda and reports being available to the public at the time at which the meeting is convened.

#### **6 Access to Agenda and Reports before a Meeting**

The Council will make copies of the agenda and reports open to the public available for inspection on the Council's Website ([www.cardiff.gov.uk](http://www.cardiff.gov.uk)) and at the designated office at least three clear days before a meeting. If an item is added to the agenda later the designated officer shall make each such report available to the public as soon as the report is completed and sent to councillors.

## **7 Supply of Copies**

The Council will supply to any person, on payment of a charge for postage and other justified costs, copies of:

- (a) any agenda and reports that are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) if the Monitoring Officer thinks fit, copies of any other documents supplied to councillors in connection with an item.

## **8 Access to Minutes after a Meeting**

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

- (a) the minutes of the meeting (or record of decisions taken together with reasons, for all meetings of the Cabinet) excluding any part of the minutes or proceedings which disclose exempt or confidential information;
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

## **9 Background Papers**

### **9.1 List of background papers**

The Proper Officer will set out in every report, or part of a report, which is open to public inspection under Rule 6 or 8 above a list of those documents (called “background papers”) relating to the subject matter of the report, or that part of the report, which in his/her opinion:

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

but not including published works or those that disclose exempt or confidential information (as defined in Rule 10) (and in respect of Cabinet reports, the advice of any political advisor).

### **9.2 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.

## 10 Confidential and Exempt Information

### 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.

### 10.2 Exempt Information – Discretion to Exclude Public

The public may be excluded from a meeting whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed. Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6. Due regard will be had to the wishes of the individual should they elect that the hearing be held in private where the law so permits.

### 10.3 Meaning of Confidential Information

Confidential information means information given to the Council by a Government Department (including the Welsh Assembly Government) on terms which forbid its public disclosure or information which cannot be publicly disclosed by virtue of any enactment or Court Order.

### 10.4 Meaning of Exempt Information

Exempt information is defined in Schedule 12A, Part 4, of the Local Government Act 1972 as information falling within the following 10 categories (subject to any qualification):

CATEGORY	QUALIFICATION	LEGISLATIVE REFERENCE
1. Information relating to a particular individual	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	Paragraph 12 of Schedule 12A, Part 4 of the Local Government Act 1972
2. Information which is likely to reveal the identity of an individual	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	Paragraph 13 of Schedule 12A, Part 4 of the Local Government Act 1972

CATEGORY	QUALIFICATION	LEGISLATIVE REFERENCE
<p>3. Information relating to the financial or business affairs of any particular person (including the Council)</p> <p><i>Note : 'financial or business affairs' includes contemplated, as well as past or current, activities</i></p>	<p>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.</p> <p>Information falling within paragraph 3 is not exempt information by virtue of that paragraph if it is required to be registered under –</p> <ul style="list-style-type: none"> <li>(a) the Companies Acts (as defined in Section 2 of the Companies Act 2006)</li> <li>(b) the Friendly Societies Act 1974</li> <li>(c) the Friendly Societies Act 1992</li> <li>(d) the Industrial and Provident Societies Acts 1965 to 1978</li> <li>(e) the Building Societies Act 1986</li> <li>(f) the Charities Act 2011</li> </ul>	<p>Paragraph 14 of Schedule 12A, Part 4 of the Local Government Act 1972</p>

CATEGORY	QUALIFICATION	LEGISLATIVE REFERENCE
<p>4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority</p> <p><i>Note: 'Labour relations matters' are as specified in paragraphs (a) to (g) of Section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 i.e. matters which may be the subject of a trade dispute</i></p>	<p>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</p>	<p>Paragraph 15 of Schedule 12A, Part 4 of the Local Government Act 1972</p>
<p>5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings</p>		<p>Paragraph 16 of Schedule 12A, Part 4 of the Local Government Act 1972</p>
<p>6. Information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment</p>	<p>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</p>	<p>Paragraph 17 of Schedule 12A, Part 4 of the Local Government Act 1972</p>



CATEGORY	QUALIFICATION	LEGISLATIVE REFERENCE
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime	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	Paragraph 18 of Schedule 12A, Part 4 of the Local Government Act 1972
<b>In addition to the categories referred to above, the following categories will apply to the proceedings of the Standards and Ethics Committee and its Sub-Committee only in connection with the investigation and consideration of an allegation(s) of a breach of the Council's Member Code of Conduct</b>		
8. Information which is subject to any obligations of confidentiality.	Information is exempt only where a meeting of a Standards and Ethics Committee is convened to consider a matter referred under the provisions of sections 70(4) or (5), or 71(2) of the Local Government Act 2000	Paragraph 18A of Schedule 12A, Part 4 of the Local Government Act 1972 (inserted by the Standards Committees (Wales)(Amendment) Regulations 2007)
9. Information which relates in any way to matters concerning national security.	Information is exempt only where a meeting of a Standards and Ethics Committee is convened to consider a matter referred under the provisions of sections 70(4) or (5), or 71(2) of the Local Government Act 2000	Paragraph 18B of Schedule 12A, Part 4 of the Local Government Act 1972 (inserted by the Standards Committees (Wales)(Amendment) Regulations 2007)
10. The deliberations of the Standards and Ethics Committee or of a Sub-Committee of the Standards and Ethics Committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred to it.		Paragraph 18C of Schedule 12A, Part 4 of the Local Government Act 1972 (inserted by the Standards Committees (Wales)(Amendment) Regulations 2007)

Information falling within any of paragraphs 1 – 7 is not exempt if it relates to proposed development for which the Council may grant itself planning permission under Regulation 3 of the Town and County Planning General Regulations 1992.

## 10.5 Disclosure by Members

Members will not make public Confidential or Exempt Information without the consent of the Authority or divulge information given in confidence to anyone other than a Member or Officer entitled to know it unless otherwise authorised by law.

## 10.6 Public Interest

Information within Categories 1 to 4, 6 and 7 set out in Rule 10.4 may only be treated as exempt if an assessment of the public interest has been made.

The public interest will be assessed on a case by case basis having regard to all relevant factors including but not limited to the following, to ensure a proper balance is achieved between the right to know, the right to personal privacy and the delivery of effective government.

In making such an assessment the proper officer shall have regard to any relevant prejudice which may be caused to the Council or any other party if the information were disclosed, having regard to the full context of any disclosure. Account may be taken of whether disclosure would breach any obligation of confidence not within Rule 10.3, or the rights of any individual under the Data Protection Act 1998 or the Human Rights Act 1998.

Account will be taken of the fact that the public interest test may be served by allowing access to information which would:

- (a) further the understanding of and participation in debating issues of the day;
- (b) facilitate transparency and accountability in and enhance scrutiny of decisions taken by the Council;
- (c) facilitate transparency and accountability in the spending of public money;
- (d) help individuals understand the decisions made by the Council affecting their lives;
- (e) bring to light information affecting public safety or danger to the environment;
- (f) contribute to the administration of justice and enforcement of the law or the prevention or detection of crime or the apprehension or prosecution of offenders;
- (g) protect the public from unsafe products or rogue traders or practices.

In making such an assessment the following factors shall be regarded as irrelevant:

- (a) possible embarrassment to the Council or its Officers;
- (b) possible loss of confidence in the Council or another public body;
- (c) the seniority of persons involved in the subject matter;
- (d) the risk of the public misinterpreting the information.

## 10.7 **Exclusion of the Public**

A decision to exclude the public from a meeting under this Rule shall be made in accordance with the Council Procedure Rules, the Committee Procedure Rules, or the Cabinet Procedure Rules as appropriate.

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

Prior to a meeting, if the Proper Officer thinks fit, the Council may exclude access by the public to the whole or any part of a report which in his or her opinion relate to items of business during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports or parts of reports will be marked "Not for Publication" together with the category of information likely to be disclosed. After the meeting access to the Report is subject to Rule 8.

Where the decision to exclude access has required a determination of the public interest the Proper Officer shall keep a note of his or her reasons for the decision.

## 12 **Application of Rules to the Cabinet**

- (a) Rules 12 – 18 apply to the Cabinet.
- (b) The Cabinet will not conduct any formal business or take any Executive Decision in private except as permitted under Rule 10 or the law.
- (c) If the Cabinet meets to take an Executive Decision then it must also comply with Rules 1 – 11. For the avoidance of doubt Rules 1 -11 do not apply to meetings of the Cabinet where no Executive Decision is to be taken and the sole purpose of which is:-
  - (i) for employees to brief Councillors, or
  - (ii) for informal deliberations to take place which fall short of formal business or the taking of an Executive Decision, or
  - (iii) to meet with representatives of other bodies to discuss the approach to a particular subject.

## 13 **Record of Decisions**

After any meeting of the Cabinet, whether held in public or private, the Monitoring Officer, the Monitoring Officer's representative or, where no officer was present, the person presiding at the meeting, will produce a written record of every decision taken at that meeting as soon as reasonably practicable. The record will include a statement of the date, the reasons for each Executive Decision, details of any alternative options considered and rejected at the meeting either directly or by reference to the report, details of any declaration of interest and details of any consultation that was taken and generally comply with legal requirements as to the recording of the Executive Decision.

A record of a decision to exclude the public in accordance with Rule 10 shall identify the category of exempt or confidential information and, where appropriate, any relevant determination of the public interest.

A record of the decision will be published in the Executive Decision Register and will be circulated to all Members by the Cabinet Business Office. The Register will be available for public inspection at County Hall and on the Council's internet site.

#### **14 Cabinet Meetings relating to matters which are not Executive Decisions**

The Cabinet will decide whether meetings where no Executive Decisions are to be made will be held in public or private. Members of the Cabinet or its committees will be entitled to receive three clear working days notice of a meeting to which they are summoned, unless the meeting is convened at shorter notice as a matter of urgency.

#### **15 The Forward Plan**

##### **15.1 Period of Forward Plan**

To promote openness and efficiency in decision-making, the Council maintains a Forward Plan of anticipated Executive Decisions. The Forward Plan covers a 12 month period from the date of publication and is updated monthly on a rolling basis.

##### **15.2 Contents of Forward Plan**

The Forward Plan seeks to anticipate all decisions to be made by the Cabinet and by the Chief Executive and Corporate Directors under delegated powers. Each Corporate Director, and/or Chief Officer in partnership with the relevant Cabinet Member is responsible for identifying future decision-making needs and for informing the Cabinet Business Office. The Cabinet Office Manager maintains the Forward Plan which is available for public inspection at County Hall and on the Council's internet site.

It will describe the following particulars in so far as the information is available or might reasonably be obtained:

- (a) the matter in respect of which a decision is to be made;
- (b) the identity of the decision maker;
- (c) a brief summary of the issues;
- (d) a brief summary of the reasons for any recommendation
- (e) a draft of the proposed recommendation;
- (f) the date on which, or the period within which, the decision will be taken;
- (g) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;
- (h) the responsible lead officer;
- (i) a contact officer; and
- (j) the status of the decision where:

- (i) Green = Decisions of a non-contentious, day to day nature, unlikely to be the subject of call-in.
- (ii) Amber = Decisions of a more sensitive nature, which could be potentially contentious or not of a routine nature. These would generally flow through to the Cabinet for decision, without prior scrutiny, although a judgement will be made in each case regarding scrutiny consideration before decision, and the possibility of call-in.
- (iii) Red = Decisions relating to high level functions primarily relating to policy formulation within the Policy and Budgetary Framework where the Cabinet would usually make a proposal to Council. For such decisions, the engagement of scrutiny is required before the Cabinet recommendation is made.

Exempt information need not be included in the Forward Plan and confidential information cannot be included.

### **15.3 Additional Information Relating to Forward Plan Items**

Any person who wishes to:

- (a) make representations to the Cabinet or decision taker about a matter in respect of which a decision is to be made;
- (b) request additional information or documents relating to a proposed decision (if any) as they become available

should contact the nominated contact officer. Inclusion of a matter in the Forward Plan does not create any right of access to information which is confidential or exempt as defined in Rule 10.

## **16 Executive Decisions by individual Members of the Cabinet**

Delegated powers may not be exercised by individual Members of the Cabinet in accordance with the Scheme of Delegations.

### **16.1 Record of individual Decision by employee**

Where a decision is taken by an employee under delegated powers, that employee is responsible for retaining a record of such decision and the reason for such decision sufficient for audit and evidential purposes and for ensuring that all those that need to know are informed promptly of the decision and that the decision and the record of it accords with the requirements of the relevant scheme of delegations under which it is made, and any guidance on decision making issued by the Monitoring Officer. Decisions made by the Chief Executive or a Corporate Director will be included in the published Executive Decision Register. (See Rule 13).

## **17 Additional Rights of Access by Members of Scrutiny Committees**

### **17.1 Rights to copies**

Subject to Rule 17.2 below, a member of a Scrutiny Committee (including their Sub-Committees and Task groups) will be entitled to copies of 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 public or private meeting of the Cabinet, or its committees; or
- (b) any decision taken by an individual member of the Cabinet.

### **17.2 Limit on Rights**

No member of a scrutiny committee shall be entitled to any part of a document that contains exempt or confidential information or the advice of a political advisor or assistant unless that information is relevant to:

- (a) an action or decision that is being reviewed or scrutinised or is intended to be scrutinised by that committee or a sub-committee of that committee or;
- (b) is relevant to any review contained in any programme of work of the scrutiny committee or a sub-committee of that committee.

In case of doubt the Monitoring Officer shall determine whether condition (a) or (b) applies.

### **17.3 Disclosure**

Exempt or confidential information supplied to a Member in accordance with Rule 17.1 remains exempt or confidential and is subject to Rule 10.5.

## **18 Additional Rights of Access for Members**

### **18.1 Material relating to Council and Cabinet Business**

All Councillors will be entitled to inspect any document which is in the possession or under the control of:

- (i) the Council relating to business transacted or to be transacted at a meeting of the council, or a committee or a sub-committee; or
- (ii) the Cabinet (or its committees) relating to any business transacted at a decision making meeting following the conclusion of that meeting or relating to any decision made by an individual member of the Cabinet where allowed by the Scheme of delegations immediately after the decision has been made

unless either (a) or (b) below applies:-

- (a) it contains exempt information falling within paragraphs 1, 2, 4, 5 or 7 of the categories of exempt information in Rule 10; or
- (b) in respect of Cabinet material it contains the advice of a political adviser.
- (c) Provided that the restriction in rule 18.1(a) above shall not apply to a Councillor who is the Leader of a Political Group in accordance with the Local Government (Committees and Political Groups) Regulations 1990.

## 18.2 Nature of rights

The rights of a Member under Rule 18 are additional to any other right he/she may have, including:

- (a) the common law right to inspect documents where this is necessary for a Member to perform his or her duties. Any Member asserting a 'need to know' in relation to documents not otherwise available under these rules should make application to the Monitoring Officer.
- (b) the statutory rights available to any person under the Freedom of Information Act 2000 and the Environmental Information Regulations 2005.
- (c) Members' right, under Section 228 of the Local Government Act 1972, to inspect the accounts of the Council and of any proper officer of the Council.

In exercising rights of access to information Members shall have regard to any guidance issued by the Monitoring Officer and the Member / Officer and Member Access to Information protocols.

## 19 Register of Cabinet Members

An up to date register that will be open to the public will be kept at County Hall and published on the Council's website stating:-

- (a) the name and address of every Councillor who is a member of the Cabinet and the ward the Councillor represents;
- (b) the name and address of every member of each committee of the Cabinet;
- (c) the functions of the Cabinet which for the time being are exercised by individual members of the Cabinet; and
- (d) as respects each function, the name of the member of the Cabinet by whom it is exercisable.

Mae'r dudalen hon yn cael ei adael yn wag yn fwriadol



## **PART 4 – RULES OF PROCEDURE**

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### **BUDGET AND POLICY FRAMEWORK PROCEDURE RULES**

#### **1 The framework for Executive Decisions**

- (a) The Council will be responsible for the adoption of the Budget and Policy Framework. Once a Budget or a Policy Framework is in place, it will be the responsibility of the Cabinet to implement it.
- (b) The future business of the Cabinet will be set out in the Forward Plan to be published on a monthly basis.

#### **2 Process for developing the framework**

- (a) The Cabinet will publicise by including in the Business Statement a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework, and its arrangements for consultation after publication of those initial proposals. The Chairs of Scrutiny Committees will also be notified.
- (b) The Cabinet will then draw up firm proposals having regard to any responses to consultation. If a relevant Scrutiny Committee wishes to respond to the Cabinet in the consultation process then it may do so. As the Scrutiny Committees have responsibility for fixing their own work programme, it is open to the Scrutiny Committees to investigate, research or report in detail with policy recommendations before the end of the consultation period. The Cabinet will take any response from a 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.
- (c) Once the Cabinet has approved the firm proposals, they will be referred at the earliest opportunity to the Council for decision.
- (d) In reaching a decision, the Council may adopt the Executive proposals, amend them, refer them back to the Cabinet for further consideration, or substitute its own proposals in their place.
- (e) If it accepts the recommendation of the Cabinet without amendment, the Council may make a decision which has immediate effect. Otherwise, it may only make an in-principle decision. In either case, the decision will be made on the basis of a simple majority of votes cast at the meeting.
- (f) A copy of the decision shall be given to the Leader.
- (g) An in-principle decision will automatically become effective five clear working days from the date of the Council's decision, unless (i) the Leader informs the proper officer in writing within that time he/she objects to the

decision becoming effective and provides reasons why and (ii) he/she does so before 8 February of that year.

- (h) In that case, the proper officer will call a Council meeting to take place within a further ten clear working days. The Council will be required to re-consider its decision and the written submission within at that meeting. The Council may:-
- (i) approve the initial Cabinet recommendation by a simple majority of votes cast at the meeting; or
  - (ii) approve a different decision which does not accord with the recommendation of the Cabinet by a simple majority.
  - (iii) The decision shall then be made public and shall be implemented immediately.
- (j) In approving the Budget and Policy Framework, the Council will also specify the extent of virement within the budget and degree of in-year changes to the Policy Framework which may be undertaken by the Cabinet, in accordance with paragraphs 5 and 6 of these Rules (virement and in-year adjustments). Any other changes to the Budget and Policy Framework are reserved to the Council.

### 3 Decisions outside the Budget or Policy Framework

- (a) Subject to the provisions of paragraph 5 of these Rules (virement) the Cabinet, individual members of the Cabinet and any employees or joint arrangements discharging Executive functions may only take decisions which are in line with the Budget and Policy Framework. If any of these bodies or persons wishes to make a decision which is contrary to the Policy Framework, or contrary to or not wholly in accordance with the Budget approved by Council, then that decision may only be taken by the Council, subject to 4 below.
- (b) If the Cabinet, individual members of the Cabinet and any employees, or joint arrangements discharging Executive Functions want to make such a decision, they shall take advice from the Head of Paid Service, Monitoring Officer and the Section 151 Officer as to whether the decision they want to make would be in contrary to the Policy Framework, or not wholly in accordance with the Budget. If the advice of any of those officers is that the decision would not be in line with the existing Budget and/or Policy Framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 4 of these Rules (urgent decisions outside the budget and policy framework) shall apply.

#### **4 Urgent decision outside the budget or policy framework**

(a) The Cabinet, a committee of the Cabinet, an individual Member of the Cabinet or employees, (area committees) or joint arrangements discharging Executive Functions may take a decision which is contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget approved by Council if the decision is urgent. However, the decision may only be taken:

- (i) if it is not possible to convene a quorate meeting of the full Council; and
- (ii) if the chair of a relevant Scrutiny Committee agrees that the decision is urgent.

The reasons why it is not practical to convene a quorate meeting of full Council and the chair of the relevant Scrutiny Committees' 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 a relevant Scrutiny Committee, the consent of the Lord Mayor, and in the absence of both, the Deputy Lord Mayor, will be sufficient.

(b) Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

#### **5. Virement**

(a) The Council shall have budget heads reflecting the Council's Service Area arrangements and taking into account recommended accounting practice.

(b) Steps taken by the Cabinet, an individual member of the Cabinet or employees, or joint arrangements discharging Executive Functions to implement Council policy shall not exceed those budgets allocated to each budget head. However, such bodies or individuals shall be entitled to vire across budget heads in accordance with Financial Regulations. Beyond that limit, approval to any virement across budget heads shall require the approval of the Council.

#### **6. In-year changes to Policy Framework**

The responsibility for agreeing the Budget and Policy Framework lies with the Council, and decisions by the Cabinet, an individual member of the Cabinet or employees, (area committees) or joint arrangements discharging Executive Functions must be in line with it. No changes to any policy and strategy which make up the Policy Framework may be made by those bodies or individuals except changes that have been specified or categorised by Council as permissible changes.

#### **7 Call-in of decisions outside the Budget or Policy Framework**

(a) Where a Scrutiny Committee is of the opinion that an Executive Decision is, or if made would be, contrary to the Policy Framework, or contrary to or not wholly in accordance with the Budget, then it shall seek advice from

the Head of Paid Service, Monitoring Officer and/or Section 151 Officer, who will report on the matter.

- (b) In respect of functions which are the responsibility of the Cabinet, the report of the Head of Paid Service, Monitoring Officer and/or Section 151 Officer shall be to the Cabinet with a copy to every Councillor. Regardless of whether the decision is delegated, the Cabinet must meet to decide what action to take in respect of the report and to prepare a report to Council in the event that the Head of Paid Service, Monitoring Officer or the Corporate Director with Section 151 Responsibilities conclude that the decision was a departure from the Budget or Policy Framework, and to the Scrutiny Committees if the Head of Paid Service, Monitoring Officer or the Section 151 Officer conclude that the decision was not a departure.
- (c) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Head of Paid Service, Monitoring Officer and/or Section 151 Officer is that the decision is or would be contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget or ultra vires the power of the Cabinet, the Cabinet or the relevant 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 ten clear working days of the request by the Cabinet or the Scrutiny Committee. At the meeting it will receive a report of the decision or proposals and the advice of the Chief Executive, Monitoring Officer and/or the Section 151 Officer. The Council may either:-
- (i) endorse a decision or proposal as falling within the existing Budget and Policy Framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all Councillors in the normal way;
- or
- (ii) amend the Authority's financial procedures or Policy Framework to encompass the decision or and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all councillors in the normal way;
- or
- (iii) where the Council accepts that the decision or proposal is contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget or ultra vires the power of the Cabinet, and does not amend the existing Policy Framework to accommodate it or ratify the ultra vires decision., the decision will be a nullity but the Council may require the Cabinet to reconsider the matter in accordance with the advice of either the Chief Executive, Monitoring Officer or Section 151 Officer.

## **PART 4 – RULES OF PROCEDURE**

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### **CABINET PROCEDURE RULES**

#### **1 Executive Functions**

##### **1.1 Executive Decisions**

Part 3 of the Constitution sets out the provision made with respect to the allocation of any functions which are the responsibility of the executive among the following persons—

- (a) the Cabinet,
- (b) any member of the Cabinet,
- (c) any committee of the Cabinet, and
- (d) any officers of the authority.

Where such allocation has been made the body to which or the person to whom a function has been allocated in accordance with that provision may discharge that function and make an Executive Decision in relation to it.

To the extent that the functions which are the responsibility of the executive have not been allocated in accordance with section 15(3) of the Local Government Act 2000 (but not further or otherwise) the Leader will decide how Executive Functions are to be exercised. They may be discharged by:

- (a) the Cabinet as a whole;
- (b) a committee of the Cabinet;
- (c) an individual member of the Cabinet;
- (d) an employee of the Council by his or her Office;
- (e) an area committee;
- (f) joint arrangements; or
- (g) another local authority.

##### **1.2 Delegation of Executive Functions**

To the extent the Leader, the Cabinet, a Cabinet committee or a member of the Cabinet has authority to make arrangements for the exercise of Executive Functions, in any case that person or body will take advice from the Chief Executive, Monitoring Officer and Section 151 Officer before discharging

his/her/its authority. Any arrangements made by the Cabinet, a committee of the Cabinet or a member of the Cabinet for the discharge of Executive Functions which may be discharged by him/her or it must be made in writing and set out the name of the person who may discharge of the function, the nature and extent of any delegation and any limitation on its exercise. A copy of the document containing such arrangements must be delivered by or on behalf of the person or body making such arrangements to the proper officer before the arrangements take effect. Any document containing such arrangements which is delivered to the proper officer shall be open to public inspection.

### **1.3 Changes to the arrangements for the delegation of Executive Functions**

- (a) A person who or a body which has made arrangements for the discharge of any Executive Functions in accordance with paragraph 1.2 above may amend the arrangements at any time . To do so, person or body must give written notice to the proper officer and to the person, or body authorised by such arrangements to discharge the relevant Executive Functions. The notice must set out the extent of the amendment to the arrangements, and whether it entails the withdrawal of delegation from any person, or body. Any notice given to the proper officer under this paragraph will be open to public inspection.
- (b) Where a person or body seeks to withdraw delegation from a committee, notice will be deemed to be served on that committee when he/she has served it on its chairperson.

### **1.4 Conflicts of Interest**

- (a) Any body which or person who has a power to discharge an Executive Function and has a personal interest in a matter for decision will act in accordance with the relevant Code of Conduct set out in Part 5 of this Constitution.
- (b) If an Executive Function cannot be discharged under any arrangements made pursuant to paragraph 1.2 above as a result of a personal interest, the person or body which delegated the function will take the decision, or the matter will be referred to Cabinet for decision.

### **1.5 Cabinet meetings**

- (a) The Cabinet will meet at times and dates to be agreed by the Cabinet.
- (b) Those listed below may ask the proper officer to call Cabinet meetings in addition to those agreed by the Cabinet:
  - (i) the Leader;
  - (ii) the Head of Paid Service;

- (iii) the Monitoring Officer;
  - (iv) the section 151 Officer;
  - (v) any three members of the Cabinet.
- (c) Any request presented in accordance with this paragraph must be in writing, must specify the business to be transacted at the meeting and must be accompanied by a copy of any report for the meeting.
- (d) Cabinet meetings will generally be held in public in accordance with the provisions of the Access to Information Procedure Rules.
- (e) A Councillor being the Leader of a political group in accordance with the Local Government (Committees and Political Groups) Regulations 1990 shall have the right (such right to be exercised reasonably and not so as to interfere with the proper conduct of business) to speak at any meeting of the Cabinet or a committee of the Cabinet even though he/she is not a member of the Cabinet or Cabinet committee as the case may be. In the absence of the Leader of such political group the Councillor designated as the Leader's deputy may exercise this right. This right may not be exercised in the following cases:
- (f) where the Councillor is required to declare an interest and withdraw from the meeting under the Members' Code of Conduct;
- (i) where the Cabinet or any committee of the Cabinet exercising a quasi judicial function have asked the members of the public and the parties to withdraw whilst they deliberate before reaching a decision;
  - (ii) where the Monitoring Officer or his/her representative advises that as a matter of law or to protect the Council's interest non-members of the Cabinet or the committee of the Cabinet (as the case may be) should withdraw;
- (g) Provided that nothing in this rule shall prevent the Chair of the meeting exercising his/her powers to ensure the orderly conduct of the proceedings

## 1.6 **Quorum**

The quorum for a meeting of the Cabinet shall be three.

## 1.7 **Decisions of the Cabinet**

- (a) Executive Decisions which have been allocated or delegated to the Cabinet will be taken by majority vote of those present at a meeting convened in accordance with the Access to Information Procedure Rules, with the person presiding having a second or casting vote.

- (b) Where Executive Decisions are allocated or delegated to a Cabinet committee, the rules shall be the same as those applying to decisions taken by the Cabinet.
- (c) Executive Decisions which have been allocated or delegated to individual Cabinet Members will be taken in accordance with Cabinet Procedure Rules.

## **2 CONDUCT OF CABINET MEETINGS**

### **2.1 Chairing the Meeting**

If the Leader is present he/she will chair the meeting of the Cabinet. In his/her absence, then the Cabinet Member appointed by the Leader to chair Cabinet meetings in his/her absence shall preside. In his/her absence, a person chosen by those present shall preside.

### **2.2 Attendance**

- (a) Meetings of the Cabinet are generally open to any person who wishes to attend in accordance with the Access to Information Procedure Rules.
- (b) Subject to paragraph (c) below only Cabinet Members, employees or persons asked to or with a duty to advise Cabinet or other persons asked by the Cabinet to do so may speak at a Cabinet meeting.
- (c) A Councillor may attend any meeting of the Cabinet or a Cabinet committee (whether or not they are a member of the Cabinet or of the Cabinet committee) and with the permission of the chairperson may speak but may not vote except in the following cases:
  - (i) where the Councillor is required to declare an interest and withdraw from the meeting under the Code of Conduct;
  - (ii) where the Cabinet or a committee of the Cabinet (as the case may be) is exercising functions of a quasi-judicial nature and have asked the members of the public and the parties to withdraw whilst they deliberate before reaching a decision;
  - (iii) where the Director of Governance and Legal Services or his/her representative advises that as a matter of law non-members of the Cabinet or Cabinet committee (as the case may be) should withdraw.

### **2.3 Business**

- (a) At each meeting of the Cabinet the following business will be conducted:
  - (i) consideration of the minutes of the last meeting;
  - (ii) declarations of interest, if any;



- (iii) matters referred to the Cabinet (whether by a Scrutiny Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules;
  - (iv) consideration of reports from Scrutiny Committees;
  - (v) other matters set out in the agenda for the meeting;
  - (vi) to exclude the public for the consideration of any item in accordance with the Access to Information Procedure Rules; and
  - (vii) and any matter which the chairperson considers should be considered at the meeting as a matter of urgency by reason of special circumstances or legal requirement.
- (b) The future business of the Cabinet will be set out in the Forward Plan to be published on a monthly basis.

## 2.4 Consultation

All reports regarding issues for an Executive Decision will contain information on the nature and extent of any consultation with stakeholders (including Councillors) and relevant Scrutiny Committees, and the outcome of that consultation. The level of consultation will be appropriate to the nature of the matter under consideration.

## 2.5 Agenda

- (a) Any member of the Cabinet may give notice to the Proper Officer that he/she wishes a matter or an item of business relevant to the functions of the executive to be included on the agenda for a meeting of the Cabinet. On receipt of such request the proper officer will include such matter or item on the next suitable agenda.
- (b) The Head of Paid Service, Monitoring Officer and/or the Section 151 Officer may, in pursuance of their statutory duties, require an item to be included on the agenda of a Cabinet meeting and to have the item discussed. In other circumstances, where any two of the Head of Paid Service, Section 151 Officer and Monitoring Officer are of the opinion that a meeting of the Cabinet needs to consider a matter that requires a decision, they may in pursuance of their statutory duties, jointly require an item to be included on the agenda of a Cabinet meeting and to have the item discussed.
- (c) There will be a standing item on the agenda of each meeting of the Cabinet for matters referred by Scrutiny Committees.

(d) The agenda for any relevant meeting will include items determined under the above, unless otherwise required by law.

### **3 CABINET COMMITTEES**

#### **3.1 Chairperson of Cabinet Committees**

The chairperson of a Cabinet Committee shall be such member of the Cabinet Committee as the Cabinet shall appoint. In the absence of the chairperson a person chosen by those present shall preside

#### **3.2 Quorum**

The quorum of a Cabinet committee shall be one quarter of the membership of the committee or three (whichever is larger).

#### **3.3 Conduct of business of Cabinet Committees**

The rules for the calling and conduct of meetings of the Cabinet shall (save to the extent they are inconsistent with paragraphs 3.1 and 3.2) apply to the calling and conduct of meetings of a Cabinet committee provided that any reference in the rules to the Leader shall in the case of a Cabinet Committee be construed as a reference to the chairperson of the Cabinet Committee

## **PART 4 – RULES OF PROCEDURE**

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### **SCRUTINY PROCEDURE RULES**

#### **1 Scrutiny Committees**

The Council will have the five Scrutiny Committees set out in Article 6 and will appoint to them as it considers appropriate from time to time. Scrutiny Committees will have a membership determined by the Council.

Scrutiny Committees may appoint "Task and Finish" Sub Committees to be established for a fixed period, on the expiry of which they shall cease to exist. These will not exercise the formal powers associated with scrutiny (which are the preserve of the Committees), but can contribute to, or inform, the scrutiny process.

#### **2 Members of Scrutiny Committees**

All councillors, except members of the Cabinet, may be members of a Scrutiny Committee. However, no member may be involved in scrutinising a decision which he/she has been directly involved in taking.

#### **3 Co-opted Members**

The Children & Young People Scrutiny Committee shall include in its membership the following voting representatives:

- (a) 1 Church in Wales diocese representative;
- (b) 1 Roman Catholic diocese representative; and
- (c) 2 parent governor representatives.

When matters unrelated to education functions, which are the responsibility of the executive, fall to be considered by the Children & Young People Scrutiny Committee, these representatives shall not vote on those other matters, though they may stay in the meeting and speak.

#### **4 Meetings of the Scrutiny Committees**

Scrutiny Committees shall generally meet on a monthly basis. In addition, extraordinary meetings may be called from time to time as and when appropriate. A Scrutiny committee meeting may be called by the Chairperson of the relevant Scrutiny Committee if he/she considers it necessary or appropriate.

Scrutiny Committee meetings will generally be held in public in accordance with the provisions of the Access to Information Procedure Rules.

## 5 **Quorum**

The quorum of a meeting will be one quarter of the whole number of members of that Scrutiny Committee/Sub Committee. During any meeting, if the Chairperson declares that 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 Chairperson. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting of the Scrutiny Committee/Sub Committee.

## 6 **Chairperson**

Scrutiny Chairpersons will be appointed on a politically proportionate basis in accordance with the provisions of sections 66 – 75 of the Local Government (Wales) Measure 2011.

## 7 **Scrutiny Role and Conduct of Business**

Within their terms of reference, Scrutiny Committees:-

- (a) Will set their own work programmes and submit Annual Reports for consideration by the Council. Such reports will outline previous, and ongoing, investigations, and set out any known future work programme.
- (b) May make proposals to the Cabinet regarding policy and service development and scrutinise and review decisions made, or actions, taken in connection with the discharge of any Council functions.
- (c) May use the budgets allocated to them, relevant Council employees, advisers and assessors to assist them in fulfilling their role. 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/or expenses for doing so. They must comply with the Council's procedures and keep within the budgets allocated to them in so doing.
- (d) As far as possible, will ensure that the objectives of any proposed business are set out in its programme.

## 8 **Agenda items**

- (a) Any member of a Scrutiny Committee may give notice to the Head of Democratic Services that he/she wishes an item relevant to the functions of that committee to be included on the agenda for a future meeting. On receipt of such a request, the Chairperson will ensure that it is included as an item on the next suitable agenda.

- (b) Scrutiny Committees shall respond, as soon as their work programme permits, to requests from the Council or the Cabinet, to review particular areas of Council activity. Where they do so, the Scrutiny Committee shall report their findings, and any recommendations, back to the Cabinet and/or Council, as appropriate.

## **9 Reports from Scrutiny Committees**

- (a) Once it has formed recommendations following the conclusion, or part conclusion, of its deliberations on a particular topic, a Scrutiny Committee will prepare a formal report and submit it for consideration by the Cabinet (if the report relates to a Executive Decision or proposal) or to the Council (if the recommendation would require a departure from, or a change, to the agreed budget and policy framework).
- (b) If a Scrutiny Committee cannot reach unanimous agreement on the content of a report to the Council or Cabinet as appropriate, then any member of the committee may request that the points of difference between their view and that of the majority and the reasons for the difference in view be recorded in the Scrutiny Committee report and submitted for consideration by the Council or Cabinet as appropriate. Where a minority report is requested, it must be requested before the Committee's report on the topic under scrutiny is determined.
- (c) The Council or Cabinet shall give consideration to a formal report of a Scrutiny Committee and any minority report at an appropriate meeting. Where appropriate, the Scrutiny Committee shall receive a written response from the Cabinet to its formal report and any minority report, as soon as is practicable following the consideration of the report by the Cabinet. The appropriate Cabinet Member will also attend a future meeting of the scrutiny committee to present any response.
- (d) Where a scrutiny committee prepares a report for consideration by the Cabinet in relation to a matter where the decision making power has been delegated to an individual member of the Cabinet, then the Scrutiny Committee will submit a copy of their report to him/her for consideration. The member with delegated decision-making power must consider the report and respond in writing to the Scrutiny Committee. The member will also attend a future meeting of the Scrutiny Committee to present their response.

## **10 Rights of Scrutiny Committee members to documents**

Members of Scrutiny Committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.

## **11 Hearing evidence and receiving information**

- (a) Scrutiny Committees may receive written submissions or call witnesses to assist them in their examination of topics.
- (b) They may require any Cabinet Member and/or Council officer to attend to explain, in relation to matters within their remit:-
  - (i) any decision or series of decisions;
  - (ii) the extent to which actions taken implement Council policy; and/or
  - (iii) the performance of any Council service within their portfolio or management responsibility
  - (iv) and it is the duty of those persons to attend if so required.
- (c) Where any member or officer is required to attend a Scrutiny Committee under this provision, the Chairperson of that Committee, or an officer acting at their behest, will inform the member or officer in writing, giving at least ten calendar days notice of the meeting at which he/she is required to attend, except in cases of urgent necessity, when at least 48 hours notice will be given. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.
- (d) Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the scrutiny committee shall, in consultation with the member or officer, arrange an alternative date for attendance, or may seek a written submission.
- (e) A Scrutiny Committee may invite anyone whom it believes can make a useful contribution 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 can invite such people to attend.
- (f) Scrutiny Committees will programme their agendas as effectively as possible and will in particular give any witness called to appear before them a time by which they can expect their contribution to be completed. At the expiry of that time period, the witness can leave unless he/she agrees to remain longer.

## 12 **Call-in Procedure**

- (a) When an Executive Decision is made by the Cabinet, a Committee of the Cabinet, the Leader, a Cabinet Member, the Chief Executive, a Corporate Director or a Director exercising a Corporate Director or a Director delegation, the decision shall be published on the Council's Intranet Site,

and shall be available at the main offices of the Council, normally within two working days of being made. Members of those Committees who request it (in respect of decisions falling within their Committee's terms of reference) and Chairpersons of all Scrutiny Committees will also be sent copies of the records of all such decisions within the same timescale by the proper officer.

- (b) The notice will bear the date on which it is published and will specify that the decision will be implemented on the expiry of seven clear working days after the publication of the decision ("the call-in period"), unless the decision is called in as set out below.
- (c) Any non Cabinet member of the Council (or a co-opted member of the Children and Young People Scrutiny Committee, in the case of a decision relating to an education matter) may call-in a decision of which notice has been given as set out above, by giving notice in writing to the Head of Democratic Services within the call-in period. The Head of Democratic Services shall then notify the Cabinet Office of the call-in. He/she shall call a meeting of the relevant committee on such date as he/she may determine, where possible after consultation with the Chairperson of the Committee, and in any case within five clear working days of the decision to call-in ("the scrutiny period"). At its meeting, the Scrutiny Committee may consider the called-in decision itself or decide to refer the issue to the Council for scrutiny, if the matter is of general significance and importance to the Council as a whole. A Council meeting to consider this issue must take place within ten clear working days of this referral ("the Council scrutiny period") unless otherwise agreed between the Leader and the Chairperson of the relevant Scrutiny Committee.
- (d) Having considered the decision, the Scrutiny Committee or the Council (if the decision has been referred to Council) may refer it back to the Cabinet or the decision maker for reconsideration, setting out in writing the nature of its concerns. The Cabinet or decision maker shall then reconsider the matter before adopting a final decision, arranging for the decision to be changed to reflect points made by the Scrutiny Committee, or formally deferring the matter for further consideration. The relevant Scrutiny Committee or Council as appropriate will be advised of the outcome at its next meeting.
- (e) If following a call-in, the matter is not referred back to the Cabinet or decision maker, the decision shall take effect on the date of the relevant Scrutiny Committee or Council meeting which considers the issue, or the expiry of the scrutiny period or the Council scrutiny period as appropriate, whichever is the later.
- (f) The role of Scrutiny Committees calling in a decision is:
  - (i) To test the merits of the decision
  - (ii) To consider the process by which the decision has been formulated.

- (iii) To make recommendations (to support the decision, change aspects of the decision, or to invite the decision making body to reconsider).
  - (iv) To suggest further steps before a decision is made (but not to try to carry out those steps in place of the decision making body).
  - (v) To come to a view in a relatively short time scale, so as not to compromise the speed and efficiency of the decision-making process.
- (g) In calling in a decision it is not sufficient for the Member requesting the call in to state that they wish to test the merits of the decision. A member requesting a call in shall specify precisely which aspects of the decision they wish to question or challenge.
- (h) The Head of Democratic Services may, in consultation with the Monitoring Officer, rule that a call in is not valid if:
- (i) The call in request has not been made within the seven working days allowed for call in;
  - (ii) It is not clear which Executive Decision is being called in;
  - (iii) The decision is exempt from call in on account of urgency provisions;
  - (iv) The call in request provides too little information to enable Committee members or the decision taker to adequately prepare for the call in meeting.
  - (v) The decision being called in, or broadly the same decision, has been called in during the last six months; or
  - (vi) The matter has already been scrutinised by the relevant Scrutiny Committee and there is no significant new or additional information which has not been previously considered by that Committee.

### **13 Exceptions: Call-in and Urgency**

- (a) The call-in procedure set out above shall not apply where the decision being taken is urgent. A decision will be urgent if either the Head of Paid Service, the Monitoring Officer or the S151 Officer certifies that any delay likely to be caused by the call-in process could seriously prejudice the Council, or the public interest, and the Chair of the relevant scrutiny committee or, in his/her absence, the Chair of the Council, or in both their absences, the Vice-Chair of the Council, agrees that the matter is urgent. The record of the decision and notice by which it is made public shall state whether the decision is an urgent one, and therefore not be subject to call-in. Decisions taken as a matter of urgency must be reported for



information to the next available meeting of the Council, together with the reasons for urgency.

- (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.

#### 14 **Procedure at Scrutiny Committee meetings**

- (a) Scrutiny Committees shall consider the following business:

- (i) minutes of the last meeting;
- (ii) declarations of interest (to be made at the commencement of the agenda item in question);
- (iii) consideration of any matter referred to the Committee for a decision in relation to call in of a decision;
- (iv) responses of the Cabinet to reports of the Scrutiny Committee; and
- (v) the business otherwise set out on the agenda for the meeting.

- (b) Where the Scrutiny Committee conducts investigations, the Committee may also invite people to attend to give evidence at committee meetings which are to be conducted in accordance with the following principles:

- (i) that the investigation be conducted fairly and all members of the committee be given the opportunity to ask questions of those invited to give evidence, and to contribute and speak;
- (ii) that those assisting the Committee by giving evidence be treated with respect and courtesy; and
- (iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- (iv) that members of the council acting in their constituency representative role be permitted to attend and give evidence in connection with ward specific matters provided they have first given notice to the Chair of the Scrutiny Committee.

- (c) Following any investigation or review, the Committee shall prepare a report, for submission to the Cabinet and/or Council as appropriate, and shall make its report and findings public, except that reports containing confidential or exempt information need not be made public to the extent that such information would be disclosed.

## 15 **Matters within the remit of more than one Scrutiny Committee**

Where a Scrutiny Committee proposes to conduct a review, or scrutinise a matter, which also falls (whether in whole or in part) within the remit of another Scrutiny Committee, then the arrangements for the future scrutiny of this matter will be agreed by the relevant Scrutiny Chairpersons. This agreement will be reported to the next meeting of the appropriate Scrutiny Committees.

## PART 4 – RULES OF PROCEDURE

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### FINANCIAL PROCEDURE RULES

#### 1 STATUS

- 1.1 The Local Government Act 1972 (Section 151) requires that an employee of the Council is recognised as the responsible financial officer. In Cardiff Council, that officer is the Corporate Director, Resources.
- 1.2 The Accounts and Audit Regulations place a duty on the Responsible Financial Officer to determine the: *Appropriate financial records, including the form of accounts and supporting financial records; and Systems of financial control.*
- 1.3 The Corporate Director, Resources has developed the following Financial Procedure Rules as part of the system of financial control. These provide the framework for managing the Council's financial affairs, and are part of Cardiff Council's constitution. They apply to every Member and Officer of the Council, and anyone acting on its behalf.
- 1.4 The purpose of the Financial Procedure Rules is to ensure that public accountability and high standards of financial integrity are exercised in the control of public funds that pass through the Council. The Financial Procedure Rules govern the day to day operation of the Council's financial administration. They are introduced both to protect the interests of the Council, and all those who are involved with financial administration.
- 1.5 The Corporate Director, Resources is responsible for maintaining a continuous review of the Financial Procedure Rules, and for submitting any additions or changes necessary to the Constitution Committee for approval. The Corporate Director, Resources is also responsible for reporting, where appropriate, any breaches of Financial Procedure Rules. In the event of dispute as to the meaning of any of the provisions of the Financial Procedure Rules the matter shall be determined by the Corporate Director, Resources whose decision shall be final.
- 1.6 Where in the Financial Procedure Rules, an officer is designated by reference to his /her job title, the responsibilities shall relate to the post holder. Such an officer may arrange for officers under his/her supervision or management to carry out any of the obligations, duties or activities required to be performed by him/her under the Financial Procedure Rules, or to act in his/her absence, provided that the named post holder shall retain responsibility to the Council.

#### **Who do the Financial Procedure Rules apply to?**

- 1.7 Financial Procedure Rules apply to everyone involved in financial transactions on behalf of the Council. Directors are responsible for ensuring that all staff in their service areas are aware of the existence and content of the Council's

Financial Procedure Rules, and guidance documents issued by the Corporate Director, Resources, and that they comply with them.

- 1.8 All Members and Officers have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, properly authorised, provides value for money and achieves best value.
- 1.9 Failure to comply with the Financial Procedure Rules, or the instructions issued under them, or any arrangements made for the purposes of them, will constitute misconduct.
- 1.10 Other related documents approved by the Council include the Constitution, Delegations, Contract Standing Orders & Procurement Rules and Codes of Conduct.
- 1.11 For the purpose of these Financial Procedure Rules, Heads of Service have the same responsibilities as Directors.

#### **Why are they important?**

- 1.12 To conduct the Council's business effectively, it needs to be ensured that sound financial management arrangements are in place and that they are complied with in practice. Part of this process is the establishment of Financial Procedure Rules which set out the financial responsibilities of the Council. These procedures have been devised as a control to help the Council manage its financial affairs properly in compliance with all necessary requirements.
- 1.13 In order to continually meet the Council's corporate values, it is vital that good, sound financial management is maintained, 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.
- 1.14 Adherence to these Financial Procedure Rules will help the Council to control spending, ensure due probity of transactions and allow decisions to be informed by accurate accounting information. They also protect colleagues, in that if they are complying with these Rules, they cannot be subject to criticism.
- 1.15 Good financial management requires secure and reliable records and systems to process transactions and information and substantiate the effective use of public money.
- 1.16 Financial Procedure Rules should not be seen in isolation, but rather as part of the overall regulatory framework of the Council as set out in the Constitution. They will underpin and complement the directorate procedures.

## **Who is responsible for ensuring that the Financial Procedure Rules are applied?**

- 1.17 The regulations often refer to Directors as being responsible and, whilst Directors are ultimately responsible for ensuring that Financial Procedure Rules are applied and observed by their staff and for reporting to the Corporate Director, Resources any known or suspected breaches of the regulations, it is important that all colleagues involved in financial transactions are aware of their personal responsibility.
- 1.18 The Corporate Director, Resources is responsible for maintaining a continuous review of the Financial Procedure Rules.
- 1.19 The Corporate Director, Resources is responsible for issuing advice and guidance to underpin the Financial Procedure Rules that members, officers and others acting on behalf of the Council are required to follow.

## **2 FINANCIAL MANAGEMENT**

### **GENERAL**

#### **Why is this important?**

- 2.1 Financial management covers all financial accountabilities in relation to the running of the Council, including the budget and policy framework. All staff and members have a duty to abide by the highest standards of probity in dealing with financial issues. This is facilitated by ensuring everyone is clear about the standards to which they are working and the controls that are in place to ensure that these standards are met.

#### **Key Controls**

- 2.2 The systems of financial control must include measures:
  - to ensure that the financial transactions of the Council are recorded as soon as, and as accurately as, reasonably practicable;
  - to enable the prevention and detection of inaccuracies and fraud; and
  - to ensure that risk is appropriately managed.

#### **Responsibilities of the Corporate Director, Resources**

- 2.3 To be responsible, for the purposes of Section 151 of the Local Government Act, 1972 and Section 114 of the Local Government Finance Act, 1988, for the proper administration of the Council's financial affairs.
- 2.4 As the Council's financial adviser, to:
  - report to the Cabinet and the Council on resource availability and resources allocation.

- advise the Cabinet and the Council of the financial implications of proposals submitted to them.
  - keep the Cabinet and the Council informed with respect to the Council's finances and financial performance and other committees informed with respect to financial implications of their activities.
  - advise on financial systems and procedures for all service areas of the Council including advice to the Cabinet and the Council if inadequate systems exist.
  - advise and participate in all aspects of Value For Money projects.
  - advise the Cabinet and the Council on the financial aspects of all policy matters.
- 2.5 To set the financial management standards and to monitor compliance with them.
- 2.6 To ensure proper professional practices are adhered to and to act as head of profession in relation to the standards of finance staff throughout the Council.
- 2.7 To act, under the Trustee Investment Act, as adviser to the Council in respect of its Pension Fund responsibilities.

### **Responsibilities of Corporate Directors and Directors**

- 2.8 To ensure that that the Financial Procedure Rules are followed and brought to the attention of all employees in their service areas.
- 2.9 To be responsible, in consultation with the Corporate Director, Resources for:
- the financial administration of their service areas, including trading units, in compliance with the Financial Procedure Rules.
  - the monitoring and control of expenditure against their service area capital and revenue budgets.
  - the design and operation of systems of internal control capable of:
    - carrying out the activities of the Council in an effective and efficient manner;
    - ensuring adherence to the Council Policy Framework and Budget;
    - safeguarding assets;
    - securing, as far as possible the completeness and accuracy of records;
    - ensuring value for money and preventing waste.
- 2.10 To agree with the Corporate Director, Resources any amendment to financial systems or introduction of new financial systems.
- 2.11 To provide all information required by the Corporate Director, Resources for finance purposes on a timely basis, and to allow him/her or an authorised representative access to all information, records, documents and explanations that he/she requires.

- 2.12 To maintain adequate records to provide a management trail leading from the source of income/expenditure through to the accounting statements.
- 2.13 To establish and maintain sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial performance targets.
- 2.14 To allow the Corporate Director, Resources adequate opportunity to provide written comments for inclusion in all reports for decision by the Council or the Cabinet or for the purpose of exercising delegated powers.
- 2.15 To consult with the Corporate Director, Resources with respect to any matter within his/her purview which is liable to materially affect the finances of the Council, before any provisional or other commitment is incurred or before reporting thereon to the Cabinet or the Council.
- 2.16 To inform the Corporate Director, Resources when officers intend to meet with representatives of Government Service areas or outside bodies on matters which may involve current or future financial or economic proposals and be given the opportunity of being represented or advised of the proposals as the Corporate Director, Resources considers necessary.
- 2.17 To take action upon any internal audit reports to ensure that any agreed actions arising from audit recommendations are carried out in a timely and efficient fashion.
- 2.18 To ensure that all employees who are responsible for financial administration are issued with appropriate instructions.
- 2.19 To ensure that there is a clear separation of duties within the administration of all systems to ensure adequate controls are in place.
- 2.20 To maintain proper records of authorised signatories for all financial systems and to ensure that only these officers sign key documents such as orders, invoices, claims and payroll records.
- 2.21 To immediately notify the Audit Manager whenever any matter arises which involves, or is thought to involve, a breach of security, theft, or irregularities concerning cash, stores or other property of the Council, or any suspected irregularity in the exercise of the functions of the Council.
- 2.22 To liaise with the Audit Manager in relation to the investigation of any suspected irregularities within their service area, in line with the Council's Anti-Fraud, Anti-Corruption & Bribery Policy and Procedure.
- 2.23 To ensure that all employees comply with the Financial Procedure Rules and any instructions issued under them or any arrangements made for the purposes of them.

- 2.24 To ensure that any arrangements made under or for the purposes of the Financial Procedure Rules should be in writing and where necessary conveyed in writing to relevant employees.
- 2.25 To promote the financial management standards set by the Corporate Director, Resources in their service areas, and to monitor adherence to the standards and practices, liaising as necessary with the Corporate Director, Resources.
- 2.26 To promote sound financial practices in relation to the standards, performance and development of staff in their departments.
- 2.27 To ensure that there is compliance with the Council's Charging and Trading Policy.

## **MANAGING EXPENDITURE**

### **Virement and in-year changes to the budget**

#### **Why is this important?**

- 2.28 The scheme of virement is intended to enable the Cabinet, Directors and their staff to manage budgets with a degree of flexibility within the overall budget and policy framework determined by the full Council, and therefore to optimise the use of resources.

#### **Key Controls**

- 2.29 Key controls for the scheme of virement are:
- the overall revenue budget is drawn up by the Cabinet and approved by the full Council. Directors and budget managers are, therefore, authorised to incur expenditure in accordance with the estimates that make up the budget as set out in the budget book. The rules below cover virement - that is, switching resources between approved budget headings:
  - virement does not create additional overall budget liability. Directors are expected to exercise their discretion in managing their budgets responsibly and prudently. For example, they should not support recurring revenue expenditure from one-off sources of savings or additional income, or creating future commitments, including full-year effects of decisions made part way through a year, for which they have not identified future resources. Directors must plan to fund such commitments from within their own budgets;
  - the capital programme is drawn up by the Cabinet and approved by the full Council and contains details of approved expenditure on capital schemes.



## **Responsibility of the Cabinet**

- 2.30 To approve revenue and capital budget virements or any inter-service virements where the purpose of the budget has been amended or in any case where arrangements have not been made for discharge of the function by an officer of the Council and within the Policy and Budgetary Framework.

## **Responsibility of Officers - Capital Expenditure**

### **Directors**

- 2.31 In consultation with the Corporate Director, Resources, to vary within service areas the approved programme of capital expenditure by an addition or deletion or material modification of an existing project by a virement not exceeding £250,000 to or from another project but subject to the Policy and Budgetary Framework.
- 2.32 To refer to the Cabinet for approval, virements in excess of £250,000 provided under the specific published budget heads. A report will be prepared by the appropriate Director, in consultation with the Corporate Director, Resources.

### **Corporate Director, Resources**

- 2.33 To consult with the appropriate Director, to vary within their service areas, the approved programme of capital expenditure, within the limits as outlined in these Financial Procedure Rules.
- 2.34 To refer to the Cabinet for approval, virements in excess of £250,000 provided under the specific published budget heads. A report will be prepared by the appropriate Director, in consultation with the Corporate Director, Resources.
- 2.35 To approve the use of reserves and to commit expenditure in future years up to a total in the year of up to £1m and to ensure that the appropriate records are kept and maintained.
- 2.36 The Council sets a multi year capital programme, with the latter years indicative only. In order to ensure an effective capital programme, expenditure can be brought forward only with the approval of the Corporate Director, Resources. The possibility of delaying spend into future years may be required in some cases and should be observed following any request from the Corporate Director, Resources.

## **Responsibility of Officers - Revenue Expenditure**

### **Corporate Directors**

- 2.37 In consultation with the Corporate Director, Resources to vire, within service areas, sums not exceeding £250,000 provided under specific published revenue budget heads to other purposes (revenue only).

- 2.38 To refer to the Cabinet for approval, virements in excess of £250,000 provided under the specific published budget heads. A report will be prepared by the appropriate Corporate Director, in consultation with the Corporate Director, Resources.
- 2.39 No virement may be approved if the total cash limited budget of the Council or service area is likely to be overspent.

### **Directors**

- 2.40 In consultation with the Corporate Director, Resources to vire, within service areas, sums not exceeding £50,000, provided under specific published revenue budget heads to other purposes (revenue only).

### **Corporate Director, Resources**

- 2.41 To consult with the appropriate Corporate Director or other Chief Officer, to vire sums, within their service area and within the limits as outlined in these Financial Procedure Rules.
- 2.42 To refer to the Cabinet for approval, virements in excess of £250,000 provided under the specific published budget heads. A report will be prepared by the appropriate Director, in consultation with the Corporate Director, Resources.
- 2.43 To approve the use of reserves and to commit expenditure in future years up to a total in the year of up to £1m and to ensure that the appropriate records are kept and maintained.
- 2.44 No virement may be approved if the total cash limited budget of the Council or service area is likely to be overspent.

## **TREATMENT OF YEAR END BALANCES**

### **Why is this important?**

- 2.45 It is important to have a set of rules for the proper treatment of year end balances.

### **Key Controls**

- 2.46 Appropriate accounting procedures are in operation to ensure that carried forward totals are correct.

### **Responsibilities of the Corporate Director, Resources**

- 2.47 To transfer to reserves and provisions any appropriate under-spending's arising from the out-turn at financial year ends.

- 2.48 To report to the Cabinet and Council as part of the budget process on the Council's financial standing.
- 2.49 In consultation with Directors to approve carry forward of surpluses from internal trading units.

### **Responsibilities of Directors**

- 2.50 Internal trading unit surpluses may be carried forward to the following year subject to approval by the Corporate Director, Resources.

## **ACCOUNTING POLICIES**

### **Why is this Important?**

- 2.51 The Corporate Director, Resources is responsible for the preparation of the Council's statement of accounts, in accordance with proper practices as set out in the format required by the relevant codes of practice on local authority accounting in the United Kingdom, for each financial year ending 31st March.

### **Key Controls**

- 2.52 The key controls for accounting policies are:
- systems of internal control are in place that ensure that financial transactions are lawful;
  - suitable accounting policies are selected and applied consistently;
  - proper accounting records are maintained;
  - financial statements are prepared which present fairly the financial position of the Council and its expenditure and income.

### **Responsibilities of the Corporate Director, Resources**

- 2.53 To select suitable accounting policies and to ensure that they are applied consistently. The accounting policies are set out in the statement of accounts, which is prepared at 31st March each year, and covers such items as:
- separate accounts for capital and revenue transactions;
  - the basis on which debtors and creditors at year end are included in the accounts;
  - details on substantial provisions and reserves;
  - fixed assets;
  - depreciation;
  - financial instruments;
  - work in progress;
  - stocks and stores;
  - deferred charges;
  - accounting for value added tax;

- government grants;
- leasing

### **Responsibilities of Directors**

- 2.54 To adhere to the accounting policies and guidelines approved by the Corporate Director, Resources.

## **ACCOUNTING RECORDS AND RETURNS**

### **Why is this important?**

- 2.55 Maintaining proper accounting records is one of the ways in which the Council discharges its responsibility for stewardship of public resources. The Council has a statutory responsibility to prepare its annual accounts to present fairly its operations during the year. These are subject to external audit. This audit provides assurance that the accounts are prepared properly, that proper accounting practices have been followed and that quality arrangements have been made for securing economy, efficiency and effectiveness in the use of the Council's resources.

### **Key Controls**

- 2.56 The key controls for accounting records and returns are:
- finance staff and budget managers operate within the required accounting standards and timetables;
  - all the Council's transactions, material commitments and contracts and other essential accounting information are recorded completely, accurately and on a timely basis;
  - procedures are in place to enable accounting records to be reconstituted in the event of systems failure;
  - reconciliation procedures are carried out to ensure transactions are correctly recorded;
  - prime documents are retained in accordance with legislative and other requirements.
  - Responsibilities of the Corporate Director, Resources
- 2.57 To determine the accounting procedures and records for the Council.
- 2.58 To arrange for the compilation of all accounts and accounting records under his or her direction.
- 2.59 To comply with the following principles when allocating accounting duties:
- separating the duties of providing information about sums due to or from the Council and calculating, checking and recording these sums from the duty of collecting or disbursing them;

- officers with the duty of examining or checking the accounts of cash transactions must not themselves be engaged in these transactions.
- 2.60 To make proper arrangements for the audit of the Council's accounts in accordance with the current Accounts and Audit Regulations.
- 2.61 To certify and ensure that all claims for grants and other financial returns required by Government Service areas and other bodies are made by the due date.
- 2.62 To prepare and publish the audited accounts of the Council for each financial year, in accordance with the statutory timetable and with the requirement.
- 2.63 To determine the retention period of financial records where there are no requirements prescribed by statutory or other external regulations.

### **Responsibilities of Directors**

- 2.64 To consult and obtain the approval of the Corporate Director, Resources before making any changes to accounting records and procedures.
- 2.65 To comply with the following principles when allocating accounting duties:
- separating the duties of providing information about sums due to or from the Council and calculating, checking and recording these sums from the duty of collecting or disbursing them;
  - employees with the duty of examining or checking the accounts of cash transactions must not themselves be engaged in these transactions.
- 2.66 To maintain adequate records to provide a management trail leading from the source of income/expenditure through to the accounting statements.
- 2.67 To ensure that the retention periods of financial records, as determined by the Corporate Director, Resources, are complied with. Where retention periods are prescribed by statutory or other external regulations, the Chief Officer should ensure that these are complied with.
- 2.68 To ensure that financial records are not disposed of other than in accordance with prescribed statutory requirements (as advised by the Council's Information Manager) and as approved by the Corporate Director, Resources.
- 2.69 To supply information required to enable the statement of accounts to be completed in accordance with guidelines issued by the Corporate Director, Resources.

## **ANNUAL STATEMENT OF ACCOUNTS**

### **Why is this important?**

- 2.70 The Council has a statutory responsibility to prepare its own accounts to present fairly its operations during the year.

### **Key Controls**

- 2.71 The key controls for the annual statement of accounts are:
- the Council is required to make arrangements for the proper administration of its financial affairs and to ensure that one of its officers has the responsibility for the administration of these affairs. In this Council, that officer is the Corporate Director, Resources;
  - the Council's statement of accounts must be prepared in accordance with proper practices as set out in the relevant codes of practice on local authority accounting in the United Kingdom.

### **Responsibilities of Corporate Director, Resources**

- 2.72 To select suitable accounting policies and to apply them consistently.
- 2.73 To make judgements and estimates that are reasonable and prudent.
- 2.74 To comply with the Statement of Recommended Practice.
- 2.75 To sign and date the statement of accounts, stating that it presents fairly the financial position of the Council at the accounting date and its income and expenditure for the year ended 31st March.
- 2.76 To draw up the timetable for final accounts preparation and to advise staff and external auditors accordingly.

### **Responsibilities of Directors**

- 2.77 To comply with accounting guidance provided by the Corporate Director, Resources, and to supply the Corporate Director, Resources with information in the format, and by the date, requested.

## **3 FINANCIAL PLANNING**

### **PERFORMANCE PLANS**

#### **Why is this important?**

- 3.1 The Council has a statutory responsibility to publish various performance plans, including Wales Programme for Improvement. The purpose of performance

plans is to explain overall priorities and objectives, current performance, and proposals for further improvement. External audit is required to report on whether the Council has complied with statutory requirements in respect of the preparation and publication of the Programme for Improvement.

### **Key Controls**

3.2 The Key controls for performance plans are:

- to ensure that all relevant plans are produced and that they are consistent
- to produce plans in accordance with statutory requirements
- to meet the timetables set
- to ensure that all performance information is accurate, complete and up to date
- to provide improvement targets which are meaningful, realistic and challenging.
- Responsibilities of the Corporate Director, Resources

3.3 To advise and supply, as appropriate and in conjunction with Directors, the financial information that needs to be included in performance plans in accordance with statutory requirements and agreed timetables.

3.4 To contribute to the development of corporate and service targets and objectives and performance information.

3.5 To ensure that systems are in place to measure activity and collect the accurate financial information required and to provide said financial information to Service Areas to calculate their respective performance indicators.

### **Responsibilities of Directors**

3.6 To contribute to the development of performance plans in line with statutory requirements.

3.7 To contribute to the development of corporate and service targets and objectives and performance information.

3.8 To indicate to the Corporate Director, Resources the financial information required and to agree the methodology for calculation.

3.9 To ensure that adequate systems are in place to measure activity and collect accurate and timely non-financial information for use as performance indicators.

3.10 To advise and supply, as appropriate and in conjunction with the Corporate Director, Resources, the financial information that needs to be included in performance plans in accordance with statutory requirements and agreed timetables.

## **REVENUE BUDGETING AND MONITORING**

### **Budget Format**

#### **Why is this important?**

- 3.11 The format of the budget determines the level of detail to which financial control and management will be exercised. The format shapes how the rules around virement operate, the operation of cash limits, and sets the level at which funds may be reallocated within budgets.

#### **Key Controls**

- 3.12 The key controls are that the format:
- complies with all legal requirements;
  - complies with proper accounting and professional standards;
  - reflects the accountabilities of service delivery.

#### **Responsibilities of the Corporate Director, Resources**

- 3.13 To advise the Cabinet on the format of the budget that is approved by the full Council.

#### **Responsibilities of Directors**

- 3.14 To comply with accounting guidance provided by the Corporate Director, Resources.

### **Revenue Budget Preparation and Medium-Term Planning**

#### **Why is this important?**

- 3.15 The Council is a large and complex organisation responsible for delivering a wide variety of services. It needs to plan effectively and to develop systems to enable scarce resources to be allocated in accordance with carefully weighed priorities. The budget is the financial expression of the Council's plans and policies.
- 3.16 The revenue budget must be constructed so as to ensure that resource allocation properly reflects the service plans and priorities of the full Council. Budgets (spending plans) are needed so that the Council can plan, authorise, monitor and control the way money is allocated and spent. It is unlawful for a local authority to budget for a deficit.
- 3.17 In considering the affordability of its capital plans, the Council is required to consider all the resource currently available and for the future, together with an estimate of its requirements for the following year and each of the following two years. The Council is also required to consider known significant changes



beyond this timeframe. This needs to consider a Medium Term Financial Plan, considering three years plus one.

### **Key Controls**

- 3.18 The key controls for budgets and medium-term planning are:
- budget managers are consulted in the preparation of the budgets for which they will be held responsible and accept accountability within delegations set by the Cabinet for their budgets and the level of service to be delivered;
  - a monitoring process is in place to review the effectiveness and operation of budget preparation and to ensure that any corrective action is taken.

### **Responsibilities of the Corporate Director, Resources**

- 3.19 To prepare a report annually on a budget strategy for the following financial year for consideration by the Cabinet. This will take account of the Policy Framework, commitments, resource constraints and shall include medium term prospects. It will cover all the services of the Council. The report shall be made in accordance with the Budget and Policy Framework Rules. The Cabinet having considered the report of the Corporate Director, Resources and having consulted upon any proposals in accordance with the Budget and Policy Framework Procedure Rules the Cabinet will then agree a budget strategy.
- 3.20 To prepare, after the budget strategy has been agreed by the Cabinet, in conjunction with the Corporate Directors and Directors, estimates of the income and expenditure of the various service areas and submit them to the Cabinet. The Cabinet shall consider the aggregate effect of these estimates upon the Council's financial resources and, subject to any other considerations of policy and to any amendments which it proposes to make, shall draw up proposals for the Budget and the amount of Council Tax and Housing Rents to be levied for the ensuing financial year to be referred to the Council. The inclusion of items in approved revenue estimates shall constitute authority to incur such expenditure save to the extent of which the Council shall have placed a reservation on any such items. Expenditure on any such reserved items may be incurred only when and to the extent that such reservations have been removed.
- 3.21 To prescribe the budget format required.
- 3.22 To advise on the medium term implications of spending decisions and prepare medium term plans.
- 3.23 To encourage the best use of resources and value for money by working with Directors to identify opportunities to improve economy, efficiency and effectiveness, and by encouraging good practice in conducting financial appraisals of development or savings options, and in developing financial aspects of service planning.

- 3.24 To advise the full Council on Cabinet proposals in accordance with his or her responsibilities under section 151 of the Local Government Act 1972.
- 3.25 To ensure all matters required to be taken into account are reported to the Cabinet and Council when setting and reviewing prudential indicators.

### **Responsibilities of Directors**

- 3.26 To provide the Corporate Director, Resources with information to complete the medium term plan.
- 3.27 To prepare, in conjunction with the Corporate Director, Resources, estimates of income and expenditure.
- 3.28 To prepare budgets consistent with any relevant cash limits, with the Council's annual budget cycle and with guidelines issued by the Cabinet. The budget format will be prescribed by the Corporate Director, Resources.
- 3.29 To integrate financial and budget plans into service planning and for them to link in with the Corporate Plan.
- 3.30 When drawing up draft budget requirements, to have regard to:
- spending / income patterns and pressures revealed through the budget monitoring process;
  - legal requirements;
  - policy requirements as defined by the full Council in the approved policy framework;
  - initiatives already under way;
  - areas where savings/efficiencies can be made; and
  - implications of financial performance in the current year.

### **Resource Allocation**

#### **Why is this important?**

- 3.31 A mismatch often exists between available resources and required resources. A common scenario is that available resources are not adequate to fulfil need/desire. It is therefore imperative that needs/desires are carefully prioritised and that resources are fairly allocated, in order to fulfil all legal responsibilities. Resources may include staff, money, equipment, goods, property and materials.

#### **Key Controls**

- 3.32 The key controls for resource allocation are:
- resources are acquired in accordance with the law and using an approved authorisation process;

- resources are used only for the purpose intended, to achieve the approved policies and objectives, and are properly accounted for;
- resources are used with the minimum level of waste, inefficiency or loss for other reasons.

### **Responsibilities of the Corporate Director, Resources**

- 3.33 To advise on resources such as grants or the affordability of borrowing.
- 3.34 To advise on the suitability of proposals to introduce/modify financial procedures to control resources (e.g. stock control systems).
- 3.35 To assist in the allocation of resources to budget managers.

### **Responsibilities of Directors**

- 3.36 To work within cash limits and to utilise resources allocated and, furthermore, to allocate resources, in the most efficient, effective and economic way.
- 3.37 To identify opportunities to minimise or eliminate resource requirements or consumption without having a detrimental effect on service delivery.

### **Revenue Budget Monitoring and Control**

#### **Why is this important?**

- 3.38 Proper budget management ensures that, once the budget has been approved by the full Council, resources are used for their intended purposes and are properly accounted for. Budgetary control is a continuous process, enabling the Council to review and adjust its budget targets during the financial year. It also provides the mechanism that calls to account managers responsible for defined elements of the budget.
- 3.39 By continuously identifying and explaining variances against budgetary targets, the Council can identify changes in trends and resource requirements at the earliest opportunity. The Council itself operates within an annual cash limit, approved when setting the overall budget. To ensure that the Council, in total does not overspend, each service area is required to manage its own expenditure within the cash limited budget allocated to it.
- 3.40 Directors are expected to exercise their discretion in managing their budgets responsibly and prudently. For example:
- not support recurring revenue expenditure from one-off sources of savings or additional income, or creating future commitments;
  - include full-year effects of decisions made part way through a year, for which they have not identified future resources;
  - plan to fund such commitments from within their own budgets.

- 3.41 For the purposes of budgetary control by managers, a budget will normally be the planned income and expenditure for a service area or profit centre. However, budgetary control may take place at a more detailed level if this is required.

### **Key Controls**

- 3.42 The key controls for managing and controlling the revenue budget are:
- there is a nominated budget manager for each budget heading;
  - budget managers accept accountability for their budgets and the level of service to be delivered and understand their financial responsibilities;
  - budget managers follow an approved certification process for all expenditure;
  - income and expenditure are properly recorded and accounted for;
  - performance levels/levels of service are monitored in conjunction with the budget and necessary action is taken to align service outputs and budget; and
  - specific budget approval is given for all expenditure.

### **Responsibilities of the Corporate Director, Resources**

- 3.43 To establish an appropriate framework of budgetary management and control that ensures that:
- budget management is exercised within annual cash limits unless the full Council agrees otherwise;
  - all Corporate Directors and Directors are furnished with periodical statements of receipts and payments and such other relevant information as he/she has which is sufficiently detailed to enable managers to fulfil their budgetary responsibilities;
  - in consultation with Corporate Directors and Directors, reports are submitted, as determined by the Corporate Director, Resources, to the Cabinet, monitoring expenditure and comparing anticipated outturn with estimates;
  - each profit centre has a single named manager, determined by the relevant Director. As a general principle, budget responsibility will be aligned as closely as possible to the decision making processes that commits expenditure; and
  - significant variances from approved budgets are investigated and reported by budget managers regularly.
- 3.44 To submit reports to the Cabinet and to the full Council, in consultation with the relevant Director, where a Director is unable to balance expenditure and resources within existing approved budgets under his or her control.
- 3.45 To establish procedures for the monitoring of prudential indicators.

## **Responsibilities of Corporate Directors and Directors**

- 3.46 To be responsible for keeping strict supervision of the expenditure of their respective service areas and for drawing the attention of the Corporate Director, Resources and the Cabinet and the Council to any contemplated expenditure not provided for in the estimates or which, if incurred, would exceed the amount allocated for the purpose in the estimates or not be in line with the Budget or the Policy Framework.
- 3.47 To maintain budgetary control within their service areas, in adherence to the principles above, and to ensure that all income and expenditure is properly recorded and accounted for.
- 3.48 To ensure that budgetary provision is identified for all expenditure incurred.
- 3.49 To ensure that officers responsible for committing expenditure comply with relevant guidance and financial regulations.
- 3.50 To ensure, after consultation with the Corporate Director, Resources that there is prior approval by the full Council or Cabinet (as appropriate) for new proposals, of whatever amount, that:
- create financial commitments in future years; or
  - change existing policies, initiate new policies or cease existing policies; or
  - materially extend or reduce the Council's services.
- 3.51 To ensure compliance with procedures regarding budgets and virement.

## **CAPITAL BUDGETING AND MONITORING**

### **Why is this important?**

- 3.52 Capital expenditure (including use of capital grants and PFI/PPP projects) involves acquiring or enhancing fixed assets with a long term value to the Council, such as land, buildings, infrastructure and major items of plant, equipment or vehicles. Capital assets shape the way services are delivered in the long term and create financial commitments for the future in the form of financing costs and revenue running costs.
- 3.53 The financing capacity of the Council is restricted by the affordability, prudence and sustainability of the Capital Programme. This means that capital expenditure should form part of an investment strategy and should be carefully prioritised in order to maximise the benefit of scarce resources.

### **Key Controls**

- 3.54 The key controls for capital programmes are:

- specific approval by the full Council for the programme of capital expenditure;
- a scheme and estimate, including project plan, options, progress targets and associated revenue expenditure (both one-off and on-going) is prepared for each capital project, for appraising by the Corporate Director, Resources;
- proposals for improvements and alterations to buildings must be approved by the appropriate Director in accordance with the Asset Management Plan;
- schedules for individual projects within the overall budget approved by the Council must be approved by the appropriate Director;
- accountability for each proposal is accepted by a named project manager; and
- progress and expenditure should be monitored and compared to the approved budget.

### **Responsibilities of the Corporate Director, Resources**

- 3.55 To issue guidance relating to the strategy and controls for capital schemes. The definition of 'capital' will be determined by the Corporate Director, Resources, having regard to Government regulations and accounting requirements.
- 3.56 To advise the Cabinet and Council on the affordability, prudence and sustainability of the Capital Programme by the preparation of prudential indicators as required by the prudential code for capital finance in Local Authorities.
- 3.57 To ensure all matters required to be taken into account are reported to the Cabinet and Council when setting and revising prudential indicators.
- 3.58 To establish procedures for the monitoring of prudential indicators.
- 3.59 To prepare a report on the Capital Programme on the service area proposals, taking into account the Prudential Code of Borrowing, Policy Framework, commitments, resource constraints and Capital Receipts. This report shall compare the estimates with the finance available and propose the level of annual expenditure of each service area. The report will identify those schemes where expenditure may only be incurred after further work has been undertaken.
- 3.60 To furnish all Corporate Directors and Directors with periodic statements of expenditure and progress on individual schemes. It shall be the responsibility of the Corporate Director, Resources in consultation with each Corporate Director and Chief Officer to submit reports, as determined by the Corporate Director, Resources, to the Cabinet and the Council, monitoring expenditure and comparing with approved programme. The inclusion of items in the approved capital programme shall constitute authority to incur such expenditure save to the extent of which the Council shall have placed a reservation on any such items. Expenditure on any such reserved items may be incurred only when and to the extent that such reservations have been removed.

## **Responsibilities of Directors**

- 3.61 To comply with guidance concerning capital projects and controls issued by the Corporate Director, Resources.
- 3.62 To carry out an option appraisal before bidding / incurring capital expenditure to determine alternative methods of need.
- 3.63 To consider the revenue implications of capital projects over the whole life of projects and notify the Corporate Director, Resources when planning to undertake such schemes which do commit the authority to additional Revenue expenditure.
- 3.64 To submit a prioritised list of bids as part of the Medium Term capital budgeting process representing the schemes required to deliver Service and Corporate strategy.
- 3.65 To ensure that approvals for all capital expenditure proposals are obtained from the Corporate Director, Resources prior to a scheme's commencement.
- 3.66 To prepare returns of projected estimated final costs of schemes, in the approved capital programme profiled annually, for submission to the Corporate Director, Resources.
- 3.67 To ensure that adequate records are maintained for all capital contracts and the preparation of grant claims.
- 3.68 To ensure compliance with the Council's scheme of virement.
- 3.69 To report to the Corporate Director, Resources (where variations are made to approved contracts in excess of the initial contract amount) the reasons for any additional costs, an analysis of options considered to reduce cost to budget and the funding options considered to meet any budget shortfall, together with an indication of how any additional costs will be paid for. This should be done at the point of approving any variation.
- 3.70 To ensure that variations are agreed in accordance with the Council's Contract Standing Orders & Procurement Rules, including seeking financial advice for any decision reports. The Corporate Director, Resources should be made aware as soon as it become apparent that the total cost of a scheme, including variations, will or is likely to exceed £50,000 above the capital budget available.
- 3.71 To ensure that credit arrangements, such as leasing agreements, are not entered into without the prior approval of the Corporate Director, Resources and, if applicable, approval of the scheme through the capital programme.
- 3.72 To consult with the Corporate Director, Resources where the Director proposes to bid for Capital Funding to be issued by Government departments or others to support expenditure that has not been included in the current year's capital programme.

- 3.73 To ensure all expenditure charged against capital budgets meets the definition of capital expenditure in accordance with the Local Government Act 2003 and recommended accounting practice.

## **MAINTENANCE OF RESERVES**

### **Why is this important?**

- 3.74 Reserves can be provided as a working balance, a contingency for unexpected events or emergencies or to meet known or predicted liabilities.

### **Key Controls**

- 3.75 To maintain reserves in accordance with the relevant codes of practice on local authority accounting in the United Kingdom and agreed accounting policies.
- 3.76 For each reserve established, the purpose, usage and basis of transactions should be clearly identified.
- 3.77 The establishment of reserves and incurring of expenditure from reserves should be authorised by the Corporate Director, Resources.

### **Responsibilities of the Corporate Director, Resources**

- 3.78 To advise the Cabinet and/or the full Council on prudent levels of Reserves for the Council.

### **Responsibilities of Directors**

- 3.79 To ensure that resources are used only for the purposes for which they were intended.

## **4 RISK MANAGEMENT AND CONTROL OF RESOURCES**

### **RISK MANAGEMENT**

#### **Why is this important?**

- 4.1 All organisations, whether private or public sector, face risks to people, property and continued operations. Risk is the chance or possibility of loss, damage, injury or failure to achieve objectives caused by an unwanted or uncertain action or event. Risk management is the process followed to control the level of risk in business and service activities which could impact on the achievement of our objectives and the delivery of our key priorities and opportunities.



## **Key Controls**

4.2 The key controls for risk management are:

- procedures are in place to identify, assess, prevent or contain material known risks throughout the Council
- each Directorate maintains registers of the key risks that they need to monitor and manage in order to effectively deliver their functions and discharge their responsibilities;
- a monitoring process reviews the effectiveness of risk reduction strategies and the operation of these controls;
- risk owners are held responsible for managing relevant risks;
- provision is made for losses that might result from the risks that remain;
- procedures are in place to investigate claims within required timescales;
- acceptable levels of risk are determined and insured against where appropriate;
- the Council has business continuity plans for implementation in the event of an incident / disaster; and
- the Corporate Risk Register of the main risks to the delivery of corporate objectives and priorities is reviewed on a quarterly basis.

## **Responsibilities of the Corporate Director, Resources**

4.3 To raise the profile of Risk Management and promote the accountability and responsibility of all Members and Officers within the Council.

## **Responsibilities of Directors**

4.4 The key responsibilities of each Director are to:

- Work with their risk champion(s) and management team each quarter to identify risks relevant to their functions and areas of responsibility
- Promptly escalate risks to the Senior Management Team in accordance with the risk escalation requirements.
- Take ownership for the management of corporate risks within the organisation's risk appetite.
- Review the content of the Corporate Risk Register at least quarterly and provide assurance to stakeholders that the risks are being effectively mitigated.
- Allocate sufficient resources to address strategic risks.
- Create and support an environment and culture where risk management is promoted, facilitated and appropriately undertaken within the Council.
- Integrate risk management into performance management, business planning, business change projects, partnership and collaborative activities.

4.5 To take responsibility for risk management, having regard to advice from the Corporate Director, Resources, and other specialist officers (e.g. risk management champions, crime prevention, fire prevention, health and safety).

- 4.6 To ensure that there are reviews of risk within their service areas on a quarterly basis through the production and reviewing of risk registers.
- 4.7 To ensure that risk management is brought to the attention of relevant staff in their service areas.

## **INTERNAL CONTROLS**

### **Why is this important?**

- 4.8 The Council is a large, complex organisation that requires internal controls to manage and monitor progress towards strategic objectives. The Council also needs to consider the impact of regional working and sharing services in order to satisfy itself that a system of internal control exists in order to provide measurable achievement.
- 4.9 The Council has statutory obligations and, therefore, requires internal controls to identify, meet and monitor compliance with these obligations.
- 4.10 The Council faces a wide range of financial, administrative, commercial and service delivery risks, both from internal and external factors, which threaten the achievement of its objectives. Internal controls are necessary to manage these risks.
- 4.11 The system of internal controls is established in order to provide measurable achievement of:
- efficient and effective operations;
  - reliable financial information and reporting;
  - regional working and shared services;
  - compliance with laws and regulations;
  - risk management.

### **Key Controls**

- 4.12 The key controls are:
- key controls should be reviewed on a regular basis (via the Senior Management Assurance Statement) and the Council should make a formal statement annually to the effect that it is satisfied that the systems of internal control are operating effectively;
  - managerial control systems, including defining policies, setting objectives and plans, monitoring financial and other performance and taking appropriate anticipatory and remedial action. The key objective of these systems is to promote ownership of the control environment by defining roles and responsibilities;

- financial and operational control systems and procedures, which include physical safeguards for assets, segregation of duties, authorisation and approval procedures and information systems;
- an effective internal audit function that has an appropriate scope of audit coverage. It should operate in accordance with the principles contained in the Public Sector Internal Audit Standards (PSIAS) and with any other statutory obligations and regulations;
- an effective Audit Committee which meets on a regular basis to consider internal control and auditing matters.

### **Responsibilities of the Corporate Director, Resources**

- 4.13 To assist the Council to put in place an appropriate control environment and effective internal controls which provide reasonable assurance of effective and efficient operations, financial stewardship, probity and compliance with laws and regulations.

### **Responsibilities of Directors**

- 4.14 To establish sound arrangements, consistent with guidance given by the Corporate Director, Resources, or the Audit Manager, for planning, appraising, authorising, and controlling their operations, in order to achieve:
- continuous improvement;
  - economy;
  - efficiency;
  - effectiveness;
  - the proper use of resources;
  - the achievement of objectives;
  - the management of risks.
- 4.15 To review existing controls in the light of changes affecting the Council and to establish and implement new ones in line with guidance from the Audit Manager. Directors should also be responsible for removing controls that are unnecessary or not cost or risk effective, for example, because of duplication.
- 4.16 To ensure staff have a clear understanding of the consequences of lack of control.

## **INTERNAL AND EXTERNAL AUDIT**

### **Internal Audit**

#### **Why is this important?**

- 4.17 The requirement for an internal audit function for local authorities is implied by Section 151 of the Local Government Act 1972, which requires that authorities 'make arrangements for the proper administration of their financial affairs'. The

Accounts and Audit Regulations (Wales) 2014 require relevant bodies to ensure that there is a sound system of internal control which facilitates the effective exercise of that body's functions and which includes arrangements for the management of risk and adequate and effective financial management. The body must conduct a review at least once a year of the effectiveness of the system of internal control.

- 4.18 Internal audit is an independent and objective appraisal function established by the Council for reviewing the system of internal control. It examines, evaluates and reports on the adequacy of internal control as a contribution to the proper, economic, efficient and effective use of resources.

### **Key Controls**

- 4.19 The key controls for internal audit are that:

- it is independent in its planning and operation;
- the Audit Manager has direct access to the Chief Executive, all levels of management and directly to elected members;
- internal auditors comply with the Public Sector Internal Audit Standards; and
- it reports to an Audit Committee.

### **Responsibilities of the Corporate Director, Resources**

- 4.20 To maintain a continuous and independent internal audit of the Council's accounting, financial and other operations of the Council.
- 4.21 To ensure that all employees carrying out auditing duties comply with the current Public Sector Internal Audit Standards.
- 4.22 To make arrangements for there to be undertaken a cyclical review of all financial systems throughout the Council and to determine the appropriate level of audit coverage.
- 4.23 To ensure that internal auditors have the authority to:
- access Council premises at reasonable times, subject to the Audit Manager being satisfied as to any risk to health and safety;
  - access all assets, records, documents, correspondence and control systems;
  - receive any information and explanation considered necessary concerning any matter under consideration;
  - require any employee of the Council to account for cash, stores or any other Council asset under his or her control;
  - access records belonging to third parties, such as contractors and shared services, when required; and
  - review, appraise and report on the adequacy and application of financial and other controls, and on the protection of the Council's property and assets against loss due to fraud or wasteful practices.

- 4.24 To approve the strategic and annual audit plans prepared by the Audit Manager, which take account of the characteristics and relative risks of the activities involved.
- 4.25 To ensure that the Audit Manager has the right to report independently to the Council, the Audit Committee or an appropriate committee, in his/her own name.
- 4.26 To ensure that the Audit Manager provides an annual opinion on the Council's internal control environment as part of his annual report.

### **Responsibilities of Directors**

- 4.27 To ensure that internal auditors are given access at all reasonable times to premises, personnel, documents and assets that the auditors consider necessary for the purposes of their work.
- 4.28 To ensure that auditors are provided with any information and explanations that they seek in the course of their work.
- 4.29 To consider and respond promptly to recommendations in audit reports.
- 4.30 To ensure that any agreed actions arising from audit recommendations are carried out in a timely and efficient fashion.
- 4.31 To ensure that new systems for maintaining financial records, or records of assets, or changes to such systems, are discussed with and agreed by the Audit Manager prior to implementation.

### **External Audit**

#### **Why is this important?**

- 4.32 Under the Public Audit (Wales) Act 2004 (and subsequent legislation), the Auditor General for Wales is responsible for appointing external auditors to each local authority in Wales. The external auditor has rights of access to all documents and information which in his/her opinion are necessary to carry out his/her statutory functions.
- 4.33 The basic duties of the external auditor are defined in the Public Audit (Wales) Act 2004 and the Local Government Act 1999. In particular, section 16 of the 2004 Act requires the Auditor General for Wales to prepare a code of audit practice, which external auditors follow when carrying out their duties. The code of audit practice sets out the auditor's objectives to review and report upon the audited body's:
  - arrangements to secure economy efficiency and effectiveness in its use of resources;

- financial statements; and
- compliance with statutory requirements in respect of the preparation and publication of its Improvement Plan.

4.34 The Council's accounts are scrutinised by the external auditors, who must be satisfied that the statement of accounts 'presents fairly' the financial position of the Council and its income and expenditure for the year in question and complies with the legal requirements.

### **Key Controls**

4.35 External auditors are appointed by the Auditor General for Wales, normally for a minimum period of five years. The Auditor General for Wales has prepared a code of audit and inspection practice, which external auditors follow when carrying out their audits.

4.36 The external auditor attends all the meetings of the Audit Committee.

### **Responsibilities of the Corporate Director, Resources**

4.37 To ensure that external auditors are given access at all reasonable times to premises, personnel, documents and assets that the external auditors consider necessary for the purposes of their work.

4.38 To ensure there is effective liaison between external and internal audit.

4.39 To work with the external auditor and advise the full Council, Cabinet and Directors on their responsibilities in relation to external audit.

### **Responsibilities of Directors**

4.40 To ensure that external auditors are given access at all reasonable times to premises, personnel, documents and assets, which the external auditors consider necessary for the purposes of their work.

4.41 To ensure that all records and systems are up to date and available for inspection.

4.42 To ensure that all employees have proper regard to the guidance issued by the Corporate Director, Resources in connection with any external audits, and any reports of the external auditor.

## **PREVENTING FRAUD AND CORRUPTION**

### **Why is it this important?**

4.43 The Council will not tolerate fraud and corruption in the administration of its responsibilities, whether from inside or outside the Council. The Council will

commit to, and promote, a counter fraud and bribery culture within the Council and zero tolerance against fraudulent activity.

- 4.44 The Council's expectation of propriety and accountability is that members and staff at all levels will lead by example in ensuring adherence to legal requirements, rules, procedures and practices.
- 4.45 The Council also expects that individuals and organisations (e.g. suppliers, contractors, service providers) with whom it comes into contact will act towards the Council with integrity and without thought or actions involving fraud and corruption.

### **Key Controls**

- 4.46 The key controls regarding the prevention of financial irregularities are that:
- the Council has an effective anti-fraud and anti-corruption strategy and maintains a culture that will not tolerate fraud or corruption;
  - all members and staff act with integrity and lead by example;
  - senior managers are required to deal swiftly and firmly with those who defraud or attempt to defraud the Council or who are corrupt;
  - high standards of conduct are promoted;
  - the maintenance of a register of interests in which any hospitality or gifts accepted must be recorded;
  - whistle blowing procedures are in place and operate effectively;
  - legislation, including the Public Interest Disclosure Act 1998, is adhered to;
  - Council procedures (such as Contract Standing Orders & Procurement Rules and these Financial Procedure Rules) are adhered to; and
  - matters relating to fraud and corruption are reported to an Audit Committee.

### **Responsibilities of the Corporate Director, Resources**

- 4.47 To develop and maintain an anti-fraud, anti-corruption & bribery policy and procedure.
- 4.48 To assist the Council to put in place an appropriate control environment and effective internal controls which provide reasonable assurance of effective and efficient operations, financial stewardship, probity and compliance with laws and regulations.
- 4.49 To ensure that all suspected financial irregularities are reported to the Audit Manager. The Audit Manager shall take steps as he/she considers necessary by way of investigation, in liaison with service area management where appropriate, and in line with the Council's Anti-Fraud, Anti-Corruption & Bribery Policy and Procedure. Where sufficient evidence exists to believe that a criminal offence may have been committed by an external party, the matter will be referred in conjunction with the Audit Manager to the Police.

## **Responsibilities of Directors**

- 4.50 To review existing controls in the light of changes affecting the Council and to establish and maintain new controls where appropriate.
- 4.51 To immediately notify the Audit Manager whenever any matter arises which involves, or is thought to involve, a breach of security, theft, or irregularities concerning cash, stores or other property of the Council (including data), or any suspected irregularity in the exercise of the functions of the Council.
- 4.52 To liaise with the Audit Manager in relation to the investigation of any suspected irregularities within their service area, in line with the Council's Anti-Fraud, Anti-Corruption & Bribery Policy and Procedure.
- 4.53 Where sufficient evidence exists to believe that a criminal offence may have been committed by a member of staff, to call a Police Referral Panel. Where a decision is taken by this Panel to refer the matter to the Police, the Chief Officer shall do so without delay.
- 4.54 To instigate the Council's disciplinary and suspension procedures where the outcome of an investigation indicates improper behaviour by a member of staff.
- 4.55 To ensure that a review of processes and procedures is carried out in order to assure that the improper processes are not repeated.
- 4.56 To ensure that employees comply with Council guidance regarding the acceptance of hospitality, gifts and other benefits.

## **SECURITY OF ASSETS**

### **Why is this important?**

- 4.57 The Council holds assets in the form of property, vehicles, equipment, furniture and other items worth many millions of pounds. It is important that assets are safeguarded and used efficiently in service delivery, and that there are arrangements for the security of both assets and information required for service operations. An up to date asset register is a prerequisite for proper fixed asset accounting and sound asset management.
- 4.58 Obsolete, non-repairable or unnecessary assets should be disposed of in accordance with the regulations of the Council.
- 4.59 Misuse of computer resources can seriously affect the business interests of the Council.
- 4.60 Intellectual property is a generic term that includes inventions and writing. If these are created by an employee or consultant during the course of employment, then, as a general rule, they belong to the employer. Various acts of Parliament cover different types of intellectual property. Certain activities



undertaken within the Council may give rise to items that may be patentable, for example, software development.

### **Key Controls**

- 4.61 The key controls for the security of resources such as land, buildings, vehicles, plant, machinery, furniture equipment, software and information are:
- resources are used only for the purposes of the Council and are properly accounted for;
  - resources are available for use when required;
  - resources no longer required are disposed of in accordance with the law and the regulations of the Council so as to maximise benefits;
  - an asset register is maintained for the Council - assets are recorded when they are acquired by the Council and this record is updated as changes occur with respect to the location and condition of the asset;
  - assets for disposal are identified and disposed of at the most appropriate time, and only when it is in the best interests of the Council, and best price is obtained, bearing in mind other factors, such as environmental issues. For items of significant value, disposal should be by competitive tender or public auction;
  - procedures for disposal of stocks and equipment shall be in accordance with the Council's guidance for disposal of "surplus" goods and materials;
  - procedures should protect staff involved in the disposal of assets from accusations of personal gain;
  - all staff are aware of their responsibilities with regard to safeguarding the Council's assets and information, including the requirements of the Data Protection Act, Freedom of Information Act, General Data Protection Regulations and software copyright legislation;
  - all staff are aware of their responsibilities with regard to safeguarding the security of the Council's computer systems, including maintaining restricted access to the information held on them and compliance with the Council's information security and internet security policies;
  
  - In the event that the Council decides to become involved in the commercial exploitation of inventions, the matter should proceed in accordance with any approved intellectual property procedures.

### **Security of Assets – Land and Buildings**

#### **Responsibilities of the Corporate Director, Resources**

- 4.62 To maintain a register of all properties owned by the Council and an asset register for all 'material' fixed assets, in accordance with good practice.
- 4.63 To receive information required for accounting and costing in order to calculate capital charges and depreciation for all properties, and to maintain the asset management revenue account.

- 4.64 To ensure that assets are valued in accordance with the relevant codes of practice on local authority accounting in the United Kingdom.
- 4.65 To determine arrangements for the acquisition and disposal of land and buildings.
- 4.66 To advise on the financial implications of any purchase, sale or holding of property on the Council's behalf.

#### **Responsibilities of the Director of Governance and Legal Services – Land and Buildings**

- 4.67 To ensure the safe custody of all title deeds under arrangements agreed with the Corporate Director, Resources.

#### **Responsibilities of Directors - Land and Buildings**

- 4.68 To make arrangements to ensure the proper security of all the Council's buildings.
- 4.69 To consult with the Audit Manager in any case where security is thought to need improvement or where it is considered that special security arrangements may be needed.
- 4.70 To ensure there are procedures in place to review the condition of physical assets used in delivery of services e.g. undertake regular impairment review.

#### **Security of Assets - Vehicles, Furniture and Equipment**

##### **Responsibilities of the Corporate Director, Resources**

- 4.71 To issue guidance to service areas on the maintenance of inventories and the disposal of assets.
- 4.72 To ensure appropriate accounting entries are made to include all material assets and to remove the value of disposed assets from the Council's records and to include the sale proceeds if appropriate.
- 4.73 To agree procedures for the disposal of lost property.

##### **Responsibilities of Directors - Vehicles, Furniture and Equipment**

- 4.74 To ensure the proper security and safe custody of all vehicles, equipment and furniture, belonging to or under the control of the Council, and shall make contingency plans for the continuity of service in the event of disaster or system failure.
- 4.75 To maintain inventories of furniture, equipment, vehicles and plant, including items leased by the Council. This shall be kept up to date and shall be in a form approved by the Corporate Director, Resources and in accordance with the

Council's guidance. Directors shall make arrangements to ensure that inventories shall include for each item, information relating to date of purchase, cost, location and any technical features, which might affect its value or usefulness.

- 4.76 To make arrangements to ensure that an annual, independent, check of all items on the inventory is carried out, in order to verify location, review, and condition and to take action in relation to surpluses or deficiencies, annotating the inventory accordingly. Attractive and portable items such as computers, cameras and video recorders shall be identified with security markings as belonging to the Council.
- 4.77 To ensure that the Council's property shall not be removed from its ordinary location otherwise than in accordance with the ordinary course of the Council's business except in accordance with specific directions issued by the Director concerned or used otherwise than for the Council's purposes. A record should be kept of all authorised removals.
- 4.78 To ensure that no Council asset is subject to personal use by an employee without proper authorisation.
- 4.79 To ensure that drivers pay fines and penalties imposed by relevant Enforcement Authorities in respect of offences committed whilst they were driving/responsible for a Council vehicle (e.g. speeding fines/parking fines/fines imposed in respect of other Highway Code offences).
- 4.80 A Council vehicle would include pool cars/ hire vehicles/ lease vehicles etc. (i.e. vehicles that we do not own but are responsible for)
- 4.81 To make arrangements to ensure that any disposal of any vehicle, furniture, fittings, equipment, plant and machinery is in accordance with the Council's procedure for Disposals.
- 4.82 Before disposal to check if the asset is subject to leasing arrangements. If the asset is leased, disposal must be in accordance with the terms of the lease.
- 4.83 To ensure that income received for the disposal of an asset is properly accounted for.
- 4.84 If an item is lost, stolen or disposed of, this must be recorded against the entry in the inventory.
- 4.85 To notify the Corporate Director, Resources of the purchase or disposal of any material asset, to enable the asset register to be updated.
- 4.86 Any property left on Council premises and regarded as lost must be disposed of in accordance with procedures agreed with the Audit Manager.

## **Security of Assets - Stocks and Stores**

### **Responsibilities of the Corporate Director, Resources**

- 4.87 To issue guidance to service areas on the maintenance of stock and stores, including the method of stock valuation to be used.
- 4.88 To approve the write off of stock and stores in accordance with the Scheme of Delegations.
- 4.89 To ensure that appropriate accounting entries are made in relation to stock balances and write offs.

### **Responsibilities of Directors**

- 4.90 To make arrangements for the recording of and the care and safe custody of the stocks and stores held by their service area.
- 4.91 To make arrangements to ensure stocks are maintained at reasonable levels and are subject to a regular independent physical check, at least annually. Each Director must make arrangements for discrepancies to be investigated and pursued to a satisfactory conclusion.
- 4.92 To ensure that stock items are only issued to persons entitled to receive these items.
- 4.93 To advise the Audit Manager immediately of any significant discrepancy in stocks.
- 4.94 To approve the write off of stock and stores up to the value of £5,000 in accordance with the Scheme of Delegations.
- 4.95 To provide the Corporate Director, Resources with such information as he/she requires in relation to stores for accounting and costing purposes.

## **Security of Assets - Cash**

### **Responsibilities of the Corporate Director, Resources**

- 4.96 To issue guidance to service areas on cash handling.
- 4.97 To agree, in consultation with the appropriate Director, the maximum limits for cash holdings.
- 4.98 To approve the write off of stolen cash, not covered by insurance.
- 4.99 To authorise the depositing of unofficial funds or valuables in a safe.

## **Responsibilities of Directors**

- 4.100 To agree with the Corporate Director, Resources, the maximum limits for cash holdings and to ensure that these limits shall not be exceeded without his /her permission.
- 4.101 To ensure that cash holdings are kept to a minimum, and do not exceed the insurance limit for that safe.
- 4.102 To ensure that cash handling is carried out in line with the Council's guidance.
- 4.103 To notify the Audit Manager and the Insurance Officer of cash lost or stolen immediately. Stolen cash, which is not covered by insurance, can only be written-off with the agreement of the Corporate Director, Resources.
- 4.104 To ensure that under no circumstances are personal cheques cashed out of monies held on behalf of the Council.
- 4.105 To ensure that a schedule is kept of the officers who hold keys to safes and similar receptacles.
- 4.106 To ensure that the keys to safes and similar receptacles are held securely at all times. Arrangements shall be made for the nomination (from amongst employees) of key holders and substitute key holders who must be available in the absence of the principal key holder(s). The loss of any such keys must be reported by the key holder, or nominated substitute, to the relevant Chief Officer forthwith, who shall take appropriate steps to protect the interests of the Council.
- 4.107 To ensure that safe key holders do not accept unofficial funds or valuables for depositing in the safe unless authorised by the Corporate Director, Resources. In such circumstances, it must be made clear by the key holder to the depositor, that the Council is not to be held liable for any loss, and the key holder must obtain an acknowledgment to that effect before accepting the deposit.

## **Security of Assets - Information and Communication Technology**

### **Responsibilities of Head of ICT**

- 4.108 To maintain a central inventory of technology.
- 4.109 The development and integrity of the Council's voice and data network infrastructure.
- 4.110 To approve all additions and alterations to the Council's voice and data network.
- 4.111 To issue detailed guidance, in conjunction with Directors, to all employees who are responsible for and/or use computer equipment on their responsibilities within the Council's IT Security Policy.

## **Responsibilities of Directors**

- 4.112 To ensure that all equipment and services connected to the Council's voice and data network infrastructure meets the standards identified by the Head of ICT. Any requirement to add or make alterations to this network must be approved by the Head of ICT.
- 4.113 To ensure that the provisions of the Council's IT Security Policy are applied to all employees of the Council, as appropriate to their use of information technology.
- 4.114 To make arrangements to implement and monitor the procedures contained in the Council's IT Security Policy. All employees must be familiar with, and comply with, the principals of the Data Protection Legislation, the Copyright, Designs and Patents Act 1988, the Computer Misuse Act 1990, and any other legislation or Council policy which may apply to all employees at any time.
- 4.115 To agree, in advance, with the Head of ICT, a requirement to use specialist IT goods and services that might not meet the standards identified by the Head of ICT, but are necessary to perform particular business activities. The Chief Officer will be responsible for ensuring that such acquisitions do not compromise their corporate, financial and legal obligations, as defined by the Council.
- 4.116 To ensure that all employees are aware that misuse of technology and associated systems can seriously affect the business interest of the Council. Such misuse or any breach of security policy will result in disciplinary action being taken.
- 4.117 To ensure that all employees are aware that they have a personal responsibility with regard to the protection and confidentiality of information, whether held in manual or computerised records. Information may be sensitive or privileged, or may possess some intrinsic value, and its disclosure or loss could result in a cost to the Council in some way.

## **Security of Assets - Intellectual Property**

### **Responsibilities of the Corporate Director, Resources**

- 4.118 To develop and disseminate good practice regarding the treatment of intellectual property.

### **Responsibilities of Corporate Directors and Directors**

- 4.119 To ensure that controls are in place to ensure that employees do not carry out private work during periods when they are working for the Council and that employees are aware of an employer's rights with regard to intellectual property.

- 4.120 To ensure that all copyright, design and patent legislation is complied with and, in particular, ensure that only software legally acquired and installed by the Council is used on its computers.
- 4.121 To make officers aware that, if, at any time during their employment, an officer makes or discovers or participates in the making or discovery of any intellectual property relating to or capable of being used by the Council, the officer must provide full details of the intellectual property to the relevant Chief Officer or relevant Corporate Director.

### **Security of Assets - Clients Private Property**

#### **Responsibilities of Directors**

- 4.122 The Director of Social Services, and any other Director affected, shall take all necessary steps to prevent or mitigate loss or damage of a client's (being a person other than the Council) moveable property, where responsibility lies within the National Assistance Act 1948 and shall arrange for an itemised inventory in each case to be prepared in the presence of two officers, in a form prescribed by the Corporate Director, Resources.
- 4.123 All valuables such as jewellery, watches and other small articles of a similar nature and documents of title shall, unless in any case otherwise decided by the Chief Executive be deposited with the Director of Social Services and any other Chief Officer affected, for safe custody. Any loss of property shall be reported to the Corporate Director, Resources, without delay.

### **TREASURY MANAGEMENT AND TRUST FUNDS**

#### **Why is this important?**

- 4.124 Many millions of pounds pass through the Council's bank accounts each year. It is vital that the Council's money is managed in a secure and controlled way. Surplus funds are invested by the Council with external organisations, and it is essential that risk is spread evenly, and that investments are placed with reputable organisations.

#### **Key Controls**

- 4.125 Compliance with the CIPFA Treasury Management Code of Practice and the Council's Treasury Management policy statement and strategy. This provides assurances that the Council's money is properly managed in a way that balances risk with return, but with the overriding consideration being given to the security of the Council's capital sum.

#### **Responsibilities of the Corporate Director, Resources**

- 4.126 To prepare a Treasury Management Policy and Annual Report.

- 4.127 To maintain prudential indicators in accordance with the Prudential Code of Capital Finance for Local Authorities.
- 4.128 To arrange the borrowing and investments of the Council in such a manner as to comply with the CIPFA Code of Practice on Treasury Management in Local Government, which has been adopted by the Council.
- 4.129 To set an investment strategy in accordance with WAG investment guidance.
- 4.130 To ensure that all investments of money under its control shall be made in the name of the Council or in the name of nominees approved by the Cabinet or the Council within their respective responsibilities: bearer securities shall be excepted from this rule.
- 4.131 To hold all securities, the property of, or in the name of the Council, or its nominees, or otherwise as the Corporate Director, Resources may specifically direct.
- 4.132 To ensure that all borrowings shall be effected in the name of the Council.
- 4.133 To be the Council's Registrar of loan instruments and to maintain records of all borrowings of money by the Council.
- 4.134 To report in accordance with the Treasury Management practices of the Council to the Audit Committee and Council.
- 4.135 To hold all Trust Fund securities etc., where Members or employees act as Trustees by virtue of their official position, unless the deed otherwise provides; or as otherwise directed by the Chief Executive.
- 4.136 To arrange, where funds are held on behalf of third parties, for their secure administration, and to maintain records of all transactions.
- 4.137 To ensure that trust funds are operated within any relevant legislation and the specific requirements for each trust.

#### **Responsibilities of Directors**

- 4.138 To notify the Capital Manager of planned monetary receipts or payments in excess of £0.5 million at an early stage.

#### **INSURANCE**

##### **Why is this important?**

- 4.139 It is important to effectively manage the insurance risk across the Council as the failure to secure appropriate insurance arrangements may leave the Council lacking cover in the event of a significant loss. It is also important to review risks



to ensure that the Council is not over-insured and paying out higher premiums than it needs to.

### **Key Controls**

- 4.140 The Corporate Director, Resources is responsible for arranging all insurance for the Council.

### **Responsibilities of the Corporate Director, Resources**

- 4.141 To affect insurance cover and to arrange for the negotiation of claims in consultation with other Directors, where necessary.
- 4.142 To hold in safe custody all insurance policies of the Council, arrange for the payment of premiums by the due date and manage the Council's own Insurance Fund.
- 4.143 To prescribe procedures for dealing with claims on the Council's own Insurance Fund.
- 4.144 To make arrangements to ensure that insurance records relating to liability policies and related correspondence are retained indefinitely. Documents relating to other policies and internal funding arrangements must be retained for six years. All employees will adhere to the requirements of the Corporate Director, Resources as to the retention of any documents of the nature referred to in this rule.

### **Responsibilities of Directors**

- 4.145 To notify the Corporate Director, Resources immediately in writing of any loss, liability or damage, or any event likely to lead to a claim by or against the Council, and inform the Police, where necessary.
- 4.146 To submit claims in such a form as prescribed from time to time by the Corporate Director, Resources.
- 4.147 To arrange for the identification of all appropriate employees of the Council who should be included in a suitable fidelity guarantee insurance, and shall make arrangements through the Corporate Director, Resources for such inclusion.
- 4.148 To notify the Corporate Director, Resources promptly of all new risks, properties or vehicles that require insurance and of any alterations affecting existing insurances.
- 4.149 To notify the Corporate Director, Resources promptly of any significant acquisitions or disposals of assets or any alteration to the scope or level of services provided, particularly where the risk of accident, injury, loss or damage is likely to increase.

- 4.150 On a regular basis, the Corporate Director, Resources will forward to Directors, schedules of assets covered by insurance. Directors must examine the schedules and ensure that the details of those assets are correctly recorded and that the scope and level of insurance cover are adequate, and consistent with the Council's corporate insurance arrangements.
- 4.151 To provide the Corporate Director, Resources with any information that he/she needs and in the timescale that he or she sets, to enable him or her to manage the Council's insurances effectively.
- 4.152 To consult with the Corporate Director, Resources and the Director of Governance and Legal Services on the terms of any indemnity that the Council is requested to give.
- 4.153 To ensure that officers, or anyone covered by the Council's insurances, do not admit liability or make any offer to pay compensation that may prejudice cover under the Council's insurance policy and the assessment of liability in respect of any insurance claim.

## **5 FINANCIAL SYSTEMS AND PROCEDURES**

### **GENERAL**

#### **Why are Financial Systems and Procedures Important?**

- 5.1 Service Areas have many systems and procedures relating to the control of the Council's assets, including purchasing, costing and management systems. It is important that systems and procedures are sound and well administered to ensure financial stewardship and control to enable effective decision making. All financial systems and procedures should contain controls to ensure that transactions are properly processed and errors detected promptly.
- 5.2 The Corporate Director, Resources has a statutory responsibility to ensure that the Council's financial systems are sound and must be notified, in advance, of any new developments or changes.

#### **Key Controls**

- 5.3 The key controls for systems and procedures are:
- basic data exists to enable the Council's objectives, targets, budgets and plans to be formulated;
  - performance is communicated to the appropriate managers on an accurate, complete and timely basis;
  - early warning is provided of deviations from target, plans and budgets that require management attention;
  - operating systems and procedures are secure;
  - data is backed up on a regular basis.

## **Responsibilities of the Corporate Director, Resources**

- 5.4 To make arrangements for the proper administration of the Council's financial affairs, including to:
- issue advice, guidance and procedures for officers and others acting on the Council's behalf;
  - determine the accounting systems, form of accounts and supporting financial records;
  - establish arrangements for audit of the Council's financial affairs;
  - to determine the accounting procedures, records and controls for any new financial systems to be introduced;
  - approve in advance any changes to be made to existing financial systems.

## **Responsibilities of Directors**

- 5.5 To consult with and gain the approval of the Corporate Director, Resources before changing any existing system or introducing new systems.
- 5.6 To ensure that accounting records are properly maintained and held securely.
- 5.7 To ensure that vouchers and documents with financial implications are not destroyed, except in accordance with arrangements approved by the Corporate Director, Resources.
- 5.8 To ensure that a complete management trail, allowing financial transactions to be traced from the accounting records to the original document, and vice versa, is maintained.
- 5.9 To incorporate appropriate controls to ensure that, where relevant:
- all input is genuine, complete, accurate, timely and not previously processed;
  - all processing is carried out in an accurate, complete and timely manner;
  - output from the system is complete, accurate and timely;
  - data is backed up on a regular basis.
- 5.10 To ensure that the organisational structure provides an appropriate segregation of duties to provide adequate internal controls and to minimise the risk of fraud or other malpractice.
- 5.11 To ensure there is a documented and tested disaster recovery plan to allow information system processing to resume quickly in the event of an interruption.
- 5.12 To ensure that systems are documented and staff adequately trained.
- 5.13 To establish a scheme of service area authorisations identifying officers to act upon his or her behalf in respect of placing orders, payments and income collection, including variations, and showing the limits of their authority.

- 5.14 To ensure that effective contingency arrangements, including back-up procedures, exist for computer systems. Wherever possible, back-up information should be securely retained in a fireproof location, preferably off site or at an alternative location within the building.
- 5.15 To ensure that, where appropriate, computer systems are registered in accordance with data protection legislation and that staff are aware of their responsibilities under the legislation.
- 5.16 To ensure that the Council's information security standards and internet security policy are complied with.
- 5.17 To ensure that computer equipment and software are protected from loss and damage through theft, vandalism, etc.
- 5.18 To comply with the copyright, designs and patents legislation and, in particular, to ensure that:
- only software legally acquired and installed by the Council is used on its computers;
  - staff are aware of legislative provisions;
  - in developing systems, due regard is given to the issue of intellectual property rights.

## **INCOME**

### **Why is this important?**

- 5.19 Income can be a vulnerable asset, and effective income collection systems are necessary to ensure that all income due is identified, collected, receipted and banked properly. It is preferable to obtain income in advance of supplying goods or services as this improves the Council's cash flow and also avoids the time and cost of administering debts.

### **Key Controls**

- 5.20 The key controls for income are:
- management of income is undertaken in accordance with the Council's Income Management Policy;
  - all income due to the Council is identified and charged correctly, in accordance with an approved charging policy, which is regularly reviewed;
  - all income is collected from the correct person, at the right time, using the correct procedures and the appropriate stationery;
  - where income is received over the phone, controls are in place to ensure that card details are appropriately recorded, stored and disposed in order to ensure Payment Card Industry Data Security Standard (PCI DSS) compliance;

- that all systems that recorded income from card payments are PCI DSS compliant;
- all money received by an officer on behalf of the Council is properly recorded and promptly banked;
- the responsibility for cash collection should be separated from that for identifying the amount due and that for reconciling the amount due to the amount received;
- effective action is taken to pursue non-payment within defined timescales;
- formal approval for debt write-off is obtained in accordance with the Council's Scheme of Delegations;
- appropriate write-off action is taken within defined timescales;
- appropriate and timely accounting adjustments are made following write-off action;
- all appropriate income documents are retained and stored for the defined period in accordance with guidance issued by the Corporate Director, Resources;
- money collected and deposited is reconciled to the bank account by a person who is not involved in the collection or banking process.

### **Responsibilities of the Corporate Director, Resources**

- 5.21 To agree arrangements for the collection of all income due to the Council, and to approve the procedures, systems and documentation for its collection.
- 5.22 To ensure that all electronic monies are properly received, assigned and reconciled.
- 5.23 To set and approve the arrangements for the writing off of irrecoverable debts, and to write off such debts for the Council, in accordance with Cabinet Delegations.
- 5.24 To use debt recovery procedures to collect any income due to the Council which has not been paid within specified time limits.
- 5.25 To ensure that appropriate accounting adjustments are made following any write-off action.
- 5.26 To advise the Director of Governance and Legal Services of debts that have remained unpaid with a view to the institution of legal proceedings in appropriate cases.
- 5.27 To ensure that any sum due to the Council shall only be discharged by payment or write off.
- 5.28 To ensure that cash payments totalling €15,000 or more (or equivalent in £) are not accepted in return for the supply of goods by the Council, in accordance with the Money Laundering Regulations.

## **Responsibilities of Directors**

- 5.29 To consult with the Corporate Director, Resources before any proposal to introduce or revise scales of charges for services is submitted to the Cabinet or the Council as the case may be.
- 5.30 To ensure that all such charges are reviewed at least once a year in consultation with the Corporate Director, Resources.
- 5.31 To ensure that no agreements are put in place (legal or otherwise) that preclude the Council from reviewing its charges on an annual basis.
- 5.32 To ensure that new charges are promptly implemented following appropriate approval.
- 5.33 To ensure that where possible, income is received in advance of the service being provided.
- 5.34 To ensure that all income due, is promptly collected, correctly receipted, reconciled, accounted for and promptly banked.
- 5.35 To ensure that a list is kept of devices that process payments and ensure all devices processing payments are certified and checked as required by the Payment Card Industry Data Security Standard (PCI DSS).
- 5.36 To ensure that system access permissions are correctly set in respect of users processing payments received and that inactive accounts are disabled within 90 days as required by the PCI DSS.
- 5.37 To ensure that all staff that process payments received where customer is not present receive annual PCI training and an up to date record of trained users is maintained in order to ensure only trained individual's process card payments as required by the PCI DSS.
- 5.38 To ensure that income collected and deposited is reconciled to the ledger on a regular basis.
- 5.39 To ensure that there is clear separation of duties within income procedures to ensure that adequate controls are in place.
- 5.40 To ensure that all income is correctly coded to the appropriate financial code.
- 5.41 To maintain such particulars in connection with work done, goods supplied or services rendered and of all other amounts due, to record correctly all sums due to the Council and to ensure the prompt rendering of accounts for the recovery of income due.
- 5.42 To notify the Corporate Director, Resources promptly in writing of all money due to the Council, and of contracts, leases and other agreements and arrangements entered into which involve the receipt of money by the Council.

- 5.43 To designate employees to receive monies due and to make arrangements to ensure that appropriate records are maintained.
- 5.44 To make arrangements to ensure that employees responsible for receiving income are issued with written instructions on cash handling and till operation procedures and that such employees have signed to acknowledge that instructions have been received and understood prior to commencing such duties.
- 5.45 To ensure that all employees use official receipts or tickets for all income received on behalf of the Council and ensure that all chargeable VAT is accounted for.
- 5.46 To seek approval from the Audit Manager for alternative receipting arrangements, where it is considered inappropriate to issue an official receipt or ticket, in advance of implementing such arrangements.
- 5.47 To ensure that all official receipt forms, books, tickets and other such items are ordered and supplied to service areas by the Audit Manager or under arrangements approved by him/her.
- 5.48 To ensure that all financial stationery is securely held and accounted for at all times.
- 5.49 To ensure that the opening of incoming mail is undertaken by at least two responsible officers designated for that purpose. In exceptional circumstances where this is considered impractical, alternative arrangements must have the approval of the relevant Chief Officer, and the relevant Director will arrange for the Audit Manager to be advised accordingly.
- 5.50 To ensure that upon opening of incoming mail, all income is immediately recorded by the employee concerned either by way of receipt, remittance record or by another means, approved by the Audit Manager.
- 5.51 To ensure that all cheques received in the incoming mail are immediately stamped upon opening by the relevant employee in preparation for banking.
- 5.52 To ensure that keys entrusted to employees are held securely at all times and are kept under their personal control.
- 5.53 To ensure that employees understand their responsibilities as key holders, and of insurance requirements.
- 5.54 To ensure that income held by the Council is not used to cash personal cheques or make personal loans or other payments.
- 5.55 To establish proper and clear accountability wherever money is being handled.

- 5.56 To ensure that every transfer of the Council's money from one employee to another is evidenced in the records of the service area concerned. This may be by way of an official receipt being issued by the receiving employee or, if not, a record shall be maintained detailing the amount transferred, the date and the signature of both employees.
- 5.57 To ensure that when income is due to the Council and the payment is not to be made at the time, all amounts due are claimed on official invoices or by arrangements approved by the Audit Manager. Instructions for the cancellation or reduction of invoices for income must be authorised by the appropriate Director or such member of staff specifically designated by him/her for that purpose.
- 5.58 To make every reasonable effort to recover a debt before write off is considered. Once a debt is judged irrecoverable, write off procedures must commence promptly and adhere to the requirements of the relevant part of the Scheme of Delegations. Directors must make arrangements in their respective service areas to ensure that correct procedures for writing off debts, as prescribed by the Corporate Director, Resources, have been adhered to and that adequate documentation exists for each case.
- 5.59 To ensure that credit notes to replace a debt are only raised to correct a factual inaccuracy or administrative error in the calculation and/or billing of the original debt.
- 5.60 To ensure that proper procedures are followed for checking and authorisation for write off, prior to submission to the Corporate Director, Resources for approval.
- 5.61 To seek to achieve payment by direct debit or standing order in situations where regular payments are due to the Council.
- 5.62 To authorise an adjustment to the accounts, in consultation with the Corporate Director, Resources, if a mistake has been made in raising an invoice.
- 5.63 To consult the Corporate Director, Resources about any proposal to arrange to accept payments by credit cards, debit cards, internet, or similar means.
- 5.64 To notify the Corporate Director, Resources of outstanding income (reserved debtors) relating to the previous financial year as soon as possible after 31st March in line with the timetable determined by the Corporate Director, Resources.
- 5.65 To ensure that cash payments totalling €15,000 or more (or equivalent in £), are not accepted in return for the supply of goods by the Council in accordance with the Money Laundering Regulations.
- 5.66 To notify the Operational Manager – Capital & Treasury of planned monetary receipts in excess of £0.5 million.



## **BANKING**

### **Why is this important?**

- 5.67 Many millions of pounds pass through the Council's bank accounts each year. It is vital that proper procedures are in place to ensure that the Council's banking arrangements are secure and controlled.

### **Key Controls**

- 5.68 All banking arrangements are operated in accordance with approved procedures.

### **Responsibilities of the Corporate Director, Resources**

- 5.69 To make or approve all arrangements with the Council's bankers.
- 5.70 To open and operate bank accounts as are considered necessary.
- 5.71 To ensure that all bank accounts operated by or on behalf of the Council shall bear an official title and in no circumstances shall an account be opened in the name of an individual.
- 5.72 To approve the use of any direct debit/standing order on the Council's accounts.
- 5.73 To arrange the reconciliation of the main bank account with the Council's cash accounts.
- 5.74 To ensure that all cheques, excluding those drawn on authorised imprest accounts, are ordered only on his/her authority.
- 5.75 To make proper arrangements for the safe custody of cheques.
- 5.76 To ensure that cheques on the Council's main bank accounts shall bear the facsimile signature of the Corporate Director, Resources or be signed by him/her or another officer authorised to do so.
- 5.77 To approve request for payments by alternative methods.
- 5.78 To ensure that personal cheques of Councillors or employees are not cashed.
- 5.79 To ensure that overdraft facilities and other borrowing arrangements are not agreed without the express permission of the Corporate Director, Resources.
- 5.80 To ensure that only methods of payment approved by the Corporate Director, Resources are used.
- 5.81 To ensure that proper procedures are followed for receiving income through touch tone telephone banking systems.

## **Responsibilities of Directors**

- 5.82 To ensure that all income collected is promptly banked. This is particularly important where large sums are involved that impact on the Council's cash flow.
- 5.83 To ensure that all income received by an officer, on behalf of the Council, is paid in direct to the Council's bank, or transmitted directly to any other body or person entitled thereto. No deduction may be made from any money held, save to the extent that the Audit Manager may specifically authorise.
- 5.84 To ensure that, in accordance with the relevant Accounts and Audit Regulations, each employee who banks money, enters on the paying in slip, a reference to the related debt (such as the receipt number or the number or the name of the debtor) and indicate its place of origin on the reverse of each cheque.
- 5.85 To ensure that all income received on behalf of the Council is properly safeguarded from the time it is received until the time that it is banked (e.g. kept in a safe or locked receptacle).
- 5.86 To ensure that in the transport of money by any employee for banking, or other purpose, that employee and his or her supervisor have due regard for the safety of employees (including the employee transporting such money), and for the proper security of cash. The Chief Officer shall ensure arrangements are made which incorporate the necessary safeguards.
- 5.87 To ensure that bank accounts do not become overdrawn.
- 5.88 To ensure that payments made through the Council's bank account are properly authorised, correctly calculated, valid and in accordance with Council's procurement and payment procedures.

## **ORDERING AND PAYING FOR WORKS, GOODS AND SERVICES**

### **Why is this important?**

- 5.89 Public money should be spent with demonstrable probity and in accordance with the Council's policies. Local authorities have a statutory duty to achieve best value in part through economy and efficiency. The Council's procedures should help to ensure that services obtain value for money from their purchasing arrangements and that the Council's Buying Responsibly values are met. These procedures should be read in conjunction with the Council's Contract Standing Orders and Procurement Rules.

### **Key Controls**

- 5.90 The key controls for ordering and paying for works, goods and services are:
- all orders shall be in a form approved by the Corporate Director, Resources;

- official orders will be raised for all work, goods or services to be supplied to the Council, except for supplies of utilities, periodic payments, petty cash purchases or other exceptions specified by the Corporate Director, Resources;
- all goods, works and services are ordered only by appropriate persons and are correctly recorded;
- all goods and services shall be ordered in accordance with the Council's Contract Standing Orders and Procurement Rules, unless they are purchased from sources within the Council;
- goods, works and services received are checked to ensure they are in accordance with the order;
- payments are not made unless goods, works or services have been received by the Council to the authorised price, quantity and quality standards, subject to tolerance levels set by the Corporate Director, Resources;
- all payments are made to the correct person/supplier, for the authorised amount and are properly recorded, regardless of the payment method;
- all officers and members are required to declare any links or personal interests that they may have with purchasers, suppliers and/or contractors if they are engaged in contractual or purchasing decisions on behalf of the Council;
- all appropriate evidence of the transaction and payment documents are retained and stored for the defined period, in accordance with guidance issued by the Corporate Director, Resources;
- all expenditure is accurately recorded against the right budget, any exceptions are corrected and VAT is recorded against the correct VAT code;
- there is a clear rationale for all expenditure so that it does not lead to long term cost implications;
- in addition, the use of e-commerce and electronic purchasing requires that processes are in place to maintain the security and integrity of data for transacting business electronically.

### **Responsibilities of the Corporate Director, Resources - Procurement**

- 5.91 To produce Contract Standing Orders and Procurement Rules and provide service areas with guidance relating to contracting and tendering arrangements.

### **Responsibilities of Directors - Procurement**

- 5.92 To ensure that all employees comply with the Council's Contract Standing Orders and Procurement Rules.
- 5.93 To ensure that the service area obtains best value from purchases by taking appropriate steps to obtain competitive prices for goods and services of the appropriate quality, with regard to the best practice guidelines issued by the Corporate Director, Resources, which are in line with best value principles and contained in the Council's Contract Standing Orders and Procurement Rules.

- 5.94 To make arrangements to ensure that every employee declares any links or personal interests that they may have with purchasers, suppliers and/or contractors if they are engaged in contractual or purchasing decisions on behalf of the Council, in accordance with the Officer Code of Conduct. Any employee declaring such an interest or having such an interest will not participate in (or act so as to influence or appear to influence) any decisions relating to the matter in which they have such an interest. All Councillors involved in contractual or purchasing decisions on behalf of the Council will declare any interests and act in accordance with the Members' Code of Conduct.
- 5.95 To ensure that officers within their service areas will not make any personal or private use of the benefits of any Council contracts. For the avoidance of doubt, nothing in this paragraph will preclude an employee from taking advantage of Council wide schemes, which have been approved by the Corporate Director, Resources.
- 5.96 To ensure that all IT purchases conform to a standard identified by the Head of ICT. Exceptional purchases, outside of these standards, shall be agreed in advance with the Head of ICT.
- 5.97 To ensure that no financial systems are purchased without the prior agreement of the Corporate Director, Resources.

#### **Responsibilities of the Corporate Director, Resources - Ordering**

- 5.98 To approve the format of official orders and arrangements for placing orders within SAP.
- 5.99 To determine order approval levels.
- 5.100 To approve the format and use of emergency order books and to order, control and issue these to service areas.
- 5.101 To agree arrangements for all limit orders in consultation with the appropriate Director.
- 5.102 To arrange for the despatch of all orders that cannot be sent electronically, excluding emergency orders.
- 5.103 To approve all exceptions to the use of official orders.
- 5.104 To approve any arrangements for the use of purchasing cards.

#### **Responsibilities of Directors – Ordering**

##### **General**

- 5.105 To ensure that official orders are raised in SAP *at least at the time of the order* for all works, goods and services supplied to the Council except for internal services, periodical payments (e.g. utility payments), and for petty cash

purchases, or such other exceptions as the Corporate Director, Resources may approve.

- 5.106 In cases of urgency, a verbal order may be issued, using an order number from a valid emergency order book. An official order must be raised on SAP within three working days. However, it must be ensured that confirmation orders are kept to a minimum.
- 5.107 To ensure that employees do not use official orders to obtain goods or services for their private use.
- 5.108 To ensure that each order conforms to the directions of the Council with respect to any policy on central purchasing, computer purchasing, standardisation, quality and Environmental Strategy as may from time to time be adopted by the Council. Directors shall make arrangements to ensure that all purchases comply with any legal or health and safety requirements.
- 5.109 To ensure that purchasing cards are only used under arrangements approved by the Corporate Director, Resources.
- 5.110 To make arrangements to ensure that loans, leasing or rental arrangements are not entered into without prior agreement from the Corporate Director, Resources. This is because of the potential impact on the Council's borrowing powers, to protect the Council against entering into unapproved credit arrangements and to ensure that value for money is being obtained.

### **SRM and ECC**

- 5.111 To ensure that where manual requisitions are used for notification to a central order point, the information is promptly entered onto SRM and ECC.
- 5.112 After due consideration, to arrange for nominations for officers for the role of requisitioner and approver. SRM will allow a requisitioner to fulfil the approver role, but will prevent an officer approving their own requisition.
- 5.113 All requisitions above £10K must be approved by an Operational Manager (PO grade in exceptional circumstances) and Directors shall authorise all such approvers. An Operational Manager may authorise a requisitioner, or approver up to £10K.
- 5.114 To maintain an up to date list of requisitioners, approvers/substitutes within their service area. No officer shall process or approve an order, or purport to do so, unless he/she is duly authorised for that purpose.
- 5.115 Where a requisition on SRM is forwarded for approval to any other officer, this must be a nominated approver, and for spend above £10K, must be an Operational Manager (or PO grade in exceptional circumstances).
- 5.116 To ensure that the requisitioner enters the following details on the shopping cart on SRM:-

- a full description of the item required;
- an accurate price, where appropriate, as quoted by catalogue or supplier;
- the required quantity;
- an appropriate product category (which will generate the appropriate financial code);
- the correct VAT suffix;
- the delivery address;

5.117 To ensure that, prior to approving a requisition on SSRM or ECC, the approving officer checks that:-

- all relevant details have been entered and are correct;
- there is adequate provision in the budget;
- the items are appropriate for the purpose intended;

### **Emergency Orders**

5.118 To make arrangements to ensure the control and safe custody of all emergency order books and that they are only used for goods and services provided to the service area.

5.119 To ensure that emergency order books are only used for cases of emergency or for any exceptions approved by the Corporate Director, Resources.

5.120 To ensure that emergency orders are promptly (within 3 days) input onto SRM / ECC by the requisitioner.

### **Responsibilities of Directors - Goods Received**

5.121 To make arrangements to ensure that goods, services and works are checked on receipt to verify that they are in accordance with the order. This check shall, where possible, be carried out by a different officer from the officer who approved the order. The officer carrying out the check shall make appropriate entries in inventories or stores records.

5.122 To ensure that goods received details are entered promptly on SRM by the requisitioner or the nominated goods recipient.

5.123 To ensure that service entry details are entered promptly on ECC by the requisitioner or nominated service recipient.

5.124 To ensure that service entry details particularly those in respect of evaluated receipt settlement (ERS) vendors are correct as this will result in an automated payment to the vendor.

5.125 To ensure that, where invoice plans exist, the correct amount of service has been received prior to the removal of the billing block which releases an automated payment.

## **Responsibilities of the Corporate Director, Resources - Payments**

- 5.126 To make payments on behalf of the Council with the exception of disbursements from petty cash imprest accounts and from subsidiary bank accounts which have been authorised by the Corporate Director, Resources. The normal method of payment of money due from the Council shall be by cheque, BACS or other instrument drawn on the Council's bank account. The use of direct debit/standing order payments requires the prior agreement of the Corporate Director, Resources.
- 5.127 To make safe and efficient arrangements for all payments. All cheques shall be despatched by the Corporate Director, Resources direct to the recipient and not returned to the originating service. In the exceptional circumstances when cheques do need to be returned to a service area for despatch with associated documents, this must be approved in advance by the relevant Operational Manager, and the cheque must not be passed to the initiating officer.
- 5.128 To ensure that payments made to a sub-contractor in the construction industry are made in accordance with the Construction Industry Scheme, and the Council's procedures.
- 5.129 To make payments to contractors on an approved certificate, which must include details of the value of work, retention money, amounts previously certified and amounts now certified. These payments must be made to contractors using authenticated receipts raised by service areas.
- 5.130 To provide advice on making payments by the most economical means.
- 5.131 To set tolerance levels for cost and quantity variations.
- 5.132 To agree any exceptions to payment by SRM or ECC.
- 5.133 To approve all arrangements for direct payments (these relate to payments which do not have an associated order, such as utility payments).
- 5.134 To approve the format of Payment Request forms.
- 5.135 To periodically check that Payment Requests and direct payment invoices have been certified for payment by an authorised signatory.
- 5.136 To consider Payment Requests and direct payment invoices to the extent that he/she considers necessary, to make such enquiries and to receive such information and explanation as he/she may reasonably require.

## **Responsibilities of Directors - Payment**

### **General**

- 5.137 To make arrangements for the submission of accounts for payment in accordance with arrangements made by the Corporate Director, Resources.

- 5.138 To ensure that payment is made only against a supplier's invoice or payment request, not on statements of account, or a photocopy or faxed copy invoice, except where a service order or invoice plan is used.
- 5.139 To notify the Corporate Director, Resources at 1<sup>st</sup> April, or as required, of all outstanding expenditure relating to the previous financial year, and shall comply with any instruction issued in connection with the year-end accounting arrangements.

### **SRM**

- 5.140 To ensure SRM is used for all payments and any exceptions have been agreed by the Corporate Director, Resources.
- 5.141 To ensure that there is a segregation of duties between the officers requisitioning, approving and inputting invoices for payment. Where limited resources do not allow a full segregation of duties, special arrangements can be put in place to enable a nominated requisitioner to process invoices. These exceptional circumstances require the approval of the Director and an officer nominated by the Corporate Director, Resources.
- 5.142 To arrange for officers to be nominated as invoice clerks and a list of these maintained on SRM and kept up to date. Operational Managers may nominate invoice clerks.
- 5.143 To ensure that invoices are input to the system without delay, in the manner specified by the Corporate Director, Resources.
- 5.144 To ensure that invoices that do not meet the set tolerance levels are promptly dealt with. Where there is no match to order and delivery note, any further approval has to be given by a nominated approver/substitute (Operational Manager or PO grade, if above £10K).
- 5.145 To ensure that invoices are not processed until the inputting officer is satisfied that delivery details have been entered.
- 5.146 To ensure that all invoices input for payment are filed and stored securely in the manner prescribed by the Corporate Director, Resources.

### **Payment Requests/Direct Payments (Non Order Payments)**

- 5.147 To ensure that all Payment Requests are completed on a form approved by the Corporate Director, Resources. These must not be used in place of any invoice, demand, fee note or other written request for payment received from a creditor, and relevant supporting documentation must be attached to support the payment.



5.148 To ensure that before a direct payment invoice (e.g. utility invoice), or a Payment Request is authorised, an employee undertakes the following checks:-

- the payment is properly the liability of the Council;
- the work, goods or services to which the account relates have been received, carried out, examined and approved as to the quality and quantity (where appropriate);
- the prices, extensions, calculations, trade discounts, other allowances, credits and tax are correct;
- the expenditure has been properly coded;
- expenditure is within budget;
- where a payment includes VAT, in accordance with HM Revenue and Customs Regulations:-
  - the invoice is a tax invoice;
  - for construction industry payments, an authenticated receipt will be obtained, or;
  - for payments made in advance of services/goods being received, a tax receipt will be obtained.

5.149 To ensure that an authorisation slip is completed in respect of a direct payment invoice. The officer completing the slip must initial that the above checks have been undertaken. The authorisation slip must be certified by a different officer, authorised to do so. Before certifying a direct payment invoice, the authorised signatory must be satisfied that the above checks have been undertaken, as evidenced on the authorisation slip.

5.150 To ensure that a Payment Request is completed by a designated officer and then passed to an authorised signatory for certification (Operational Manager or PO grade if spend is above £10K).

5.151 To ensure that their respective service area retains lists with the names of employees authorised to approve Payment Requests and invoice authorisation slips. A copy shall be sent to the Resources Business Support Team by each Director together with specimen signatures and shall be amended on the occasion of any changes therein. Authorised signatories shall sign in their own name and not sign in the name of their Director or use rubber facsimile signature stamps.

5.152 To ensure that a relevant Operational Manager approves in advance where a cheque is required to be returned to a service area for despatch with associated documents. This should only happen in exceptional circumstances, and the cheque must not be passed to the initiating officer.

5.153 To ensure that payment in advance of the receipt of goods or services is only made where it is essential in order to secure the particular supply required or where a beneficial discount would otherwise be lost.

5.154 To ensure that duly certified Payment Requests and direct payment invoices are passed without delay to the Corporate Director, Resources.

## **IMPREST ACCOUNTS**

### **Why is this important?**

5.155 Imprest accounts are used for minor items of expenditure. It is important that such accounts are properly managed, do not exceed the approved threshold and that all expenditure is valid and correctly incurred.

### **Key Controls**

5.156 The key controls for the operation of imprest accounts are:-

- all imprest accounts should be operated in accordance with guidance issued by the Corporate Director, Resources;
- regular reconciliations between the imprest sum advanced and imprest records are undertaken.

### **Responsibilities of the Corporate Director, Resources**

5.157 Where he/she considers it appropriate, to open an account with the Council's bankers for use by the imprest holder.

5.158 To determine the imprest level.

5.159 To periodically review the arrangements for the safe custody and control of Imprest accounts.

5.160 To reimburse imprest holders as often as necessary to restore the imprests and to keep a record of such advances.

5.161 To provide guidance on how imprest accounts are to be operated and how records are to be kept of payments and reimbursements.

### **Responsibilities of Directors**

5.162 To ensure that all imprest accounts are maintained in accordance with the Council's procedures.

5.163 To maintain a list of officers in their service areas who are authorised to hold imprest accounts.

5.164 To notify the Corporate Director, Resources when an imprest holder leaves the service area and to ensure that the imprest advanced is accounted for to the Corporate Director, Resources, unless responsibility for the imprest is

transferred to a different officer, in which case the Corporate Director, Resources should be notified of the new account holder.

5.165 To agree with the Corporate Director, Resources the procedure for reimbursing expenditure imprest accounts.

5.166 To ensure that officers:

- do not, under any circumstances, allow personal cheques to be cashed, or personal loans to be made, from monies held in an imprest account;
- do not pay income into an imprest account;
  
- obtain and retain a receipt to substantiate each payment from the imprest, which should be attached to a voucher and authorised. Particular care shall be taken by the employee to obtain a VAT invoice when this tax is charged;
- restrict the amount of each separate payment to such limit as may be prescribed from time to time by the Corporate Director, Resources;
- maintain records and operate the account in accordance with the instructions issued by the Corporate Director, Resources;
- maintain the safe custody of imprest cash by keeping it securely locked away preferably in a safe; guidance on this matter can be obtained from the Audit Manager;
- produce, upon demand, to the Corporate Director, Resources or his/her representative cash and/or vouchers to the total of the imprest;
- record transactions promptly;
- when requested, give to the Corporate Director, Resources a certificate as to the state of his/her imprest advance;
- where an imprest is operated through a bank account, ensure that the account remains in credit, and that the procedures set out under banking arrangements in the Financial Procedure Rules are followed. It shall be a standing instruction to the Council's bankers that the amount of any overdrawn balance on an imprest holder's account shall be reported forthwith to the Corporate Director, Resources;
- do not make salaries or wages payments to employees from an imprest account;
- do not make reimbursements of travel or subsistence expenses from an imprest account;
- no payment must be made to sub-Contractors for building work unless authorised by the Corporate Director, Resources;
- reconcile and balance the account to the total of the sum advanced, at least monthly, with a copy of the reconciliation sheet signed and retained by the imprest holder. Periodic checks shall be made by a senior officer to ensure that this is being properly carried out;
- on leaving the employment of the Council, or otherwise ceasing to be entitled to hold an imprest advance, account to the relevant Director for the amount advanced.

## **PAYMENTS TO EMPLOYEES AND MEMBERS**

### **Why is this Important?**

5.167 Staff costs are the largest item of expenditure for most local Council services. It is, therefore, important that payments are accurate, timely, made only where they are due for services to the Council and that payments accord with individuals' conditions of employment. It is also important that all payments are accurately and completely recorded and accounted for, and that Members' allowances are authorised in accordance with the scheme approved by full Council.

### **Key Controls**

5.168 The key controls for payments to officers and Members are:

- proper authorisation procedures are in place, and that there is adherence to corporate timetables in relation to starters, leavers, variations and enhancements, and that payments are made based on timesheets or claims where appropriate;
- names on the payroll are checked at regular intervals to verify accuracy and completeness;
- frequent reconciliation of payroll expenditure against approved budgets;
- all appropriate payroll documents are retained and stored for the defined period, in accordance with guidance issued by the Corporate Director, Resources;
- all expenditure, including VAT, is accurately recorded against the right service area;
- HM Revenue and Customs Regulations are complied with.

### **Responsibilities of the Corporate Director, Resources**

5.169 To arrange, control and make accurate and timely payment of:

- salaries and wages;
- pensions;
- tax and national insurance;
- car mileage, travel, subsistence and other incidental allowances/expenses.

5.170 To approve, in consultation with the appropriate Chief Officer, the form of all timesheets, overtime forms, car mileage and travel and subsistence claims, and any other payroll related records.

5.171 To maintain an up to date list of all officers authorised to approve timesheets, overtime forms, car mileage and travel and subsistence claims, and all other payroll related records.

- 5.172 To check periodically that all officer claims for salaries, wages, overtime, travel, subsistence and other allowances/expenses are correctly certified by an authorised signatory before payment is made.
- 5.173 To maintain all necessary personal records concerning pay, pension, national insurance contributions and income tax and make all relevant payments on behalf of both employees and the Council to the appropriate Government agencies.
- 5.174 To provide advice and encouragement to secure payment of salaries and wages by the most economical means.
- 5.175 To issue guidance to service areas on the retention of payroll records. All payroll records relating to Income Tax and National Insurance are to be retained for six years plus the current year, to satisfy the requirements of the Taxes Management Act. Records relating to pensions should be retained for six years following the cessation of any liability.
- 5.176 Where officers from Resources have access to the Council's computerised payroll system, names of all officers authorised to do so shall be retained and kept up to date. Each officer shall have a password that must be confidential and not divulged to any person in any circumstances (in accordance with the Council's IT Security Policy).
- 5.177 To ensure that officers from Resources do not have update access to the personnel screens on the Council's personnel and payroll system without approval from the Corporate Director, Resources. These will only be officers from within the Payroll Control Team and Payroll Super Users.

#### **Responsibilities of the Director of Governance and Legal Services**

- 5.178 To make arrangements for paying Members' allowances, travel, and subsistence upon receiving the prescribed form, duly completed and authorised. All claims will be examined and checked for reasonableness with respect to the amounts claimed. A record of authorised signatories shall be retained and kept up to date.
- 5.179 To ensure that officers from Governance and Legal Services only have update access to the payroll screens relating to Members on the Council's computerised personnel and payroll system.

#### **Responsibilities of the Chief Human Resources Officer**

- 5.180 To ensure that the appointment of officers is made in accordance with the Procedure Rules of the Council and the approved establishments, grades and rates of pay.
- 5.181 To approve the format of all records relating to the notification of appointments, terminations, sickness, special leave and any other personnel matter.

- 5.182 To maintain all necessary records relating to the appointment, termination and all other personnel matters.
- 5.183 To issue on a quarterly basis to each staffing budget holder, a listing of all employees within the budget holder's area of responsibility for verification.
- 5.184 Where officers from HR People Services have access to the Council's computerised personnel system, names of all officers authorised to do so shall be retained and kept up to date. Each employee shall have a password that must be confidential and not divulged to any person in any circumstances (in accordance with the Council's IT Security Policy).
- 5.185 To ensure that officers from HR People Services do not have update access to the payroll screens on the Council's computerised personnel and payroll system without the expressed approval of the Corporate Director, Resources.

### **Responsibilities of Directors**

- 5.186 To furnish the Corporate Director, Resources with all documents that are required to arrange payment by the due date and any documentation required for pension, income tax and national insurance purposes.
- 5.187 To ensure appointments are made in accordance with the regulations of the Council and approved establishments, grades and scale of pay and that adequate budget provision is available.
- 5.188 To ensure that time sheets, overtime forms or other payroll related records are in a form prescribed or approved by the Corporate Director, Resources. All such records shall be appropriately certified in manuscript, by an authorised signatory.
- 5.189 To make arrangements to ensure that the Chief Human Resources Officer and the Corporate Director, Resources, as appropriate, are notified promptly, and in the approved format, of all matters affecting the remuneration of officers within their service area, and in particular:
- appointments, resignations, dismissals, suspensions, secondments and transfers;
  - absences from duty for sickness or other reasons apart from approved leave;
  - changes in remuneration, other than normal increments and pay awards and agreements of general application; and
  - information necessary to maintain records of service for pension, income tax, national insurance and the like.
- 5.190 To ensure that adequate and effective systems and procedures are operated, so that:
- payments are only authorised to bona fide employees;
  - payments are only made where there is a valid entitlement;

- conditions and contracts of employment are correctly applied;
- employees' details listed on the payroll are checked at regular intervals to verify accuracy and completeness;
- the same person does not both complete and authorise a timesheet, overtime form or other claim for payment;
- persons involved in the different processes of completing and authorising a timesheet, overtime form or other claim for payment are clearly identifiable on the relevant document;
- adequate supporting records are maintained to back up summary timesheet entries, completed by an individual on behalf of a group of employees. The supporting records must show the start and finish times of each employee each day, and should be signed by the employee concerned;
- no employee may certify or authorise a payment or other benefit to himself/herself or any document which would lead to a payment or other benefit to himself/herself.

5.191 To ensure that the service area reviews the establishment list issued by Chief Human Resources Officer on a quarterly basis and confirms the accuracy of the report.

5.192 To ensure that the service area maintains and reviews periodically a list of officers approved to authorise timesheets, overtime forms and other payroll related records together with specimen signatures, and to ensure that only authorised officers authorise payments. A copy of the list should be sent to the Corporate Director, Resources.

5.193 To ensure that payroll transactions are processed only through the payroll system. "Cash in hand" and other non PAYE payments are not permitted. Directors shall give careful consideration to the employment status of individuals employed on a self-employed, consultant or subcontract basis. The HM Revenue and Customs applies a tight definition for employee status, and in cases of doubt, advice shall be sought from the Corporate Director, Resources.

5.194 To ensure that all claims for the payment of car mileage, travel and subsistence, and incidental expenses are submitted promptly by officers in the approved format each month.

5.195 To arrange for the correct certification of claims for car mileage, travel and subsistence, and incidental expenses. Certification by the Director or an officer authorised by him/her shall be taken to mean that the certifying officer is satisfied that the journeys were authorised, the expenses properly and necessarily incurred in connection with the Council's business, the most cost effective route and means of transport was used and that the allowances claimed are properly payable by the Council. The names of officers authorised by Directors to approve such records shall be retained in each service area, together with specimen signatures and this shall be amended on the occasion of any change. The accuracy of the information contained in a claim shall be the responsibility of the employee concerned. Due consideration should be

given to tax implications and that the Corporate Director, Resources is informed where appropriate.

- 5.196 To ensure that claims for travel, subsistence and other allowances are paid through the payroll system wherever possible to ensure the correct treatment for Tax and National Insurance purposes. Imprest accounts should only be used to process minor payments, where there are no tax implications.
- 5.197 To ensure that the Corporate Director, Resources is notified of the details of any employee benefits in kind, to enable full and complete reporting within the income tax self-assessment system.
- 5.198 To ensure that all appropriate payroll documents are retained and stored for the defined period in accordance with guidance issued by the Corporate Director, Resources.

### **Responsibilities of Members**

- 5.199 To submit claims for travel or subsistence allowances on the prescribed form duly completed. All claims shall be submitted promptly, every month. The accuracy of the information contained in a claim shall be the responsibility of the Member or co-opted Member concerned.

### **INTERNAL CHARGES**

#### **Why is this important?**

- 5.200 Directorates often undertake work for other service areas. The charge for such work is recovered either by way of a journal, or via the Internal Trading Solution (internal purchase orders).
- 5.201 It is important that the basis of charge is agreed between the client and provider, and the financial transaction is accurately recorded in the Council's accounts.
- 5.202 The use of journals will cover Service Level Agreements, reallocation of costs and charges that are considered appropriate for the Internal Trading Solution. The Internal Trading Solution will be used for those services where it is considered to be cost effective. The Internal Trading Solution can only be considered where it is practical to raise a purchase order.

#### **Key Controls**

- 5.203 The key controls for internal charges are:
- all income and expenditure arising from an internal recharging relationship is correctly recorded and accounted for in a robust manner;
  - each charging activity will have a clear basis on which it will be recharged;
  - each charging activity will include the cost of the provision of the service plus an appropriate level of overhead;



- no significant surplus should be made by the provider at the expense of the internal customer unless there are contrary policies in place as approved by the Corporate Director, Resources.
- all providers ensure that all internal customers are provided with the information reasonably required to accompany the journal charge;
- all charges must be challenged within an appropriate timescale (two months from being informed of charge). The provider must ensure all challenges are considered and where appropriate resolution is made by clarifying query or amending the charge made by journal.
- there will be an arbitration process to clear disputes promptly.

### **Responsibilities of the Corporate Director, Resources**

- 5.204 To issue guidelines and procedures on the administration of the Council's internal charging systems.
- 5.205 To ensure internal charging processes are efficient and effective and represent the best interests of the Council as a whole.
- 5.206 To arbitrate on outstanding disputed charges where the client and supplier service area fail to reach agreement.

### **Responsibilities of Directors**

- 5.207 To comply with guidelines and procedures issued by the Corporate Director, Resources on the administration of the internal charging systems.

## **TAXATION**

### **Why is this important?**

- 5.208 Like all organisations, the Council is responsible for ensuring its tax affairs are in order. Tax issues are often very complex and the penalties for incorrectly accounting for tax can be severe. It is, therefore, very important for all officers to be aware of their role.

### **Key Controls**

- 5.209 The key controls for taxation are:
- budget managers are provided with relevant information and kept up to date on tax issues;
  - budget managers are instructed on required record keeping;
  - all taxable transactions are identified, properly carried out and accounted for within stipulated timescales;
  - records are maintained in accordance with instructions;
  - returns are made to the appropriate authorities within the stipulated timescale.

## **Responsibilities of the Corporate Director, Resources**

- 5.210 To complete all HM Revenue and Customs returns regarding Pay As You Earn (PAYE).
- 5.211 To complete VAT returns and to supply other information as specified by HM Revenue and Customs.
- 5.212 To provide details to the HM Revenue and Customs of deductions made under the Construction Industry Tax Deduction Scheme.
- 5.213 To advise Directors, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the Council.

## **Responsibilities of Directors**

- 5.214 To ensure that where VAT is accounted for in respect of a payment, in accordance with HM Revenue and Customs regulations, the following conditions are satisfied:-
- the payment relates to a supply of goods or services to Cardiff Council or to some other body covered by the Council's VAT registration;
  - unless otherwise authorised, a VAT invoice (or receipt) is held in respect of the payment;
  - where a payment is made to a contractor in the construction industry on the authority of an architect's certificate, an authenticated receipt is obtained as soon as possible;
  - the VAT identified on the VAT invoice is identified and coded correctly;
  - that VAT invoices are processed expeditiously and are not unduly delayed.
- 5.215 To ensure that VAT is accounted for, in the correct tax period, on all supplies of goods and services made by the Council that are subject to VAT.
- 5.216 To ensure that a VAT invoice (or receipt) is issued upon request by any person to whom taxable supplies of goods or services have been made by the Council, showing the VAT charged.
- 5.217 To ensure that all VAT invoices are raised and processed expeditiously.
- 5.218 To ensure that the correct VAT liability is attached on all income due.
- 5.219 To ensure that documents identifying VAT transactions, including proof of payment and banking records, are retained for the period specified by HM Revenue and Customs.
- 5.220 To ensure that, where construction and maintenance works are undertaken, the contractor fulfils the necessary construction industry tax deduction requirements.

- 5.221 To ensure that all persons employed by the Council are added to the Council's payroll and that tax is deducted from any payments, except where the individuals are bona fide self-employed or are employed by a recognised staff agency.
- 5.222 To follow the guidance on taxation issued by the Corporate Director, Resources in the tax guidance manual.
- 5.223 To consult with the Corporate Director, Resources on the nature and extent of any new agreements (or alterations to existing arrangements) where there may be taxation risks or potential taxation liabilities.
- 5.224 To consult with the Corporate Director, Resources on any projects or decisions that may have taxation implications.
- 5.225 To ensure that arrangements are in place for all relevant staff to be informed about the correct VAT treatment of all transactions and of changes to this as notified by the Corporate Director, Resources.

## **6 EXTERNAL ARRANGEMENTS**

### **PARTNERSHIPS**

#### **Why is this important?**

- 6.1 Partnerships are likely to play a key role in delivering community strategies and in helping to promote and improve the well-being of the area. Local authorities are working in partnership with others – public agencies, private companies, community groups and voluntary organisations. Local authorities still deliver some services, but their distinctive leadership role is to bring together the contributions of the various stakeholders. They therefore need to deliver a shared vision of services based on user wishes.
- 6.2 Local authorities will mobilise investment, bid for funds, champion the needs of their areas and harness the energies of local people and community organisations. Local authorities will be measured by what they achieve in partnership with others.

#### **General**

- 6.3 The main reasons for entering into a partnership are to share risk, to access new resources, to provide new and better ways of delivering services and to forge new relationships.
- 6.4 A partner is defined as either:
- an organisation (private or public) undertaking, part funding or participating as a beneficiary in a project, or

- a body whose nature or status give it a right or obligation to support the project.

#### 6.5 Partners have common responsibilities:

- to be willing to take on a role in the broader programme appropriate to the skills and resources of the partner organisation;
- to acknowledge that the best interest of the partnership is more important than the best interest of each participating group;
- to acknowledge that the partnerships require a level of flexibility which may require non-compliance with the Council's Financial Procedure Rules and Contract Standing Orders and Procurement Rules. Where this arises, it should be formally approved by the Audit Manager;
- to act in good faith at all times and in the best interests of the partnership's aims and objectives;
- to be open about any conflict of interests that might arise;
- to encourage joint working and promote the sharing of information, resources and skills between public, private and community sectors;
- to hold confidentially any information received as a result of partnership activities or duties that is of a confidential or commercially sensitive nature;
- to act wherever possible as ambassadors for the project.

#### **Key Controls**

#### 6.6 The key controls for the Council's partners are:

- to be aware of their responsibilities under the Council's Financial Procedure Rules and Contract Standing Orders and Procurement Rules and to consider the appropriateness of each control to the partnership and any external funding guidance received;
- to ensure that processes are put in place which ensure that the partnership is effective in carrying out its duties in the required timely manner.
- to ensure that risk management processes are in place to identify and assess and mitigate all known risks without affecting the ability of the partnership to effectively function;
- to ensure that project appraisal processes and business cases (strategic / outline / final) are in place to assess the viability of the project in terms of resources, staffing and expertise;
- to ensure that there is a sound legal vehicle in place prior to any project commencing;
- to ensure that there are robust arrangements for decision making and that budgets agreed by partners are lawful;
- to ensure clear accountability where the partnership uses grant income as a source of funding;
- to agree and accept formally the roles and responsibilities of each of the partners involved in the project before the project commences;
- to communicate regularly with other partners throughout the project so that problems can be identified and shared to achieve their successful resolution.

## **Responsibilities of the Corporate Director, Resources**

- 6.7 To advise on the use of effective and waiving of ineffective controls within the partnership in order to ensure that resources are not wasted.
- 6.8 To advise, as appropriate, on the key elements of funding a project, including:
- a scheme appraisal for financial viability in both the current and future years;
  - risk appraisal and management;
  - resourcing, including taxation issues;
  - audit, security and control requirements;
  - carry-forward arrangements.
- 6.9 To ensure that the accounting arrangements are satisfactory.

## **Responsibilities of Directors**

- 6.10 To consult with the Corporate Director, Resources, as necessary, on a scheme's appraisal for financial viability in both the current and future years.
- 6.11 To ensure that risk management processes are in place to identify, assess and management processes are in place to identify, assess and mitigate all known risks without affecting the ability of the partnership to effectively function.
- 6.12 To ensure that such agreements and arrangements do not impact adversely upon the services provided either by the Council or the partnership.
- 6.13 To ensure that all agreements and arrangements are properly documented.
- 6.14 To provide appropriate information to the Corporate Director, Resources to enable a note to be entered into the Council's statement of accounts concerning material items.

## **EXTERNAL FUNDING**

### **Why is this important?**

- 6.15 External funding is potentially a very important source of income, but funding conditions need to be carefully considered to ensure that they are compatible with the aims and objectives of authorities. Local authorities are increasingly encouraged to provide seamless service delivery through working closely with other agencies and private service providers. Funds from external agencies provide additional resources to enable the Council to deliver services to the local community. However, in some instances, although the scope for external funding has increased, such funding is linked to tight specifications and may not be flexible enough to link to the Council's overall plan.

## **Key Controls**

6.16 The key controls for external funding are:

- to ensure that key conditions of funding and any statutory requirements are complied with and that the responsibilities of the accountable body are clearly understood;
- to ensure that funds are acquired only to meet the priorities approved in the policy framework by the full Council;
- to ensure that any match-funding requirements are given due consideration prior to entering into long-term agreements and that future capital and revenue budgets reflect these requirements.

## **Responsibilities of the Corporate Director, Resources**

- 6.17 To ensure that all funding notified by external bodies is received and properly recorded in the Council's accounts.
- 6.18 To ensure that the match-funding requirements are considered prior to entering into the agreements and that future capital and revenue budgets reflect these requirements.
- 6.19 To ensure that audit requirements for effective internal control are met.
- 6.20 Where he or she is specifically responsible for submitting grant claims, to ensure that all claims for funds are made by the due date.

## **Responsibilities of Directors**

- 6.21 To ensure that project mandates (including risk assessments) are completed and stakeholders consulted before the project commences.
- 6.22 To consult with the Corporate Director, Resources on prospective funding arrangements prior to entering an agreement.
- 6.23 To ensure that all checks are carried out to make certain that funding instructions associated in a bid for external funding are taken into account.
- 6.24 To ensure that all income and expenditure are properly recorded and accounted for and to maintain adequate supporting documentation to enable claims for funding to be maximised.
- 6.25 To ensure that funding bodies' grant conditions / requirements are met and that all claims for funds are made by the due date.
- 6.26 To ensure that the project progresses in accordance with the agreed project and that all expenditure is properly incurred and recorded.

## **WORK FOR THIRD PARTIES**

### **Why is this important?**

- 6.27 Current legislation enables the Council to provide a range of services to other bodies. Such work may enable a unit to maintain economies of scale and existing expertise. Arrangements should be in place to ensure that any risks associated with this work is minimised and that such work is within the Council's legal powers.

### **Key Controls**

- 6.28 The key controls for working with third parties are:
- to ensure that proposals are costed properly in accordance with guidance provided by the Corporate Director, Resources so that internal resources are not used to provide external users with a service that has a detrimental effect on the internal service provision;
  - to ensure that contracts are drawn up using guidance provided by the Corporate Director, Resources and that the formal approval process is adhered to;
  - to issue guidance with regard to the financial aspects of third party contracts and the maintenance of the contract register.

### **Responsibilities of Corporate Director, Resources**

- 6.29 To issue guidance with regard to the financial aspects of third party contracts.

### **Responsibilities of Directors**

- 6.30 To ensure that appropriate insurance arrangements are made.
- 6.31 To ensure that the Council is not put at risk from any bad debts.
- 6.32 To ensure that no contracts are subsidised by the Council.
- 6.33 To ensure that, wherever practicable, payment is received in advance of the delivery of the service.
- 6.34 To ensure that the department/unit has the appropriate expertise to undertake the contract.
- 6.35 To ensure that information held, or assets owned by, the Council are not used to the detriment of the Council.
- 6.36 To ensure that such contracts do not impact adversely upon the services provided for the Council.
- 6.37 To ensure that all contracts are properly documented.

6.38 To provide appropriate information to the Corporate Director, Resources to enable a note to be entered into the statement of accounts.



## PART 4 – RULES OF PROCEDURE

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### CONTRACT STANDING ORDERS AND PROCEDURE RULES ('CPR')

#### 1. Introduction

- 1.1 These Contract Standing Orders and Procurement Rules (CPR) provide a corporate framework for the procurement of all Goods, Services and Works for the Council, including concession contracts.
- 1.2 Procurement is *“the process whereby organisations meet their needs for goods, services, works and utilities in a way that achieves value for money on a whole life basis in terms of generating benefits not only to the organisation, but also to society and the economy, whilst minimising damage to the environment”*<sup>1</sup>.
- 1.3 Procurement includes the identification of need, consideration of options, the actual procurement process and the subsequent management and review of the contracts.
- 1.4 The Council spends in the region of £390 million per annum on the external procurement of Goods, Services and Works. It is therefore important that the Council strategically manages this spend to ensure that it:
- (i) obtains value for money and the required level of quality and performance in all contracts let;
  - (ii) conducts its procurement activity openly, transparently and, where practicable, based on standard approaches and use of common systems that appropriately minimise complexity, cost, timescales and requirements for suppliers;
  - (iii) complies with all European, UK and Welsh law that governs and/or relates to the procurement of goods, services and works and the letting of concession contracts;
  - (iv) meets the principles of the Welsh Government’s Wales Procurement Policy Statement (WPPS);
  - (v) considers all relevant guidance issued by Welsh Government including Procurement Advice Notes and the Code of Practice on Ethical Employment in Supply Chains;
  - (vi) supports the achievement of the seven well-being goals for Wales as set out in the Well-being of Future Generations (Wales) Act (2015);
  - (vii) has procurement procedures which, when followed, should protect members and officers of the Council from any allegation of acting unfairly or unlawfully in connection with any procurement by the Council;

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<sup>1</sup> [Wales Procurement Policy Statement 2015](#)

- (viii) subject to compliance with (iii), has considered, assessed and where practicable mitigated any risks associated with a particular procurement processes and subsequently entering into contracts; and
- (ix) achieves the organisational outcomes of the [Council's Procurement Strategy \(2017-20\)](#):

- 1.5 Contracts, which involve the receipt of income by the Council or the disposal of an asset or an undertaking by the Council, may often require competitive tender. The reason for this, for instance, is because they amount to a “concession”, or confer a competitive advantage on the contractor as against its competitors, or the Council needs to be able to demonstrate that it has received an appropriate market value. Therefore, 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 These rules are not intended as detailed guidance for implementation. Any procurement guidance issued by the Council's Procurement Manager must be taken into account.
- 1.7 These CPRs govern organisational behaviour in the conduct of procurement. It is a given that such behaviour is undertaken in support and delivery of the wider policies and objectives of the council and in respect of officers, this includes the Employees' Code of Conduct.
- 1.8 In conducting any procurement, utmost probity must be demonstrated at all times.

## 2. Definitions and Interpretations

- 2.1 In these Rules the following definitions apply:

<b>Community Benefits</b>	means the delivery of social, economic and environmental benefit, through effective application of Community Benefits clauses in public contracts. Mandatory on all contracts with a value greater than £1m and optional, but encouraged, on contracts below £1m.
<b>Concession Contracts</b>	means a contract between the Council and Contractor, where the consideration in the contract consists of the Contractor's right to exploit the work or services, that are the subject of the contract, or that right to exploit together with a payment.

<b>Contract</b>	means any form of agreement (including, without limitation, purchase orders produced on the Council's Proactis P2P system or any replacement of such system) for the supply of Goods, provision of Services or carrying out of Works and or concession contracts.										
<b>Contractor</b>	means any contractor, supplier or provider with whom the Council enters into a Contract for the carrying out of Works, provision of Services or the supply of Goods.										
<b>Contracts register</b>	means the register maintained (in such form as determine from time to time) by the Procurement Manager, which lists all contracts (except arrangements in respect of Land) concluded by the Council with a value in excess of £25,000. (See clause 28 of the CPR).										
<b>CPRs</b>	These Contract Standing Orders and Procurement Rules as may be amended from time to time.										
<b>Electronic procurement</b>	The procurement of all goods, services and works conducted using the Council's approved electronic procurement system, as specified from time to time by the Procurement Manager.										
<b>EU</b>	The European Union.										
<b>EU Thresholds</b>	<p>The thresholds prescribed in section 5 of the Public Contracts Regulations 2015. The current thresholds, net of VAT and as at 1<sup>st</sup> Jan 2018 are: -</p> <table> <tr> <td>Services</td> <td>£181,302</td> </tr> <tr> <td>Light Touch Regime for Services</td> <td>£615,278</td> </tr> <tr> <td>Supplies</td> <td>£181,302</td> </tr> <tr> <td>Works</td> <td>£4,551,413</td> </tr> <tr> <td>Concession contracts</td> <td>£4,551,413</td> </tr> </table> <p>The thresholds change every two years and are due to change again on 1st January 2020.</p>	Services	£181,302	Light Touch Regime for Services	£615,278	Supplies	£181,302	Works	£4,551,413	Concession contracts	£4,551,413
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Light Touch Regime for Services	£615,278										
Supplies	£181,302										
Works	£4,551,413										
Concession contracts	£4,551,413										
<b>Framework Agreement</b>	An agreement with one or more Contractors, the purpose of which is to establish the terms (in										

particular with regard to price and quantity) governing a contract or contracts to be awarded during the period for which the framework agreement applies.

<b>Goods</b>	covers all products, goods, supplies, substances and materials that the Council purchases, hires or otherwise obtains.
<b>Grant(s)</b>	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(s) may be conditional (i.e. obligation to spend the Grant(s) in a particular manner, to account for that spend and repay the Grant(s) if the Grant(s) conditions are breached).
<b>Legal Requirements</b>	means all European, UK and Welsh law that governs and or relates to the procurement of goods, services and works and the letting of concession contracts.
<b>Monitoring Officer</b>	The officer designated by the Council as its Statutory Monitoring Officer as required under Section 5 of the Local Government and Housing Act 1989.
<b>Most economically advantageous tender (MEAT)</b>	A tender evaluated on the basis of qualitative, technical and sustainable aspects of the tender submission as well as price when reaching an award decision.
<b>OJEU</b>	The Official Journal of the European Union.
<b>OJEU threshold</b>	The values that are determined by the European Union every two years (see definition above EU Thresholds).
<b>Prior Information Notice (PIN)</b>	A notice placed by the Council on <a href="#">Sell2Wales</a> and/or OJEU alerting the market of upcoming requirements and allowing suppliers to respond, expressing an interest in bidding for the contract. This supplier feedback can be used to inform the development of the specification as well as the selection process prior to the invitation to tender stage.

**Procurement** Means, for the purposes of these rules, the process by which the Council manages the acquisition of all its Goods, Services and Works, in a way that achieves value for money on a whole life basis in terms of generating benefits not only to the Council, but also to society and the economy, whilst minimising damage to the environment. It includes the identification of need, consideration of options, the actual procurement process and the subsequent management and review of the contracts.

**Procurement Guidance** means the Guidance issued/to be issued from time to time by the Procurement Manager, in consultation with the Council's S151 and Monitoring Officers.

**Procurement Manager** means the Operational Manager – Commissioning and Procurement Services or any officers under his/her supervision or management to whom he/she delegates authority to carry out any of the obligations, duties or activities required to be performed by him/her under these Rules or to act in his/her absence.

**Procurement Process** means the process, which spans the whole life cycle of the procurement, from identification of needs, options appraisal, supplier selection, award, and contract management through to the end of a contract or the end of the useful life of the asset, or disposal of the asset.

**Procurement Routes** Means the procurement procedure to be followed in the Procurement. For example;

- The open procedure.
- The restricted procedure.
- The competitive dialogue procedure.
- The competitive procedure with negotiation.
- An innovation partnership

See Appendix 1 for an overview of the procurement procedures available.

The appropriate procedure to use must be considered on a case-by-case basis, as it will depend on factors that are specific to each procurement.

<b>Purchase order</b>	means an electronic order raised and authorised via the Council's Proactis P2P system, or such other electronic system in force for the time being.
<b>Purchase-to-Pay (P2P)</b>	means the Council's electronic method of processing payments. The Council uses the Systems Applications and Products (SAP) software or any such software.
<b>Quotation</b>	means a quotation of price and any other relevant detail submitted to the Council upon the Council's request, without the formal issue of an invitation to tender.
<b>Regulations</b>	means The Public Contracts Regulations 2015, as amended from time to time.
<b>Rules</b>	means these Contract Standing Orders and Procurement Rules.
<b>Section 151 Officer</b>	means the officer designated by the Council as its Statutory Section 151 Officer as required under Section 151 of the Local Government Act 1972
<b>Senior Officer</b>	means the holder for the time being of any post named in the Scheme of Delegations outlined in <a href="#">Part 3, Sections 4A – E of the Constitution</a> or, if such is the case, named in a decision of the Cabinet, Council or one of its committees, as having delegated powers and duties in respect of the procurement concerned.
<b>Services</b>	includes all services, which the Council purchases or otherwise obtains including advice, specialist consultancy work, agency staff and all those activities constituting Services for the purposes of the Public Contracts Regulations 2015.
<b>Single Tender and Reduced Number of Tenders</b>	means where these Rules allow (and for good reason and subject to a proper business case), the Council limits the minimum number of Tenderers to be invited to tender to one or a lesser number than would otherwise normally be required by these Rules given the estimated value of the Contract concerned.

<b>Request for Quotation (RFQ)</b>	Means a request to provide a price and any other relevant detail, without the formal issue of an invitation to tender.
<b>Tenderer(s)</b>	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.
<b>Value for Money</b>	should be considered as the optimum combination of whole-of-life costs in terms of not only generating efficiency savings and good quality outcomes for the organisation, but also benefit to society, the economy, and the environment, both now and in the future.
<b>Variant Bid</b>	means an offer/bid, which contains variants on the requirements specified by the Council in its procurement documentation.
<b>Variation and Variations</b>	means any alteration to a Contract, including additions, omissions, substitutions, alterations, or changes of any other nature.
<b>Works</b>	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 Contracts Regulations 2015.

- 2.2 All values referred to in these Rules are exclusive of VAT.
- 2.3 Any dispute regarding interpretation of these Rules shall be referred to the Director of Governance and Legal Services for resolution in consultation with the Procurement Manager.
- 2.4 These Rules shall be read in conjunction with the Council's Constitution as a whole and, in particular, in respect of Contract payments, including compliance with the Council's Financial Procedure Rules.
- 2.5 The Director of Governance and Legal Services will amend these Rules from time to time, to ensure that they meet all Legal Requirements.
- 2.6 The Director of Governance and Legal Services and the Procurement Manager shall periodically undertake a formal review of these Rules.

### 3. Compliance with these Rules

3.1 These Rules must be followed when dealing with any Council Procurement except for those Procurements and other matters referred to in Rule 3.5.

3.2 Every Procurement undertaken by the Council or any other party on its behalf

(i) must comply with:

(a) all European, UK and Welsh law that governs and or relates to the procurement of goods, services and works and the letting of concession contracts and to the extent of any conflict between these CPR and any such legal requirements then the provisions of such legal requirements shall prevail;

(b) the Council's Constitution as a whole, and

(c) the Council's strategic objectives and policies including its Procurement Strategy,

and

(ii) must meet the other objectives and requirements listed in clause 1.4 of these rules.

3.3 The Procurement Manager may from time to time issue procurement guidance, following consultation with the Council's Section 151 and Monitoring Officer. Senior Officers in each Council Service Area must ensure that employees in their Service Area are aware of such guidance and must require compliance with such guidance.

3.4 Any failure by officers to comply with any of the provisions of these CPR or associated guidance adopted by the Council may result in disciplinary action. Any procurement carried out on behalf of the Council may only be undertaken by officers with the appropriate delegated authority to carry out such tasks and who have the necessary capability and capacity to undertake the particular procurement.

#### 3.5 Exemptions to the Rules

These Rules do not apply to:-

(i) **the acquisition or disposal of land** (see Procedural Rules for the Acquisition or Disposal of Land. Any land contracts which involve development agreements shall be notified to the Director Governance and Legal Services and legal advice sought on the procurement law implications);

(ii) **contracts of employment** which make an individual a direct employee of the Council;



- (iii) **use of the Council's in-house services;**
- (iv) **Grants** (Grants are not regulated by public procurement law, as they are not public contracts. Grants are, however, regulated by the rules on state aid and by general public law controls relating to fiduciary duty and proper spending of public money. As appropriate, legal and financial advice should be obtained from the relevant Council officers);
- (v) **individual orders placed under a Framework Agreement or a contract** which provide for orders to be placed against an agreed schedule of rates, or under a measured term contract, provided that such contracts or Framework Agreements have been let by the Council in accordance with these Rules. The Procurement Manager must be consulted before any such order is placed;
- (vi) **an individual care contract.** That is a contract for services entered into in pursuance of powers under The Social Services and Well-being (Wales) Act 2014 for the benefit of an individual, where:-
  - (a) the estimated value is below the Light Touch Regime under the Public Contracts Regulations 2015;
  - (b) the Council does not have any existing framework or umbrella arrangements in place in respect of the relevant service;
  - (c) the individual care contract represents value for money and;
  - (d) where the contract is required to honour the preference of the individual service user; or
  - (e) is required as a matter of emergency in the interest of the welfare of the individual service user.
- (vii) **Instructions and briefs to Counsel** issued by or on behalf of the Director Governance and Legal Services to Counsel. The Director will make arrangements to ensure that appropriate record is kept of all such instructions or briefs together with a record of Counsel's fee; or
- (viii) **Goods, Services and Works procured by another public body** on behalf of, or for the joint benefit of the Council and other parties, and provided that, in such case, the other public body's procurement / contract rules, all EU, UK and Welsh procurement law requirements, and the fundamental principles of the EC Treaty have been complied with (that is, a collaborative procurement arrangement such as contracts awarded via the National Procurement Service, Crown Commercial Services etc. The advice of the Procurement Manager must be sought before placing reliance on any such arrangement).

- 3.6 When placing reliance on the exemptions stated above the Senior Officer should ensure that the best possible value for money is obtained for the Council.

#### **4. Declaration of interest**

- 4.1 No member, employee or agent of the Council shall improperly use his or her position to obtain any personal or private benefit from any contract entered into by the Council.
- 4.2 Members and employees of the Council shall comply with the requirements of section 117 of the Local Government Act 1972 and, as appropriate, the Officers and Members Code of Conduct set out in the Constitution in respect of the declaration of interests in contracts with the Council.
- 4.3 Such interests must be declared to the Monitoring Officer for inclusion in the appropriate registers.

#### **5. Welsh Language Act**

- 5.1 Any invitations to tender for a contract must state that tenders may be submitted in Welsh.
- 5.2 Any invitations to tender for a contract must be published in Welsh, where the:
- (i) subject matter of the tender for a contract suggests that it should be produced in Welsh, or
  - (ii) anticipated audience, and their expectations, suggests that the document should be produced in Welsh.
- 5.3 Where a tender or quote has been submitted in Welsh, this must be treated no less favourably than a submission in English (including, amongst other matters, in relation to the closing date for receiving submissions, and in relation to time-scale for informing bidders of decisions).
- 5.4 If a tender has been submitted in Welsh, and it is necessary to interview the bidder as part of the assessment process, you must:
- (a) Offer to provide a translation service from Welsh to English to enable the bidder to use the Welsh language at the interview; and
  - (b) If the bidder wishes to use the Welsh language at interview, provide a simultaneous translation service for that purpose (unless you conduct the interview in Welsh without a translation service).
- 5.5 When informing a bidder of the decision in relation to a quotation or tender, you must do so in Welsh if the quotation or tender was submitted in Welsh.

5.6 Where relevant to the subject matter of the contract, contracts must contain provision requiring the Contractor to comply with all applicable requirements of:

- (i) the Authority's Welsh Language Scheme,
- (ii) the Welsh Language (Wales) Measure 2011, and
- (iii) the Welsh language standards issued to the City of Cardiff Council (Compliance Notice – Section 44 Welsh Language (Wales) Measure).

## **6. Procurement Planning**

6.1 Before commencing any procurement, the Senior Officer responsible for the proposed procurement, must undertake (or ensure that it is undertaken) the appropriate level of preparation and planning, proportionate to the proposed value and nature of the project. Depending upon the value and nature of the procurement proposed this should include; consideration of those matters referred to in clause 6.2 and the timely taking of finance, legal and procurement advice as appropriate.

6.2 The preparation and planning stage of the process is critical. It will influence all future activity on the contract. If this part of the process is done correctly then the rest should flow without difficulty, but the reverse is also true. It is common to underestimate the planning stage or not carry it out at all. The key tasks at the planning stage include:

- engagement with key stakeholders in order to identify and assess needs – what is being procured and why? What is the key driver for the procurement? What are the critical success factors? What outcomes are being sought?
- checking that no existing in-house provision exists for the Goods, Services or Works required (see rule 9)
- carrying out of options appraisal to look at different ways of meeting, the identified needs (e.g. buy, lease or rent?)
- determining budget and funding, to define a realistic budget for the contract to achieve the desired results and then securing the funds to finance and manage the contract
- selection of the appropriate Procurement Procedure (see Appendix 1)
- preparing the specification (setting out the requirements)
- where a tender is to be awarded on both price and quality, determining the criteria and evaluation methodology.

6.3 The results of this planning stage must be properly documented by the Senior Officer responsible for the proposed procurement (or his nominated deputy) and, if used recorded in the Council's electronic procurement system. A Procurement Plan is encouraged for all values of procurement.

## **7. Advice and Risk Assessment**

- 7.1 At the outset of a procurement process, the Senior Officer (or his nominated officer) must refer to the Procurement Manager all proposed procurements with an estimated value in excess of £25,000 for goods and services and £75,000 for works. In addition to these Rules, the Senior Officer must follow all guidance issued by the Procurement Manager in respect of the procurement.
- 7.2 The advice of the Director of Governance and Legal Services must be sought on all procurements with an estimated value in excess of £100,000 and for lower value requirements where the complexity of the procurement requires, for example the inclusion of bespoke clauses. If there is any doubt, legal advice should be sought.
- 7.3 For Procurements with an estimated value in excess of £25,000 for goods and services and £75,000 for works, the Senior Officers shall carry out a risk assessment (proportionate to the nature and value of the proposed contract). The risk assessment shall be prepared at the outset and thereafter maintained and updated throughout the Procurement Process. The decision maker must be informed of any risks identified and of the contingency measures in place.
- 7.4 When carrying out any risk assessment in respect of a proposed procurement, regard must be had to the requirements to comply with the whole of these Rules.

### **7.5 Personal Data**

In carrying out any Procurement, the Senior Officer responsible for the procurement must take all reasonable steps, including incorporation of appropriate provision into tender documentation and Contracts, to ensure that the personal data of individuals is protected in accordance with all legal requirements (including the General Data Protection Regulation) and Codes of Practice from the Information Commissioner's Office (ICO) and as set out in the Council's Information Governance Policies. The Senior Officer must ensure the Councils' obligations and risks, in respect of personal data, are considered and indemnities are sought where appropriate. More information and guidance can be obtained from the Operational Manager Governance and Risk and Director of Governance and Legal Services (or their nominated officers).

## **8. Community Benefits**

- 8.1 Community benefits clauses within contracts are used to build a range of economic, social or environmental conditions into the delivery of a contract.
- 8.2 All contracts exceeding £1,000,000 in value must include a contractual obligation on the successful bidder to deliver community benefits.

Examples of community benefits that can be included in contractual clauses include:

- Targeted Recruitment and Training Initiatives
- Supply Chain Initiatives
- Community Initiatives
- Educational Initiatives
- Environmental Initiatives
- Equality and Diversity Initiatives

8.3 For all contracts below £1,000,000 in value, the inclusion of community benefits as a contractual obligation is optional but shall be considered.

8.4 In all cases where community benefits are being delivered, there must be a contractual requirement for the successful contractor to provide monitoring information on the community benefits as determined by the Procurement Manager. More generally, the named contract manager as part of the normal contract management process should monitor the delivery of community benefits.

8.5 Regard must be had to the Welsh Government guidance on Community Benefits and such other guidance as the Procurement Manager may issue from time to time on the approaches to delivering community benefits through Council contracts.

## **9 . Use of In-house service**

9.1 Before any external procurement is considered, it is important to check that no existing in-house provision exists for the Goods, Services or Works required.

9.2. In-house services must be used unless the Senior Officers of the procuring service area and the in-house service provider agree otherwise, evidenced in writing.

## **10. Framework Arrangements**

10.1 The Council has entered into a number of contracts or framework agreements types of goods, services and works.

10.2 Commissioning and Procurement Services maintain a register of such contracts and framework agreements in the Cardiff Council Supply Directory and can provide advice on their use and any exceptions granted.

10.3 It is the responsibility of the service area requiring the procurement to ascertain whether there is a framework or other corporate purchasing agreement in place by checking the Council Supply Directory. If such a framework or corporate purchasing arrangement exists then Service

areas must use the same or otherwise obtain the prior agreement of the Procurement Manager or his/her nominated deputy.

- 10.4 The use of frameworks not listed in the Council Supply Directory is only permissible once the Procurement Team has approved its use (including checking that the framework agreement concerned may be relied upon by the Council).
- 10.5 When using framework agreements, all guidance issued in relation to the use of the Framework concerned must be considered by the service area and followed. The award criteria, weightings and the terms and conditions of contract specified in the framework agreement must be used. It is the responsibility of the service area requiring the procurement to ensure that all supporting documentation necessary is assembled and completed, before placing reliance on a framework agreement. Whilst Procurement and Legal Services can provide advice and support, it will be expected that this provision will be complied with by the service area before seeking such advice.
- 10.6 Where Goods, Services or Works are regularly required, and arrangements described in Rule 10 are not available, consideration must be given to awarding a framework arrangement and the advice of the Procurement Manager must be obtained.
- 10.7 **Collaborative and Joint working arrangements**
  - (i) Any consortia procurement arrangements must be approved for use by the Procurement Manager before reliance is placed on the same.
  - (ii) Before proceeding with any proposed joint working arrangements, legal advice should be sought from the Director Governance and Legal Services.

## **11. Estimating the Contract Value**

- 11.1 The estimated value of a Contract/procurement exercise shall be the value of the total consideration, net of value added tax, which the Council expects to be payable under the Contract over its full duration (not the annual value).
- 11.2 Where the duration of a contract is indeterminate, the value should be taken to be the estimated value of the contract over a period of four years (the value of the monthly consideration multiplied by 48).
- 11.3 In determining the value of the total consideration, which the Council expects to pay, the Senior Officer shall take account, where relevant, of;
  - (i) the term/period of the proposed Contract
  - (ii) any rights to renew the Contract/extend the Contract period

- (iii) any prize, payment, premium, fees, commission, interest or other form of remuneration payable under the proposed Contract or in respect of the proposed procurement
- 11.4 If there is uncertainty over calculating the estimated value of the proposed Contract then the advice of Legal and Procurement Services should be sought.
- 11.5 No Works or requirements for Goods or Services may be artificially split to avoid consulting with the Procurement Manager or avoid compliance with EU procurement law or these Rules.
- 11.6 Where the Council has requirements over a period of time for Goods and Services where the contracts have similar characteristics and the Goods and Services are of the same type, and enters into a series of contracts or a contract which is renewable, then the estimated value shall be calculated by the total spend on such matters over the last 12 months or projected estimated spend for next 12 months, whichever is the greater. In estimating this value the advice of the Procurement Manager must be sought.
- 11.7 In considering if the Public Contracts Regulations 2015 apply, the Council must have regard to the 'methods for calculating the estimated value of a procurement' set out in the Public Contracts Regulations 2015 and advice of the Procurement Manager sought.

## **12. Goods (supplies) and Services**

- 12.1 Where possible, Goods and/or Services must be obtained via existing approved arrangements including:
  - (i) firstly, in-house services provision (see Rule 9), and
  - (ii) secondly, Framework Agreements and consortia arrangements approved for use by the Council's Procurement Manager (See Rule 10).

### **12.2 Goods and Services - Value up to £10,000**

For procurements with an estimated value of up to £10,000 (ten thousand pounds):

- (i) the minimum requirement is that one written quote is obtained although, where practical, competition is encouraged. It is, however, still necessary for the Service Area to be satisfied and able to demonstrate that it has obtained value for money;
- (ii) the Service Area must keep an appropriate file record evidencing matters; and
- (iii) this rule 12.2 is subject to the requirements set out in the previous sections of the CPR, including Rule 10 (use of frameworks), rule 11.5 (artificially dividing procurements) and rule 11 (repeat requirements)

### **12.3 Goods and Services – Value £10,000 to £25,000**

For procurements with a value of £10,000 up to £25,000 then:

- (i) where practicable the requirement should be openly advertised on the Council's electronic procurement system or on Sell2Wales website, or
- (ii) if it is not practicable to comply with Rule 12.3 then:
  - (1) a minimum of 3 written quotes must be requested from suitable providers using the Council's approved electronic procurement system; or
  - (2) the prior consent of the Procurement Manager must be obtained to the use of an alternative Procurement Procedure or reliance being placed on Rule 14 ('Exceptions').
- (iii) The Council's Quotation Record Form must be used to record the procurement actions taken.

### **12.4 Goods and Services – Value £25,000 to EU Threshold for Goods (supplies) and Services**

For procurements with an estimated value of £25,000 up to the EU thresholds for public supply and public service contracts (Goods and Services), then:

- (a) all requirements must be openly advertised on the Council's electronic procurement system or on Sell2Wales the national procurement website and tenders invited using either the open or restricted procedure, unless the Procurement Manager otherwise directs.
- (b) if the restricted procedure is used the minimum number of tenderers to be invited to tender, subject to meeting the selection criteria, shall be 4 tenderers, and
- (c) the Council's Pre Tender Report Form and Contract Award Form must be used to record the procurement actions taken for goods and services over £25,000.

### **12.5 Goods and Services covered by the Public Contracts Regulations 2015.**

In the case of procurements that fall to be dealt with under the European Union procurement directives and the Public Contracts Regulations 2015 ('The Regulations') that implement them in the UK, then:

- (i) the advice of the Procurement Manager and the Director of Governance and Legal Services must be sought at the outset to determine the Procurement Procedure to be followed and at all subsequent stages of the procurement process;



- (ii) the procurement process will be in accordance with the advice received and where applicable will in any event be in accordance with the requirements of the said Directives and Regulations for the time being in force; and
- (iii) the requirements of such Directives and Regulations will take precedence over any requirements set out in these Rules.

### 13. Works

13.1 Where possible, works must be obtained via existing approved arrangements including:

- (i) Firstly, in-house services provision (see Rule 9) and
- (ii) Secondly, Framework Agreements and consortia arrangements approved for use by the Council's Procurement Manager (See Rule 10).

#### 13.2 Works Value up to £10,000

- (i) For procurements with an estimated value of up to £10,000 (ten thousand pounds) the minimum requirement is the one written quote is obtained, although where practical competition is encouraged. It is, however, necessary for the service area to be satisfied and able to demonstrate that it has obtained value for money.
- (ii) The service area must keep an appropriate file record (Quotation Record Form) evidencing matters, including that relevant competency and capability assessments have been undertaken.
- (iii) This rule 13.2 is subject to the requirements set out in the previous sections of the CPR, including Rule 10 (use of frameworks), Rule 11.5 (artificially dividing procurements) and Rule 11.6 (repeat requirements).

#### 13.3 Works Value £10,000 to £75,000

- (i) For procurements with a value of £10,000 up to £75,000 then:
  - (a) where practicable the requirement should be openly advertised on the Council's e-procurement system or on the national procurement website,
- (ii) if it is not practicable to comply with Rule 13.3 then:
  - (a) a minimum of 3 written quotes must be requested from suitable providers; or
  - (b) the prior consent of the Procurement Manager must be obtained to the use of an alternative Procurement Procedure or reliance being placed on Rule 14 ('Exceptions').
- (iii) The Council's Quotation Record Form must be used to record the procurement actions taken and recorded on the Council's electronic procurement system.

#### **13.4 Works Value £75,000 to EU Threshold for Works contracts (£4,551,413)**

For procurements with a value of £75,000 up to EU Threshold for Works contracts, then:

- (i) all requirements must be openly advertised on the Council's e-procurement system or on the national procurement website and tenders invited using either the open or restricted procedure, unless the Procurement Manager otherwise directs.
- (ii) if the restricted procedure is used, the minimum number of tenderers to be invited to tender, subject to meeting the selection criteria, shall be 4 tenderers.
- (iii) the Council's Pre Tender Report Form and Contract Award Report Form must be used to record the procurement actions taken on all works procurements above £75,000 and recorded on the Council's electronic procurement system.

#### **13.5 Works covered by the Public Contracts Regulations 2015**

In the case of procurements that fall to be dealt with under the European Union procurement directives and the Public Contracts Regulations 2015 ('The Regulations') that implement them in the UK:

- (i) the advice of the Procurement Manager and the Director of Governance and Legal Services must be sought at the outset to determine the Procurement Procedure to be followed and at all subsequent stages of the procurement process;
- (ii) the procurement process will be conducted in accordance with the advice received and where applicable will in any event be in accordance with the requirements of the said Directives and Regulations for the time being in force; and
- (iii) the requirements of such Directives and Regulations will take precedence over any requirements set out in these Rules.

### **14. Exceptions - Single or reduced number of tenders**

14.1 In exceptional circumstances and subject to the following requirements the rules set out in sections 12.3 to 12.5 and 13.3 to 13.5 shall not apply and reduced number of tenders or a single tender may be invited.

- (i) This provision (Exceptions) does not apply to procurements above the EU Thresholds, in which case compliance with the provisions of the Regulations is mandatory.
- (ii) Before proceeding to let any contract the service area must in the Pre Tender Report and Contract Award Report set out the reasons why a single or reduced number of tenders is proposed, why the proposed way forward (reduced number of tenders or single tender) represents value for money and is in the Council's best interest. The Procurement Manager will issue guidance on

potential scenarios where a reduced number of tenders or a single tender may be permissible ('exceptions').

- (iii) Before proceeding with a reduced number of tenders or a single tender, the consent of the Procurement Manager must be obtained. The Procurement Manager reserves the right not to sign and approve any request for a single or reduced number of tenderers, which in his reasonable opinion do not warrant approval, in which case the proposed procurement should not proceed. It must be appreciated that the Procurement Manager cannot authorise any exceptions, (and Council Service Areas should not proceed with any proposed procurement) that would be in breach of the requirements of the Regulations or any other Legal Requirement. The Procurement Manager will set out his justification for not approving requests in the Non-Signature Justification section on the Pre Tender Report and Contract Award Form, in which case the procurement will not have approval to proceed.

14.2 The Procurement Manager will maintain a register listing all decisions made pursuant to rule 14.1 (referred to as the 'Exceptions Register').

14.3 The following situation should not arise and provision is inserted purely for completeness. If the Procurement Manager is presented with any Pre Tender Report or Contract Award Report, which contains proposals that are in breach of the Regulations or any Legal Requirements and following advice the relevant service area does not withdraw the proposal, then the matter shall be reported by the Procurement Manager to the Director with responsibility for the Service area concerned, the Council's Chief Financial Officer (S151 officer) and Monitoring Officer for consideration and determination as to the way forward (including the presentations of any reports required to Cabinet and or Council). It must be appreciated that Statutory Officers cannot be expected to authorise any proposed procurements which would be in breach of the requirements of the Regulations or any other legal requirements.

## **15. Electronic Tendering**

15.1 From October 1<sup>st</sup> 2018 (or such latter date as the Procurement Manager may direct), all procurement with a value of £10,000 or above (including requests for quotations) must be conducted using the Council's approved electronic system. It is the responsibility of the Senior Officer of each service to ensure that their staff comply with this rule.

15.2 Any officer required to use the Council's electronic procurement must notify the [Council's Sourcing Team](#) so that they can be registered on the system. Similarly, it is the responsibility of the relevant Senior Officer to notify the Sourcing Team of changes to any officer's eligibility to use the system (e.g. staff leaving or disciplinary measures) at the earliest opportunity so that the user access can be deactivated.

- 15.3 Where rule 15.1 applies, all requests for quotations and invitations to tender, along with all associated procurement documentation, must be issued via the Council's approved electronic procurement system.
- 15.4 Where rule 15.1 applies, all quotes and tender submissions from bidding organisations, including all supporting documentation, must be received via the Council's approved electronic procurement system.
- 15.5 In exceptional circumstances, and only with the prior agreement of the Senior Officer of the service area requiring the procurement and the Procurement Manager, hard copy quotations or tenders may be accepted. In this event the procedures detailed in Rule (19.2) must be followed.

## **16. Pre-Qualification (Applies to all)**

- 16.1 The Council shall only enter into a Contract with a Contractor if it is satisfied as to the Contractor's competencies. The criteria for selecting Tenderers may include, but need not be limited to:
  - (a) Technical or professional competence and experience including qualifications;
  - (b) Health and Safety;
  - (c) Quality including certification by official quality control institutes or agencies of recognised competence and or attesting conformity to quality assurance standards and or measures;
  - (d) Financial and economic standing including appropriate insurance provisions;
  - (e) Sustainability, including environmental management measures;
  - (f) Evidence as to whether they are unsuitable on grounds, e.g. of bankruptcy, criminal conviction or failure to pay taxes; and
  - (g) Data Protection and Cloud Impact Assessment implications.

## **17 The Quotation Process**

### **17.1 Quotes (below £10,000) – Low value procurements, where use of the Council's e-procurement system is not mandatory**

17.1.1 Where these Rules allow for use of Quotes and the estimated value of the procurement is below £10,000 then officers in the Council Service Areas undertaking the procurement concerned must comply with the following requirements:

- (i) Wherever practicable the Council's Electronic Procurement system must be used and all quotes submitted by electronic arrangements via the Council's electronic procurement system. If this is not practicable then the following arrangements shall apply.

- (ii) When Quotes are sought these should be requested in writing (including email).
- (iii) Where only one quote is requested, the relevant Senior Officer still has the responsibility to ensure (and be able to demonstrate) that value for money has been obtained.
- (iv) There is no prescribed timescale but a reasonable timescale should be given for parties to submit quotes.
- (v) Quotes should only be accepted, in writing (including email) or via the Council's approved electronic procurement system. If accepted in writing the acceptance should make clear that the [Council's standard terms and conditions](#) referred to in the Council's purchase order apply. On acceptance of the quotation (written or electronic), a purchase order must be sent via the Purchase-to-Pay (P2P) system, which contains reference to the Council's standard terms and conditions.

**17.2 Quotes for goods and services with value between £10,000 and £25,000 and works with value between £10,000 and £75,000.**

Where these Rules allow for use of Quotes and the estimated value of the procurement is for Goods and/or Services between £10,000 and £25,000 and for Works between £10,000 and £75,000, then officers in the Council Service Area undertaking the procurement concerned must comply with the following:

- 17.2.1 At least three quotations must be requested using the Council's electronic procurement system.
- 17.2.2 In the circumstance where not all suppliers respond to the request for quotation with a submission, it is acceptable to evaluate and award the contract based on whatever submissions have been made, even where there is only one submission, provided Value For Money is achieved.
- 17.2.3 Where there are less than three suppliers (but more than one) of the requested goods, services or works on the Council's electronic procurement system, it is acceptable to request quotations from the number (less than three) of the suppliers registered.
- 17.2.4 Where there is only one supplier of the requested goods, services or works on the Council's electronic procurement system, it is a requirement to follow the exception authorisation procedures set out in CPR 14.

- 17.2.5 Any request for quotation (RFQ) shall include as a minimum a technical specification, pricing schedule and terms and conditions.
- 17.2.6 These CPR do not set out minimum timescales that bidders should be given for submitting a response to a request for quotation. Consideration should be given to the complexity of the quote being requested and sufficient time allowed for tenderers to provide suitable quotes.
- 17.2.7 The quotation must be received electronically using the Council's approved system, and will automatically be endorsed with the time and date of receipt and "locked" by the system until the closing time and date prescribed in the request for quotation has elapsed.
- 17.2.8 All quotations received will be automatically "unlocked" and available for evaluation in the electronic system after the closing time and date prescribed in the request for quotation. The officer in the Service Area running the quotation will open quotations; the electronic procurement system will automatically record all quotation prices. There is no requirement for legal services officers to be present
- 17.2.9 Following evaluation of the submissions and acceptance of the quotation on the electronic system, a purchase order must be sent via the Purchase-to-Pay (P2P) system or the provision of CPR 24 complied with.

## **18. The Tender Process**

- 18.1 The invitation to tender must include details of the Council's requirements for the particular contract including:
- (i) a specification of the Services, Goods or Works being procured and instructions on whether any variants are permissible;
  - (ii) the procurement timetable including the tender return date and time, which shall allow a reasonable period for the applicants to prepare their tenders;
  - (iii) the Council's terms and conditions of contract;
  - (iv) the evaluation criteria including attached weightings;
  - (v) the Form of Tender;
  - (vi) pricing mechanism and instructions for completion;
  - (vii) whether the Council is of the view that TUPE will apply;
  - (viii) form and content of method statements to be provided;
  - (ix) rules for submitting of tenders;
  - (x) any further information, which will inform or assist Tenderer(s) in preparing tenders.

- 18.2 Every Tenderer submitting a tender will be required to sign a declaration to the effect that:
- (i) they have not and will not inform any other person of the amount of their tender;
  - (ii) they have not fixed the amount of any tender in accordance with a price fixing arrangement;
  - (iii) they accept that the Council is entitled to cancel the contract and to recover from them the amount of any loss resulting from such cancellation if it is discovered that there has been any corrupt or fraudulent act or omission by them which in any way induced the Council to enter into the contract;
  - (iv) acknowledging that the Council is not bound to accept the lowest or any tender submitted, that the tender exercise may be aborted at any stage during the tender process and that they tender at their own cost and expense.
- 18.3 In respect of proposed procurements with an estimated value in excess £25,000 for Goods and Services and over £75,000 for Works, the Service Areas must obtain the prior approval of the Procurement Manager to the invitation to tender documentation, including specification, evaluation criteria and weightings.
- 18.4 Prior disclosure to Tenderers of the award criteria and weightings is a fundamental requirement that must be complied with for all the Council's procurements. In respect of all quotes/tenders, where the main quote/tender criterion is the most economically advantageous tender, the Senior Officer must ensure that evaluation criteria or sub-criteria is listed in the Request for Quote or Invitation to Tender documentation, in order of importance. Any particular scoring or weighting attributable to any criteria or sub criteria must be clearly stated.

## **19. Receipt, Custody and Opening of electronic and Hard Copy Tenders**

- 19.1 Where these rules require and even when the rules do not require but it is practicable the Council's electronic procurement system must be used and all tenders submitted by electronic arrangements via the Council's electronic procurement system. After the tender submission deadline has passed tenders submitted electronically must be opened in accordance with guidance issued by the Procurement Manager, and the electronic record kept shall, as a minimum meet the requirements set out in the guidance document issued by the Procurement Manager on the opening and recording of electronic tender submissions.
- 19.2. In exceptional circumstances where the Council's e-procurement system is not being used (with the prior agreement of the Procurement Manager) then the following procedure must be adhered to for the submission of hard copy tenders.
- (i) The ITT should provide that Tenders with an estimated value below £100,000 should be submitted by post (or hand delivered)

in the official envelope or using the official tender return label provided and should be addressed to a senior officer (who is not the Senior Officer responsible for the procurement of the relevant service). After the tender submission deadline has passed Tenders will be opened consecutively at the same session in the presence of two employees one designated by the Procurement Manager and one by the Senior Officer of the relevant service area. Both employees must be independent to the letting of the Contract. When opened, all tenders will be recorded in a tender register and the tenders and register will be initialled and dated by designated officers present at the time. A copy of such record shall be sent to the Procurement Manager.

- (ii) The ITT should provide that Tenders with an estimated value above £100,000 should be submitted by post, addressed to the Director Governance and Legal Services, enclosed in the official envelope or using the official tender return label provided by the Council. The Director Governance and Legal Services will be responsible for the receipt, custody and opening of such tenders. After the tender submission deadline has passed Tenders for the same procurement will be opened consecutively at the same session in the presence of two employees designated for the purpose. The Director Governance and Legal Services will nominate one employee and the Procurement Manager will nominate the other employee. Both employees must be independent to the letting of the Contract. When opened, all tenders will be recorded in a tender register and the tenders and register will be initialled and dated by designated employees present at the time. The opened tenders will then be sent to the evaluation team.

## **20. Late Tenders**

Tenders received after the date and time for receipt of tenders may only be opened and considered with the agreement of Procurement Manager and Director of Governance and Legal Services (or their nominated officer, who should be at Operational Manager level or above). Any such decisions must demonstrate good reason why it is considered appropriate to accept the late tender and the decision recorded by the Procurement Manager.

## **21. Tender Evaluation**

- 21.1 Evaluation Team - For each Contract with an estimated value above £25,000 in respect of Goods and or Services and £75,000 in respect of Works, the Senior Officer of the Service Area requiring the procurement shall form an evaluation team ('Evaluation Team') with responsibility for evaluating tenders. Written records of the membership of the evaluation team and evaluation undertaken must be kept.
- 21.2 Where the Contract estimated value exceeds £100,000, the Director of Governance and Legal Services and the Corporate Director, Resources



shall be consulted and, where they consider it appropriate, representatives of those officers shall be included on the Evaluation Team. Consideration should also be given to including service users on the Evaluation Team.

- 21.3 The Evaluation Team shall examine tenders in accordance with the predetermined evaluation criteria for the quotes/tenders and identify quotes/tenders that best meet the criteria. The evaluation criteria shall be strictly observed (and remain unchanged) at all times throughout the contract award procedure.
- 21.4 As a general rule, no adjustment or qualification to any quote or tender(s) submitted is permitted. Errors found during the examination of quotes or tenders shall be dealt with in one of the following ways:
- (i) If the error is not arithmetical the tenderer shall be given details of the error(s) and shall be given the opportunity of confirming without amendment or withdrawing the quote or tender; or
  - (ii) If an arithmetical error is found, the responsible officer shall correct the error(s) provided that, apart from these genuine arithmetic error(s), no other adjustment revision or qualification is permitted. An appropriate record shall be kept.

## **22. Post Tender clarification**

- 22.1 Where the Procurement is conducted pursuant to the EU Procurement Directives and UK Regulations that implement them, there are restrictions on the use of post tender clarification and legal advice must be sought before determining whether any clarification would be appropriate.
- 22.2 The Senior Officer, following consultation with the Procurement Manager and in accordance with any requirements set by the Procurement Manager (regarding records to be kept) may seek clarification from Tenderers in respect of their tenders provided this does not involve discrimination. A record of all clarifications needs to be maintained on the Council's electronic procurement system including minutes of any clarification interviews.
- 22.3 At all times during any such negotiation or clarification process the Council shall consider and comply with the EU Treaty based principles of non-discrimination, equal treatment, transparency, mutual recognition and proportionality, principles that shall apply to all the Council's Procurements.

## **23. Awarding Contracts and Letters of Intent**

- 23.1 A decision to award a Contract may only be made by (i) an officer with the requisite delegated authority to award contracts in accordance with

the Council's Scheme of Delegations or (ii) otherwise pursuant to a decision of the Council, one of its Committees or Cabinet.

23.2 For all Procurements valued at above £25,000 per annum, the decision to award a Contract shall be made using the Council's pro forma Contract Award report unless the decision is to be made by a Corporate Director or the Cabinet, in which case the Council's standard reporting forms for such decisions shall be used. The Senior Officer must ensure, prior to seeking such a decision, that sufficient funds are in place to meet all contract payments and if any funding is being obtained from third parties that any conditions attaching to such funding have been complied with.

23.3 A Contract shall only be awarded using the pre-determined tender evaluation criteria and weightings.

When a decision is subject to the Council's 'Call in Procedure' (See the Council's Scrutiny Procedure Rules) the decision must not be acted upon until the call in period has expired and provide always the decision has not been called in.

23.4 A letter of intent is not an appropriate substitute for a formal contract but in exceptional circumstances can be issued as an interim measure until a formal contract has been signed. Letters of intent shall only be used with the prior agreement of, and in a form approved by, the Director Governance and Legal Services.

23.5 Save for exceptional circumstances, no Contractor should be asked to provide any Services, supply any Goods or carry out any Works (including preliminary Works) until the Contract is concluded or the Services, Goods or Works concerned are covered by a letter of intent. Should the Senior Officer for the service area concerned make any decision to the contrary, such decision shall contain a full risk assessment as to the possible implications to the Council of the Contractor being allowed to start before the contract terms and conditions have been finalised or a letter of intent issued.

## **24. Placing of Orders/Completion of Contracts and retention of contract documentation**

### **24.1 Frameworks**

Orders placed under Framework Agreements must be placed using the order form prescribed in the Framework Agreement and on the terms and conditions set out in the Framework Agreement. (See Rule10.5)

24.2 For all other contracts with a value of up to £25,000, orders should be placed using the Council's electronic Purchase to Pay system (P2P) unless the Procurement Manager otherwise agrees. The P2P system, generates purchase orders outputs in either electronic or paper form, which incorporate by reference the Council's standard terms and conditions of contract.

- 24.3 For Contracts with a value above £25,000 but below £100,000 Service Areas must use the appropriate standard form of contract issued or approved for use by the Director Governance and Legal Services.
- 24.4 For Contracts with a value in excess of £100,000 Service Areas must take the advice of the Director Governance and Legal Services on the form of contract to be used, though wherever appropriate industry standard forms will be used.
- 24.5 It is essential that the Goods, Services or Works are procured on the Council's standard terms and conditions and not those submitted by the Contractor.
- 24.6 Contract documents, along with all associated related documents, must be retained for a minimum of six years from the contract end date and, if the contract is concluded under seal, for a period of twelve years from the contract end date. Where the contract was funded, or partly funded, through some form of external grant then further grant specific conditions, as regard to retention of documents may apply and must be adhered to.
- 24.7 As minimum contracts must set out;
- (i) the work, materials, services or supplies to be carried out or provided and standards required;
  - (ii) the price to be paid (or, as appropriate, the sums to be received) with a statement of discounts, or other deductions, and where not known, the basis upon which the final contract sum is to be calculated;
  - (iii) the time or times within which the contract is to be performed; and
  - (iv) the commencement and termination dates of the contract.

#### **24.8 Execution (completion/signing/sealing) of contracts**

- 24.8.1 Subject to Rule 24.8.1 Contracts with a value in excess of £25,000 may only be signed on behalf of the Council by the Director of Governance and Legal Services or his/her nominated officers.
- 24.8.2 Rule 24.8.1 does not apply to any contract formed by the placing of an order, following compliance with these Rules, using or under:
- (i) the Council's electronic Purchase to Pay system;
  - (ii) a Framework Agreement approved for use; or
  - (iii) a Dynamic Purchasing System put in place by the Council.

- 24.8.3 The Council's seal may only be affixed to a contract in the presence of the Director of Governance and Legal Services or his / her nominated officers.

## **25. Notification of Results, De-briefing and Standstill Period**

- 25.1 Where the Regulations do not apply, the Senior Officer shall ensure that within 10 days of the date on which the Council receives a request from any supplier who was unsuccessful (at either the selection or tender stage) he/she informs that supplier of the reasons for being unsuccessful and, if the supplier was unsuccessful at the tender stage the responsible officer shall also inform it of the characteristics and relative advantages of the successful tender as well as the name of the bidder awarded the contract.
- 25.2 Where the Regulations apply, Service areas must comply with the requirements of the Regulations (including as to standstill, debrief, contract award notices), and the advice of Procurement and Legal Services must be obtained and followed.
- 25.3 If any additional information is to be disclosed to tenderers, this must be agreed in advance with the Procurement Manager, taking into account the requirements of any legislation relating to the disclosure of information.
- 25.4 If the award of a contract is subject to the Regulations, there must be a standstill period between communicating the award decision to all tenders and conclusion of the contract. This standstill period shall be 10 calendar days if sent electronically or 15 days for notices sent by other methods. Where the last day of the standstill period is not a working day, it shall be extended to midnight at the end of the next working day.

## **26 . Bonds, Securities, Liquidated and other damages**

- 26.1 The Senior Officer (of the service area requiring the procurement) is responsible for ensuring that a risk assessment is undertaken, to determine if a performance bond or performance guarantee is required. If appropriate, the advice of the Council's Finance officers should be sought.
- 26.2 Consideration should also be given to the appropriateness of including in the contract a provision for liquidated damages to be paid by the contractor in case the terms of the contract are not duly performed.

## **27. Parent Company Guarantee**

- 27.1 The Senior Officer (of the service area requiring the procurement) is responsible for seeking a Parent Company Guarantee where a contractor is a subsidiary of a parent company and;
- (i) the award is based on evaluation of the parent company;

- (ii) the financial status of the contractor (having regard, inter alia, to the proposed contract) warrants the same and or
- (iii) the S151 Officer recommends.

## **28. Records**

28.1 To ensure appropriate records are maintained the Council's e procurement system must be used wherever practicable or specifically required by these Rules.

28.2 For all Procurements where the Council's electronic procurement system is not used, Service areas must keep appropriate records. As a minimum the records kept must detail:

- (i) which parties were selected to tender;
- (ii) to whom the Contract was awarded and the reasons for so doing (lowest price or offer which represents best value to the Council), so that best value and the integrity of the process can be demonstrated;
- (iii) the value of the contract;
- (iv) the start and expiry date of the contract; and
- (v) details of whether the contract is a one-off or expected to be renewed

28.3 Procurement Services shall maintain a Corporate Contract Register, which will record details of all contracts /contracts (above £25,000) awarded by the Council. Service areas must provide Procurement Services with all required information to facilitate this.

## **29. Contract Management**

29.1 Once the Contract has been awarded, the Senior Officer (of the service area concerned) must identify and nominate an individual (referred to as the 'Contract Manager'), who will manage the day-to-day aspects of the Contract for its term (See rule 34 re Contract End).

29.2 The day-to-day management of the Contract shall be undertaken by the Contract Manager and shall include monitoring and reporting (including making use of the Council's reporting tools on the Council's electronic procurement system) 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 and
- (vi) risk management
- (vii) delivery of agreed Community Benefits

- 29.3 For all contracts, it is the responsibility of the Contract Manager to raise any incidents of poor performance immediately with the Contractor and seek rectification. In instances of particularly poor performance, or persistent poor performance, the Contract Manager should consider the appropriate course of action to take under the contract, taking advice as appropriate.
- 29.4 Where the total value of the Contract exceeds £100,000, the Contract Manager must make a written report to the Senior Officer evaluating the extent to which the Contract is meeting the objectives set. This should be done normally when the Contract is completed but for term contracts, such report should be prepared annually.

## **30. Contract Variation – basic principles**

### **30.1 Contract Variations and Extensions**

- 30.2 Depending upon the nature of the variation proposed, the terms of the contract concerned and scope of the original procurement exercise undertaken, contract variations have the potential to amount to a new contract, and thus can constitute a single tender award without advertisement.
- 30.3 In all cases of contract variation, careful consideration must be made of the impact of the increased value of the contract on the procurement threshold levels, particularly whether the increase in value will move a contract from below EU Threshold to above EU Threshold.
- 30.4 The advice of the Procurement Manager and Director of Governance and Legal Services should be obtained, if there is any uncertainty as to whether a variation is permissible.
- 30.5 Contract and framework agreements may be varied without a new procurement procedure where:
- (i) the variations have been provided for in the initial procurement documents in clear, precise and unequivocal terms (i.e. the contract conditions provide for; extension of the contract term, price variation, fluctuation clauses or options, additional works, good and services) and these do not alter the overall nature of the contract;
  - (ii) additional goods, services or works which were not included in the original quotation or tender have become necessary, where a change of contractor (a) cannot be made for economic or technical reasons and (b) where it would cause significant inconvenience or substantial duplication of costs, provided that any increase in the price does not exceed 50% of the value of the original contract (advice of the Procurement Manger must be sought before placing reliance on this rule);
  - (iii) the circumstances causing the need for variation were unforeseen, the variation does not alter the overall nature of the

contract and provided that any increase in the price does not exceed 50 % of the value of the original contract value (advice of the Procurement Manger must be sought before placing reliance on this rule);

- (iv) there is a change in contractor that was provided for in the quotation or tender, or as a result of a merger, acquisition, insolvency or similar of the original contractor, which contractor fulfils the original criteria for qualitative selection, provided this does not lead to other substantial variations or is aimed at circumventing the Regulations; or
- (v) subject to the above provisions, the variations are not substantial within the meaning of the Regulations (see rule 30.6 and Regulation 72 (8) ).

30.6 A variation shall be deemed substantial if one or more of the following conditions is met:

- (i) the cost of the variation would exceed 10% of the original contract value for services and supply contracts and 15% of the initial contract value for works ;
- (ii) it makes the contract or framework materially different in character from the one originally let;
- (iii) the variation introduces new conditions which, had they been part of the initial procurement, may have allowed for; the admission of other candidates than those initially accepted; the acceptance of a tender other than that originally accepted; and/or attracted additional participants in the procurement procedure;
- (iv) it materially changes the economic balance in favour of the contractor, in a manner which was not provided for in the original contract;
- (v) It extends the scope of the contract or framework considerably;
- (vi) The revised total contract value requires a different level of authorisation, or different form of procurement than that used for the original contract award.

30.7 A decision to extend the contract period (term) may only be made before the original expiry date, where it is in accordance with the terms and conditions of the original Contract and contemplated by the original procurement exercise.

### 30.8 **Variations**

In the circumstances detailed in CPR30.5 above (permitted variations) the decision to authorise or not a proposed contract variation shall be made, as appropriate, by Cabinet or the officers listed below, provided that the variation cost can be met within budget and complies with all Legal Requirements. Decisions to authorise variations shall be recorded in writing and at Operational Manager level and above, and as appropriate, a Cabinet report or ODR must be prepared. All variations shall be entered on the Council's electronic procurement system and the

Contracts Register, and an amendment made to the original Purchase Order.

<b>Contract Manager</b>	Variation (or aggregate value of all variations made to the Contract) of up to £30,000 or 10% of the contract price (whichever is deemed lower)
<b>Operational Manager</b>	Variation (or aggregate value of all variations made to the Contract) up to £250,000
<b>Head of Service/ Assistant Director</b>	Variation (or aggregate value of all variations made to the Contract) up to £1,000,000
<b>Director (in discussion with the Council's S151 Officer and liaison with Cabinet Member)</b>	Variation (or aggregate value of all variations made to the Contract) up to £5 million
<b>Cabinet decision</b>	Variation (or aggregate value of all variations made to the Contract) Above £5m

30.9 For variations approved by a Contract Manager, the Senior Officer shall monitor at least monthly the overall level of variations approved to gain assurance that they are correct and appropriate.

30.10 As soon as it becomes known or apparent (whichever is the earlier) to the Contract Manager, that the total cost of a contract, including variations, will or is likely to exceed the contract sum by more than 5%, the Financial Services Group Accountant must be informed for financial monitoring purposes. The Financial Services Group Accountant may inform the Senior Officer and or Contract Manager of any further financial requirements to be complied with. In such circumstances, a report must be prepared, which must address the reasons for increased cost, an analysis of options considered to reduce cost to budget and the funding options considered to meet any budget shortfall, together with an indication of how any additional costs will be paid for. The report shall be submitted to the Senior Officer and the Council's Audit Manager.

30.11 Any variation to the original Contract must be in the best interests of the Council and of continued delivery of services.

### **31. Assignments and Novations**

Any proposals to assign or novate a contract must be referred to the Director of Governance and Legal Services at the earliest possible instance for advice.



## **32. Termination of Contract**

- 32.1 For any Contract exceeding £25,000 in value early termination shall be approved by the appropriate decision maker, provided always that the advice of the Director of Governance and Legal Services and Procurement Manager is first sought. Contracts of a lesser value may be terminated early (prior to the expiry date) by agreement with the Contractor or in accordance with the termination provisions set out in the Contract. Legal advice should be sought as appropriate. The Senior Officer must inform the Procurement Manager when any Contract is terminated and the reasons for the same.
- 32.2 For any Contract exceeding £5,000,000 in value, early termination shall be approved by Cabinet unless the matter relates to a Council function in which case matters shall be reported to Council.

## **33. Payments on Account and contract payments**

- 33.1 Payments on account should only be made upon certification by the person designated under the Contract for that purpose ('the appropriate person'). The appropriate person will keep detailed records of any such payment, which shall be open to inspection by the Corporate Director, Resources.
- 33.2 The Senior Officer of the relevant service area shall make arrangements to retain adequate details relating to all contract payments made to allow for a proper audit of all such payments. All payments made must comply with the process as set out in Financial Procedure Rules.

## **34. Contract end**

- 34.1 For contracts with a duration of more than 12 months, then at an appropriate point but generally at least six months prior to the end of the contract term, the Contract Manager should review the Contractor's performance and consider what, if any, replacement arrangements are required.
- 34.2 Some contracts may require active steps to be taken to end the contract (e.g. serving of notices) and or steps to be taken to decommission the contract arrangements. The Senior Officer of the service area concerned is responsible for ensuring that where appropriate, matters are diarised and appropriate steps taken to bring contracts to an end and sufficient time allowed to put in place any replacement arrangements that may be required.

## **Appendix 1: Procurement Routes & Procedures**

Means the procurement procedure to be followed in the Procurement.

Where the Council carries out a procurement, which is fully regulated by the Public Contracts Regulations 2015 (SI 2015/102) (PCR 2015) then the Council must use one of the following procurement procedures:

- a. The open procedure.
- b. The restricted procedure.

**The advice of the Director Governance and Legal Services and the Procurement Manger (or their nominated officers) must be sought prior to commencing the following procurement procedures**

- c. The competitive dialogue procedure.
- d. The competitive procedure with negotiation.
- e. An innovation partnership.
- f. The negotiated procedure.

### **Key features**

#### **The open procedure.**

Key features - a process where all providers interested in the contract and who have responded to an advertisement may submit tenders. All such tenders must be considered without any prior selection process. The selection and evaluation is carried out after the submission of the tenders.

#### **The restricted procedure.**

Key features - a two-stage process where only those providers who have been invited may submit tenders. The selection and shortlisting are usually carried out based on a Pre-Qualification Questionnaire (PQQ).

**The advice of the Director Governance and Legal Services and the Procurement Manger (or their nominated officers) must be sought prior to commencing the following procurement procedures:**

#### **The competitive dialogue procedure**

Key features - The procurement procedure whereby a contracting authority (The Council) enters into a dialogue with bidders about its requirements before inviting them to submit a *final tender*. It is used in complex projects where the Council cannot adequately specify its requirements. It is one of the procedures through which the Council may award a contract under the *Public Contracts Regulations 2015 (SI 2015/102)*

## **The competitive procedure with negotiation**

This procedure has been described as a hybrid procedure because, as with the restricted procedure, it allows the contracting authority to award a contract on the basis of an initial tender. However, like the competitive dialogue procedure, it also enables the authority to negotiate with bidders who submitted an initial tender, and any subsequent tenders, until it decides to conclude those negotiations. There is no limit to the number of tender stages. Final tenders are submitted and evaluated and the contract is awarded. Unlike for the competitive dialogue procedure, the PCR 2015 does not provide for any clarification or negotiation of the final tenders or the winning tender

## **An innovation partnership**

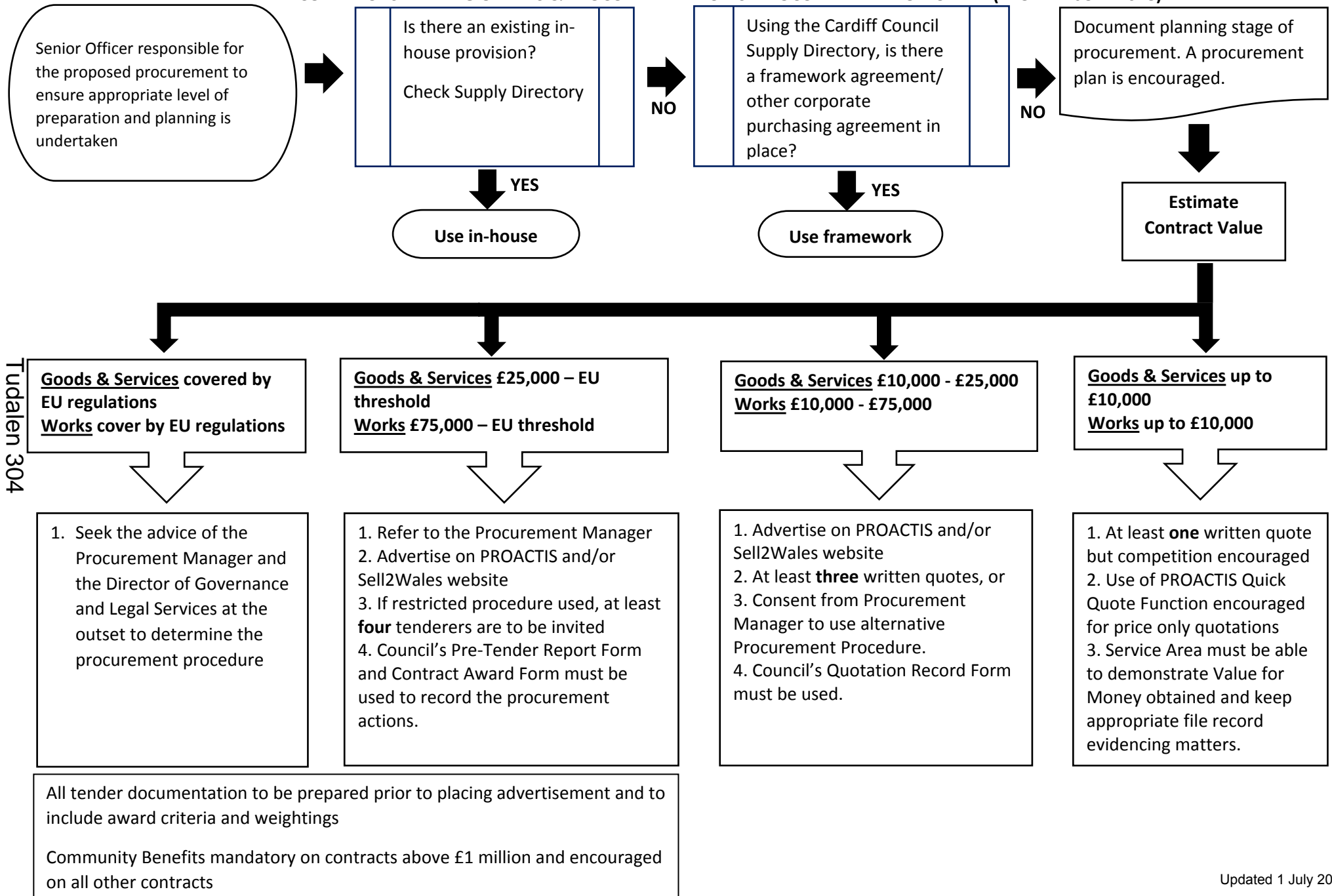
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Final tenders are submitted and evaluated and the contract is awarded. Unlike for the competitive dialogue procedure, the PCR 2015 does not provide for any clarification or negotiation of the final tenders or the winning tender

## **The negotiated procedure**

Whereby the Council negotiates the terms of the Contract with one or more third parties selected by it

**APPENDIX 2 - CONTRACT STANDING ORDERS & PROCUREMENT RULES: PROCUREMENT FLOWCHART (FROM 1<sup>ST</sup> JULY 2018)**



Tudalen 304

## APPENDIX 2 - CONTRACT STANDING ORDERS & PROCUREMENT RULES: PROCUREMENT FLOWCHART (FROM 1<sup>ST</sup> JULY 2018)

Tudalen 305

### The Quotation Process

- Quotes should only be accepted in writing (including email) or via the Council's approved electronic system.
- Requests for quotation shall include as a minimum a technical specification, pricing schedule and terms and conditions.
- Consideration should be given to the complexity of the quote being requested and sufficient time allowed from tenderers to provide suitable quotes.
- Quotations received via the Council's e-procurement system will be automatically locked until the closing time and date prescribed for the quotation has lapsed at which point it will be unlocked and available for evaluation.

**Pre- Qualification:** The Council shall only enter into a contract with a Contractor if it is satisfied as to the Contractors competencies

### The Tender Process

- The invitation to tender must include details of the Councils requirements for the particular Contract.
- Proposed procurements with an estimate value in excess of £25,000 for Goods and Services or of £75,000 for Works, the service areas MUST obtain the prior approval of the Procurement Manager to the invitation to tender documentation.
- Every Tenderer submitting a tender will be required to sign a declaration.
- Prior disclosure to Tenderers of the award criteria and weightings is a fundamental requirement that must be complied with.

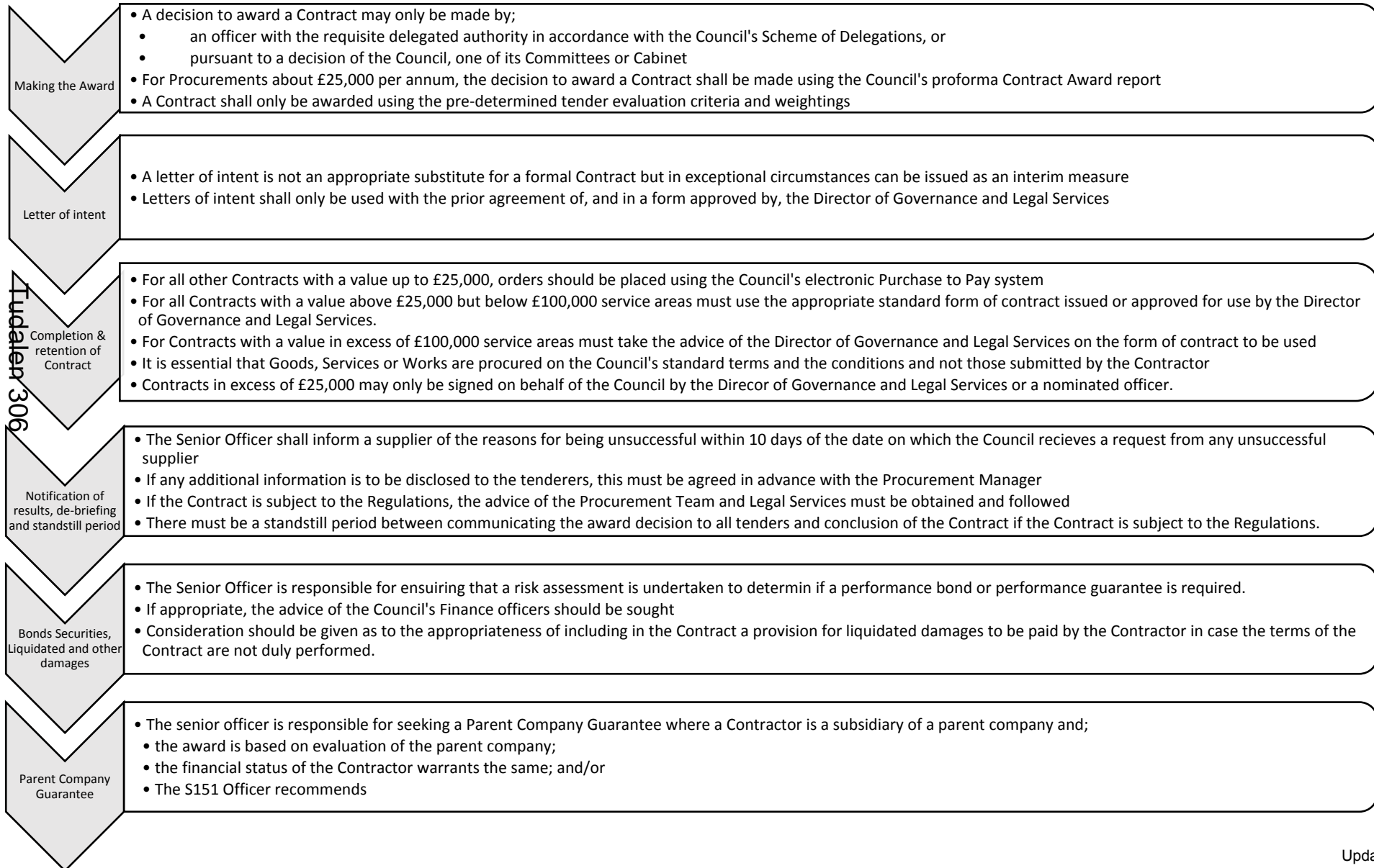
### Post Tender Clarification

- For Contracts estimated below the EU threshold, the Senior Officer shall consult with the Procurement Manager.
- Seek legal advice before determining whether any clarification would be appropriate to procurements pursuant to EU Procurement Directive.

### Tender Evaluation

- For each Contact with an estimated value exceeding £25,000 for Goods & Services/ £75,000 for Works, the Senior Officer of the service area must form an Evaluation Team. Membership of the Evaluation Team must be recorded.
- For Contracts exceeding £100,000, the Director of Governance and Legal Services & the Corporate Director of Resources shall be consulted.
- The evaluation criteria shall remain unchanged and must be strictly observed by the Evaluation Team when examining the tenders.
- No adjustment to tender(s) is permitted.
- If an arithmetical error is found, the responsible officer shall correct the error and records shall be kept.
- If a non-arithmetical error is found, the tenderer shall be given an opportunity confirm without amended or withdraw

## Awarding Contracts



## **PART 4 – RULES OF PROCEDURE**

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### **PLANNING COMMITTEE PROCEDURE RULES**

#### **1 ESTABLISHMENT OF PLANNING COMMITTEE AND ALLOCATION OF SEATS**

##### **1.1 Establishment**

The establishment, terms of reference and allocation of seats for the Planning Committee will be determined by the Council in accordance with the Council Meeting Procedure Rules.

##### **1.1A Size and Composition**

- (i) The planning committee must contain no fewer than 11 members and no more than 21 members, but no more than 50% of the authority members (rounded up to the nearest whole number).
- (ii) Where wards have more than one elected Member, only one Member may sit on the planning committee, in order to allow other ward Members to perform the representative role for local community interests.

##### **1.1B Substitute Members**

The use of substitute members in the absence of appointed members on the Planning Committee is prohibited.

##### **1.2 Chair and Deputy Chair**

The chair and deputy chair of the Planning Committee shall be elected by the Council in accordance with the Council Procedure Rules.

##### **1.3 Period of office**

The period of office of the chair, deputy chair and members of the Planning Committee will continue until the first meeting following the Annual Meeting of the Council in any year when no Council elections are held. In a year when Council elections are held the period of office will end on the day of the election.

#### **2 ORDINARY MEETINGS**

Ordinary meetings of the Planning Committee will take place every 4 weeks, subject to bank holiday provision, in accordance with a calendar of committee meetings approved at the Council's Annual Meeting. Ordinary meetings of the Planning Committee will (as may be appropriate):-

- (a) elect a person to preside if the chair and deputy chair are not present;
- (b) approve the minutes of the last meeting;
- (c) receive any petitions and where these Procedure Rules allow hear the address on behalf of any petitioners and any response;
- (d) receive any announcements from the chair;
- (e) deal with any business from the last meeting of the committee;
- (f) put questions to the chair or relevant employees of the Council where appropriate on items of business before the committee and to receive responses;
- (g) consider requests from members of the committee for items of business to be considered;
- (h) consider any other business specified in the agenda of the meeting including 'late representations' relating to planning applications which have been received at least 24 hours prior to the scheduled start of the meeting; and
- (i) such other matter or matters which the chair has certified as being urgent.

### **3 ADDITIONAL (EXTRAORDINARY) MEETINGS**

#### **3.1 Calling additional (extraordinary) meetings**

- (a) Those listed below may request the proper officer to call an additional meeting of the committee in addition to ordinary meetings:-
  - (i) the Council by resolution;
  - (ii) the chair of the committee;
  - (iii) the Head of Paid Service;
  - (iv) the Monitoring Officer;
  - (v) one half of the membership of the committee if they have signed a requisition and presented it to the proper officer.
- (b) Any request presented in accordance with this Rule must be in writing, specify the business to be transacted at the meeting and be accompanied by a copy of any report for the meeting.

#### **3.2 Business**

Any meeting called in addition to ordinary meetings pursuant to Rule 3.1 will:-

- (a) elect a person to preside if the chair and deputy chair are not present;
- (b) consider the item or items of business specified in the request; and
- (c) such other matter or matters which the Chairman has certified as being urgent.

### **4 TIME AND PLACE OF MEETINGS**

The time and place of meetings will be determined by the proper officer and notified in the agenda.



## **5 NOTICE OF AND AGENDA TO MEETINGS**

The proper officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules. At least three clear days before a meeting, the proper officer will send a summons (notice of meeting) signed by him or her by post to every member of the committee or leave it at their usual place of residence or at a place nominated by the member. The agenda 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.

## **6 CHAIR OF MEETING**

### **6.1 Chair of the meeting**

The chair of the committee will chair a meeting of the committee and in his or her absence the meeting will be chaired by the deputy chair of the committee (if any). In the absence of the chair and the deputy chair of the committee, the committee will choose a chair to chair the committee. The person presiding at the meeting may exercise any power or duty of the chair.

### **6.2 Conduct of the meeting by the chair**

The chair shall conduct the meeting to secure a proper, full and effective debate of business items particularly where a decision is required.

Those wishing to speak on each planning application will do so in the following order:

- (a) Officers to present any issues not included in the Committee report, such as issues on the late representation sheet (3 mins);
- (b) petitioner (if applicable) to speak to any petition of objection (3 mins);
- (c) applicant (if applicable) to exercise right of response to petition (3 mins)
- (d) Members (if present) representing the Ward in which the application is located (5 mins each);
- (e) Members (if present) who do not represent the Ward in which the application is located, subject to such Members formally requesting the Chair, in writing, in advance of the meeting with details of the reasons for the request to speak (5 mins each);
- (f) Planning Committee Members to debate and decide on applications unless the Chair considers that more time is required (15 mins).

## **7 QUORUM**

The quorum of a meeting will be one half of the whole number of members (rounded up to the nearest whole number). If fewer than the quorum attend the meeting or if during any meeting the chair counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at

a time and date fixed by the chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

## **8 MOTIONS WHICH MAY BE CONSIDERED**

The following motions may be moved provided that they relate to an item of business on the agenda, concern a matter within the terms of reference of the committee and will not purport to exceed the powers delegated to the committee:-

- (a) to appoint a chair of the meeting;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate Committee, body or individual for consideration or reconsideration;
- (e) to appoint a sub committee of the committee arising from an item on the agenda for the meeting subject to statutory constraints;
- (f) to receive reports and/or to adopt recommendations of committees or officers;
- (g) to receive reports and/or to adopt recommendations of the Cabinet;
- (h) to delegate powers to an officer of the Council or a sub-committee subject to the constraints in this Constitution and of law;
- (i) to propose a resolution which differs from that recommended in a report;
- (j) to proceed to the next business;
- (k) that the question be now put;
- (l) to adjourn a debate;
- (m) to adjourn a meeting;
- (n) to exclude the public and press in accordance with the Access to Information Procedure Rules; and
- (o) to not hear further a member named under Rule 15.3 or to exclude him or her from the meeting under Rule 15.4.

## **9 RULES OF DEBATE**

### **9.1 Content of speeches/debate**

Speeches, discussion and questions must be directed to the matter under discussion or to a personal explanation or point of order. The period allowed for any speech and the number of times a member may be allowed to speak will be determined by the chair subject to the obligation on him or her under Rule 6.2.

### **9.2 Point of order**

A member may raise a point of order at any time. The chair will hear them immediately. A point of order may only relate to an alleged breach of these Committee Meeting Procedure Rules or the law. The member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the chair on the matter will be final.

### **9.3 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 or comment by the member which may appear to have been misunderstood in the present debate. The ruling of the chair on the admissibility of a personal explanation will be final.

### **9.4 Declarations of interest**

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

## **10 PREVIOUS DECISIONS AND MOTIONS**

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

A motion or amendment to rescind a decision made at a meeting of the committee within the past six months cannot be moved unless a motion approving the rescission has been passed at a meeting of the full Council.

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

A motion or amendment in similar terms to one that has been rejected at a meeting of the committee in the past six months cannot be moved unless a motion approving the rescission has been passed at a meeting of the full Council.

## **11 VOTING**

### **11.1 Majority**

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

### **11.2 Chair's casting vote**

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

### **11.3 Show of hands/Electronic Voting**

The chair will take the vote by show of hands or by use of an electronic voting system if available, whichever the chair decides, or if there is no dissent, by the affirmation of the meeting.

#### **11.4 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.

### **12 MINUTES**

#### **12.1 Signing the minutes**

The chair will sign the minutes of the proceedings of the committee at the next suitable meeting. The chair will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

#### **12.2 Form of minutes**

Minutes will contain all motions and amendments in the exact form and order the chair put them but otherwise the form of the minutes will be a matter for the proper officer.

### **13 RECORD OF ATTENDANCE**

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

### **14 MEMBERS OF THE PUBLIC**

#### **14.1 Exclusion of members of the public**

Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules or Rule 16 (Disturbance by Public).

#### **14.2 Right of Petitioners to address committee**

- (a) When a petition contains signatures of not less than fifty Cardiff electors with their addresses, a substantial proportion of whom could reasonably be expected to be affected by the matter to which the petition relates, one person from amongst those signing the petition may address a committee to which the petition has been referred on the subject matter of the petition for up to three minutes.
- (b) In any case where the petitioners object to a planning application, the applicant will also be given an opportunity to be heard.
- (c) Any petition presented direct to a committee shall be delivered to the relevant Chief Officer at least seven clear days prior to the date of the meeting of the committee at which it is to be presented, to enable the

applicant to be notified if appropriate and to be present at the meeting of the committee if the applicant so wishes.

- (d) When a petitioner has been heard by the Planning Committee under this Procedure Rule, no further petition on the same item shall be considered and no further address shall be heard on that item, within six months of the committee meeting at which the petition was first considered or the petitioner heard.

## **15 MEMBERS' CONDUCT**

### **15.1 Members wishing to speak**

When a member speaks at a committee he or she must address the meeting through the chair. If more than one member speaks, the chair will ask one to speak and the others must remain silent until invited to speak unless he or she wishes to make a point of order or a point of personal explanation or to declare an interest.

### **15.2 Chair seeking order**

When the chair asks for order the meeting must be silent.

### **15.3 Member not to be heard further**

If a member persistently disregards the ruling of the chair by behaving improperly or offensively or deliberately obstructs business, the chair may move that the member be not heard further. If seconded, the motion will be voted on without discussion. If the motion is passed the named member may not discuss or debate any further business whilst it is transacted at the meeting.

### **15.4 Member to leave the meeting**

If the member continues to behave improperly or offensively or deliberately obstructs business after such a motion is carried, the chair may move that either the member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion. If the motion is passed the named member must leave the meeting forthwith.

### **15.5 General disturbance**

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

## **16 DISTURBANCE BY PUBLIC**

### **16.1 Removal of member of the public**

If a member of the public interrupts or disrupts proceedings of a committee,

the chair will warn the person concerned. If they continue to interrupt or causes disruption, the chair will order their removal from the meeting room.

## **16.2 Clearance of part of meeting room**

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

## **17 COUNCILLORS ATTENDING PLANNING COMMITTEES OF WHICH THEY ARE NOT MEMBERS**

A Member, who is not a member of the Planning Committee, may attend a Planning Committee meeting and with the permission of the Chair may speak but may not vote subject to the following:

- (a) where the Councillor is required to declare an interest and withdraw from the meeting under the Members' Code of Conduct; or
- (b) where the Director of Governance and Legal Services or his/her representative advises that as a matter of law non-members of a committee should withdraw.

## **18 RECORDING OF PROCEEDINGS OF COMMITTEES**

- (a) Planning Committee meetings shall be webcast by the Council, in accordance with the Webcasting Protocol (contained within Part 5 of the Constitution).
- (b) Other filming, recording and use of social media is permitted during Planning Committee meetings, provided that:
  - (i) The recording or transmission must create no disturbance, disruption or distraction to the good order and conduct of the meeting;
  - (ii) Notice has been given (on the meeting agenda and signage outside the meeting) so that everyone attending the meeting is made aware that they may be recorded and that by attending the meeting they are deemed to consent to this;
  - (iii) Any recording must be overt, not covert;
  - (iv) There is to be no recording or transmission of proceedings dealing with any exempt or confidential information;
  - (v) The Chair shall have discretion, subject to proper consideration of any relevant representations and legal advice, to prohibit a recording or exclude anyone reasonably considered to be in breach of these rules; and
  - (vi) The person making the recording or transmission shall be solely responsible for complying with all applicable legal obligations arising from their actions.
- (c) Use of social media by members of the Committee is not permitted during the meeting.

## **19 SUSPENSION OF COMMITTEE PROCEDURE RULES**

All or any of these Committee Rules of Procedure except Rule 11.4 may be suspended by motion on notice or without notice if at least one half of the whole number of the Councillors are present. Suspension can only be for the duration of the meeting.

## **20 MEMBER DEVELOPMENT TRAINING**

All Members of the County Council are expected to undertake a basic level of training on planning matters in their role as local Members. Specific training will be provided to the Chair, Deputy Chair and members of the Planning Committee as part of the Member Development Programme.

Mae'r dudalen hon yn cael ei adael yn wag yn fwriadol



## **PART 4 – RULES OF PROCEDURE**

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

#### **1 GENERAL**

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

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

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

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

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

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

‘Designated Body’ shall mean:-

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

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

- 1.3 These Rules apply to:-
- (a) the freehold acquisition or disposal of Land;
  - (b) the grant of a lease or tenancy exceeding 7 years in duration; and
  - (c) the taking of a lease or tenancy of any duration.
- 1.4 The Procedure Rules for the Acquisition or Disposal of Land do not apply:-
- (a) to disposals under the Leasehold Reform Act 1967 or under "Right to Buy" legislation;
  - (b) to the renewal or restructuring of an existing lease or tenancy;
  - (c) to the sub-letting or assignment of an existing lease or tenancy granted by the Authority;
  - (d) where the Cabinet and the Council decides they will not apply in certain cases.
- 1.5 In any dealings with Land, proper regard will be had to the professional advice from a qualified Valuer at all relevant stages during the process.
- 1.6 The Council's Corporate Property and Estates Manager (or another qualified valuer with similar duties) shall be designated as the Valuer for the purposes of paragraph 1.5 of the Procedure Rules for the Acquisition or Disposal of Land and no disposal shall be proposed except in consultation with him/her.
- 1.7 Procedures will be followed precisely so that due probity and accountability can be demonstrated and value for money achieved.

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

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

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

- (b) The CP&EM (pursuant to sub-delegated powers from the Director of Economic Development), in the case of disposals where the value is not more than £100,000 and where:
  - (i) The offer represents the best price reasonably obtainable;
  - (ii) The offer so accepted is on price alone; and
  - (iii) The offer is greater than that estimated by a qualified valuer or no more than 10% below that estimate.
  
- (c) The Director of Economic Development (or the Chief Executive), in the case of acquisitions where the value is not more than £1,000,000 and where:
  - (i) Member consultation and advice from the Section 151 Officer and the Monitoring Officer has agreed to the exercise of the delegation;
  - (ii) The Council's offer represents no more than market value as determined by a qualified valuer; and
  - (iii) The amount offered is on price alone,

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

- (d) The CP&EM (pursuant to sub-delegated powers from the Director of Economic Development), in the case of acquisitions where the value is not more than £100,000 and where:
  - (i) The Council's offer represents no more than market value; and
  - (ii) The amount offered is on price alone.
  - (iii) The Director of Economic Development (or the Chief Executive), in the case of the grant or taking of a lease at a rent not exceeding £1,000,000 or agreeing the renewal or reconstruction of existing leases at a rent not exceeding £1,000,000, where:
    - (iv) Member consultation and advice from the Section 151 Officer and the Monitoring Officer has agreed to the exercise of the delegation; and
    - (v) In the case of a grant, the offer represents the best rent reasonably obtainable by the Council as approved by a qualified valuer; or
    - (vi) In the case of an acquisition, the Council's offer is no more than market value as approved by a qualified valuer,

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

- (e) The CP&EM (pursuant to sub-delegated powers from the Director of Economic Development), in the case of the grant or taking of a lease at a rent not exceeding £100,000 or agreeing the renewal or reconstruction of existing leases at a rent not exceeding £100,000, where:
  - (i) In the case of a grant, the offer represents the best rent reasonably obtainable by the Council as approved by a qualified valuer; or
  - (ii) In the case of an acquisition, the Council's offer is no more than market value as approved by a qualified valuer.
- (f) The Cabinet, for a disposal, acquisition or lease in any case where arrangements have not been made for discharge of that function by an officer of the Council, pursuant to the Cabinet's reserved powers 16, 17 or 42 or where a reference to Cabinet is appropriate following Member consultation under paragraph 2.2 below.

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

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

### **3 SURPLUS LAND**

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

3.1 Where a service area no longer requires Operational Land or Property, the service area will prepare a report to be approved by the relevant Director in consultation with the relevant Cabinet Member which states that the property or land is surplus to its requirements. Ward Members will be advised that consideration is being given to declaring the identified property or land as surplus to the service area's requirements.

3.2 Alternatively, where the Council's Corporate Property & Estates Manager ("CP&EM") (or another qualified valuer with similar duties) identifies opportunities for development or disposal of Operational Land or Property following a property review or an external enquiry, the CP&EM will discuss this with the relevant service area, identify any scope for service area re-provision/relocation if required, and institute consultation as set out in paragraph 3.1 above.

3.3 Where the CP&EM proposes the disposal of Non-Operational Land or Property, the business case and options for disposal will be discussed at regular frequency with the CP&EM and the Cabinet Member for Finance Business & Local Economy (or other Cabinet Member with similar duties) and appropriate actions agreed in individual cases.

3.4 A schedule of surplus and potentially surplus land and properties will be maintained by the CP&EM and reviewed regularly by the Asset Management Working Group (or other working group or officer with similar duties). Where alternative service area interest arises, this must feature in the relevant service area's property plan, and proposals for a re-use will be considered by the Asset Management Working Group. The relevant Director, and Relevant Cabinet Members will consider the business case for a re-use of land and property for alternative Council purposes.

3.5 The schedule of surplus and potentially surplus properties will be circulated to all members of the Council twice a year for information. Where questions or comments arise these will be referred to the CP&EM for a response.

3.6 At the earliest possible opportunity the ward Members will be advised of the proposed disposal strategy in individual cases, including planning considerations, re-development and disposal timescales. In accordance with delegated power DE4, if no ward Member objection is received, the Director of Economic Development may declare the land or property as surplus to the Council's requirements; however where a ward Member objection is received the matter will be referred to the Cabinet for a decision.

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

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

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

#### **4 INVITATION OF OFFERS - DISPOSALS OF LAND**

- 4.1 No offers for the disposal of Land will be invited except with the prior approval of a Designated Body.
- 4.2 Only a Designated Body will determine on the advice of the Corporate Property & Estates Manager (where he/she is not the Designated Body) whether disposals will be by way of sealed offer, private treaty or auction and such determination will be made so as to achieve the best price reasonably obtainable.
- 4.3 There will be no disposal of Land by private treaty or where an offer has been received from only one person except where it is determined by a Designated Body, that there is only one party who could acquire the interest because, for example:-
- (a) the physical characteristics of the land so dictate, or
  - (b) there is only one response following prolonged marketing of the land;
- 4.4 The Corporate Property & Estates Manager will advertise any proposed disposal by public notice in at least one local newspaper and, if appropriate, in specialist journals, setting out a description of the land, the terms and conditions upon which offers are to be submitted, where further particulars may be obtained and the last date and time when offers will be received. It need not be advertised when 2.2 above applies or if it can be demonstrated to the satisfaction of the Corporate Property & Estates Manager Corporate Services that the nature of the demised land is such that to do so would serve no useful purpose.
- 4.5 Offerors will be provided with a Form of Offer based upon a Model prepared by the Corporate Property & Estates Manager and with the official pre-addressed envelope bearing the word "Offer" followed by the subject to which the offer relates and pre-addressed to the Corporate Property & Estates manager.
- 4.6 The confidentiality of identity of offerors will be maintained until an offer has been accepted, subject to any legal obligation to disclose.
- 4.7 No offeror will be favoured with information that is not made available to the others.
- 4.8 Every person submitting an offer to the Authority will be required to sign a declaration to the effect that:-

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

## **5 RECEIPT, CUSTODY AND OPENING OF OFFERS**

- 5.1 It will be a condition of every invitation that each offer must be sent in the official envelope provided, which must be sealed.
- 5.2 All offers must be delivered to the address shown on the official envelope.
- 5.3 Delivery by hand will be acceptable only in exchange for an official receipt. The receipt will clearly record the time and date of receipt.
- 5.4 All offers will be kept in safe custody until the appointed time of opening when they will be opened consecutively during the same session.
- 5.5 All offers will be opened by two employees designated for the purpose by the Director of Economic Development, at least one of whom will have had no involvement in the invitation of offers.
- 5.6 When opened, all offers will be recorded in a register and initialled and dated by the designated employees present at the time.
- 5.7 Any offer received after the time and date specified in the invitation will not be considered unless there are exceptional circumstances and it is agreed by the Director of Economic Development and the County Solicitor.

## **6 EXAMINATION OF OFFERS**

- 6.1 If, after the offers have been opened and examined, an error in computation of an offer is detected the offeror will be given details of the error and the opportunity of confirming the total offer sum or withdrawing his/her offer.
- 6.2 An offer, which attempts to qualify certain aspects of the proposals, and which would require the Authority to acquiesce, other than as planning authority, will not be considered. An offeror who submits a qualified offer will be given the opportunity to withdraw the qualification without amendment to his/her offer and if he/she does so it will be considered but if he/she fails to do so it may be rejected.

- 6.3 An offer which is conditional solely upon the outcome of matters which would not require the Authority to acquiesce, other than as planning authority, will be considered.
- 6.4 No post-offer negotiations will take place with an offeror unless the scope and principles of the negotiations have been approved in writing by an employee of not less than Operational Manager level; and no fewer than two employees are present at all times during the negotiations.
- 6.5 A written record of all verbal communications with an offeror together with the time and date thereof will be made contemporaneously (or as near as possible) and signed by the relevant employee and an employee of not less than Operational Manager level.

## **7 EVALUATION AND ACCEPTANCE OF OFFERS**

- 7.1 The offer that represents the best price reasonably obtainable by the Council will be accepted.
- 7.2 Offers may only be accepted by a Designated Body.
- 7.3 There will be no disposal at less than the best price reasonably obtainable without compliance with relevant statutory provisions, on the advice of the County Solicitor.
- 7.4 Nothing in these Rules binds the Council to accept any offer.

## **8 NOTIFICATION OF RESULTS**

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

## **9 COMPLETION OF CONTRACTS**

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

## **10 RETENTION OF DOCUMENTS**

- 10.1 Deeds, title documents, leases, charges on land, guarantees and documents of a similar nature may only be destroyed with the consent of the County Solicitor.



10.2 Details of all offers will be retained for a period of three years.



## **PART 4 – RULES OF PROCEDURE**

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### **EMPLOYMENT PROCEDURE RULES**

#### **Interpretation**

For the purposes of these Rules:

“Chief Officer” has the same meaning as in the Local Authorities (Standing Orders) (Wales) Regulations 2006, namely, the Head of Paid Service; the Monitoring Officer; a statutory chief officer mentioned in paragraph (a), (c) or (d) of section 2(6) of the Local Government and Housing Act 1989 (which includes the Chief Finance Officer); or a non-statutory chief officer within the meaning of section 2(7) of the same 1989 Act.

“Deputy Chief Officer” has the same meaning as in Section 2(8) of the Local Government and Housing Act 1989, being a person who, as respects all or most of the duties of his post, is required to report directly or is directly accountable to one or more of the statutory or non-statutory chief officers (except for secretarial, clerical and support staff).

#### **1 Recruitment and appointment**

These rules do not apply to school-based employees, who are subject to separate procedures.

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

- (i) With the intention of ensuring that employment processes are fully informed and transparent, the Council requires any candidate for appointment as an officer to state in writing whether they are related to or have any close personal association with any member or senior employee of the Council.
- (ii) Deliberate omission to make such a disclosure would disqualify the candidate, and if the omission is discovered after appointment, the candidate will be liable to dismissal.

##### **(b) Seeking support for appointment**

- (i) Subject to paragraph (iii), the Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor or employee for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- (ii) Subject to paragraph (iii), no Councillor will seek support for any person for any appointment with the Council. A member or an employee will not try to improperly influence the choice of a candidate for any appointment

- (iii) The impartiality of employees must be preserved. Accordingly Members must not give written references to support a candidate seeking employment with the Council.

## **2 Recruitment of Chief Officers**

- (a) A vacancy for the post of Chief Officer must be reported to the Council or body delegated to do so which will consider whether the post should be filled, and if so, subject to Rule 2A, the terms and conditions of employment and method of appointment.
- (b) Where the proposed remuneration of the Chief Officer post is £100,000 or more per annum, the Council will arrange for the following to be prepared:-
  - (i) A statement of the duties of the officer concerned and the required qualifications or qualities to be sought in the person appointed, which is sent to any person on request; and
  - (ii) Public advertisement of the post to bring it to the attention of people who are qualified to apply, unless the proposed appointment is for a period of 12 months or less.
- (c) Following advertisement, the Council will arrange for either all qualified candidates to be interviewed; or a shortlist to be prepared of qualified applicants and those candidates interviewed. If no suitably qualified person has applied, or if the Council decides to re-advertise the appointment, the post will be re-advertised in accordance with paragraph (b) above.

## **2A Remuneration of Chief Officers**

Any decision to determine or vary the remuneration of Chief Officers (or those to be appointed as Chief Officers) must be made by full Council.

## **3 Appointment or Dismissal of Chief Officers, Deputy Chief Officers, Monitoring Officer and Head of Democratic Services**

- (a) The appointment or dismissal of a Chief Officer, a Deputy Chief Officer, the Monitoring Officer or Head of Democratic Services will be made by the Council or by a Committee of Members delegated by the Council to make the appointment or dismissal, which Committee must contain at least one Cabinet member, but not more than half of the members of that Committee shall be Cabinet members.
- (b) Where a committee is considering on behalf of the Council the appointment or dismissal of the Chief Executive, the Council shall approve that appointment before an offer of appointment is made, or as the case may be, must approve that dismissal before notice of dismissal is given.

### **3A Joint Arrangements**

Where the duties of a Chief Officer or a Deputy Chief Officer include the discharge of functions of two or more local authorities:

- (a) the steps taken under paragraph 2 above may be taken by a joint committee of those authorities, a sub-committee of that committee or a Chief Officer of any of the authorities concerned; and
- (b) any Chief Officer or Deputy Chief Officer may be appointed by such a joint committee, a sub-committee of that committee or a committee or sub-committee of any of those authorities.

### **4 Other appointments**

- (a) **Officers below Deputy Chief Officer.** Subject to Rule 3(a), the appointment of officers below Deputy Chief Officer (other than assistants to political groups) must be discharged by the Chief Executive or by an officer nominated by the Chief Executive. All Council employees shall be appointed in accordance with the Councils Recruitment and Selection Policy.
- (b) **Assistants to political groups.** Any appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

### **5 Disciplinary Action**

#### **5.1 Head of Paid Service, Monitoring Officer, Chief Finance Officer and Head of Democratic Services**

- (1) No disciplinary action in respect of the Head of Paid Service, the Monitoring Officer, the Chief Finance Officer or the Head of Democratic Services (a "relevant officer"), except action described in (2) below, may be taken by the Council or on its behalf, other than 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.
- (2) The action mentioned in the above paragraph is suspension of the relevant officer for the purpose of investigating the alleged misconduct occasioning the action; and any such suspension will be on full pay and will terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.
- (3) Where it appears that an allegation of misconduct which may lead to disciplinary action has been made against a relevant officer, the Council shall appoint a committee ("an investigation committee") to consider the alleged misconduct.

- (4) The investigation committee must consist of a minimum of 3 members of the Council, be politically balanced (in accordance with section 15 of the Local Government and Housing Act 1989); and must, within 1 month of its appointment, consider the allegation of misconduct and decide whether it should be further investigated.
- (5) For the purpose of considering the allegation of misconduct, the investigation committee may make such enquiries of the relevant officer or any other person it considers appropriate; may request the relevant officer or any other person it considers appropriate to provide it with such information, explanation or documents as it considers necessary within a specified time limit; and may receive written or oral representations from the relevant officer or any other person it considers appropriate.
- (6) Where it appears to the investigation committee that an allegation of misconduct by the relevant officer should be further investigated, it shall appoint a person ("the designated independent person") for the purposes of these Rules.
- (7) The designated independent person who is appointed shall be such person as may be agreed between the Council and the relevant officer within 1 month of the date on which the requirement to appoint the designated independent person arose; or where there is no such agreement, shall be such person as is nominated for the purpose by the Welsh Ministers.
- (8) The designated independent person—
  - (a) may direct:
    - (i) that the Council terminate any suspension of the relevant officer;
    - (ii) that any such suspension is to continue after the expiry of the period referred to in paragraph (2) above);
    - (iii) that the terms on which any such suspension has taken place are to be varied in accordance with the direction; or
    - (iv) that no steps by the Council or on its behalf by way of disciplinary action or further disciplinary action against the relevant officer, other than steps taken in the presence, or with the agreement, of the designated independent person, are to be taken before a report is made under sub-paragraph (d);
  - (b) may inspect any documents relating to the conduct of the relevant officer which are in possession of the Council, or which the Council has power to authorise the designated independent person to inspect;

- (c) may require any Member or members of staff of the Council to answer questions concerning the conduct of the relevant officer;
  - (d) shall make a report to the Council –
    - (i) stating an opinion as to whether (and, if so, the extent to which) the evidence obtained supports any allegation of misconduct against the relevant officer; and
    - (ii) recommending any disciplinary action which appears appropriate for the Council to take against the relevant officer; and
  - (e) shall no later than the time at which the report is made under sub-paragraph (d), send a copy of the report to the relevant officer.
- (9) Subject to paragraph (10), the relevant officer and the Council shall, after consulting the designated independent person, attempt to agree a timetable within which the designated independent person is to undertake the investigation.
- (10) Where there is no agreement under paragraph (9), the designated independent person shall set a timetable as that person considers appropriate within which the investigation is to be undertaken.
- (11) The Council shall consider the report prepared under paragraph (8)(d) within 1 month of receipt of that report.
- (12) The Council shall pay reasonable remuneration to a designated independent person appointed by the investigation committee and any costs incurred by, or in connection with, the discharge of functions under this Rule.
- (13) For the purpose of this rule, any officer who was a relevant officer at the time of the alleged misconduct or when the reason for the proposed dismissal occurred (but is no longer so), shall be regarded as a relevant officer.

## **5.2 Dismissal and or Disciplinary Action - Other Employees**

- (a) Subject to Rules 3(a) and 5.1, the Chief Executive, or an officer nominated by the Chief Executive, is responsible for the dismissal of, and taking disciplinary action against, employees below Deputy Chief Officer (other than assistants for political groups), in accordance with any relevant Council policy and procedure.
- (b) Councillors will not be involved in any disciplinary action of any officer other than the Head of Paid Service, the Monitoring Officer, the Chief Finance Officer or the Head of Democratic Services, as set out above, except where such involvement is necessary for any

investigation or inquiry into alleged misconduct, or where a right of appeal to members is allowed in respect of dismissal or demotion.

## **6 Right of Appeal**

Any employee who has been dismissed with or without notice or relegated must be informed immediately of the right of appeal, in line with the Council's agreed Disciplinary Policy and Procedures, which may confirm the action taken, withdraw it or substitute another disciplinary penalty.



## **PART 4 – RULES OF PROCEDURE**

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### **FAMILY ABSENCE PROCEDURE RULES**

#### **Different Types of Family Absence**

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

#### **Prescribed Conditions**

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

#### **Requirement for Member to give Written Notice**

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

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

4. The Head of Democratic Services will keep a record of all notifications and periods of family absence taken and will inform the Chair of Council, the Chair of the Democratic Services Committee, and the leaders of each political group, and other recognised group, of the authority. The Head of Democratic Services

may also inform any other persons, as he/she considers necessary, for example, fellow ward Members.

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

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

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

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

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

8. (1) A Member on maternity absence or parental absence may, subject to paragraphs (2) to (6):
  - (a) Attend particular meetings;
  - (b) Attend particular descriptions of meetings;
  - (c) Perform particular duties; or
  - (d) Perform duties of a particular description.
- (2) The Member must obtain the permission of the Chair of Council (or Presiding Member) before attending any meeting or performing any duty.
- (3) The Chair of Council (or Presiding Member) will inform the leaders of each political group of the Council before granting permission under paragraph (2).

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

### **Continuing Duties**

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

### **Members Allowances**

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

Mae'r dudalen hon yn cael ei adael yn wag yn fwriadol

## RHAN 4 – RHEOLAU GWEITHDREFN

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### RHEOL SEFYDLOG PRESENOLDEB O BELL

- 1 Oherwydd yr ardal ddaearyddol gymharol fach y mae wardiau'r Cyngor wedi eu lledaenu arni, mewn amgylchiadau arferol disgwylir i Aelodau fod yn bresennol yn gorfforol mewn cyfarfodydd. Fodd bynnag, mewn amgylchiadau eithriadol, gellir caniatáu i Aelodau fod yn bresennol o bell mewn cyfarfodydd.
- 2 Dylai unrhyw Aelod, sy'n dymuno fod yn bresennol o bell mewn cyfarfod, hysbysu'r Swyddog Monitro am ei ddymuniad i wneud hyn o leiaf 10 Diwrnod Gwaith cyn dyddiad y cyfarfod, pan fo hyn yn ymarferol. Bydd y Swyddog Monitro yn hysbysu Cadeirydd y cyfarfod dan sylw am y cais. Bydd y Cadeirydd, gan ymgynghori â'r Swyddog Monitro, yn penderfynu p'un a gaiff y cais ei ganiatáu ac yn ceisio hysbysu'r Aelod o'i benderfyniad o leiaf 5 Diwrnod Gwaith cyn dyddiad y Cyfarfod. Wrth wneud y penderfyniad hwnnw, bydd y Cadeirydd yn ystyried y rhesymau a roddwyd gan yr Aelod am wneud y cais, ynghyd â'r costau perthnasol i sicrhau cyfleusterau presenoldeb o bell ac unrhyw faterion perthnasol eraill. Ystyrir penderfyniad y Cadeirydd yn un terfynol.
- 3 Os penderfyna'r Cadeirydd y dylid caniatáu presenoldeb o bell, yna darperir y cyfarpar a'r cyfleusterau a fydd yn angenrheidiol i alluogi presenoldeb o bell i'r Aelod ac i'r cyfarfod. Dylai'r cyfleusterau gydymffurfio â gofynion y Canllawiau Statudol sy'n berthnasol i bresenoldeb o bell fel y'u cyhoeddwyd gan Lywodraeth Cymru o dan Fesur Llywodraeth Leol (Cymru) 2011.
- 4 Oni bai y bydd y Cadeirydd yn penderfynu fel arall, os bydd Aelod sy'n bresennol o bell mewn cyfarfod yn colli cysylltiad o herwydd rhesymau technegol, ni chaiff y cyfarfod ei ohirio.
- 5 Ni chyfrifir unrhyw Aelod sy'n bresennol o bell wrth benderfynu p'un a oes cworwm (oni bai y bydd y Cadeirydd yn penderfynu fel arall).

Mae'r dudalen hon yn cael ei adael yn wag yn fwriadol

## PART 5 – CODES AND PROTOCOLS

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### CODE OF CONDUCT FOR MEMBERS AND CO-OPTED MEMBERS OF THE COUNTY COUNCIL OF THE CITY AND COUNTY OF CARDIFF

#### Adoption

This Code was adopted by the Authority on 15 May 2008 and amended on 26 May 2016

### PART I

#### 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 sub-committee;

"meeting" ("*cyfarfod*") means any meeting—

- (a) of the relevant authority,
- (b) of any executive or board of the relevant authority,
- (c) of any committee, sub-committee, joint committee or joint sub-committee of the relevant authority or of any such committee, sub-committee, joint committee or joint sub-committee of any executive or board of the authority, or
- (d) where members or officers of the relevant authority are present other than a meeting of a political group constituted in accordance with regulation 8 of the Local Government (Committees and Political Groups) Regulations 1990,

and includes circumstances in which a member of an executive or board or an officer acting alone exercises a function of an authority;

"member" ("*aelod*") includes, unless the context requires otherwise, a co-opted member;

“register of members’ interests” (“cofrestr o fuddiannau’r aelodau”) means the register established and maintained under Section 81 of the Local Government Act;

“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;

"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.

## 1.2 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 II

### 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.
- 2.2 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.
- 6.2 You must comply with any request of your authority's monitoring officer, or the Public Services Ombudsman for Wales, in connection with an investigation conducted in accordance with their respective statutory powers.
- 7 You must not—
- (a) in your official capacity or otherwise, use or attempt to use your position improperly to confer on or secure for yourself, or any other person, an advantage or create or avoid for yourself, or any other person, a disadvantage;
  - (b) use, or authorise others to use, the resources of your authority—
    - (i) imprudently;
    - (ii) in breach of your authority's requirements;
    - (iii) unlawfully;
    - (iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the authority or of the office to which you have been elected or appointed;

- (v) improperly for political purposes; or
- (vi) improperly for private purposes.

8 You must—

- (a) when participating in meetings or reaching decisions regarding the business of your authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by your authority's officers, in particular by—
  - (i) the authority's Head of Paid Service;
  - (ii) the authority's Chief Finance Officer;
  - (iii) the authority's Monitoring Officer;
  - (iv) the authority's Chief Legal Officer (who should be consulted when there is any doubt as to the authority's power to act, as to whether the action proposed lies within the policy framework agreed by the authority or where the legal consequences of action or failure to act by the authority might have important repercussions);
- (b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

9 You must—

- (a) observe the law and your authority's rules governing the claiming of expenses and allowances in connection with your duties as a member;
- (b) avoid accepting from anyone gifts, hospitality (other than official hospitality, such as a civic reception or a working lunch duly authorised by your authority), material benefits or services for yourself or any person which might place you, or reasonably appear to place you, under an improper obligation.

## PART III

### 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.
- 10.2 You must regard yourself as having a personal interest in any business of your authority if—
- (a) it relates to, or is likely to affect –
    - (i) any employment or business carried on by you;
    - (ii) any person who employs or has appointed you, any firm in which you are a partner or any company for which you are a remunerated director;
    - (iii) any person, other than your authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties as a member;
    - (iv) any corporate body which has a place of business or land in your authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body;
    - (v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (iv) above;
    - (vi) any land in which you have a beneficial interest and which is in the area of your authority;
    - (vii) any land where the landlord is your authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in sub-paragraph (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, industrial and provident 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;

(b) *[Deleted]*

(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.
- 11.2 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.
- 11.3 Subject to paragraph 14.1(b) below, where you have a personal interest in any business of your authority and you have made a decision in exercising a function of an executive or board, you must in relation to that business ensure that any written statement of that decision records the existence and nature of your interest.
- 11.4 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.
- 11.5 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.

- 11.6 For the purposes of sub-paragraph 11.4, 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.
- 11.8 For the purposes of sub-paragraph 11.3, 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 12.2 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.
- 12.2 Subject to sub-paragraph 12.3, 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 Local Government (Wales) Measure 2011 (1), or an allowance or pension provided under section 18 of the Local Government and Housing Act 1989 (2);
- (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.

12.3 The exemptions in subparagraph 12.2(a) do not apply where the business relates to the determination of any approval, consent, licence, permission or registration.

### **Overview and Scrutiny Committees**

- 13.1 You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—
- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive, board or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
  - (b) at the time the decision was made or action was taken, you were a member of the executive, board, committee, sub-committee, joint-committee or joint sub-committee mentioned in sub-paragraph (a) and you were present when that decision was made or action was taken.

### **Participation in Relation to Disclosed Interests**

- 14.1 Subject to sub-paragraphs 14.2, 14.2(a) 14.3 and 14.4, 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 14.2 applies, immediately after the period for making representations, answering questions or giving evidence relating to the business has ended and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration; or
  - (ii) in any other case, whenever it becomes apparent that that business is being considered at that meeting;
- (b) not exercise executive or board functions in relation to that business;
  - (c) not seek to influence a decision about that business;
  - (d) not make any written representations (whether by letter, facsimile or some other form of electronic communication) in relation to that business; and
  - (e) not make any oral representations (whether in person or some form of electronic communication) in respect of that business or immediately cease to make such oral representations when the prejudicial interest becomes apparent.

14.2 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.

- (a) Where you have a prejudicial interest in any business of your authority and 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 a statutory right or otherwise.
- (b) When submitting written representations under sub paragraph 14.2(a) you must comply with any procedure that your authority may adopt for the submission of such representations.

14.3 Sub-paragraph 14.1 does not prevent you attending and participating in a meeting if—

- (a) you are required to attend a meeting of an overview or scrutiny committee, by such committee exercising its statutory powers; or
- (b) you have the benefit of a dispensation provided that you—
  - (i) state at the meeting that you are relying on the dispensation; and
  - (ii) before or immediately after the close of the meeting give written notification to your authority containing—

- (aa) details of the prejudicial interest;
- (bb) details of the business to which the prejudicial interest relates;
- (cc) details of, and the date on which, the dispensation was granted; and
- (dd) your signature.

14.4 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 IV**

### **THE REGISTER OF MEMBERS' INTERESTS**

#### **Registration of Personal Interests**

- 15.1 Subject to sub-paragraph 15.4, 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.
- 15.2 Subject to sub-paragraph 15.4, 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.
- 15.3 Subject to sub-paragraphs 15.4, you must, within 28 days of becoming aware of any change to a 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 community council to your authority's proper officer.
- 15.4 Sub-paragraphs 15.1, 15.2 and 15.3 do not apply to sensitive information determined in accordance with paragraph 16.1.
- 15.5 Sub-paragraphs 15.1 and 15.2 do not apply if you are a member of a relevant authority which is community council when you act in your capacity as a member of such an authority.
- 15.6 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.

- 16.2 You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under sub-paragraph 16.1 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.
- 16.3 In this code, "sensitive information" ("*gwybodaeth sensitif*") means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

### **Registration of Gifts and Hospitality**

- 17 You must, within 28 days of receiving any gift, hospitality, material benefit or advantage above a value specified in a resolution of your authority, provide written notification to your authority's monitoring officer, or in relation to a community council, your authority's proper officer of the existence and nature of that gift, hospitality, material benefit or advantage.

## **PART 5 – CODES & PROTOCOLS**

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### **CODE OF CONDUCT FOR EMPLOYEES OF THE COUNTY COUNCIL OF THE CITY AND COUNTY OF CARDIFF**

DATED: 28 JULY 2001

#### **General Principles**

1. The public is entitled to expect the highest standards of conduct from all qualifying employees<sup>1</sup> of Cardiff Council. The role of such employees is to serve their employing authority in providing advice, implementing its policies, and delivering services to the local community. In performing their duties, they must act with integrity, honesty, impartiality and objectivity.

#### **Accountability**

2. Qualifying employees of Cardiff Council work for their employing authority and serve the whole of that authority. They are accountable to, and owe a duty to that authority. They must act in accordance with the principles set out in this Code, recognising the duty of all public sector employees to discharge public functions reasonably and according to the law.

#### **Political Neutrality**

3. Qualifying employees of Cardiff Council, whether or not politically restricted, must follow every lawfully expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work. Where qualifying employees are politically restricted (by reason of the post they hold, the nature of the work they do, or the salary they are paid), they must comply with any statutory restrictions on their political activities.

#### **Relations with members, the public and other employees**

4. Mutual respect between qualifying employees and members is essential to good local government, and working relationships should be kept on a professional basis.
5. Qualifying employees of Cardiff Council should deal with the public, members and other employees sympathetically, efficiently, and without bias.

#### **Equality**

6. Qualifying employees of Cardiff Council must comply with policies relating to equality issues, as agreed by the authority, in addition to the requirements of the law.

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<sup>1</sup> At the date of this Code, teachers are not statutorily bound by its provisions, but the Code may be applied through their contracts of employment.

## **Stewardship**

7. Qualifying employees of Cardiff Council must ensure that they use public funds entrusted to them in a responsible and lawful manner, and must not utilise property, vehicles or other facilities of the authority for personal use unless authorised to do so.

## **Personal Interests**

8. Whilst qualifying employees' private lives are their own concern, they must not allow their private interests to conflict with their public duty. They must not misuse their official position or information acquired in the course of their employment to further their private interests, or the interests of others. In particular, they must comply with:
  - (1) any rules of their relevant authority on the registration and declaration by employees of financial and non-financial interests,
  - (2) any rules of their relevant authority on the declaration by employees of hospitality or gifts offered to or received by them, from any person or organisation doing or seeking to do business, or otherwise benefiting or seeking to benefit from a relationship with the authority. Qualifying employees must not accept benefits from a third party unless authorised to do so by their relevant authority.

## **Whistleblowing**

9. In the event that a qualifying employee becomes aware of activities which that employee believes to be illegal, improper, unethical or otherwise inconsistent with this Code, the employee should report the matter, acting in accordance with the employee's rights under the Public Interest Disclosure Act 1998, and with the relevant authority's whistleblowing policy, or any other procedure designed for this purpose.

## **Treatment of Information**

10. Openness in the dissemination of information and decision making should be the norm in Cardiff Council. However, certain information may be confidential or exempt in accordance with the Access to Information Procedure Rules and therefore not appropriate for a wide audience. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should not be released to anyone other than a Member, Cardiff Council employee or other person who is entitled to receive it, or needs to have access to it for the proper discharge of their functions. Nothing in this Code can be taken as overriding existing statutory or common law obligations to keep certain information confidential, or to disclose information in accordance with the Freedom of Information legislation. Where employees are uncertain about obligations to disclose or withhold information they must seek appropriate advice from Legal or Information Management officers.

## **Appointment of Staff**

11. Qualifying employees of Cardiff Council involved in the recruitment and appointment of staff must ensure that appointments are made on the basis of merit. In order to avoid any possible accusation of bias, such employees must not be involved in any appointment, or any other decisions relating to discipline, promotion or pay and conditions for any other employee, or prospective employee, to whom they are related, or with whom they have a close personal relationship outside work.

## **Investigations by Monitoring Officers**

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

Mae'r dudalen hon yn cael ei adael yn wag yn fwriadol



## **PART 5 – CODES AND PROTOCOLS**

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### **PROTOCOL ON MEMBER/OFFICER RELATIONS**

#### **Basic Principles**

- 1 The basic principle of good Member/officer relations in local government is trust, mutual respect and a common understanding of respective roles. Councillors are elected to represent the whole community and officers are appointed by the Council to give creative, robust and impartial advice, which will assist Members in reaching the best decisions for that community.
- 2 The Council's Code of Conduct for Members says that they should "show respect and consideration for others" and "must not do anything which compromises, or which is likely to compromise, the impartiality of the Authority's employees".
- 3 The Code of Conduct for Local Government Employees says that "Mutual respect between qualifying employees and Members is essential to good local government, and working relationships should be kept on a professional basis. Qualifying employees of Cardiff Council should deal with the public, Members and other employees sympathetically, efficiently and without bias."

#### **Councillors' Roles**

- 4 All councillors have a responsibility to fulfil representational and constituency roles in respect of their electoral divisions. They also have responsibilities as members of the full Council to take some of the most important decisions the Council can make, including approval of the budget and policy framework. Many will be involved in taking other more detailed Council decisions, particularly within the planning and licensing areas, and others will have responsibility for maintaining an overview and scrutiny of Executive Decisions and the efficient performance of Council functions. A relatively small group of councillors will be members of the Cabinet, which will undertake most of the Council's functions.
- 5 All of these roles will relate in slightly different ways to the officers of the Council. These are set out in more detail below.

#### **Officer Roles and Advice**

- 6 Council officers are employees of the whole Council and have an obligation to give impartial advice and to carry out the Council's lawful decisions. They have operational responsibilities which are generally set out in the Council's scheme of delegations, or in their job descriptions. These will generally be of a managerial, technical or administrative nature, and are part of the normal day-to-day work of all Council employees.

- 7 The Member Code of Conduct describes how Members should act when taking decisions and in particular in relation to advice from officers:-
- "A member ... must reach decisions having regard to any relevant advice by the authority's officers..."
- 8 In advising, officers are free to give their professional advice wherever appropriate. Councillors may wish to test this advice by questioning and challenging something they do not agree with, but they should not, by their conduct or actions, make employees feel intimidated or threatened. They should ensure that any challenge of advice given is made to an employee of suitable seniority, generally the Chief Executive, Corporate Director or Chief Officer. Employees should remember that councillors are democratically elected to secure their objectives and fully entitled to question advice given, and to receive a full and complete explanation. Employees should always seek to meet the Council's objectives when advising, provided that this can be done legally and within financial resources.
- 9 If Members remain dissatisfied with the advice given, then they may refer the matter to the Leader, the appropriate Cabinet Member or the relevant Committee Chairperson. Where necessary and appropriate, either by agreement with the Chief Executive, relevant Corporate Director or Chief Officer, or following a decision of the Council, professional advice can be commissioned by relevant officers (in consultation with relevant Members) from a reputable and suitably qualified source outside the Council. Any subsequent report to the Council will contain the professional advice of the Chief Executive or officer named as author, but will also contain any external professional view, clearly identified as such.
- 10 This Council operates a system which requires advice on the legality and achievability (including financial matters) of the decision in advance of its consideration, and for that advice to be captured in reports to Members, Cabinet, Committees or the Council. Officers should be permitted to give their complete advice, including a description of any relevant options and advice as to legal and financial probity. When oral advice is given, it should be recorded in writing by the officer concerned.
- 11 The Council has three main statutory officers; the Head of Paid Service, the Monitoring Officer and the Section 151 Officer, who have duties to advise the Council as a corporate body or the Cabinet in relation to Executive Functions, and have a statutory right to advise as they believe appropriate within their statutory duties.

### **Correspondence with Councillors and others**

- 12 The Council has a detailed Protocol setting out how officers should deal with correspondence from councillors and other elected representatives. The Protocol may change from time to time to adjust to differing circumstances, but councillors and officers should refer to it for guidance on this issue. Officers should always try to respond to Members within the Council's target

timescales for response, and if they cannot, should keep the Member informed as to progress. If correspondence is referred by an officer to a Member for response, the Member should also use best endeavours to reply within Council target response times.

### **Relationships between Officers and Members**

13 As indicated above, although officers have a duty to serve the Council as a corporate body, their working relationships will be different with different groups of Members. The following paragraphs identify and give guidance on key issues in this area.

14 **All Councillors** – all councillors and employees will demonstrate mutual respect and will deal with each other sympathetically, efficiently and without bias. Officers are responsible for advising the whole Council but may occasionally be called upon by individual Members to advise or give information on particular issues that relate to the councillor's representational or constituency roles. This is entirely proper and within available resources, advice will be given. Officers should not advise councillors on their individual positions or to assist them in personal capacities, but only in relation to Council matters. The Monitoring Officer or his/her nominee may advise individual councillors on the Member Code of Conduct and their responsibilities in relation to declaration of interests.

Individual Members may request that advice given to them is treated in confidence. They should make this clear at the start of any discussion or correspondence with the officer concerned. The officer will then advise the Member as to whether the discussion or correspondence can be treated as confidential within the law and within Council procedures, so that both parties have a clear understanding of the position. Information which indicates that the Council may be in breach of a duty, involves the protection of vulnerable people or alleges misconduct, for example, may not be kept confidential, and may be reported to the proper person or authority.

15 **Chairpersons and Officers** – the chairperson of the Council and/or chairpersons of committees have particular roles in relation to the business of the Council or committees, and officers will support them in those roles. Generally, and subject to the Council's rules of procedure set out in Part 4, the Chairman/chairperson of any Council body will finalise relevant agendas and the officer with responsibility for issuing the agenda will comply with the Chairman/chairperson's wishes in this respect. However, in certain instances, statutory officers have a right to have items included on relevant agendas, and these and any instructions issued by statutory officers in this respect will be followed.

16 **Leader and Cabinet and Officers** – although employees serve the Council as a whole, senior employees will work closely with the Leader and Cabinet Members on policy matters. In particular, they may be asked to brief Members on Council powers, the implementation of policies and available options. This is entirely acceptable, whether done individually or collectively.

The Leader and Cabinet Members recognise that all officers are employees of the full Council and may not be asked by Members to advise in a certain way, or to carry out their duties in a way which does not accord with formal decisions or with the officer's own professional judgement. This is, of course, subject to the requirement that officers must carry out the lawful decisions of the Council and the Cabinet.

- 17 **Party Groups and Officers** – no officer may be compelled to attend a meeting of the Council's political groups and similarly may not insist on doing so. Officers will not attend party group meetings which include individuals other than Council Members or Council officers acting in that capacity. If an officer gives a briefing to any political group represented on the Council, he/she will offer a similar briefing to the other party groups.
- 18 **Co-opted Members and Officers** – the Council has several co-opted members who have a statutory right to vote on issues in certain circumstances. Officers will deal with co-opted members in the same way as they deal with all councillors and will be available to advise them as set out in paragraph 10 above, in respect of their particular statutory functions only.

### **Conduct and Effectiveness**

- 19 If councillors have any concerns about the effectiveness or conduct of particular officers, they will take this up directly and confidentially with the appropriate Corporate Director with responsibility for the officer's service area, or the Chief Executive if there is no appropriate Corporate Director or the issue relates to a Corporate Director, or the Leader if the issue relates to the Chief Executive. The issue will then be handled in accordance with the Council's procedures and the Member and officer concerned will be advised of the outcome, unless there are legal reasons why they may not. Personal criticism (except in pursuance of a legal obligation) by Members of individual officers or identifiable groups of officers will not take place in public forums (including the media) as this could seriously affect the ability of the Council to effectively defend its position as an employer and may in some circumstances render it liable to payment of compensation.
- 20 Similarly, if any officer has concerns about the conduct of a particular Member, he/she will raise it in the first instance with his/her Chief Officer or Corporate Director so that attempts can be made to resolve the issue on an amicable basis. If this is not possible, or the alleged misconduct is of a serious nature, the matter will be reported to the Council's Monitoring Officer, who will then advise on whether it is appropriate for the issue to be referred to the Standards Commissioner for Wales under the Member Code of Conduct. No Council officer will publicly criticise any councillor (except in pursuance of a legal obligation) as this would be a departure from the proper statutory process and may prejudice that process.

## **Access to Information and Documents**

- 21 The Council promotes openness and access to information by all its councillors. However, the law prevents the release of confidential or exempt information in certain circumstances, and both officers and members will abide by the Council's Access to Information Procedure Rules set out in Part 4 of this Constitution. Confidential information or exempt information provided to Councillors must be used properly, and only for the purposes for which it has been released.

Mae'r dudalen hon yn cael ei adael yn wag yn fwriadol

## **YMRWYMIAD CAERDYDD I GYNGHORWYR THE CARDIFF UNDERTAKING FOR COUNCILLORS**



Dylid ystyried yr ymrwymiad hwn ochr yn ochr â'r Cod Ymarfer I Aelodau ac mae'n ffurfio rhan o'r cod moesegol y mae pob Aelod o Ddinas a Sir Caerdydd yn rhwym wrtho.

This undertaking should be considered in conjunction with the Members' Code of Conduct and forms part of the ethical code which binds all members of the City & County of Cardiff.

Fel Cynghorydd a etholwyd I Gyngor Sir Dinas a Sir Caerdydd, ac yn unol ag egwyddorion bywyd chyhoeddus:-

As a Councillor elected to the County Council of the City and County of Cardiff, and in accordance with the principles of public life:-

### **YMRWYMAF I: I UNDERTAKE TO:-**

#### **Hyrwyddo cydraddoldeb a pharch I eraill Promotion of equality and respect for others**

- |   |  |
|---|--|
| 1. Cynrychioli Caerdydd a phobl Caerdydd a chynnal y cyfrifoldeb hwn o ran cynrychioli pawb yng Nghaerdydd yn gyfartal. | 1. Represent Cardiff and all the people of Cardiff and to hold this duty of representation equally to all the people of Cardiff. |
|---|--|

#### **Gwrthrychedd a phriodoldeb Objectivity and propriety**

- |   |   |
|---|---|
| 2. Ystyried yr holl faterion ac achosion a gyflwynwyd I mi yn ôl eu rhinweddau eu hunain.   | 2. Consider all issues and cases brought to me on their merits.   |
| 3. Cydbwysu buddiannau fy Ward gyda buddiannau'r Cyngor a phobl Caerdydd yn ei chyfanrwydd. | 3. Balance the interests of my Ward with the interests of the Council and the people of Cardiff as a whole. |

#### **Ystyried eraill a stiwardiaeth Selflessness and stewardship**

- |  |   |
|--|---|
| 4. Rhoi blaenoriaeth I fuddiannau'r Cyngor, Caerdydd a phobl Caerdydd.   | 4. Give priority to the interests of the Council, Cardiff and of the people of Cardiff.   |
| 5. Diogelu a hyrwyddo cyfleoedd bywyd plant sy'n derbyn gofal gan y Cyngor a chyflawni fy nghyfrifoldebau'n ddiwyd fel Rhiant Corfforaethol I'r plant hynny. | 5. Safeguard and promote the life chances of children looked after by the Council and diligently discharge my responsibilities as Corporate parent of those children. |

## **Cywirdeb Integrity**

- |   |   |
|---|---|
| 6. Gweithredu'n unol â'r safonau uchaf o ran cywirdeb wrth gyflawni fy nyletswyddau amrywiol fel Cynghorydd | 6. Act according to the highest standards of probity in carrying out my various duties as a Councillor. |
|---|---|

## **Dyletswydd I gydymffurfio â'r gyfraith Duty to uphold the law**

- |   |   |
|---|---|
| 7. Cydymffurfio â'r Cod Ymddygiad I Aelodau a'i barchu, ac ystyried y cyngor a'r canllawiau a gyhoeddir gan y Pwyllgor Safonau a Moeseg yn briodol.       | 7. Adhere to and respect the Members' Code of Conduct and have proper regard to the advice and guidance issued by the Standards & Ethics Committee. |
| 8. Parchu darpariaethau unrhyw Brotocolau Datrys Lleol a gynigiwyd gan y Pwyllgor Safonau a Moeseg ac a fabwysiadwyd gan y Cyngor, a chydymffurfio â nhw. | 8. Adhere to and respect the provisions of any Local Resolution Protocol proposed by the Standards & Ethics Committee and adopted by Council        |

## **Atebolrwydd a gonestrwydd Accountability and openness**

- |  |  |
|--|--|
| 9. Peidio â datgelu gwybodaeth a roddir I mi yn gyfrinachol.   | 9. Not to disclose information given to me in confidence   |
| 10. Cefnogi a hyrwyddo ymddygiad y Cyngor I sicrhau bod ei fusnes yn cael ei gynnal mewn ffordd onest a chlir. | 10. Support and promote the conduct of the Council's business being carried out in an open and transparent manner. |

**Er mwyn i mi allu cyflawni fy nyletswyddau, rwy'n ymrwymo i ddilyn hyfforddiant priodol, i gynnwys pob math o hyfforddiant a nodwyd yn hanfodol yn y Rhaglen Gyflwyno i Fyfyrrwyr/Cynllun Hyfforddi a Datblygu Aelodau, neu hyfforddiant cyfatebol, fel y gallaf gyflawni fy nyletswyddau fel Cynghorydd.**

**In order to enable me to carry out my duties I further undertake that I will commit to appropriate training, to include all training which has been identified as essential in the Member Induction Programme/Member Training and Development Plan, or equivalent, to equip me to carry out my duties as a Councillor.**

Enw/Name: ..... Dyddiad/  
Date: .....

Llofnod/Signed: .....



## **PART 5 – CODES AND PROTOCOLS**

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### **PROTOCOL ON MEMBERS RIGHTS OF ACCESS TO INFORMATION AND DOCUMENTS**

#### **Introduction**

- 1 Members may ask any Council Service to provide them with information, explanation and advice so that they can carry out their role as councillors. This can range from a request for general information about some aspect of a Service's activities to a request for specific information on behalf of a constituent.
- 2 In addition to general information, explanation and advice Members may also seek access to specific documentation held by the Council, its Officers or Cabinet and have a number of common law, statutory and constitutional rights for that purpose.
- 3 Any consideration of Member's rights of access to information and documents must take into account the general rights available to any person under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

#### **The Purpose of the Protocol**

- 4 The purpose of the protocol in paragraph 10 is to help clarify for members what they are entitled to see, and how to go about seeing it, and to give officers clear guidelines about the members rights particularly in the light of the constitutional arrangements, and the role of scrutiny. Whilst not in any way seeking to limit member's rights, it also seeks to avoid any unnecessary cost and use of Council resources in dealing with every request for information under the Freedom of Information Act.
- 5 The Council will continue to monitor arrangements to make sure that members get to know information in a timely and appropriate manner.

#### **The Legal Position – Statutory Powers**

- 6 These are set out in the Appendix but briefly mean that:-
  - 6.1 Any member can see documents which contain information relating to the public and private meetings of the Cabinet, meetings of the Council and its Committees, any decision to be taken by an individual member of the Cabinet and any key decision made by an Officer. This statutory right does not extend to certain categories of exempt and confidential information.
  - 6.2 All members of a Scrutiny Committee have a right to copies of documents which contain information relating to the public and private meetings of the Cabinet, any decision to be taken by an individual member of the Cabinet and

any key decision made by an Officer. However, they are only entitled to a copy of a document containing exempt and confidential information where the information is relevant to an action or decision which the member is reviewing or scrutinising or which is relevant to any review contained in a work programme of the Committee or Review Panel.

- 6.3 Members have rights in relation to the accounts of the Council under section 228 of the Local Government Act 1972
- 6.4 Members have the same rights to information as any member of the public under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 subject to the exemptions and exceptions in that legislation.

### **The Legal Position - The Common Law Position**

- 7 At common law any member has a prima facie right to inspect any Council documents if access to the documents is reasonably necessary to enable the member properly to perform their duties as a member of the Council. This principle is commonly referred to as the "need to know" principle.
- 8 The exercise of this common law right depends upon the member's ability to demonstrate a "need to know". In this respect, a member does not have "a roving commission" to go and examine documents of the Council. Mere curiosity is not sufficient. The crucial question is whether there is a "need to know". More guidance on this principal is contained in a separate guidance note.

### **Data Protection**

- 9 Data protection legislation restricts the processing of information relating to individuals. As a result, any such information cannot be shared without the agreement of that individual or unless one of the legal exemptions applies.

### **Protocol for Access to Documents**

- 10 Against this background the Council has agreed the following protocol:-
  - 10.1 Where a Member has a clear right of access, as available to any member of the public, to the documents required under Rule 6, Rule 8 or Rule 9.2 of the Access to Information Procedure Rules the documents will be supplied.
  - 10.2 If the documents are not available under paragraph 10.1 the Member shall if appropriate request the material under Rule 18 of the Access to Information Procedure Rules. This rule gives a right to inspect documents relating to business transacted or to be transacted at a meeting of the Council or committee, and to inspect documents relating to business transacted at a decision making meeting of the Cabinet after that meeting.

- 10.2 If the documents are not available under paragraph 10.2 the Member shall if appropriate request the material under Rule 17 of the Access to Information Procedure Rules. This rule gives a member of a scrutiny committee a right to inspect documents relevant to the work of that committee.
- 10.3 If none of the foregoing routes are available a formal request should be made to a relevant Senior Officer and in this the Member should:-
- 10.3.1 identify what they wish to see;
  - 10.3.2 indicate whether they are asserting a 'need to know' (see paragraphs 0 and 0 above) and if so state the reason(s) that they need to see the material (members should carefully consider the guidance before doing so); and
  - 10.3.3 make it clear whether they have a personal interest in the matter (as defined in the Members' Code of Conduct) and if so what it is.
  - 10.3.4 If asserting a need to know, whether they wish the request to be formally considered under the Freedom of Information Act in the event that the 'need to know' is not accepted. Members are encouraged not to invoke Freedom of Information unnecessarily in circumstances where the material is unlikely to be suitable for general publication e.g. because of commercial confidentiality
- 10.4 The Officer is entitled to ask the member to make this request in writing if he or she is in any doubt about any of these matters, and may at any time seek further clarification.
- 10.5 The Officer receiving the request should make an initial assessment where appropriate as to whether the request should be considered initially under Freedom of Information or the 'need to know'. The Officer may consult the Monitoring Officer or Information Management Services for advice. The purpose of this stage is to ensure that:
- 10.5.1 Where it is likely that material can be made available under the 'need to know' basis restricted disclosure may be offered to the Member without incurring the cost of a full Freedom of Information assessment
  - 10.5.2 Where it is likely that the material would not be exempt under Freedom of Information full disclosure may be given without incurring the cost of deciding whether 'need to know' has been established
- 10.6 Where the 'need to know' is being considered an officer who is in any reasonable doubt regarding the release of the information will consult the Monitoring Officer for advice.
- 10.7 If, after receiving this advice, it is not considered appropriate to release the information either because:-

- 10.7.1 the member has not established a need to see it or
- 10.7.2 because the Officer has other concerns (for example the Councillor has personal interest in the matter, the information is commercially or otherwise sensitive, or the amount of work involved in identifying and producing the information is considered to be excessive) and the member takes a different view, the matter will be referred to the Monitoring Officer, who may consult the relevant Group Leader before making a decision.
- 10.8 Any information provided under the 'need to know' must be only used in connection with the members' duties as a Councillor, e.g. speaking at a relevant Committee or at full Council. Information not already in the public domain should not be divulged by the Member to third parties (including the press) unless and until it enters the public domain e.g. by discussion at a meeting where the public have not been excluded, nor should information be used improperly. Where information has been provided under 'need to know' subject to specific restrictions on its use, officers will use best endeavours to advise the Member if and when the need for those restrictions ceases.
- 10.9 If it is decided that a 'need to know' has not been established the Member will retain the right (notwithstanding paragraph 0 above) to invoke the Freedom of Information Act. The time for answering the request under the Act will start to run from the date of refusal under 'right to know' in cases where the Member has initially agreed not to invoke the Act.
- 10.10 Where Freedom of Information is being considered this will be done in accordance with the Council's normal Freedom of Information procedures since under Freedom of Information Members have no special status
- 10.11 If disclosure under Freedom of Information is refused the Member will retain the right (notwithstanding paragraph 0 above) to invoke the 'need to know'.
- 10.12 Finally, the effect of the Data Protection legislation is that information relating to an individual should not be provided unless either the individual has agreed to its release or one of the legal exemptions applies. As a result, any member wishing to obtain access to personal information should first seek that persons consent. If that consent is not given, or there is a difficulty with requesting it, then legal advice should be sought.

### **Protocol for Access to Other Information**

- 11 The protocol in the previous section relates to Members' legal rights of access to documents. Many Member enquiries may not require consideration of these rights at all or in part. The enquiry may be for general information, explanation and advice about Council activities. Members need to be aware when making such requests that the legal rights referred to above do not strictly apply to such requests. Nevertheless all parties accept that the effective and efficient governance of the Council requires that such enquiries require appropriate and timely response.

- 12 The mechanics of responding to requests from Members is dealt with in a separate correspondence protocol.
- 13 Subject to the following paragraph the appropriate officer will respond to such requests in such a manner that such that the Member has sufficient information to be able to take an informed view and so as to be able to carry out their duties as a Councillor. Technical or professional advice will be given on an impartial basis.
- 14 Responding to requests for information from Members will be subject to the following limitations:
  - 14.1 No information or advice will be given which contains information which would not have been disclosed as part of an existing record under the protocol in paragraph 10 above
  - 14.2 Where the amount of work, research or consultation required to provide an answer to a Member would be disproportionate having regard to the nature of the enquiry the appropriate officer may decline to give a full and complete response. In the event of any dispute as to the amount of work which may be reasonable the matter will be referred to the Monitoring Officer for a decision as to whether the work required is disproportionate.

Mae'r dudalen hon yn cael ei adael yn wag yn fwriadol

## **PART 5 – CODES AND PROTOCOLS**

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### **PROTOCOL ON MEMBERS RIGHTS OF ACCESS TO INFORMATION AND DOCUMENTS**

#### **APPENDIX**

##### **SUMMARY OF STATUTORY PROVISIONS ON ACCESS TO DOCUMENTS**

1. There is a right to inspect the accounts of the Council and of any of its Proper Officers under Section 228 of the Local Government Act 1972
2. Section 100F of the Local Government 1972 Act and The Local Government (Access to Information) (Variation) (Wales) Order 2007 provide rights of access to documents for members of the Council. These rights are reflected in the Access to Information Procedure Rules in the Council's constitution. There is a general right of access to documents forming part of the formal business of the Council, including minutes, agendas, reports and background papers, subject to certain restrictions for exempt and confidential information.
3. The Local Government Act 2000 and The Local Authorities (Executive Arrangements) (Decisions Documents and Meetings) (Wales) Regulations 2001 provides similar rights in relation to documents forming part of the formal business of the Cabinet, and Part III of the same regulations gives an extended right to members of overview and scrutiny committees relating to documents relevant to the work of the committee
4. The Freedom of Information Act 2000 and the Environmental Information Regulations give general rights of access to all recorded information held by the Council subject to certain exemptions and exceptions
5. Guidance on the extent of these rights is available in a separate guidance document.

Mae'r dudalen hon yn cael ei adael yn wag yn fwriadol



## RHAN 5 – CODAU A PHROTOCOLAU

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### PROTOCOL AR GYFER GRWPIAU HOLLBLEIDIOL Y CYNGOR

#### 1. Diben

Diben Grŵp Hollbleidiol yn y Cyngor yw rhoi cyfleoedd i drafod a hyrwyddo materion penodol yn rhan o flaenoriaethau corfforaethol a gwasanaeth y Cyngor a chynnyddu cyfleoedd i Aelodau Anweithredol gyfrannu wrth ddatblygu polisiau.

#### 2. Testun

Mae'n rhaid i destun Grŵp Hollbleidiol yn y Cyngor fod yn berthnasol i'r pwnc y mae'r Cyngor yn gyfrifol amdano neu i swyddogaeth yr aelodau neu i ddatblygiad aelodau.

#### 3. Pwerau / Swyddogaethau

Ni fwriedir i Grŵp Hollbleidiol yn y Cyngor fod ag unrhyw bwerau penderfynu, ond caiff (os yw'n dymuno) wneud awgrymiadau neu argymhellion drwy lythyr i Aelod Cabinet perthnasol neu i Gadeirydd Pwyllgor; neu geisio sicrhau dadl yn y Cyngor drwy Gynnig a hybir gan grŵp pleidiol. (Cyfrifir unrhyw Gynnig o'r fath yn un o Gynigion a ddyrennir i'r grŵp pleidiol perthnasol).

#### 4. Aelodaeth

- (i) Isafswm nifer yr aelodau mewn Grŵp Hollbleidiol yn y Cyngor fydd pum aelod.
- (ii) Mae'n rhaid i'r aelodaeth fod yn agored i bob aelod o bob grŵp pleidiol, gan gynnwys i Aelodau Annibynnol.
- (iii) Bydd pob Grŵp Hollbleidiol yn y Cyngor yn cynnwys aelodau o fwy nag un blaid.

#### 5. Gweithdrefn

- (i) Mae'n rhaid i aelodau sy'n cynnig sefydlu Grŵp Hollbleidiol yn y Cyngor hysbysu'r Swyddog Monitro fel y gall y Grŵp gael ei gynnwys ar Restr Grwpiau Hollbleidiol y Cyngor.
- (ii) Mae'n rhaid i bob Grŵp Hollbleidiol yn y Cyngor gynnal cyfarfodydd o leiaf teirgwaith bob blwyddyn.
- (iii) Os yw'r Grŵp Hollbleidiol yn y Cyngor yn dymuno codi unrhyw faterion yn ffurfiol, caiff wneud hyn drwy ysgrifennu at y deiliad portffolio Cabinet perthnasol neu at Gadeirydd Pwyllgor.
- (iv) Mae'n rhaid i bob Grŵp Hollbleidiol yn y Cyngor greu adroddiad blynyddol i'w ddsbarthu i holl aelodau'r Cyngor (ond nid i'w drafod yng Nghyfarfod Llawn y Cyngor).
- (v) Ynglŷn â phob agwedd arall, bydd gweithdrefn a rheolaeth y cyfarfodydd yn fater i'r Aelodau.
- (vi) Bydd y cymorth gan swyddogion ar gyfer cyfarfodydd Grwpiau Hollbleidiol y Cyngor yn gyfyngedig i gadw ystafelloedd am gyfarfodydd, oherwydd cyfyngiadau oran adnoddau, ac ni fydd yn cynnwys clericio

nac unrhyw gymorth gweinyddol arall (megis cynllunio agendau neu wneud cofnodion).

- (vii) Nid yw'r hawliau statudol i fynediad cyhoeddus at gyfarfodydd a gwybodaeth (o dan Ran VA o Ddeddf Llywodraeth Leol 1972) yn berthnasol i gyfarfodydd Grŵp Hollbleidiol yn y Cyngor.

## **PART 5 – CODES AND PROTOCOLS**

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### **PROTOCOL FOR WEBCASTING OF COUNCIL AND OTHER COMMITTEE MEETINGS**

#### **Introduction**

The Council has agreed that certain Council and Committee meetings will be transmitted live on the Council's website (webcasting). The Council has fixed cameras located within the Council Chambers at City and County Hall and Committee Room 4 at County Hall for this purpose.

The main purpose of webcasting is to aid transparency, governance and accountability by giving members of the public, elected Members, officers and other interested parties the opportunity to view meetings without having to attend in person and for the Council to have an official audio and visual record of its decision-making process.

Webcasting does not replace the formal record of the meeting and the decisions taken, which are published on the Council website in the form of minutes and retained in hard copy in accordance with the Council's retention policy.

This protocol governs the conduct of Council and Committee meetings which are the subject of webcasting and aims to ensure that the Council is compliant with its obligations under the Data Protection Act 1998 and the Human Rights Act 1998.

Accordingly the following principles will apply to all meetings which are to be webcast by the Council:

#### **Notification of Webcasting**

#### **Agenda Packs**

Included with each Council and Committee agenda notification the following notice will be attached for meetings that are being webcast:

#### **WEBCASTING**

**This meeting will be filmed for live and/or subsequent broadcast on the Council's website. The whole of the meeting will be filmed, except where there are confidential or exempt items, and the footage will be on the website for 6 months. A copy of it will also be retained in accordance with the Council's data retention policy.**

**[Members of the public may also film or record this meeting]**

**If you make a representation to the meeting you will be deemed to have consented to being filmed. By entering the body of the Chamber you are also**

**consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If you do not wish to have your image captured you should sit in the public gallery area.**

**If you have any queries regarding webcasting of meetings, please contact Committee Services on 02920 872020 or email [Democratic Services](#)**

### **Public Speakers**

In any correspondence notifying public speakers of the meeting date at which permission to speak has been granted, the following advice will be included if the particular meeting is to be webcast:

Please note that this meeting will be filmed for live and/or subsequent broadcast on the Council's website. If you do not wish your public question/statement and subsequent discussion to be filmed/recorded, please contact the Committee Services Team to discuss your concerns.

To comply with the Data Protection Act 1998, we require the consent of parents or guardians before filming children or young people.

### **Signage at meetings**

The following signage will be displayed inside and outside of the meeting room:

**WEBCASTING**

**PLEASE NOTE THAT CARDIFF COUNCIL WILL BROADCAST THIS MEETING LIVE ON ITS WEBSITE AND THE RECORD WILL BE ARCHIVED FOR FUTURE VIEWING**

**[MEMBERS OF THE PUBLIC MAY ALSO FILM OR RECORD THIS MEETING]**

**AS YOUR IMAGE MAY BE INCLUDED IN THE BROADCAST, BY ENTERING THE CHAMBER YOU ARE CONSENTING TO BE FILMED AND TO THE POSSIBLE USE OF THOSE IMAGES AND ANY SOUND RECORDINGS**

### **Conduct of Meetings**

At the start of each meeting to be filmed, an announcement will be made to the effect that the meeting is being webcast.

The Chairman of the meeting shall have the discretion to terminate or suspend the webcast if:

- (i) The meeting is suspended;
- (ii) A resolution is lawfully passed to exclude the press and public from the meeting;
- (iii) There is a public disturbance;

- (iv) Webcasting may lead to a potential infringement of the rights of any person or other breach of law, subject to legal advice; or
- (v) The Chair considers that continuing to webcast would prejudice the proceedings of the meeting, subject to agreement by the majority of Members attending the meeting.

No exempt or confidential agenda items shall be webcast. The Democratic Services Officer for the meeting will ensure that webcasting of the meeting has ceased and will confirm this to the Chairman of the meeting before any discussion of exempt or confidential matters is commenced.

All archived webcasts will be available to view on the Council's website for a period of twelve months and thereafter will be stored in accordance with the Council's records management procedures.

Archived webcasts or parts of webcasts shall only be removed from the Council's website if the Monitoring Officer considers that it is necessary because all or part of the content of the webcast is or is likely to be in breach of any statutory provision or common law doctrine, for example Data Protection and Human Rights legislation or provisions relating to confidential or exempt information. If the Monitoring Officer has decided to take such action she must notify all Elected Members in writing as soon as possible of the decision and the reasons for such a decision. It is anticipated, however, that meetings will be conducted lawfully and that the need to exercise this power will occur only on an exceptional basis.

The actual webcasts and archived material, and copyright therein, remain the property of the Council, and the right to copy, issue, rent, perform, communicate or adapt any of the webcast or archived material is restricted as follows:

- (i) Subject to (ii) and (iii) below, any person may copy and use webcast material or part thereof provided that the facility is not used in a way that otherwise breaks the law and that the whole agenda item is displayed.
- (ii) The use of any webcast involving the alteration or editing of the material which results in changing the message or context is not permitted without the prior written approval of the Monitoring Officer.
- (iii) The use of webcast for commercial purposes involving re-use of the material is not permitted, unless the prior written approval of the Monitoring Officer is obtained.

Any Elected Member who is concerned about any webcast should raise their concerns with the Monitoring Officer.

If a technical fault develops, the Chair may agree a short adjournment to see if the problem can be resolved. If after adjourning the problem still persists, the meeting should continue irrespective of it not being transmitted live.

## **Prohibition on Political Publicity**

Please note that the Council is prohibited from producing political publicity. This is defined as any material which in whole or in part, appears to be designed to affect political support for a political party. This duty is more acute during pre-election periods, which run from publication of the notice of election to the election. While politics can be a normal part of Council meetings, proceedings which are inherently political may have to be removed from any broadcast to avoid breaching the rules on political publicity. During pre-election periods there may be a short delay in broadcasting to ensure that any political publicity is not inadvertently published.

## **Other Filming and Recording of meetings**

This protocol does not affect existing provisions in the Council's Constitution regarding the recording of meetings.

Members of the public are permitted to film or record Councillors and officers at any Council meetings that are open to the public and press, subject to compliance with the Council's Access to Information Procedure Rules, Rule 4A..

The Council also permits photography and social media reporting of all its public meetings.

## **Amendment of this Protocol**

The Director of Governance and Legal Services shall be authorised to make any minor amendments to this Protocol to ensure it is kept up to date and fit for purpose.

## **PART 5 – CODES AND PROTOCOLS**

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### **MEMBERS PLANNING CODE OF GOOD PRACTICE**

#### **1 Purpose of the Code**

This Code has been being prepared for the guidance of Officers and Members in their dealings with planning matters. This includes decision-making meetings of Council, which exercise the planning function of the planning authority or less formal occasions such as meetings with officers or the public or consultative meetings. Whilst much of this Code of Good Practice relates to the submission and determination of planning applications it also applies to discussions / submission relating to the preparation of the Local Development Plan and to Planning Appeals and enforcement. The Code has been prepared in accordance with: -

- Code of Conduct for Members and Co opted Members of the County Council of the City and Council of Cardiff
- The Royal Town Planning Institute Code of Conduct for Chartered Planners

The Code has the following objectives:-

- To guide and protect Officers and Members in dealing with planning related matters from criticism and challenge
- To inform potential developers and members of the general public of the standards adopted by Cardiff County Council and the performance of its planning function
- To ensure that, in the planning process, there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

#### **2 Key Principles**

Planning decisions made by Councils can have a considerable effect on the value of land, the nature of its development and on the lives and amenities of people living in the vicinity. The process of arriving at decisions on a planning matter must be open and transparent. The involvement of both Officers and Members must be clearly understood. The main principles which Members should have clear regard for are:-

- The key purpose of planning is to control development in the public interest
- Your overriding duty as a Councillor is to the whole local community
- You have a special duty to your constituents including those who do not vote for you
- Your role as a member of the planning authority is to make planning decisions openly, impartially, with sound judgement, and for justifiable reasons

- Whilst you may be strongly influenced by the views of others and of your party in particular it is your responsibility alone to decide what view to take on any question which Councillors have to decide
- You should never do anything as a Councillor, which you could not justify, to the public. Your conduct and what the public believes about your conduct will effect the reputation of the Council
- It is not enough to avoid actual impropriety. You should at all times avoid any occasion for suspicion and any appearance of improper conduct
- You should treat with extreme caution any offer of gift or favour or hospitality that is made to you personally. You are personally responsible for all decisions connected to the acceptance of such gifts or hospitality and for avoiding the risk of damage to public confidence in local government
- Section 54a of the Town and Country Planning Act requires you to take planning decisions in accordance with the provisions of the development plan unless material considerations indicate otherwise. You should ensure that all decisions that you make have regard to proper planning considerations and are made impartially and in a way, which does not give rise to public suspicion or mistrust
- The Code applies to all decisions of the Council on planning related matters. This includes Members involvement in any planning application, whether or not it is reported to a committee, all applications determined by any committee or by Full Council acting as a local planning authority

### **3 Relationship to the Code of Conduct for Members and Co Opted Members of the County Council of the City and County of Cardiff**

The Code of Conduct adopted by Cardiff County Council on 13<sup>th</sup> December 2001 sets out requirements and guidance for Members on the disclosure and registration of interests. Not only should impropriety be avoided but also any appearance or ground for suspicion of improper conduct. When considering any planning matter you should have primary regard for the Code of Conduct, and particularly the requirement to properly declare all interests:-

- **Do** apply the rules in the Code of Conduct for Members first which must always be complied with
- **Do** then apply the rules in this planning Code of Best Practice

### **4 Development Proposals and the Declaration of Members' Interests**

When considering planning matters Members may find that they need to:

- Declare a personal and / or prejudicial interest or
- Indicate that they have come to a view prior to the meeting (i.e. fettered their discretion)



The existence and nature of any interest should be disclosed at all relevant meetings including informal meetings or discussions with officers and other Members. A member may at any time declare a personal interest under the Members Code of Conduct however it is preferably disclose your interest at the beginning of the meeting and not just at the commencement of the discussion on that particular matter.

#### **Where your interest is personal and /or prejudicial:**

- **Do Not** participate or give the appearance of trying to participate in the making of any decision on the matter by the planning authority
- **Do Not** try to represent Ward/local views. Get another Member who is not a member of DC to do so instead
- **Do Not** get involved in the processing of the application and direct any queries or technical matters to the relevant officer
- **Do Not** seek or accept any preferential treatment or place yourself in a position that could lead the public to see that you are receiving preferential treatment because of your position as a Councillor. This would include using your position to discuss any proposal with Officers or Members when other members of the public would not have the same opportunity to do so. You may need to identify another local member who is prepared to represent local interests
- **Do** be aware that whilst you are not prevented from seeking to explain and justify a proposal in which you have a personal interest to an appropriate Officer in person or in writing, the Member's Code of Conduct places greater limitations on you in representing that proposal than would apply to a normal member of the public (for example where you have a personal and prejudicial interest in a proposal to be put before a meeting you will have to withdraw from the room or Chamber whilst the meeting considers it, whereas an ordinary member of the public would be able to observe the meeting's consideration of it from the public gallery)
- **Do** notify the Monitoring Officer in writing of your own interest and ensure that a proper record of the interest is noted at any meeting (use the form at Appendix 1)

#### **Where you have fettered your discretion**

The allowance made for Councillors to be predisposed to a particular view is a practical recognition of:

- the role played by party politics in Local Government
- the need for Councillors to inform constituents of at least an initial view on a matter as part of their public role

- the structure of local government which ultimately requires the same Councillors to make decisions

It is therefore particularly important for elected Councillors to have a clear understanding about the implications of expressing an opinion or view on planning matters. If you make up your mind or clearly appear to have made up your mind (particularly in relation to an external interest or lobby group) on how you will vote on any planning matter prior to formal consideration of that matter (i.e. at the meeting of the planning authority, prior to the hearing of the Officers presentation and evidence and arguments on both sides) you may be seen to have fettered your discretion. For example:-

- Where the Council is the landowner, developer or applicant and you have acted as or could be perceived as being a chief advocate for the proposal. Through your significant personal involvement in preparing or advocating the proposal you may be perceived by the public as being no longer able to act impartially or to determine the proposal purely on its planning merits
- Where you are a member of an organisation or lobbying group, which has publicly expressed a view on the planning matter. (A lobbying group is a body whose principle purposes include the influence of public opinion or policy). You may also have a personal interest in a matter before committee. The test of establishing a prejudicial interest under the Code is analogous to the common law test for bias -"that a member of the public with knowledge of all of the relevant facts would regard your interest as so significant that it is likely to prejudice your judgment of the public interest"

However where you act as part of the consultee body (e.g. where you are also a member of a community council) you may take part in its debate provided that:-

- the proposal does not substantially effect the well-being or financial standing of the consultee body, and
- you make it clear that your views are expressed on limited information before you only, and
- that you reserve judgment and the independence to make up your own mind on each separate proposal based on your overriding duty to the whole community and not just to the people in that area, ward or parish, and
- you clearly state you will not in anyway commit yourself as to how you or others may vote when the proposal comes before the Planning Committee and
- you disclose your personal interest regarding your membership or role when the Planning Committee comes to consider the proposal

**In all other circumstances**

- **Do not** speak and vote on a proposal as a Member of the Development Control Committee where you have fettered your discretion. You do not also have to withdraw but you may prefer to do so for the sake of appearances
- **Do** explain that you do not intend to speak and vote because you have or could reasonably be perceived as having judged the matter elsewhere so that this may properly be recorded in the minutes
- **Do** take the opportunity to exercise your separate speaking rights as a ward member where you have represented your views or those of local electors and have fettered your discretion but do not have a personal/prejudicial interest. In these circumstances advise the Chair that you wish to speak in this capacity before the commencement of the item, remove yourself from the Members seating area for the duration of that item and ensure that your actions are recorded.

The flow chart at Appendix 2 provides guidance for you in deciding whether you have a declarable interest

Given the issues set out above Members of Planning Committee may wish to consider whether they should take an active role on consultee bodies such as Community Councils.

## **5 Contact with Applicants, Developers and Objectors**

Local Authorities are encouraged by Government policy to enter into pre-application discussions with potential applicants. There will also be discussions and meetings on strategic plans for the Council (e.g. matters arising from the local development plan or major development sites). Such strategic discussions lie within the remit of the Cabinet Member with responsibility for Environment and Transportation and may be distinguished from discussions on specific planning applications, and therefore not subject to the caveat set out below. In addition negotiations and discussions are likely to be ongoing after an individual application has been submitted. Such discussions can often be interpreted by the public (and especially objectors) as prejudicing the planning decision-making process. In order to allay such perceptions all discussions should take place within clear guidelines.

One particular aspect of application discussions relates to lobbying. Lobbying is a normal part of the political process. However, it can lead to impartiality being brought into question and accordingly there is a need to declare publicly that an approach of this nature has taken place. Lobbying can take place by professional agents as well as un-represented applicants/landowners and community action groups.

- **Do not** agree to any formal meeting with applicants, developers or groups of Objectors if you are a member of Development Control Committee and therefore likely to be part of the decision-making process. There may be exceptional circumstances where meetings do take place. Such meetings must always have been formally convened by the Development Control Manager. The officer will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, that the

meeting is properly recorded on the application file, and that a record of the meeting will be made available for public inspection and will form a background paper to any Committee report

- **Do** refer those who approach you for planning procedural or technical advice to officers
- **Do** report to the Development Control Manager any significant contact with the applicant and other party, explaining the nature and purpose of the contacts and your involvement in them and ensure that this is recorded on the planning file
- **Do not** attend any private planning presentation unless an Officer is present and/or that it has been organised by Officers. These may be differentiated from major public presentations when members may seek information but should not enter into discussions or express a view
- **Do** remember that the presentation is not part of the formal process of debate and determination of any subsequent application and that this will be carried out by the appropriate Committee of the planning authority
- **Do** be aware that a presentation is a form of lobbying and you must not express any strong view or state how you or other Members might vote
- **Do** ask relevant questions for the purposes of clarifying your understanding of the proposals
- **Do** explain to those lobbying or attempting to lobby you that whilst you can listen to what is said it prejudices your impartiality and therefore your ability to participate in the Committee's decision-making to express an intention to vote one way or another, or such a firm point of view which amounts to the same thing
- **Do** remember that your overriding duty is to the whole community not just the people in your local area, and taking account of the need to make decisions impartially, you should not improperly favour or appear to improperly favour any person, company, group or locality
- **Do not** accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable ensure that it is of the minimum and its acceptance is declared as soon as possible (remembering to register any gift with a value of over £25).
- **Do** copy or pass on any lobbying correspondence you receive to the Development Control Manager at the earliest opportunity as this will enable proper officer advice to be given in the report and avoid the situation where officers are asked to respond to new information at the meeting itself, leading to deferral or decisions made on partial advice

- **Do** promptly refer to the Development Control Manager any offers made to you of planning gain or constraint of development
- **Do** inform the Monitoring Officer where you feel that you have been exposed to undue or excessive lobbying or approaches
- **Do** note that unless you have a personal and prejudicial interest you will not have fettered your discretion or breached this Planning Code of Good Practice through listening or receiving view points from residents or other interested parties making comments to residents, interested parties, other members or appropriate officers providing they do not consist of or amount to prejudging the issue. Provided that you make clear that you are keeping an open mind, seeking information through appropriate channels or being a vehicle for the expression of opinion or speaking at the meeting as a ward member provided you explain your actions at the start of the meeting or item and make it clear that having expressed the opinion or ward view you have not committed yourself to vote in accordance with those views and you will make up your own mind having heard all of the facts and listened to the debate

## **6 Ward Interests**

A Development Control Committee Member who represents a ward affected by a particular application is in a difficult position particularly if it is a controversial application around which a lot of lobbying takes place. There is a balance to be struck between the duty to be an active ward representative and the overriding duty as a Councillor to the whole local community. In these circumstances

- **Do not** lobby fellow councillors regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken
- **Do not** decide or discuss how to vote on any application at any sort of political group meeting or lobby any other member to do so. Political group meetings should never dictate how Members should vote on a planning issue
- **Do not** become a Member or lead or represent an organisation whose primary purpose is to lobby, to promote or oppose specific planning proposals. If you do you will have fettered your discretion and are likely to have a personal and prejudicial interest and will have to withdraw from any meeting
- **Do** of course join general interest groups which reflect your areas of interest or which concentrate on issues beyond particular planning proposals (such as your local civic society) but make sure that you disclose a personal interest where that organisation has made representations on a particular proposal and make it clear to that organisation and the committee that you have reserved judgement and the independence to make up your own mind on each separate proposal

## **7 Development Proposals Submitted by Officers or Councillors of the Council (the advice in this section applies to both planning applications and Development Plan Policy matters)**

Officers should never act as agents for people pursuing a planning matter with their Authority. Members may in law advocate on behalf of a proposal or act as an agent on behalf of a specific proposal. However, it is likely that you will then have a personal and a prejudicial interest which must be declared in accordance with the Members Code of Conduct and which will debar you from taking part in the decision. Where Members are likely to do this on a regular basis they should not accept membership of the Development Control Committee.

Should any Member or Officer connected with the planning service submit their own proposals to the Authority they should declare the interest to the Monitoring Officer and to the Chief Strategic Planning and Environment Officer at the earliest opportunity and take no part in the processing. Any such proposal/application will be reported to the Development Control Committee **and not** dealt with under delegated powers.

## **8 The Decision Making Process**

A decision on a planning application cannot be made before the committee meeting when all of the relevant information is to hand, any political group meeting prior to a Committee meeting should not be used to decide how Councillors should vote. Accordingly Agenda Briefing meetings and any pre-Committee meetings will solely be for the purpose of enabling an exchange of briefing material between Officers and Members on planning issues of concern in relation to particular applications, and will be open to Members of all political groups. All applications considered by Development Control Committee or by a report on the circulated schedule shall be the subject of written reports and clear recommendations. If the recommendations are contrary to the provisions of the Development Plan the material considerations, which justify this, shall be clearly stated. If in the view of the officer the matter is finely balanced the report will say so. The recommendations put forward by officers and the decisions by members are separate parts of the same process, which should be justified by the report and debate respectively.

The Conduct of the meeting will be in accordance with the Committee Procedure Rules found within the Council's Constitution

- **Do not** put pressure on officers to put forward a particular recommendation (this does not prevent you from asking questions or submitting views to the Development Control Manager which may be incorporated in to any Committee report)
- **Do** recognise that officers are part of a management structure. Only discuss the proposal outside of any arranged meeting with a Chief Officer, or those officers who are authorised by the Chief Officer to deal with the proposal at Member level
- **Do** recognise and respect that Officers involved in the processing and determination of planning matters must act in accordance with the Councils Code of Conduct for Officers and their Professional Code of Conduct. As a result planning officers views, opinions and recommendations will be presented on the

basis of their overriding obligation of professional independence which may on occasions be at odds with the views, opinions or decisions of the Committee or its Members

- **Do** have regard to the Councils Member/Officer Protocol, which governs the working relationships that you have with officers. This is a relationship based on mutual trust and courtesy, and all meetings should be guided by this principle.
- **Do** come to meetings with an open mind and demonstrate that you are open minded
- **Do** ensure that if you have requested a proposal to go before the Committee rather than be determined through officer delegation that your planning reasons are recorded and repeated in the report to the Committee
- **Do** comply with the Section 54a of the Town and Country Planning Act 1990 and make decisions in accordance with the Development Plan unless material considerations indicate otherwise
- **Do** come to your decision only after due consideration of all the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request that further information. If necessary defer or refuse
- **Do not** vote or take part in the meeting's discussions on a proposal unless you have been present to hear the debate including the officers introduction to the matter
- **Do** have recorded the reasons for the Committees decision to defer any proposals
- **Do** make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations or the Development Plan that you clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge
- **Do not** allow members of the public to communicate with you during the committee's proceedings (or in writing) other than through the scheme for public speaking as this may give the appearance of bias
- **Do** ensure that you comply with the Councils procedures in respect of public speaking

## 9 Training

Training on planning matters will be made available at convenient times for all Members of the Council, and in particular those serving on the Planning Committee.

Subject to resource availability places will be made available for new Members of the Planning Committee to attend the Annual Planning Summer School (run by the Royal Town Planning Institute "RTPI")

Refresher training for all Members of Planning Committee will be held throughout the year in the form of Briefing Sessions at Planning Policy Committee Meetings.

- **Do** ask the Chair of or the Committee Clerk for the Planning Committee if you have not attended Planning Summer School and you would like to
- **Do** endeavour to attend any training sessions provided since these will be designed to extend your knowledge and thus assist you in carrying out your role properly and effectively

## 10 Site Visits

Site visits by Committee can be helpful in reaching a decision on issues where site circumstances are clearly fundamental to that decision.

The purpose of a site visit is to enable Committee Members:-

- to view the site of a planning application together with surrounding land;
- to place the application in its physical context;
- to assist the appraisal of constraints and opportunities afforded by the proposed development, and its potential impact on surrounding land;
- to have officers point out material considerations

A consistency of approach is required for site visits to ensure that any site visit undertaken adds to the Planning Process, and also that the interests of the applicant, any objectors and the local community are dealt with equitably

Members are asked to alert officers to impending requests for site visits at the earliest opportunity. This will them to inform the Chairman and consider jointly whether site visits could be arranged in a way which minimises any delay to the processing of the application

When a member makes a request site visit the reason for the request must be stated and will be minuted. The decision on whether to agree a site visit lies with the Committee.

Site visits should only be made where necessary. Consideration should be given to what will the Planning Committee gain from a site visit that is no already evident from the Officer's Report and other supporting information.



Committee members should consider requests critically because they generally cause delay to the process, and are time consuming and costly. Alternative methods of obtaining the information should be considered i.e. digital photography.

When considering a request for a site visit which could lead to the deferment of the determination of the application, the Chairman will require the proposer and seconder of the motion to state the reason for the proposed visit and what the Committee will gain and this shall be recorded in the Minutes.

Whenever a site visit has been agreed by the Committee, it should specify whether the site should be viewed:

- from the public highway or public land only
- from the application site
- from other private land outside the application site

This should be recorded in the Minutes. This will enable officers to make appropriate requests to enter onto private land.

The Head of Development Control (or their representative) will make arrangements for site visits. This will include:

- obtaining the relevant permission to enter private land
- informing Local Members, Petitioners, and anyone who has made observations / representations / comments on the application
- sending a copy of the Site Inspection Protocol to the applicant or owner who has given consent for the site to be entered, the owner of any other land who has agreed that their land may be entered
- arranging for an attendance list to be taken of the visit

On attending a site visit Members should follow the Site Inspections Protocol (attached at Appendix 3)

- **Do** try to attend site visits and ensure that you treat them only as an opportunity to seek information and to observe the site
- **Do** ask the Officers at the site visit questions or seek clarification for them on matters which are relevant to the site inspection
- **Do not** express opinions or views to anyone
- **Do not** hear representations from any parties other than as set out in the Site Inspections Protocol. Make it clear that any representations must focus only on site factors and site issues. Where you are individually approached by an applicant or a third party advise them that they should make their representations in writing to the authority and direct them to or inform the officer present

- **Do not** enter a site which is subject to a proposal other than is part of an official site visit even in response to an invitation as this may give the impression of bias unless:
  - (a) you feel that it is essential for you to visit the site other than through attending the official site visit
  - (b) you have first spoken to the Development Control Manager about your intention to do so and why (which will be recorded on the file) and you can ensure that you will comply with these good practice rules on site visits

## **11 Sanctions**

The purpose of this Code is to provide guidance to Members in relation to the performance of the Councils planning function. The application of and adherence to the Code is intended to build public confidence in the Councils planning system and to produce a strong platform for planning decision-making. The Code does not remove the responsibility of Members to exercise their statutory discretion to determine the merits of individual applications or proposals.

A failure to adhere to the Code gives rise to potential consequences to the Council and individual Members, especially if this results in a pattern of inconsistency. The normal sanction of the democratic process is through the ballot box. Councillors may make a reputation in their community not only for their beliefs but also for their general conduct.

Consistency and fairness are important qualities in the public eye and they are vital to the conduct of the Planning Committee.

Beyond the normal democratic process a number of specific consequences can be identified

- **The Local Government Ombudsman**

Although the Local Government Ombudsman will not investigate the balance of argument in any planning decisions she/he may agree to investigate a planning complaint if it concerns the manner in which a decision was taken. If it is found injustice has been caused by maladministration in the light of statutory or established Council procedures she/he will recommend redress which may take the form of compensation.

Councillors who breach the national Code of Conduct may open themselves up to complaints of misconduct which will be dealt with by the Local Government Ombudsman. The Local Government Ombudsman has extensive powers to investigate a complaint. If a complaint is upheld a formal report can be sent either to the Council's Standards and Ethics Committee or the Adjudication Panel for Wales.

Such complaints may be referred to the Council's Monitoring Officer for investigation and the Standards Committee for determination and remedy.

- **The Adjudication Panel for Wales**

The Adjudication Panel for Wales is an independent body established under Part III of the Local Government Act 2000. The role of the panel is to form tribunals to consider whether Members have breached their authority's statutory Code of Conduct.

The panel will also hear appeals by Members against decisions of the Council's Standards and Ethics Committee.

- **Appeals to the National Assembly for Wales**

An applicant who has been refused planning permission has a right of appeal to the National Assembly for Wales. If an appeal is successful and it is shown that the Council's conduct in dealing with the matter was unreasonable to the appellant costs may be awarded against the Council. All appeals are administered by the Planning Inspectorate.

- **Powers of the National Assembly for Wales**

The National Assembly for Wales possesses a range of powers which could be exercised where a Local Planning Authority appears to make inconsistent decisions or decisions which are seriously in conflict with National and Development Plan Policies. This could involve the greater use of the power to call in applications whereby an application will be determined by the National Assembly following a Public Inquiry. Where permission has already been granted by the Council powers exist to revoke or modify permissions or to require discontinuance of a land use which if exercised would give rise to a liability to compensate on the part of the Council.

- **Judicial Review**

If objectors are convinced that the Council in determining to grant an application did not observe their statutory obligations to carry out all necessary procedures base their decision on the development plan and take in to account all representations they may apply for Judicial Review of the decision which might result in it being quashed. In such circumstances it would be normal for the costs of the applicant to be awarded against the Council.

- **District Auditor**

Each of the above courses of action could result in significant extraordinary costs to the Council. These costs will be closely examined by the District Auditor. Where it appears to an Auditor that a loss has been incurred or a deficiency caused in the Council's accounts by the wilful misconduct of any person she/he is required to certify that the loss or deficiency is due to that person and it may therefore lead to a formal report to Council in accordance with the powers granted to District Auditors under the Local Government Act 2000.

Mae'r dudalen hon yn cael ei adael yn wag yn fwriadol

**DILYS AR ADEG ARGRAFFU. GALL Y WYBODAETH GAEL EI DIWEDDARU O FEWN 24 AWR**

**DINAS A SIR CAERDYDD**

**COFRESTRU BUDDIANT PERSONOL A/NEU RAGFARNUS**

**COD YMDDYGIAD AELODAU A DEDDF LLYWODRAETH LEOL 1972**

Enw'r cyfarfod e.e. Cyngor, Pwyllgor, Y Weithrediaeth <small>(Printiwch eich ateb)</small>	Dyddiad y Cyfarfod <small>(Printiwch eich ateb)</small>	Eitem Agenda <small>(Printiwch eich ateb)</small>	Natur y Buddiant (Personol neu Ragfarnus) <small>(Printiwch eich ateb)</small>	Rheswm dros y Buddiant <small>(Printiwch eich ateb)</small>

Tudalen 393

Llofnod .....

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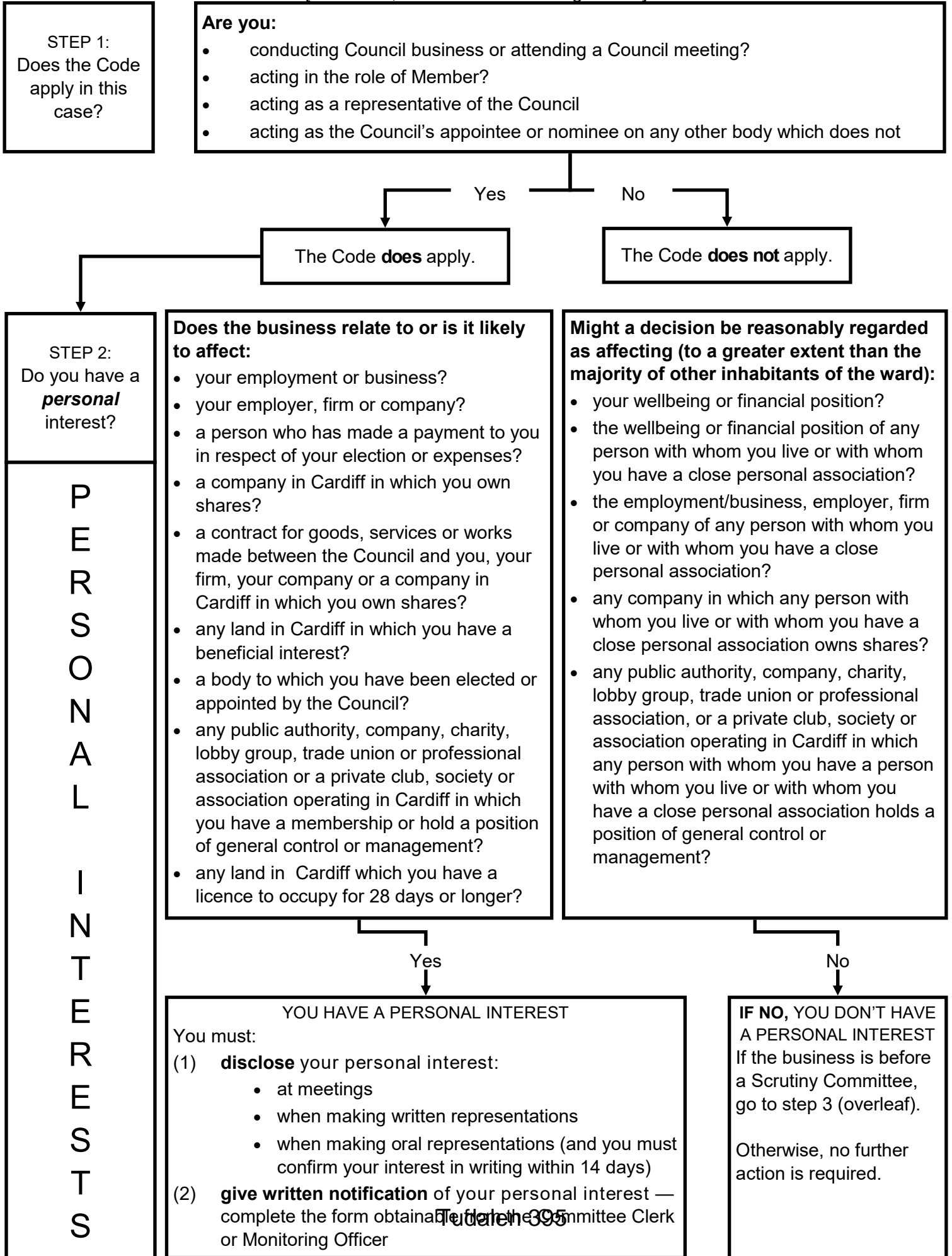
Mae'r dudalen hon yn cael ei adael yn wag yn fwiadol

**Code of Conduct**

DECLARING AN INTEREST — QUESTIONS TO ASK YOURSELF

[These charts are for illustration only and are not definitive]

[If in doubt, consult the Monitoring Officer]



STEP 1:  
Does the Code apply in this case?

**Are you:**

- conducting Council business or attending a Council meeting?
- acting in the role of Member?
- acting as a representative of the Council
- acting as the Council's appointee or nominee on any other body which does not

The Code **does** apply.

The Code **does not** apply.

STEP 2:  
Do you have a **personal** interest?

PERSONAL INTERESTS

**Does the business relate to or is it likely to affect:**

- your employment or business?
- your employer, firm or company?
- a person who has made a payment to you in respect of your election or expenses?
- a company in Cardiff in which you own shares?
- a contract for goods, services or works made between the Council and you, your firm, your company or a company in Cardiff in which you own shares?
- any land in Cardiff in which you have a beneficial interest?
- a body to which you have been elected or appointed by the Council?
- any public authority, company, charity, lobby group, trade union or professional association or a private club, society or association operating in Cardiff in which you have a membership or hold a position of general control or management?
- any land in Cardiff which you have a licence to occupy for 28 days or longer?

**Might a decision be reasonably regarded as affecting (to a greater extent than the majority of other inhabitants of the ward):**

- your wellbeing or financial position?
- the wellbeing or financial position of any person with whom you live or with whom you have a close personal association?
- the employment/business, employer, firm or company of any person with whom you live or with whom you have a close personal association?
- any company in which any person with whom you live or with whom you have a close personal association owns shares?
- any public authority, company, charity, lobby group, trade union or professional association, or a private club, society or association operating in Cardiff in which any person with whom you have a person with whom you live or with whom you have a close personal association holds a position of general control or management?

**YOU HAVE A PERSONAL INTEREST**

You must:

(1) **disclose** your personal interest:

- at meetings
- when making written representations
- when making oral representations (and you must confirm your interest in writing within 14 days)

(2) **give written notification** of your personal interest — complete the form obtained from the Scrutiny Committee Clerk or Monitoring Officer

**IF NO, YOU DON'T HAVE A PERSONAL INTEREST**

If the business is before a Scrutiny Committee, go to step 3 (overleaf).

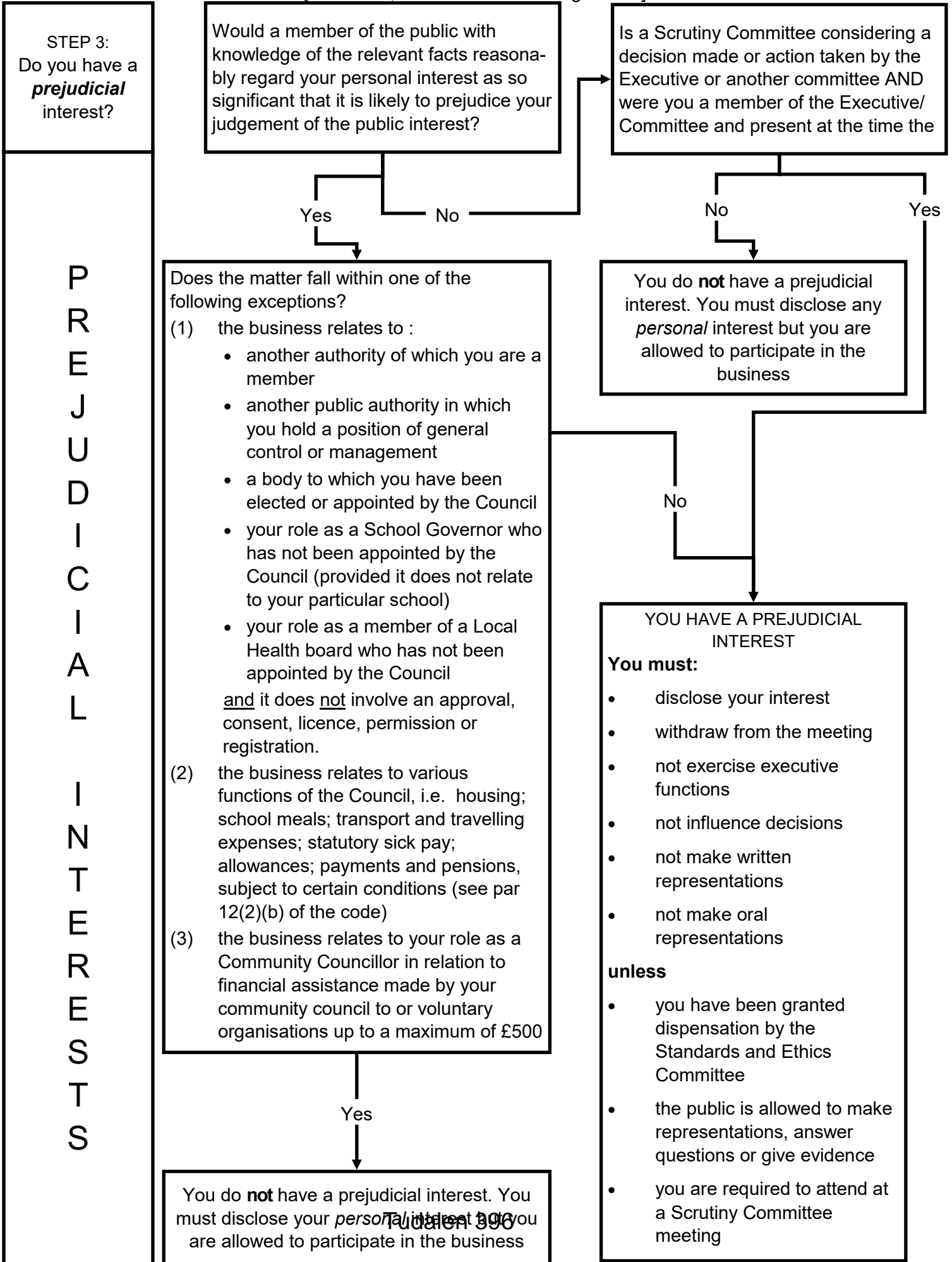
Otherwise, no further action is required.

# Code of Conduct

## DECLARING AN INTEREST — QUESTIONS TO ASK YOURSELF

[These charts are for illustration only and are not definitive]

[If in doubt, consult the Monitoring Officer]





## **PART 5 – CODES AND PROTOCOLS**

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### **MEMBERS PLANNING CODE OF GOOD PRACTICE**

#### **APPENDIX 3 – SITE VISIT CODE OF PRACTICE**

- 1 Sometimes Members of the Planning Committee need to visit a site to help them make a decision on a planning application. These visits are an extension of the Committee Meeting to enable members to make a visual assessment of the site and its surroundings
- 2 When a site visit is required the Development Control Section of Regulatory Services notifies the owner, if access to the premises is necessary
- 3 Site visits are open to all interested parties, including the general public
- 4 The owner or applicant is advised that although he or his agent may be present at the site visit, it is not an opportunity to make representations to Committee Members. This does not prevent the owner, the applicant, or their advisers pointing out factual matters such as the height of the proposed buildings, position of a window, proposed parking spaces etc. This factual information may be brought to the attention of the planning officers who will communicate it to the Planning Committee.
- 5 The Development Control Section will notify those who have also submitted written objections to the application. However, where a petition of objection has been lodged, only one of the petitioners is notified of the site visit. Objectors should be aware that the Council cannot require an owner or applicant to allow objectors onto his land, and that their ability to attend the site visit is at the discretion of the owner or applicant. Objectors are advised that the site visit is not an opportunity to make representations to Committee Members. Factual matters may be pointed out to the planning officer who will communicate it to the Planning Committee.
- 6 Local Ward Members will also be notified of the site visit. Ward Members should be aware that they are also allowed to make representations to Planning Committee Members at the discretion of the Chair during the site visit. If a Ward Member wishes to raise a matters of fact, they should bring it to the attention of the planning officer who will then communicate it to the Planning Committee
- 7 The visit will follow a structured format as follows:-
  - If the applicant, owner or agent (“the applicant”) is present, the Chair and planning officer will introduce themselves and thank them for the right to enter their land, the Chair or officer will remind the people attending the site visit of this Code of Practice
  - The Chair will call the site visit to order and will ask the planning officer in attendance to summarise; the application, site history, features of the site, any other relevant matters

- The officer will also explain to all those attending the site visit that :
  - (a) the purpose of the site visit is to enable the Planning Committee Members to see the site to enable them to consider and determine the planning application;
  - (b) the visit is not the opportunity for interested parties to lobby any Council member to support or oppose the application;
  - (c) if there are matters of fact, that have not been indicated by the planning officer, or if an interested party would like the Members to consider the site from a particular position they should communicate this to the planning officer who will then bring this to the attention of the Planning Committee;
  - (d) interested parties should put any representations in writing to the Development Control Section of Regulatory Services prior to the application being considered at the Planning Committee Meeting;
  - (e) interested parties may discuss the matter with Local Ward Members prior to the Committee Meeting at which the application is to be considered, and be informed that the names, addresses and telephone numbers of Local Ward Members are available.
  
- At no time during the site visit will the applicant, or any member of the public be allowed to address or question Members of the Planning Committee. Only the Chair or an officer may address the applicant for clarification of matters of fact. Other Members should not address comments to the applicant or other interested parties.
  
- At no time will Planning Committee Members debate the merit(s) of the application, and no decision will be made.
  
- No hospitality will be accepted during the course of the site visit.
  
- The Chair/ officer will close the site visit and if appropriate thank the applicant again for the right to enter the land and for any other assistance.
  
- No formal notes will be made at the site visit. An officer will orally update Planning Committee at the Committee Meeting on any new findings or further developments when it next meets to consider the application.

## PART 6 - MEMBERS' SCHEDULE OF REMUNERATION 2018 - 2019

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### Introduction

This Scheme is made under the Local Government (Wales) Measure 2011 (“the Measure”) with regard to Independent Remuneration Panel for Wales (IRPW) Regulations which apply to payments made to members and co-opted members of local authorities.

#### 1. Basic Salary

- 1.1 A Basic Salary shall be paid to each elected Member of the Authority.
- 1.2 In accordance with the Regulations, the rate of the Basic Salary shall be reviewed annually as determined by the Independent Remuneration Panel for Wales.
- 1.3 Where the term of office of a Member begins or ends other than at the beginning or end of a year, his/her entitlement to the Basic Salary will be pro-rata.
- 1.4 No more than one Basic Salary is payable to a Member of the Authority.

#### 2. Senior Salaries & Civic Salaries

- 2.1 Members occupying specific posts shall be paid a Senior Salary as set out in **Schedule 1**.
- 2.2 In accordance with the Regulations, the rates of Senior Salaries and Civic Salaries shall be reviewed annually as determined by the Annual or Supplementary Report of the Independent Remuneration Panel for Wales.
- 2.3 Only one Senior Salary or Civic Salary is payable to a Member of the Authority.
- 2.4 A Member of the Authority cannot be paid a Senior Salary and a Civic Salary.
- 2.5 All Senior and Civic Salaries are paid inclusive of Basic Salary.
- 2.6 A Senior Salary may not be paid to more than the number of members specified by the Independent Remuneration Panel for Wales in its Annual Report and cannot exceed fifty percent of the total membership of the authority, except to include a temporary Senior Salary office holder providing temporary cover for the family absence of the appointed office holder.
- 2.7 A Member of the Authority in receipt of a Band 1 or 2 Senior Salary (i.e. Leader, Deputy Leader and Cabinet Members) **cannot** receive a salary from any National Park Authority (NPA) or Fire and Rescue Authority (FRA) for which he/she has been nominated.
- 2.8 Where the term of Senior Salary or Civic Salary of a Member begins or ends other than at the beginning or end of a year, his/her entitlement to the Salary will be pro-rata.

#### 3. Election to Forgo Entitlement to salaries, allowances or fees

- 3.1 A Member may, by notice in writing delivered to the Monitoring Officer, personally elect to forgo any part of his/her entitlement to any salary, allowance or fee payable under this Scheme from the date set out in the notice.

#### 4. Suspension of a Member

- 4.1 Where a Member of the Authority is suspended or partially suspended from his or her responsibilities or duties as a Member of the Authority in accordance with Part III of the Local Government Act 2000 (Conduct of Members), or regulations made under the Act, the part of

the Basic Salary payable to him/her in respect of that period for which he or she is suspended will be withheld by the Authority (Section 155 (1) of the Measure).

- 4.2 Where a Member in receipt of a Senior Salary is suspended or partially suspended from being a Member of the Authority in accordance with Part III of the Local Government Act 2000 (Conduct of Members), or regulations made under the Act, the Authority must not make payments of the Member's Senior Salary for the duration of the suspension (Section 155 (1) of the Measure). If the partial suspension relates only to the specific responsibility element of the payment, the member may retain the Basic Salary.

## **5. Repayment of salaries, allowances or fees**

- 5.1 Where payment of any salary, allowance or fee has been made to a Member of the Authority or Co-opted Member in respect of any period during which the Member concerned:
- (a) is suspended or partially suspended from that Member's/Co-opted Member's duties or responsibilities in accordance with Part 3 of the 2000 Act or regulations made under that Act;
  - (b) ceases to be a Member of the Authority or Co-opted Member; or
  - (c) is in any other way not entitled to receive a salary, allowance or fee in respect of that period,

The Authority will require that such part of the salary, allowance or fee as relates to any such period be repaid.

## **6. Payments**

- 6.1 Payments of all salaries, allowances or fees will be made by the Council's Payroll team by BACS transfer in instalments of one-twelfth of the Member's annual entitlement usually on the 15<sup>th</sup> of each month.
- 6.2 Where payment has resulted in a Member receiving more than his/her entitlement to salaries, allowances or fees the Authority will require that such part that is overpayment be repaid.
- 6.3 All payments are subject to the appropriate tax and National Insurance deductions.

## **7. Reimbursement of Costs of Care**

- 7.1 Care Allowance shall be paid to a Member or Co-opted Member for the reimbursement of necessary costs for the care of dependent children and adults, and for personal assistance needs, provided the Member incurs expenses in the provision of such care whilst undertaking 'approved' council duties.
- 7.2 Care Allowance applies in respect of children who are aged 15 or under and other persons for whom the Member or Co-opted Member can show that care is required. If a Member or Co-opted Member has more than one dependent the Member may claim more than one allowance, provided the Member can demonstrate a need to make separate arrangements for care.
- 7.3 Eligible Members may claim Care Allowance for actual and receipted costs up to a maximum amount not exceeding that determined by the Independent Remuneration Panel as set out in **Schedule 1**. All claims for Care Allowance should be made in writing to Democratic Services detailing times, dates and reasons for claim. Receipts are required for both informal and formal care arrangements.

## **8. Family Absence**

- 8.1 Members are entitled under the provisions of the Family Absence for Members of Local Authorities (Wales) Regulations 2013 to a period of family absence, during which if they satisfy the prescribed conditions they are entitled to be absent from authority meetings.
- 8.2 When taking family absence Members are entitled to retain a basic salary irrespective of their attendance record immediately preceding the commencement of the family absence.
- 8.3 Should a senior salary holder be eligible for family absence they will be able to continue to receive their senior salary for the duration of the absence.
- 8.4 If the authority agrees that it is necessary to make a substitute appointment to cover the family absence of a senior salary holder the Member substituting will be eligible if the authority so decides to be paid a senior salary.
- 8.5 If the paid substitution results in the authority exceeding its maximum number of senior salaries, an addition to the maximum will be allowed for the duration of the substitution.

## **9. Co-optees' payments**

- 9.1 A Co-optees' daily fee (with a provision for half day payments) shall be paid to Co-optees, provided they are statutory Co-optees with voting rights.
- 9.2 Co-optees' payments will be capped at a maximum of the equivalent of 10 full days a year for each committee to which an individual may be co-opted.
- 9.3 Payments will take into consideration travelling time to and from the place of the meeting, reasonable time for pre meeting preparation and length of meeting (up to the maximum of the daily rate).
- 9.4 The Monitoring Officer is designated as the "appropriate officer" and will determine preparation time, travelling time and length of meeting, the fee will be paid on the basis of this determination.
- 9.5 The Monitoring Officer can determine in advance whether a meeting is programmed for a full day and the fee will be paid on the basis of this determination even if the meeting finishes before four hours has elapsed.
- 9.6 A half day meeting is defined as up to 4 hours.
- 9.7 A full day meeting is defined as over 4 hours.
- 9.8 The daily and half day fee for the Chairpersons of the Standards Committee and Audit Committee, as determined by the Independent Remuneration Panel, is set out in **Schedule 1**.
- 9.9 The daily and half day fee for other statutory Co-optees with voting rights, as determined by the Independent Remuneration Panel, is set out in **Schedule 1**.

## **10. Travel and Subsistence Allowances**

### **10.1 General Principles**

- 10.2 Members and Co-opted Members may claim travelling expenses when travelling on the Authority's business for 'approved duties' as set out in **Schedule 2**. Where Members travel on the Authority's business they are expected to travel by the most cost effective means. In assessing cost effectiveness regard will be given to journey time. A Member who does not travel by the most cost effective means may have his/her claim abated by an appropriate amount.
- 10.3 Where possible Members should share transport.
- 10.4 The distance claimed for mileage should be the shortest reasonable journey by road from the point of departure to the point at which the duty is performed, and similarly from the duty point to the place of return.
- 10.5 The rates of Members' travel and subsistence allowances are set out in **Schedule 3** and are subject to annual review by the Independent Remuneration Panel for Wales.
- 10.6 Where a Member is suspended or partially suspended from his or her responsibilities or duties as a Member of the Authority in accordance with Part III of the Local Government Act 2000 (Conduct of Members), or regulations made under the Act, any travel and subsistence allowances payable to him/her in respect of that period for which he or she is suspended or partially suspended must be withheld by the Authority.

### **11. Travel by Private Vehicle**

- 11.1 The Independent Remuneration Panel for Wales has determined that the maximum travel rates payable should be the rates set out by Her Majesty's Revenue & Customs for the use of private cars, motor cycles and pedal cycles plus any passenger supplement.
- 11.2 The mileage rates for private vehicles as determined by the Independent Remuneration Panel for Wales are set out in **Schedule 3**.
- 11.3 Where a Member makes use of his/her private vehicle for approved duty purposes, the vehicle must be insured for business use. Proof of appropriate insurance must be provided to the Authority on request.

### **12. Travel by Public Transport**

#### **12.1 Rail/Coach Travel**

Unless otherwise authorised rail tickets will be second-class.

Democratic Services or Cabinet Support Office, as applicable, will usually purchase requisite rail and coach tickets for Members in advance of journeys. In the unlikely event that a Member needs to purchase a ticket directly, payment will be reimbursed upon production of the used ticket and/or a receipt.

#### **12.2 Taxi Fares**

Taxi fares will only be reimbursed where their use has been authorised for cases of urgency, where no public transport is reasonably available, or a Member has a particular personal need. Re-imburement will be upon receipt only.

### 12.3 **Air Fares**

Unless otherwise authorised flight tickets will be budget or economy class. Discounted flight tickets will be purchased well in advance wherever possible in order to reduce costs.

Travel by air is permissible if it is the most cost effective means of transport. Authorisation of the Monitoring Officer is required and tickets will usually be purchased by Democratic Services or Cabinet Support Office, as applicable.

### 12.4 **Travel Abroad**

Travel abroad on the Authority's business will only be permitted where authorised by the Monitoring Officer. Democratic Services or Cabinet Support Office, as applicable, will usually arrange travel and accommodation.

### 12.5 **Other Travel Expenses**

Members will be entitled to reimbursement of toll fees, parking fees, overnight garaging and other necessary travel associated expenses. Re-imbusement will be upon receipt only.

## 13. **Overnight Accommodation**

13.1 Overnight stays will only be permitted where the Authority's business extends to two days or more, or the venue is at such a distance that early morning or late night travel would be unreasonable. All overnight stays must receive prior authorisation from the Monitoring Officer.

13.2 Overnight accommodation will usually be booked by Democratic Services or Cabinet Support Office, as applicable. Wherever possible the overnight accommodation will be pre-paid or invoiced.

13.3 Direct booking of overnight accommodation by a Member will only be permitted in the event of an emergency. Reimbursement will only be made upon the production of a receipt and will be at a level deemed reasonable and not in excess of the rates set out in **Schedule 3**.

## 14. **Subsistence Allowance**

14.1 The day subsistence rate to meet the costs of meals and refreshments in connection with approved duties (including breakfast when not provided as part of overnight accommodation) is set out in **Schedule 3**. The maximum daily rate covers a 24 hour period and can be claimed for any meal that is relevant, providing such a claim is supported by receipt(s).

14.2 No provision is made for subsistence claims within the Council's administrative boundaries.

## 15. **Claims and Payments**

15.1 A claim for travel and subsistence allowances must be made **in writing by the 1<sup>st</sup> day of each month** or the previous working day if falling on a Saturday or Sunday or Bank Holiday and **must** be accompanied by the relevant receipts. Claims **must** be made within 3 months of the event and within the relevant accounting year (i.e. by 4 April every year).

15.3 Allowances will be paid by the Council's Payroll team by BACS transfer.

## 16. **Pensions**

16.1 The Authority shall enable its Members who are eligible to join the Local Government Pension Scheme.

## **17. Compliance**

- 17.1 In accordance with the Regulations, the Authority must comply with the requirements of the Panel in respect of the monitoring and publication of payments made to members and co-opted members as set out in **Schedule 4**.

**Members are reminded that expense claims are subject to both internal and external audit.**



**SCHEDULE 1**

**SCHEDULE OF REMUNERATION 2018 – 2019**

<b>MEMBERS ENTITLED TO BASIC SALARY</b>			<b>ANNUAL AMOUNT OF BASIC SALARY</b>
The following named Elected Members of the Authority receive the Basic Salary:			£13,600
Cllr Ali Ahmed	Cllr Susan Goddard	Cllr Linda Morgan	
Cllr Ashgar Ali	Cllr Iona Gordon	Cllr Jim Murphy	
Cllr Dilwar Ali	Cllr Jane Henshaw	Cllr Daniel Naughton	
Cllr Phil Bale	Cllr Gavin Hill-John	Cllr Oliver Owen	
Cllr Rodney Berman	Cllr Philippa Hill-John	Cllr Thomas Parkhill	
Cllr Fenella Bowden	Cllr Lyn Hudson	Cllr Jackie Parry	
Cllr Bernie Bowen-Thomson	Cllr Frank Jacobsen	Cllr Keith Parry	
Cllr Jennifer Burke-Davies	Cllr Shaun Jenkins	Cllr Mike Phillips	
Cllr Joe Carter	Cllr Owen Jones	Cllr Emma Sandrey	
Cllr Wendy Congreve	Cllr Michael Jones-Pritchard	Cllr Abdul Sattar	
Cllr Jayne Cowan	Cllr Heather Joyce	Cllr Elaine Simmons	
Cllr Stephen Cunnah	Cllr Kathryn Kelloway	Cllr Kanaya Singh	
Cllr Tim Davies	Cllr John Lancaster	Cllr Ed Stubbs	
Cllr Dan De'Ath	Cllr Christopher Lay	Cllr Rhys Taylor	
Cllr Bob Derbyshire	Cllr Susan Lent	Cllr Graham Thomas	
Cllr Sean Driscoll	Cllr Ashley Lister	Cllr Joel Williams	
Cllr Saeed Ebrahim	Cllr Neil McEvoy	Cllr Peter Wong	
Cllr Lisa Ford	Cllr Bablin Molik	Cllr Ashley Wood	

	<b>SENIOR SALARY ENTITLEMENTS (includes Basic Salary)</b>		<b>ANNUAL AMOUNT OF SENIOR SALARY</b>
	<b>ROLE</b>	<b>MEMBER</b>	
1.	Leader	Cllr Huw Thomas	£53,300
2.	Deputy Leader & Cabinet Member for Education, Employment and Skills	Cllr Sarah Merry	£37,300
3.	Cabinet Member for Children and Families	Cllr Graham Hinchey	£32,300
4.	Cabinet Member for Clean Streets, Recycling and Environment	Cllr Michael Michael	£32,300
5.	Cabinet Member for Culture and Leisure	Cllr Peter Bradbury	£32,300
6.	Cabinet Member for Finance, Modernisation and Performance	Cllr Christopher Weaver	£32,300
7.	Cabinet Member for Housing and Communities	Cllr Lynda Thorne	£32,300
8.	Cabinet Member for Investment and Development	Cllr Russell Goodway	£32,300

9.	Cabinet Member for Social Care, Health and Well-being	Cllr Susan Elsmore	£32,300
10.	Cabinet Member for Strategic Planning and Transport	Cllr Caro Wild	£32,300
11.	Chairperson of Children and Young People Scrutiny Committee	Cllr Lee Bridgeman	£22,300
12.	Chairperson of Community and Adult Services Scrutiny Committee	Cllr Mary McGarry	£22,300
13.	Chairperson of Economy and Culture Scrutiny Committee	Cllr Nigel Howells	£22,300
14.	Chairperson of Environmental Scrutiny Committee	Cllr Ramesh Patel	£22,300
15.	Chairperson of Policy Review and Performance Scrutiny Committee	Cllr David Walker	£22,300
16.	Chairperson of Planning Committee	Cllr Keith Jones	£22,300
17.	Chairperson of Licensing & Public Protection Committees	Cllr Norma Mackie	£22,300
18.	Leader of the Largest Opposition Group (Conservative Group)	Cllr Adrian Robson	£22,300
19.	Leader of the Liberal Democrat Group	Cllr Joe Boyle	£17,300

*A maximum of 19 senior salaries for Cardiff Council may be paid and this has not been exceeded.*

<b>ENTITLEMENT TO CIVIC SALARIES (includes Basic Salary)</b>		<b>ANNUAL AMOUNT OF CIVIC SALARY</b>
<b>ROLE</b>	<b>MEMBER</b>	
Civic Head (Mayor / Chair)	Cllr Dianne Rees	£24,300
Deputy Civic Head (Deputy Mayor / Chair)	Cllr Rod McKerlich	£18,300

<b>ENTITLEMENT AS STATUTORY CO-OPTees</b>		<b>AMOUNT OF CO-OPTees ALLOWANCES</b>
<b>ROLE</b>	<b>MEMBER</b>	
Chairperson of Standards & Ethics Committee	Richard Tebboth	£256 Daily Fee £128 ½ Day Fee
Chairperson of Audit Committee	Ian Arundale	£256 Daily Fee £128 ½ Day Fee
Statutory Co-optees – ordinary members:		
Audit Committee	<ul style="list-style-type: none"> <li>• Gavin MacArthur</li> <li>• David Price</li> <li>• David Hugh Thomas</li> </ul>	
Children & Young People Scrutiny Committee	<ul style="list-style-type: none"> <li>• Patricia Arlotte</li> <li>• Carol Cobert</li> <li>• Karen Dell'Armi</li> <li>• Hayley Smith</li> </ul>	£198 Daily Fee £99 ½ Day Fee
Standards & Ethics Committee	<ul style="list-style-type: none"> <li>• Dr James Downe</li> <li>• Hollie Edwards-Davies</li> <li>• Lizz Roe</li> <li>• David Hugh Thomas</li> <li>• Community Councillor Stuart Thomas</li> </ul>	

<b>MEMBERS ELIGIBLE TO RECEIVE CARE ALLOWANCE</b>	
All Members	Up to a maximum of £403 per month

## **SCHEDULE 2**

### **Approved duties:**

- attendance at a meeting of the Authority or of any committee of the Authority or of any body to which the Authority makes appointments or nominations or of any committee of such a body;
- attendance at a meeting of any association of authorities of which the Authority is a member;
- attendance at any other meeting the holding of which is authorised by the Authority or by a committee of the Authority or by a joint committee of the Authority and one or more other Authorities;
- a duty undertaken for the purpose of or in connection with the discharge of the functions of Cabinet;
- a duty undertaken in pursuance of a standing order which requires a Member or Members to be present when tender documents are opened;
- a duty undertaken in connection with the discharge of any function of the Authority which empowers or requires the Authority to inspect or authorise the inspection of premises;
- attendance at any training or developmental event approved by the Authority or its Cabinet.

## **SCHEDULE 3**

### **Mileage Rates**

All sizes of private motor vehicle Up to 10,000 miles Over 10,000 miles	45 pence per mile 25 pence per mile
Private Motor Cycles Pedal Cycles	24 pence per mile 20 pence per mile
Passenger supplement	5 pence per passenger per mile

### **Subsistence Allowance**

The day subsistence rate is up to a maximum of £28 and covers a 24 hour period and can be claimed for any meal if relevant provided such a claim is supported by receipts.

Re-imbursment of alcoholic drinks is not permitted.

### **Overnight Stay**

The maximum allowances for an overnight stay are £200 for London and £95 for elsewhere.

A maximum of £30 is available for an overnight stay with friends or relatives whilst on approved duty.

## **SCHEDULE 4**

### **Compliance**

- The authority will arrange for the publication on the council's website the total sum paid by it to each member and co-opted member in respect of salary, allowances, fees and reimbursements not later than 30 September following the close of the year to which it relates. In the interests of transparency this will include remuneration from all public service appointments held by elected members.
- The authority will publish on the council's website a statement of the basic responsibility of a councillor and role descriptors for senior salary office holders, which clearly identify the duties expected.
- The authority will publish on the council's website the annual schedule of Member Remuneration not later than 31 July of the year to which the schedule refers.
- The authority will send a copy of the schedule to the Independent Remuneration Panel not later than 31 July of the year to which the schedule refers.
- The authority will maintain records of member/co-opted members' attendance at meetings of council, cabinet and committees for which a member/co-opted member may submit a claim for travel allowance and/or co-optees' fee.
- The authority will arrange for the publication on the council's website of annual reports prepared by members.
- When the authority agrees a paid substitution for family absence it will notify the Independent Remuneration Panel within 14 days of the date of the decision of the details including the particular post and the duration of the substitution.

Mae'r dudalen hon yn cael ei adael yn wag yn fwriadol

**CARDIFF COUNCIL**  
**TIER 1 – SENIOR MANAGEMENT CHART**  
**AS AT 1<sup>ST</sup> MAY 2018**

**Paul Orders**  
Chief Executive

**Sarah McGill**  
Corporate Director  
of People &  
Communities

**VACANT**  
Director of  
Social  
Services

**Neil Hanratty**  
Director of  
Economic  
Development

**Nick Batchelar**  
Director of  
Education &  
Lifelong Learning

**Andrew Gregory**  
Director of  
Planning,  
Transport &  
Environment

**Christine Salter #**  
Corporate Director  
of Resources  
(Section 151  
Officer)

**Isabelle Bignall**  
Chief Digital  
Officer

**Davina Fiore\***  
Director of  
Governance &  
Legal Services  
(Monitoring Officer)

**# Section 151 Officer**

**\* Monitoring Officer**

Tudalen 411

Mae'r dudalen hon yn cael ei adael yn wag yn fwiadol