



Pontypool Community Council
Cyngor Cymuned **Pont-Y-Pŵl**

PONTYPOOL COMMUNITY COUNCIL

**To be agreed at Full Council on 24th April 2024 and
for final presentation to the Annual Meeting on
15th May 2024.**

CONSTITUTION

This document was prepared and approved in March 2024 and was amended (with regard to delegations to the Clerk in March 2024 and May 2025).

It should be reviewed during 2026/27.

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SECTION 1

INTRODUCTION

This constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that its decision making is accountable, open and transparent. At the heart of this document is the Council's Standing Orders and Financial Regulations.

The constitution sets out:

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

BACKGROUND PROFILE AND STATUS

Pontypool Community Council was established in 1985, being the last area of the Torfaen Borough Council to be parished. It was established with the same boundaries as the former Pontypool Urban District Council. Parliament has given the Council power to raise and spend money – a power shared by other local authorities. The responsibility for overseeing this sector of local government now rests with the Welsh Government

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

The Council is situated in the Torfaen County Borough Council area with Blaenavon to the north and Cwmbiran to the south. It is one of 6 Community and Town Councils serving the County Borough area.

The Council consists of 21 elected members representing fifteen electoral wards comprising Abersychan and Cwmavon, Brynwern, Cwmynyscoy, Garndiffaith and Varteg, Griffithstown East, Griffithstown West, New Inn Lower, New Inn Upper, Pontnewynydd, Sebastopol East, Sebastopol West, Snatchwood, St. Cadocs and Penygarn, Trevethin and Wainfelin. The members individually contribute to the work of the whole Council by:

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

Members are elected to office and normally serve on the Council for a term of five years.

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

Law determines what the Council must do (its duties), what it can choose to do (its powers) and what it cannot do. Law empowers the Council to act; it underpins its procedures and finances and governs relationships with other local bodies, groups and organisations that the Council chooses to work with in the community. It is illegal for the Council to spend money if it has no statutory power to act.

There has to be a specific power “to do” by statute and as such the functions of the council are controlled by Acts of Parliament. The Welsh Local Government Measure 2011 extended the Power of Wellbeing to Community and Town Councils. This had benefits for the Community that it serves and meant that the Council no longer had to rely on s.137 Local Government Act 1972.

The power of well-being (deriving from the Local Government Act 2000) disappeared on 5 May 2022. It was replaced by the General Power of Competence (the “GPOC”) (derived from the Local Government and Elections (Wales) Act 2021). The Council needed to decide (in 2022 or later) that it is eligible to exercise the GPOC, when it can demonstrate that it meets the necessary criteria. Pontypool Community Council at its January 2024 Council meeting held on the 25th January 2024 passed a resolution to exercise the GPOC on the grounds that it met all three conditions as outlined in the Local Government and Elections (Wales) Act 2021. (attached).

DECISION MAKING AND THE DELEGATION OF POWERS

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

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

CONDUCTING BUSINESS

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

The Council has appointed standing committees (committees which meet on an on-going basis). These committees and their remits and powers may be changed at an annual meeting of the Council (or at another meeting of the Council). Currently some of its duties are discharged via delegated powers so that the committees may make decisions on the Council's behalf. However, where a committee has no delegated power to make a decision on behalf of the Council when exercising specific functional responsibilities, it will instead make 'recommendations' to the Council as opposed to passing 'resolutions'.

The Council's standing committees meet at 6.30 pm (unless stated otherwise) on a monthly cycle as follows:

Establishment Committee	The first Wednesday of every other Month (5.30 pm) (5 times a year)
Finance, Governance and Policy Committee	The first Wednesday of the month (6.30 pm) With the exception of May, August and December
Events	The second Wednesday of every other month (5.30 pm) prior to Planning & Environment.
Planning & Environment Committee	The second Wednesday of the month following on from Events Committee (6.30 pm)
Full Council	The fourth Wednesday of the month except August when there is no meeting and the second or third Wednesday of December (6.30 pm) unless agreed otherwise.

There are no Committees in May, August and December

MEETINGS AND PROCEDURE OF THE COUNCIL

GENERAL

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

NOTICE OF MEETINGS

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

DECISIONS

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

MINUTES

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

ADMISSION TO MEETINGS

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

PUBLIC PARTICIPATION

- 1.11 Section 48 of the Local Government and Elections (Wales) Act 2021 Act makes provision for public participation at full community council meetings or those part of meetings which are open to the public. The person presiding over the meeting must give members of the public in attendance a reasonable opportunity to make representations about any business to be discussed at the meeting, unless doing so is likely to prejudice the effective conduct of the meeting. This does not mean that members of the public can take part in debate, but they must be given a reasonable opportunity to make representations about business to be discussed.

SECTION 2

THE COUNCIL'S STANDING ORDERS

SEE SEPARATE DOCUMENT.

THE STANDING ORDERS WERE AMENDED AND ADOPTED BY THE COUNCIL ON 28th FEBRUARY 2024 TO REFLECT THE RELEVANT NEW PROVISIONS OF THE LOCAL GOVERNMENT AND ELECTIONS (WALES) ACT 2021

SECTION 3

ROLE AND DUTIES OF CHAIRMAN OF COUNCIL

The word 'Chairman' means the person actually presiding at a meeting and 'Council' includes 'committees', where any function has been delegated. The word 'Chairman' comes from relevant legislation and is the official word used to describe the person presiding at meetings of the Council or committees. In practice, the word 'Chair' is normally used by Pontypool Community Council instead of the word 'Chairman' as a Chair may be male or female, or identify themselves as gender neutral. Legislation generally refers to 'they'.

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

1. Protect the Council against outside interference;
2. Ensure that everything to be discussed is lawful;
3. Ensure that the Council is invited to deal with clear issues;
4. Ensure that as far as possible information is complete;
5. Ensure that opinions expressed are relevant to the matter in hand;
6. Ensure that the business is transacted with reasonable speed;
7. Ensure as far as possible that proceedings are friendly and free from personalities;
8. Co-operate with the officers and councillors;
9. Decide all matters of protocol, decorum, order, competency and relevancy.
10. Determine all matters of procedure for which no provision is made within Standing Orders, in reaching which determination they may be advised by the proper officer;
11. Decide priority between two or more Members wishing to speak but with deference at all times to be paid to the authority and position of the Leader of the Council. When the Leader indicates a wish to speak, the Chairman will invite the incumbent to address the meeting before inviting other Members to address the meeting;

12. Ensure that a fair opportunity is given to all Members to express their views on any item of business in accordance with the terms of Standing Orders;
13. Preserve order in the meeting;
14. Order the exclusion of any member of the public, in order to prevent or suppress disorderly conduct or other misbehaviour which impedes or is, in his opinion, impeding the business of the meeting;
15. In the event of disorder arising, adjourn the meeting to a time and date they will fix then or later having been advised by the proper officer if appropriate, and in leaving the Chair in such circumstances this will, without further procedure, have the effect of a formal adjournment of the meeting;
16. Sign the Minutes of the previous meeting, adjusted in accordance with any amendment approved by the Council. Such amendment relating to accuracy only;
17. Preside over questions relating to Standing Orders and in reaching any decisions they may be advised by the proper officer;
18. Ensure the meeting observes Standing Orders with it being the duty of the proper officer their authorised representative to call the attention of the Chairman to any breach of Standing Orders;

The authority of the Chairman is limited to matters of procedure and neither increases or decreases their right (in comparison with other Members) to discuss the merits of a particular case or item of business. While the Chair gives their on matters of procedure, it confers no rights (other than the casting vote) on matters of policy which are not possessed by other Members.

SECTION 4

SELECTION PROCESS AND ROLE OF THE LEADER OF COUNCIL

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

10. To support the Clerk's continuous development and ensure alignment of priorities set by Full Council resolutions, the Chair of the Council and the Chair of the Establishment Committee will hold a monthly feedback session with the Clerk.

SECTION 5

1. COMPOSITION OF COMMITTEES

1.1 Representation on Committees/Advisory groups will be as follows:

Full Council	Finance, Governance and Policy	Planning and Environment	Events	Establishment	Biodiversity Sub Committee
21	12	12	12	10	8
	including	including	including	including	Including
	Chairman &	Chairman &	Chairman &	Chairman &	Chairman
	Leader	Leader	Leader	Leader	Leader
	(Ex-officio)	(Ex-officio)	(Ex-officio)		(Ex-officio)
Quorum: 7	Quorum: 4	Quorum: 4	Quorum: 4	Quorum: 4	n/a

1.2 The Chairman of Council and Leader shall sit on all the above committees in an ex-officio capacity, with the exception of Council where all 21 members sit on including Chair and Leader.

1.3 The Establishment Committee will usually comprise of the Chairman and Vice Chairman of the other committees plus two others to include the Vice Chairman of the Council if not otherwise nominated.

1.4 A Disciplinary and an Appeals panel (3 members each) will be set up from members not on the Establishment committee.

2. CYCLE OF MEETINGS

2.1 Committee meetings will be held cyclically as follows:-

- (a) Policy and Finance Committee shall be held on the first Wednesday of each month (excluding May, August and December)

- (b) Events Committee shall be held bi-monthly on the second Wednesday of each month prior to the Planning & Environment committee.
- (c) Planning & Environment Committee shall be held on the second Wednesday of each month.
- (d) Establishment Committee shall be held bi-monthly on the first Wednesday of the month prior to the Policy and Finance committee (January, March, June, September and November)
- (e) Biodiversity sub committee shall be held up to 4 times per year or more (if requested).

No Committee meetings are held in May, August or December.

- 2.2 Additional meetings may be called by the Chair of the Council (committees) as necessary, provided that the required notice is given.

TERMS OF REFERENCE

The Terms of Reference of committees are as follows:-

1. FINANCE, GOVERNANCE & POLICY COMMITTEE

- 1.1 To determine the financial resources required by the Community Council to enable it to fulfil its statutory obligations and provide services for the wellbeing of its community, namely:
- a) Preparing the annual revenue budget and making recommendations to Council for the precept required.
 - b) Approving other committee revenue estimates
 - c) Preparing, if appropriate, a capital budget
 - d) Deciding upon borrowing requirements, establishing reserve funds and investments and overseeing the council's banking arrangements.
 - e) Approving the Council's charging policy for services.
- 1.2 To monitor the effectiveness and adequacy of the system of internal financial control by:
- a) Ensuring financial Standing Orders are being followed
 - b) Ensuring a sound system of internal audit is operational on receipt of the annual report
 - c) Monitoring income and expenditure with the annual budget

- d) Ensuring that books of accounts are being properly maintained, and are up to date with best practice
 - e) Authorising the writing off of bad debts and other items in accordance with approved financial regulations.
 - f) Ensuring that bank reconciliations are undertaken regularly.
 - g) Ensuring compliance with financial instructions
- 1.3 To approve financial transactions of both receipts and payments, bank transfers etc.
- 1.4 To identify and manage business risks which may prevent the Council achieving its aims and objectives.
- 1.5 To superintend the finances of the Council in accordance with the law and the Council's Standing Orders and Financial Regulations.
- 1.6 To affect necessary insurance cover on all buildings and property owned by the Council and such other insurances relating to members and officers, and in respect of any other matters as may be necessary.
- 1.7 To receive and approve the Council's annual statement of accounts in accordance with the current Accounts and Audit Regulations, at a Full Council meeting.
- 1.8 To determine applications for financial assistance and financial contributions to outside bodies except as provided elsewhere within these terms of reference; to monitor the effectiveness of the grants and Local Project Funding schemes.
- 1.9 To determine the strategy and operational matters relating to information technology.
- 1.10 To review constitutional issues and make recommendations to the Council.
- 1.11 To consider the implementation of a Strategic Plan for the Council.
- 1.12 To consider recommendations from other committees or working groups on the establishment or amendment to policies within their terms of reference and to recommend to the Council any such proposal
- be approved or not approved; or
 - be varied; or
 - be referred back to the committee by which the matter was submitted for further consideration by that committee.

- 1.13 To deal with corporate or other issues not otherwise within the terms of reference of any other committees.
- 1.14 To monitor the overall effectiveness of the Council's services.
- 1.15 To develop partnerships with other authorities, agencies and organisations for the effective delivery of services and the provision of facilities consistent with the aims, objectives, policies and programmes of the Council.
- 1.16 To determine, review, monitor and oversee the Council's Welsh Language Policy.
- 1.17 To consider any matter relating to the governance of the Council, including but not limited to policies, procedures, standing orders, audit recommendations and the implications of new legislation and national guidance, and report to the Full Council with recommendations where appropriate

2. PLANNING AND ENVIRONMENT COMMITTEE

- 2.1 To consider and respond to the Local Development Plan Framework in matters relating to control and development.
- 2.2 To consider and respond to the Planning Authority in matters relating to statutory structure and local plans.
- 2.3 To consider and respond to the relevant body in respect of highway matters.
- 2.4 To consider and respond to the relevant body in respect of listed buildings and ancient monuments.
- 2.5 To consider and respond to the relevant body in respect of conservation orders and environmental matters.
- 2.6 To consider and respond to the relevant body in respect of tree preservation.
- 2.7 To consider and respond to the relevant body in respect to all environmental issues.
- 2.8 To receive and consider reports and minutes from the Biodiversity Subcommittee and to consider matters relating thereto as necessary.
- 2.9 To receive and consider reports and minutes in relation to the partnerships with Torfaen County Borough Council.

- 2.10 To consider and make recommendations to Council with regard to the provision of play equipment.
- 2.11 To consider the provision of notice boards and benches.
- 2.12 To consider the provision of litter and doggy bins.
- 2.13 To consider the process for awarding of Environmental grants and other related projects.
- 2.14 To manage and monitor the budget of the Committee.

3. EVENTS COMMITTEE

- 3.1 To discuss and make recommendations with regard to the organisation of the following Council events:
 - Inter Schools' Eisteddfod
 - Christmas Cavalcade
 - Poet of Pontypool
 - Chairmans Annual Celebration
 - Twinning activities
 - Art Competitions
 - Photography Competitions
 - Christmas Lights Competition
 - Best Dressed Shop Window Competitions
 - Party in the Park
 - any other events organised by the Council.
- 3.2 To approve the purchase and installation of the Christmas lights and the Christmas trees.
- 3.3 To oversee the awarding of Council testimonials.
- 3.4 To manage and monitor the budget of the Committee.
- 3.5 To input the organisation of the Council's Schools Environmental Quiz.

4. ESTABLISHMENT COMMITTEE

- 4.1 To determine matters relating to human resources and employee planning, organisation structures and staff establishments.
- 4.2 To exercise on behalf of the Council its powers relating to:
 - (a) Recruitment, rates of remuneration, termination of service, education, training, conditions of service, career development and all other similar matters relating to employees and members of the Council.
 - (b) Organisational development reviews and surveys, efficiency reviews, work study, performance indicators, Investors in People, and ISO 9001 Quality Management System accreditations.
 - (c) All matters concerning working conditions, employee services, staff welfare, agreements regarding salaries and wages, sickness and grievance procedures, disciplinary measures, appeals and disputes and consultation with employees and their representatives.
 - (d) All matters relating to Safety at Work, Risk Assessment and Safety policies.
 - (e) The exercise of any discretion in respect of any employee under the Local Government Superannuation Acts and Regulations.
 - (f) All other routine human resource matters within the general policies of the Council.
- 4.3 To manage and monitor the budget of the Committee.
- 4.4 To undertake the annual review of staffing and pay structures.

5. BIODIVERSITY SUB COMMITTEE

- 5.1 To undertake the organisation of the Biodiversity Action Plan
- 5.2 To discuss and consider all matters relating to specific Biodiversity Projects and the Environment, including the Council's Community Wood, and the manner in which the Council can become involved therein.
- 5.3 To manage and monitor the budget of the Sub - Committee.

6. COUNCIL

- 6.1 To approve / confirm minutes of Council and Committees.
- 6.2 To consider correspondence from Welsh Government, local authorities and other bodies in respect of consultative and other documents.
- 6.3 To consider and make recommendations to the Council upon electoral matters; review of local government areas and alterations in boundaries.
- 6.4 To delegate responsibility for certain matters to the Clerk and/or a committee in accordance with s.101 Local Government Act 1972.
- 6.5 To approve the final budget and set the annual precept.
- 6.6 To receive and consider motions from members.
- 6.7 To consider any other matters as directed by the Council and in accord with Standing Orders.
- 6.8 To commit to partnership working with the Unitary Authority, Outside Bodies, One Voice Wales, Welsh Government and Parliament.

SECTION 6

CLERK'S SCHEME OF DELEGATED POWERS

1. INTRODUCTION

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

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

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

- 1.5 The Scheme places an obligation on the Clerk to keep the appropriate member(s) properly informed of decisions made under these delegations.

Where the Clerk makes a significant decision which is based upon a power delegated from the Council, that decision must be retrospectively reported and recorded in the Council Minutes and made available on request to individual councillors and to the public, subject to any limitations on exempt or confidential information.

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

2. GENERAL POWERS

- 2.1 Determination of all matters which are not required to be considered by the Council or which have not been referred to a committee or a sub-committee for determination.

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

3. ADMINISTRATION AND FINANCIAL

- 3.1 To make a major contribution to formulation, development, revision, monitoring and review of the Council's objectives and its strategies for achieving them.
- 3.2 To support initiatives of the Council through research, analysis and to advise the Council accordingly.
- 3.3 To make proposals for revision and amendments to Council policies and procedures where he/she feels these may be beneficial to the area, to the administration of the Council and/or to the correct conduct of Council business.
- 3.4 To be responsible for the safe, secure, convenient and accessible custody of all deeds, plans, records, correspondence and other documents concerning the Council.
- 3.5 To receive and process correspondence and documents on behalf of the Council and to deal expeditiously therewith bringing such items to the attention of the Council or appropriate committee or Chairman as appropriate. To respond on behalf of the Council and as directed to all correspondence. The Clerk shall consult the Leader of Council and the Chairman of Council or the appropriate Committee Chairman when correspondence is received outside the meeting cycle to agree appropriate action, which if left until the next ordinary cycle of meetings would not be properly considered or determined.

- 3.6 To supervise members of staff and to undertake all necessary activities in connection with the management of salaries, conditions of employment and work of other staff. To develop the skills of all employees and to identify training needs and attendance at appropriate training courses. To develop appropriate personnel policies and procedures.
- 3.7 Advise the Council on the development of the offices of Chairman and Vice Chairman of Council and to advise and assist the incumbents in the performance of their duties.
- 3.8 To develop the local profile of the Council and to establish and maintain constructive relationships with other local authorities, local groups, the press and relevant organisations who share the interests of the Council. Furthermore, to represent the Council as required at public meetings and other events and to issue statements and press releases concerning the activities or decisions of the Council.
- 3.9 To undertake statutory and non statutory publicity and consultations.
- 3.10 To work with the Leadership of the council to expedite payments in emergency situations, providing that there is budget available.
- 3.11 To ensure that such payments are approved by Council at the next Council meeting.

4. HEALTH AND SAFETY AT WORK

- 4.1 To be responsible for all matters in relation to Health and Safety at work as defined in the Council's Health and Safety Policy and Arrangements for Implementation.
- 4.2 To undertake Health and Safety measures as determined by the UK or Welsh Government regulations and law in connection with matters such as the Corona Virus and any other Health and Safety concerns.

5. PROPER OFFICER FUNCTIONS

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

The Clerk to the Council is the Proper Officer of the Council and, therefore, is under a statutory duty to carry out all the functions laid down in legislation.

The Assistant/Deputy Clerk can act on behalf of the Clerk as long as they are given plenary powers to do so.

5.2 To serve or issue all the notifications required by law of a local authority's Proper Officer.

(1) To sign summonses to attend Council, Committee and Sub-Committee meetings;

(2) To exclude reports or parts of reports from the right of public inspection;

(3) To receive and retain deposited documents;

(4) To certify documents;

(5) To sign any documents on behalf of the Council relating to land;

(6) To verify signatures of Councillors as the officer authorised under the Council's Standing Orders;

(7) To sign any contractual documents on behalf of the Council relating to any matter subject (as appropriate) to advice about the proposed signing of such document in advance of such signing;

(8) To receive Declarations of Acceptance of Office by Pontypool Community Councillors and Co-opted members.

5.3 The Clerk is also the Line Manager of the Responsible Financial Officer (or may hold this office themselves) and as such has ultimate responsibility for the administration of those affairs in accordance with Section 151 of the Local Government Act 1972 and more specifically as prescribed in the Council's Financial Regulations.

6 LEGAL AGREEMENTS AND CONTRACTS

6.1 To sign or verify Councillor signatures in respect of any contract or legal agreement.

7. EXTERNAL LEGAL ADVICE

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

8. PLANNING MATTERS

8.1 To determine planning applications in the following instances:

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

- 8.1.1 Delegated power is granted on the understanding that at all times, the Chairman of Committee and the local ward members to which the planning applications relate are consulted prior to determination of the application.
 - 8.1.2 As a general rule of thumb, controversial or high profile planning applications promoting large scale or major development proposals are excluded from the scheme of delegation. For the avoidance of doubt large scale or major developments exclude standard planning applications covering proposals such as house extensions, porches, conservatories, garages and erection of signs.
 - 8.1.3 The Clerk is authorised to exercise discretion in determining when to use delegated powers based on the number and type of planning applications received at any given time, in order to further determine whether a committee meeting ought to be convened, provided always that there are no other items of correspondence or matters requiring urgent committee approval or attention and which form part of the committee agenda.
 - 8.1.4 In instances where planning applications have been determined by the Clerk an information report is to be prepared and presented to the next ordinary committee meeting, providing details of the applications in order for there to be a formal record in the Council minutes.
- 8.2 To also determine planning applications in the following instances:
- 8.2.1 All telecommunication planning applications given the strict 21 day consultation deadline imposed by the Planning Authority, when responding to such applications.
 - 8.2.2 The determination of planning correspondence associated with the submission of planning application amendments, where such applications fall outside the normal cycle of committee meetings.
 - 8.2.3 Furthermore, to retrospectively report such applications or matters referred to in 8.2.1 and 8.2.2, to committee as part of the information reporting procedure set out in 8.1.5.

SECTION 7

MEMBER CODE OF CONDUCT

NB SEE SEPARATE DOCUMENT

THE MODEL CODE OF CONDUCT WHICH WAS ISSUED IN ACCORDANCE WITH THE LOCAL GOVERNMENT ACT 2000 s. 51 AND WAS CONTAINED IN THE LOCAL AUTHORITIES (MODEL CODE OF CONDUCT) (WALES) (AMENDMENT) ORDER 2016 IS NOW IN FORCE.

SECTION 8

CODE OF CONDUCT FOR EMPLOYEES

INTRODUCTION

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

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

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

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

1 GENERAL PRINCIPLES

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

2 ACCOUNTABILITY

All employees work and serve the whole of the Authority. You are accountable to, and owe a duty to the Council. You must act in accordance with the principles set out in this Code, recognising the duty of all public sector employees to discharge public functions reasonably and according to the law.

3 POLITICAL NEUTRALITY

Because employees serve the Authority as a whole, you must serve all Councillors equally and not just those of the controlling group. You must ensure

that the individual rights of all Councillors are respected and that you do not compromise your political neutrality.

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

4 RELATIONSHIPS

Employees are responsible to the Council through the Clerk. Mutual respect between employees and councillors is essential to good local government; and working relationships should be kept on a professional basis. Close personal familiarity between employees and individual councillors, especially if an employee's role is to give advice to Councillors, can damage the relationship and prove embarrassing to other employees and councillors. It should therefore be avoided.

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

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

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

5 EQUALITY

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

6 STEWARDSHIP

Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner and in accordance with financial regulations. You

must not utilise property, vehicles or other facilities of the Council for personal use unless authorised to do so.

7 INTELLECTUAL PROPERTY

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

8 CORRUPTION

It is a serious criminal offence for employees corruptly to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity.

9 PERSONAL INTERESTS

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

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

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

10 HOSPITALITY AND GIFTS

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

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

All offers of hospitality should be disclosed to Clerk or in the case of the Clerk to the Chair of Establishment and be recorded. When hospitality has to be declined those making the offer should be courteously but firmly informed of the procedures and standards operating within the Council.

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

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

11 SPONSORSHIP – GIVING AND RECEIVING

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

Where the Council wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to Clerk or in the case of the Clerk to the Chair of Establishment of any such interest. Similarly where the Council through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved. Officers should declare such interests at meetings if applicable.

12 SEPARATION OF ROLES DURING TENDERING

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

Employees should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

13 WHISTLE BLOWING

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

14 TREATMENT OF INFORMATION

Openness in the dissemination of information and decision making should be the norm for the Authority. However, certain information may be confidential or sensitive and therefore not appropriate for a wide audience. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should not be released to anyone other than a Councillor, relevant member of staff or other person who is entitled to receive it, or needs to have access to it for the proper discharge of their functions. Employees shall not disclose confidential information, nor should they use any information obtained in the course of their employment for personal gain or benefit or pass it on to others who you believe might use it in such a way.

Nothing in this Code can be taken as overriding existing statutory or common law obligations to keep certain information confidential, or to divulge certain information.

15 APPOINTMENTS AND OTHER EMPLOYMENT MATTERS

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

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

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

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

16 INVESTIGATIONS BY THE MONITORING OFFICER

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

17 BREACHES OF THE CODE OF CONDUCT

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

SECTION 9

NOTE - A NEW VERSION OF THE PROTOCOL BELOW WAS ISSUED IN 2021 BY ONE VOICE WALES
IT WAS REVIEWED AND PROPOSED TO THE COUNCIL IN 2023: THE BELOW SHOULD BE READ AS AN INTERIM BUT LARGELY STILL RELEVANT STATEMENT:

MEMBER/OFFICER PROTOCOL

1. INTRODUCTION

- 1.1 The purpose of this protocol is to guide members and officers of the Council in their relations with one another in such a way as to ensure the smooth running of the Council and to satisfy the ethical standards required.
- 1.2 Given the variety and complexity of member/officer relationships, this protocol cannot be prescriptive or cover all eventualities. However, it does aim to be instructive and offer guidance on some common issues and provide points of principle that can be applied to other issues that might arise, as well as offering clarification on respective roles and responsibilities.
- 1.3 This protocol is a written statement of current practice and convention. It seeks to promote greater clarity and certainty. Adhering to the protocol should ensure that members receive objective and impartial advice and that officers are protected from accusations of bias and any undue or overbearing influence from members.
- 1.4 This protocol is based on similar agreements made at other Community Councils in the South Wales area.
- 1.5 This protocol also seeks to reflect the principles underlying the respective Codes of Conduct which applies to members and officers. The shared objective of these codes is to enhance and maintain the integrity of local government and the codes, therefore, demand very high standards of personal conduct.
- 1.6 This protocol is a local extension of the Members' Code of Conduct and Employees' Code of Conduct. Consequently, a breach of the provisions of this protocol may also constitute a breach of the respective codes. Accordingly, this protocol should be read in conjunction with the above said documents and any

guidance issued to the Council by the Chief Executive/Monitoring Officer at Torfaen County Borough Council.

- 1.7 For the avoidance of doubt ‘member’ refers to any Councillor of Pontypool Community Council and ‘officer’ refers to any employee of the Council. However, the principles of this protocol also apply to members’ dealings with other people not directly employed by the Council but who are in an employment based relationship with the Council.

2. GENERAL REQUIREMENTS

- 2.1 Whilst both members and officers are public servants and they are indispensable to one another their responsibilities are distinct. Members are responsible to the electorate and serve so long as their term of office lasts. Members are responsible for setting policy. Officers are responsible to the Council. Their job is to give advice and support to members and the Council and to carry out the Council’s work under the direction and control of the Council.
- 2.2 At the heart of this protocol is the importance of mutual respect. Member/officer relationships are to be conducted in a positive and constructive way. It is important that any dealings between members and officers should observe standards of courtesy and that neither party should seek to take unfair advantage of their position or seek to exert undue and overbearing influence on the other party.
- 2.3 Members must respect the impartiality and integrity of all Council officers. Similarly, all officers must respect the role of members as elected representatives.
- 2.4 Inappropriate relationships can be inferred from language/style. To protect both members and officers, officers should address members at all formal meetings through the Chair and or as Councillor X save where circumstances clearly indicate that a level of informality is appropriate. Similarly, when addressing officers at formal meetings of the Council, members should address officers by the post title.

3. ROLE OF MEMBERS

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

- 3.2 It is not the role of members to involve themselves in the day to day management of council services nor is the Council permitted to delegate decision-making to a member or group of members.
- 3.3 A member will usually belong to a particular group or groupings represented on the Council and will support the policies of the group to which they belong and may express political values.
- 3.4 Members may be appointed to outside bodies and the role can vary from representing the views of the Council to acting according to individual judgement.
- 3.5 Members collectively will:
- Determine vision and values and ensure staff commitment;
 - Ensure standards are properly established and monitored;
 - Link services and corporate objectives;
 - Enable local people to resolve problems and issues faced by the community;
 - Ensure community needs are fed into strategy formulation and service provision; and
 - Develop and support community leadership.
- 3.6 Certain members will be selected to serve in the capacity of Leader of Council; Chairman and Vice-Chairman of Council and/or its committees/sub-committees and working groups.

Leader of Council

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

Chairman and Vice Chairman of Council

- 3.8 The positions of Chairman and Vice-Chairman of Council are confirmed at the Annual Meeting following a selection process usually based on qualifying length of service with the Council and a selection framework adopted by the Council. The role and duties of the Chairman of Council are set out in Section 3 of this constitution.
- 3.9 The Chairman of Council also serves in a civic capacity representing the Council at various public engagements and local events. The position is non political and this must be reflected when invitations to functions are accepted.

- 3.10 It is reasonable for the Chairman to be supportive of local business, but the Office should not be used for commercial promotions. The Chairman should not use the position of Office, nor Council officers to by-pass recognised systems of working. Similarly, the Chairman should not use the position of Office to exert undue or overbearing influence on Council officers.
- 3.11 The authority of the Chairman is limited to matters of procedure and neither increases or decreases the Chairman's right (in comparison to other members) to discuss the merits of a particular case or item of business. While the Chair gives the Chairman authority on matters of procedure it confers no rights (other than a casting vote at meetings) on matters of policy which are not possessed by other members.

Committee Chairman and Vice Chairman

- 3.12 Such appointments to the Council's committees, sub-committees and working groups will normally be confirmed at the Council's Annual Meeting as will membership of the committees/sub-committees and working groups which will have been determined by the controlling political group.
- 3.13 To be considered for a committee, Members must submit their committee preferences to the Clerk no later than 5 working days in advance of the Annual General Meeting.

4. THE ROLE OF OFFICERS

- 4.1 Officers of the Council have in broad terms, the following main roles:
- initiating policy proposals;
 - implementing agreed policy, managing and providing the services and being accountable for the efficiency and effectiveness of the services provided;
 - providing professional advice and support to the Council, its various bodies and individual members; and
 - ensuring the Council always acts in a lawful manner.
- 4.2 Officers will seek appropriate guidance on implementation of Council policies if they are unclear about any aspect of those policies.
- 4.3 When giving professional advice to members, officers will recognise the different needs of members especially when members are acting in their capacity as local ward members. Officers are under a duty to help all members and all parts of the Council equally and must take all relevant matters into account when formulating such advice.

- 4.4 Officers must not set policy other than for the smooth running of office procedures and processes and as may have been delegated through Council Standing Orders.
- 4.5 Whilst members may be consulted as part of the process of drawing up proposals for consideration in the agenda of a forthcoming meeting, it must be recognised that the Clerk is under a professional duty to provide and sign the agenda.

5. MEMBER/OFFICER RELATIONS

5.1 Members can expect officers to:

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

5.2 Officers will expect members to:

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

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

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

obstruct the Clerk in the discharge of the individual's responsibilities and must not victimise, bully or harass the individual for discharging those responsibilities.

5.12 The following key principles reflect the way in which officers generally relate to members:

- all officers are employed by and are accountable to the Council;
- support from officers is needed for all of the Council's functions;
- day to day managerial and operational decisions should remain the responsibility of the Clerk and other officers; and
- all officers will be provided with training and development to help them support the various member roles effectively.

5.13 It must be remembered that officers within the Council are accountable to the Clerk and that whilst officers should always seek to assist a member, they must not, in so doing, go beyond the bounds of whatever authority they have been given by the Clerk. (In the case of the Clerk the Chair of Establishment)

5.14 Members must not insist that any officer take any action, or not take action that the officer considers unlawful or illegal, is in direct contradiction of any code or guidance, contrary to the Council's budget or policy framework or which would be likely to amount to maladministration.

5.15 Regular contact between members and senior officers is necessary to ensure the efficient working of the Council and should occur on a planned and reasonable basis in order that it is constructive and not destructive to the ability of officers to perform their duties. Planned appointments, where meetings are needed to further the interests of the Council are the best way of arranging contact between members and officers. This protects the interests of the Council and its employment responsibilities by ensuring that the ability of the officer to carry out the work of the Council is not impeded and to ensure that the officer can set aside an appropriate amount of time to meet with and concentrate on a member or group of members.

6. MEMBER/OFFICER RELATIONSHIPS AT FORMAL MEETINGS

6.1 Members and officers will wish to discuss policy issues and officers will often require political guidance in framing proposals. However, when officers write reports for member decision they have a duty to give the advice dictated by their professional expertise and in accordance with their own professional codes of conduct. In some instances an officer will be under a duty to submit a report on a particular matter. Officers expect to have their professional integrity respected and not to be influenced or required to reduce options, withhold information or make recommendations to the Council they cannot professionally support.

- 6.2 The Clerk or other senior officers will always be responsible for the content of any report submitted in their name. This means that any such report will be amended only where the amendment reflects the professional judgement of the author of the report. Consequently, any issues arising between a member and the Clerk or other senior officer should be resolved informally if possible using appropriate line management, and where appropriate, progressing through relevant Council procedure where more formal resolution becomes necessary.
- 6.3 Reports will always contain a recommendation unless the issue is clearly one where political judgement is required. Reports will always include the report author's job title. Members should raise issues with that officer prior to the meeting if at all possible.
- 6.3 The Chairman and members shall give officers the opportunity to present any report and give any advice they wish to give. Officers' advice must be full and impartial and should include all relevant options to enable a full considered decision of the Council.
- 6.5 Members shall seek the advice of the Clerk where they consider there is a doubt about the legality and powers for a decision and to its reasonableness where they consider a decision might be contrary to Standing Orders and or pre-determined policies of the Council.
- 6.6 Members and officers should be mutually supportive in order to minimise any potential embarrassment to the Council. Criticism of officers should be dealt with in private and by the same token, officers will never be publicly critical of the Council or its policies.
- 6.7 At all times, members and officers should show respect to one another and although members are entitled to question officers at meetings they should avoid personal attacks on officers and ensure that criticism is constructive and well founded. Officers would expect to have the opportunity to explain what could appear to be a performance failure or inconsistency.
- 6.8 Whenever a public meeting is organised to consider a local issue, all the members representing the ward(s) affected should, as a matter of course, be invited to attend the meeting. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the ward members should be informed at the outset of the exercise.
- 6.9 The Council's committee and sub-committee meetings have executive powers and as such are run in a formal manner. They are subject to the Council's rules and procedures which can only be amended or waived by decision of the Council. Members of the relevant body are required to consider and take decisions on the matters falling within the terms of reference of the body on behalf of the Council.

Officers present reports at these meetings, answer questions and provide advice and support and act as record keeper of proceedings by taking the minutes and recording members' declarations of interest.

- 6.10 From time to time the Council will set up working groups or consultative committees. These are more informal bodies and have no executive powers to make decisions. Instead they may make recommendations to the relevant body (Council, Committee or Sub-Committee as the case may be) or may advise an officer to whom delegated power has been given. Officers are more likely to have a participative role, joining in the debate and contributing their own views and comments.
- 6.11 On occasion the Council may be required to run an appeals panel whereby decisions are made and which affect the rights of subjects. There is usually a right for a person affected to appear before or make representations to the body which deliberates on the issues involved and takes a decision within legal guidance provided by officers. Officers who have not previously been involved with the case in question must provide such advice. Some of these bodies must be seen to be operating at arms' length from the original decision-maker on the matter.
- 6.12 The Council is sometimes invited and in some instances has a right to be represented on outside bodies, both statutory and voluntary. The role to be exercised by the representative(s) may be to represent the collective view of the Council or to act according to individual judgement. Members may attend meetings with outside bodies where they may be negotiating or putting forward the Council's views but cannot bind any decision on the Council when acting in such a capacity. Officers may need to attend to provide professional advice to the member representative and may also be asked to provide appropriate briefings. Members should note that declaration of interest requirements apply to their service on outside bodies.

7. OFFICER SUPPORT: MEMBER AND PARTY GROUPS

- 7.1 An officer's duty is to the Council as a whole and not to an individual member, or to a political or other group of members. However, officers may be called upon to provide advice to the majority group or leading members. This should not preclude them offering a similar service to opposition groups.
- 7.2 It is practice for the political groups to give preliminary consideration to matters of Council business in advance of consideration by the relevant Council body. Meetings between the Clerk, Leader of Council and/or group leaders and/or Chairman of Council will be held when appropriate albeit that they have no executive powers.

- 7.3 In all dealings with members, in particular when giving advice to political party groups, officers must demonstrate political impartiality and must not suppress their professional advice in the face of political views.
- 7.4 Any particular cases of difficulty or uncertainty in this area of officer advice to political party groups should be raised with the Clerk who will then discuss them with the relevant group leader.
- 7.5 All members, not just those of the majority group, are entitled to receive confidential, but not covert, support and advice. All members shall be given timely access to information required in their role as councillor and shall have the same rights and obligations in their relationship with officers.
- 7.6 Officers will provide support services to members (e.g. stationery, typing, printing, photo-copying, transport etc.) to assist them in discharging their role as members of the Council. Such support services must only be used on Council business and must never be used in connection with party political business or political campaigning activity.
- 7.7 Officers are neutral and do not serve a political group whereas members might have an affiliation with a particular group. However, members have a responsibility to the Council and its electorate as a whole when making decisions. This does not exclude members and officers from reacting to a political issue where it affects the interests of the electorate in that area.

8. DELEGATED POWERS

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

9. MEMBERS' ACCESS TO INFORMATION AND DOCUMENTS

- 9.1 Members' rights to inspect Council documents are restricted and will not apply to certain items, for example because they relate to individual employees. Officers will provide documents, which are, on the face of it, reasonably necessary to enable members to properly perform their duties for the Council. This is often referred to as the 'need to know' principle. However, members do

not have a roving commission to examine any documents nor access the computers of the Council. Mere curiosity is not sufficient.

- 9.2 A member requesting access to documents should direct their enquiry to the Clerk or other relevant senior officer. Officers will be concerned to furnish members with such information, advice and access to documents which they require for the proper performance of their duties conducted for the Council. If disclosure of a document is in the officer's view either not required or not appropriate, they will inform the member and will give reasons why disclosure would not be appropriate.
- 9.3 In some circumstances, for example, a meeting of the Council or its bodies and a member wishing to inspect documents relating to the business of that meeting, then a member's 'need to know' will normally be presumed. In other circumstances, for example, a member wishing to inspect documents which contain personal information about third parties, then the member will normally be expected to justify the request in specific terms.
- 9.4 Any Council information provided to a member must only be used by the member for the purpose for which it was provided i.e. in connection with the proper performance of the member's duties as a member of the Council, unless the information is already in the public domain.
- 9.5 Members must not disclose information given to them in confidence by anyone without the consent of the person authorised to give it, or unless they are required to do so. Equally, members must not prevent other persons from gaining access to information to which those persons are entitled by law.
- 9.6 To safeguard against possible breaches of the Data Protection Act (which applies to information of a personal nature) members should always seek advice from the Clerk before contemplating disclosing confidential information. Generally, personal information cannot be released without the consent of the person to whom it relates. Improper disclosure of confidential information can put the member and the Council at legal and financial risk.
- 9.7 Any dispute regarding a member's access to a document or information should be referred for resolution using appropriate line management and, where needed, through formal Council procedures.
- 9.8 Members should disclose interests they may have when asking for documents.

10. COMMUNICATIONS AND CORRESPONDENCE

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

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

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

11. PUBLIC RELATIONS AND PRESS RELEASES

- 11.1 The Clerk has overall responsibility for public relations and general press releases about events of the Council. A member of the Council will be appointed as a press officer and the Clerk will liaise with that member regarding the issue of press statements on behalf of the Council. Political and lobby/action group correspondence, press releases and publicity must not be issued at the initiative of a member or officer using the resources of the Council. All official communication will be released via these two persons.

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

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

12. DISPUTES

- 12.1 With goodwill, respect and integrity on both sides, there ought to be very few occasions when a disagreement between an officer and a member cannot be resolved amicably. If there is a serious dispute of substance it should be discussed in the first instance between the member and the Clerk and dealt with using appropriate line management and, where needed, Council procedures.
- 12.2 Most situations ought to be resolved outside the formal route but where this is not possible because of the circumstances then the most common formal routes of action for unresolved disputes and behaviour issues are recourse to disciplinary/grievance procedures (and in some cases employment tribunals) and reports of breach of the Members' Code of Conduct.

- 12.3 Bullying or harassment, of whatever kind, of officers by member(s) is unacceptable. Members should not use their position and knowledge of the Council to place undue pressure on officers to take a different course of action than they would otherwise have done. Officers must be afforded suitable support and protection when they feel that members' expectations are overbearing and unreasonably demanding or in conflict with managerial instruction or Council policy or procedure.
- 12.4 In instances where an officer wishes to raise a grievance for alleged bullying or harassment, reference should be made to the Council's 'Dignity at Work/Bullying and Harassment Policy Statement' for initial guidance. The Council's existing grievance procedure will be used as the framework for dealing with such issues. However, the procedure may need to be varied as appropriate in order to accommodate a grievance being raised against a member(s).
- 12.5 Where a grievance is raised by an officer, depending on its nature and subject to the officer's agreement, it could be pursued as a civic matter in preference to it being pursued strictly as an employment matter. For example, when a grievance is raised against the Chairman of Council. In which case, the issue having been escalated using appropriate line management procedures may ultimately be referred to the Council's Establishment Committee for its consideration.
- 12.6 The Establishment Committee may examine any dispute issues concerning the conduct of the Chairman or Vice Chairman of Council towards an officer. Depending on how serious the issue is the committee may decide it can deal with the matter without referral elsewhere. If this is not possible it may decide to refer it on to the Council for it to determine what action might be appropriate and/or to consider any recommendations made by the committee.
- Alternatively the only recourse then open to the Committee if the grievance is upheld is to refer the matter to the Public Services Ombudsman (Wales) for a potential breach of the Members' Code of Conduct, having sought advice from the Monitoring Officer at Torfaen County Borough Council if need be.
- 12.7 Members have the right to criticise reports or the actions taken by officers but as stated earlier they should always avoid personal attacks on officers and ensure that criticism is constructive and well founded. Members should avoid undermining respect for officers at meetings, or in any public forum. This would be damaging both to effective working relationships and to the public image of the Council. It would also undermine the mutual trust and courtesy that is an essential element of a well run Council.
- 12.8 Complaints about officers, council services or staffing issues will be referred to the Clerk to be dealt with in accordance with Council procedures. The Clerk will arrange for the issue to be investigated using the appropriate line management

procedure available to him/her and will inform the complainant of the outcome and whether any action is to be taken. If action is to be taken it may be necessary to pursue the complaint using the Council's disciplinary procedure. In the case of a complaint against the Clerk this will be dealt with by the Chair of the Establishment Committee.

- 12.9 In the event of action being taken against an officer a member must not attempt to influence the level of disciplinary action to be taken nor insist (nor seem to insist) that an officer is disciplined.
- 12.10 If a member is not satisfied with the outcome then the complaint may be escalated in accordance with Council procedures.
- 12.11 False complaints or malicious allegations of bullying or harassment will not be tolerated and will be dealt with as serious misconduct under the disciplinary procedure and/or a referral to the Public Services Ombudsman (Wales).

13. RESPONSIBILITIES

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

14. INTERPRETATION AND FURTHER ADVICE

- 14.1 Questions of interpretation of this protocol will be determined by the Clerk. Advice on its application should also be referred to the Clerk.
- 14.2 Copies of this protocol will be issued to all members, upon election, and all staff.

SECTION 10

Financial Regulations Reviewed 2024

NOTE - TO BE REVIEWED MARCH 2024 IN LINE WITH UPDATED ONE VOICE WALES MODEL 2023

SEE ATTACHED