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DEMOCRATIC SERVICES COMMITTEE **Monday, 5th July, 2021**

The use of Welsh by participants is welcomed. If you wish to use Welsh please inform us by noon, two working days before the meeting

S U P P L E M E N T A R Y P A C K

1.	CONSTITUTION
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To consider the report of the Head of Legal and Democratic Services.

(Pages 3 - 60)

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CYNGOR SIR POWYS COUNTY COUNCIL.

Democratic Services Committee
5th July, 2021

REPORT AUTHOR: Head of Legal and Democratic Services

SUBJECT: Constitution

REPORT FOR: Decision

1. Purpose of Report

1.1 The Committee is asked to consider possible revisions to the Constitution for consideration at a Council meeting on 15th July 2021

2. Possible Revisions to the Constitution

2.1 Section 7 – Scrutiny Committees. (See Appendix A)

The following amendments have been made to this section of the Constitution:

- Removal of the Co-Ordinating Committee as the Chairs of Scrutiny together with representatives of the Cabinet and the Executive Management Team have concluded following a review that it has outlived its purpose and activities such as work programming will now be undertaken by the individual scrutiny committees. It will be replaced by ad-hoc meetings of the Chairs of the Scrutiny Committees.
- Moving the role and terms of reference of the Governance and Audit Committee from Section 7 (Scrutiny) to Section 9 of the Constitution (Regulatory Committees). Following a review across Wales, Powys was the only Council which utilised the provisions of the Local Government Measure 2011 which allowed for additional powers to be given to the then Audit Committee. Therefore, to be consistent with other authorities in Wales, and in accordance with a Council decision in January 2019 this committee will revert to being a regulatory committee. This amendment also accords with the views of Wales Audit.
- Moving the "Call-In" forms from the Constitution to a website with links to the public website included in the document. The Forms have not been amended.
- Moving the guidance on Councillor Call for Action to the public website with a link to the public website included in the document. The Guidance has not been amended.
- Minor amendments to the text to improve the document

Proposed Recommendation to the County Council:	Reason for Recommendation:
1. That the amendments to Section 7 of the Constitution (Scrutiny Committees) are approved and recommended to Full Council as set out in in the draft Section 7 in Appendix A of the report.	To review and amend the Constitution so that it aligns with the current requirements of the Council.
2. That the Monitoring Officer is authorised to make such other	

changes to the Constitution as may be required to reflect the change set out in Recommendation 1 above.	
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2.2 Section 9 – Regulatory Committees. (See Appendix B)

The following amendments have been made to this section of the Constitution:

- Addition of the role and terms of reference of the Governance and Audit Committee from Section 7 of the Constitution (scrutiny Committees). Following a review across Wales, Powys was the only Council which utilised the provisions of the Local Government Measure 2011 which allowed for additional powers to be given to the then Audit Committee. Therefore, to be consistent with other authorities in Wales, and in accordance with a Council decision in January 2019 this committee will revert to being a regulatory committee.

Proposed Recommendation to the County Council:	Reason for Recommendation:
3. That the amendments to Section 9 of the Constitution (Regulatory Committees) are approved and recommended to Full Council as set out in in the draft Section 9 in Appendix B of the report.	To review and amend the Constitution so that it aligns with the current requirements of the Council.
4. That the Monitoring Officer is authorised to make such changes to the Constitution as may be required to reflect the change set out in Recommendation 3 above.	

2.3 Section 2 – Purpose, Definition, Interpretation and Amendment to the Constitution. (See Appendix C)

The following amendments have been made to this section of the Constitution:

- Consequential amendments arising from changes to the other Sections of the Constitution relating to:
 - Definitions in the Constitution (Rule 2.2.2)
 - Updating the definition to reflect the Corporate Improvement Plan rather than the Single Integrated Plan
- Amendments to the Constitution by the Monitoring Officer (Rule 2.7.3)

Proposed Recommendation to the County Council:	Reason for Recommendation:
5. That the amendments to Section 2 of the Constitution (Purpose, Definition, Interpretation) are approved and recommended to Full Council as set out in in the draft Section 2 in Appendix C of the	To review and amend the Constitution so that it aligns with the current requirements of the Council.

<p>report.</p> <p>6. That the Monitoring Officer is authorised to make such changes to the Constitution as may be required to reflect the changes set out in Recommendation 5 above.</p>	
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Relevant Policy (ies):	
Within Policy:	Y

Relevant Local Member(s):	N/A
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Person(s) To Implement Decision:	Wyn Richards
Date By When Decision To Be Implemented:	

Contact Officer:	Wyn Richards, Scrutiny Manager and Head of Democratic Services.
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Background Papers used to prepare Report:

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SECTION 7 – SCRUTINY COMMITTEES

Introduction

- 7.1 The Council is required by Law to discharge certain overview and scrutiny functions. These functions are an essential component of local democracy. The Scrutiny Committees should be powerful committees that can contribute to the development of Council policies and also hold the Cabinet to account for its decisions. Another key part of the overview and scrutiny role is to review existing policies, consider proposals for new policies and suggest new policies.
- 7.2 Overview and scrutiny should be carried out in a constructive way and should aim to contribute to the delivery of efficient and effective services that meet the needs and aspirations of local inhabitants. Scrutiny Committees should not shy away from the need to challenge and question decisions and make constructive criticism.

Scrutiny Committees

- 7.3 In order to achieve this, the Council will appoint three Scrutiny Committees (and in addition the Council will participate in a PSB Scrutiny Committee) which between them will:
- 7.3.1 review or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions whether by the Cabinet or another part of the Council;
 - 7.3.2 make reports or recommendations to the Cabinet or the Council in connection with the discharge of any functions;
 - 7.3.3 consider any matter which affects the Council's area or its inhabitants; and
 - 7.3.4 exercise the right to call in for reconsideration decisions made, but not yet implemented, by the Cabinet and Officers.

Role, Scope and Membership

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

Committee and Membership	Terms of Reference / Areas of Responsibility
Economy, Residents, and Communities Scrutiny Committee 14 Councillors – Politically Balanced; 1 Non-Voting Co-optee for crime and disorder functions	<p>Vision 2025 objectives:</p> <p>Economy:</p> <ul style="list-style-type: none">• Providing support for businesses to grow• Promoting Powys as a place to live, visit and do business• Improving the availability of affordable and sustainable housing• Improving our infrastructure to support regeneration and attract investment• Improving skills and supporting people to get good quality jobs <p>Residents and Community:</p>

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| <ul style="list-style-type: none">• Strengthening community development and resilience• Support communities to be able to do more for themselves and reduce the demand on our public services• Strengthening our relationship with residents and communities• Improve our understanding of our residents needs and improve our service delivery | |
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SERVICE AREAS:

CHIEF EXECUTIVE

- Finance
- Legal and Democratic Services

ECONOMY AND ENVIRONMENT

- Property, Planning and Public Protection
- Highways, Transport and Recycling
- Housing and Community Development

TRANSFORMATION

- Strategy, Performance and Transformation Programmes
- Customers and Communications
- Workforce and OD

PARTNERSHIPS

- Growing Mid Wales
- Powys Regeneration Partnership
- TRACC
- BBNP
- MWWFRA
- WLGA
- Central Wales Infrastructure Collaboration
- Central Wales Waste Partnership
- North and Mid Wales Trunk Road Agency Partnership Board
- Tourism Partnership Mid Wales
- Western Valleys Strategic Regeneration Area Board
- Powys Community Endowment Fund

Health and Care Scrutiny Committee	Vision 2025 objectives: Health and Care: <ul style="list-style-type: none">• Focussing on well-being
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<p>14 Councillors – Politically Balanced</p> <ul style="list-style-type: none"> • Early help and support • Providing joined up care • Developing a workforce for the future • Creating innovative environments • Developing digital solutions • Transforming in partnership <p>SERVICE AREAS:</p> <ul style="list-style-type: none"> • Children's Services • Adult Services • Commissioning (Children and Adults) <p>TRANSFORMATION</p> <p>PARTNERSHIPS</p> <ul style="list-style-type: none"> • Regional Partnership Board • Powys Executive Safeguarding Group • Regional Safeguarding Group • Youth Justice Board • Health, Social Care and well-Being Partnership • Powys Community Health Council 	<p>Learning and Skills Scrutiny Committee</p> <p>Membership: 14 Councillors – Politically Balanced; 3 parent governor representatives; 1 Church in Wales Diocese representative; 1 Roman Catholic Church Diocese representative,</p> <p>Vision 2025 objectives:</p> <p>Learning and Skills:</p> <ul style="list-style-type: none"> • Improving the educational attainment of all pupils • Supporting children and families to have the best start in life • Improving our schools infrastructure • Improving the skills and employability of young people and adults <p>SERVICE AREAS:</p> <ul style="list-style-type: none"> • Education <p>TRANSFORMATION</p> <p>PARTNERSHIPS</p> <ul style="list-style-type: none"> • ERW
<p>Co-Ordinating Committee</p> <p>Membership: Chairs and Vice</p>	<p>Functions specified under Rules 7.38 – 7.39</p>

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<p>Chairs of the 3 Scrutiny Committees; Chair and Vice-Chair of the Governance and Audit Committee; 3 Representatives of the Cabinet; 2 Representatives of the Executive Management Team</p>	
<p>Public Service Board Scrutiny Committee</p>	<p>As set out in Rules 7.43<ins>39</ins> to 7.45<ins>41</ins></p>
<p>Governance and Audit Committee Membership: 11 Councillors plus 1 Independent / Lay Member</p>	<ul style="list-style-type: none"> → To approve authority's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be). → Ensure the risk management strategy guides the programme of internal and external work, to address the controls and risk related issues identified → Oversee the production of the annual governance statement, recommend its adoption to County Council and ensure appropriate action is taken to address the issues raised → To consider and approve the annual audit opinion on internal control and the level of assurance given to the corporate governance arrangements → Approve the annual audit plan, ensuring there is sufficient and appropriate coverage, with a strong emphasis on risk management and resources are available to implement the plan. → Receive and review internal audit reports and ensure officers respond promptly to the findings. Where necessary recommendations to other committees and portfolio holders will be made, to ensure action plans are implemented → Consider and approve the annual letter, regulatory plan and specific reports as agreed. → Where necessary ensure action is taken by officers to address those issues raised, and if necessary recommendations to other committees and portfolio holders will be made to address findings and deliver clear conclusions → Comment on the scope and depth of the external audit work, to ensure it gives value for money → Assess and approve the annual statement of accounts, external audit opinion and management representation in relation to annual audit findings

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| | <p>Promote effective relationships between external and internal audit, inspection agencies and other relevant bodies to ensure the value of audit and inspection is enhanced and actively promoted</p> <ul style="list-style-type: none">→ regularly monitor treasury management reports→ review and scrutinise the authority's financial affairs make reports and recommendations in relation to the authority's financial affairs→ review and assess the risk management, internal control, performance assessment and corporate governance arrangements of the authority→ make reports and recommendations to the authority on the adequacy and effectiveness of those arrangements→ review and assess the authority's ability to handle complaints effectively→ make reports and recommendations in relation to the authority's ability to handle complaints effectively→ oversee the authority's internal and external audit arrangements, and→ review the financial statements prepared by the authority |
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Membership of the Governance and Audit Committee

7.5.1 The Governance and Audit Committee will comprise 14 Councillors, appointed to achieve as far as reasonably practicable a political balance on the committee plus 1 voting Lay Member plus such other co-optees as may be appointed by the Council (subject to the total number of co-optees being less than one third of the total membership).⁴

7.5.2 In accordance with Section 82 of The Measure:

- 7.5.2.1 At least one member of the Governance and Audit Committee must be a voting Lay Member;
- 7.5.2.2 An act of the Governance and Audit Committee will be invalid if the membership of the committee breaches any of the membership requirements set out in Rules 7.5.1 and 7.5.2.1.
- 7.5.2.3 The Chair of the Governance and Audit Committee is appointed by the Committee at the first meeting following the Council's Annual Meeting and the Chair:
 - cannot be a member of the Cabinet;
 - can be a Lay Member or a Co Opted Member;
 - can only be a member of an executive group if there are no opposition groups. (See Rule 7.5.4 below);
- 7.5.2.4 The Measure does not require a Cabinet Member to be a member of the Governance and Audit Committee but a maximum of one member of Cabinet (but not the Leader) may be a member of the Governance and Audit Committee;

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- ~~7.5.2.5 The Chair of the Governance and Audit Committee may be removed from office by a motion to remove which is put on the agenda of the Governance and Audit Committee pursuant to Rule 4.38.1~~
- ~~7.5.3 The Vice Chair of the Governance and Audit Committee will be appointed annually by the Committee at the first meeting following the Council's Annual Meeting who may appoint a Councillor, the Lay Member or a Co Opted Member. (see Rule 7.5.4 below)~~
- ~~7.5.4 The Vice Chair of the Governance and Audit Committee may be removed from office by a motion to remove which is put on the agenda of the Governance and Audit Committee pursuant to Rule 4.38.1~~
- ~~7.5.5 A person presiding at an Governance and Audit Committee can only be a member of an executive group if there are no opposition groups.~~

General Functions

7.65 Within their terms of reference, Scrutiny Committees will:

- 7.65.1 review and / or scrutinise decisions made, or other action taken in connection with the discharge of any function of the authority;
- 7.65.2 make reports and / or recommendations to the Cabinet Full Council and / or the Cabinet Full Council, and / or any joint committee in connection with the discharge of any function of the authority;
- 7.65.3 consider any matter affecting the area or its inhabitants;
- 7.65.4 exercise the right to call-in, for reconsideration, decisions made but not yet implemented, by the Cabinet, a committee of the Cabinet, a member of the Cabinet, an officer exercising functions delegated by the Cabinet.(See Call-In Procedure – Rule 7.36);

Specific Functions

Policy Development and Review

7.76 The Scrutiny Committees may:

- 7.76.1 assist the Cabinet and the Council and the Cabinet in the development of its Budget and Policy Framework by in depth analysis of policy issues, including pre-scrutiny of draft or amended policies;
- 7.76.2 conduct research, site visits, community and other consultation in the analysis of policy issues and possible options;
- 7.76.3 question members of the Cabinet and / or Committees and Chief Officers from the Council about their views on issues and proposals affecting the area;
- 7.76.4 liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interest of local people are enhanced by collaborative working;
- 7.76.5 consider the impact of policies to assess if they have made a difference;
- 7.76.6 consider and implement mechanisms to encourage and enhance community participation in the scrutiny of the development of policy

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options; and

- 7.76.7 investigate or review a particular matter in depth, reporting their conclusions and making any recommendations to the Cabinet or Council ~~or Cabinet~~ as appropriate.

Scrutiny

7.78 Scrutiny Committees may:

- 7.87.1 review and scrutinise the decisions by and performance of the Cabinet and/_/ or Cabinet Committees and Council Officers in relation to individual decisions and over time;
- 7.87.2 review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- 7.87.3 question members of the Cabinet and/_/ or Cabinet Committees and Chief Officers from the Council about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or project;
- 7.87.4 make recommendations to the Cabinet and/_/ or appropriate Committee and/_/ or Council arising from the outcome of the scrutiny process;
- 7.87.5 review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Committee and local people about their activities and performance;
- 7.87.6 question and gather evidence from any person (with their consent);
- 7.87.7 review and scrutinise the budget setting process;
- 7.87.8 conduct research, site visits, community (and other) consultation for the purposes of analysing issues and developing where appropriate; possible options, through liaison with the area/community partnerships; and
- 7.87.9 consider and report on mechanisms to encourage and enhance community participation in the development of service delivery options.

Finance

7.98 Scrutiny Committees may exercise overall responsibility for the finances made available to them.

Annual Report

7.109 ~~The~~ Each Scrutiny Committees ~~may~~ shall report annually to the Full Council on their workings.

Head of Democratic Services

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

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Who May Sit on Scrutiny Committees ?

- 7.12_4 ~~Subject to Rule 7.12.2. below a~~ All Councillors (except members of the Cabinet) may be members of the Scrutiny Committees. However, no Member may be involved in scrutinising ~~on~~-decisions in which ~~s/he has~~they have been directly involved.
- 7.12.2 In accordance with Section 82 of The Measure no more than one member of the Cabinet may be a member of the Governance and Audit Committee (but there is no requirement for Full Council to appoint a member of the Cabinet to the Governance and Audit Committee). The Leader cannot be a member of the Governance and Audit Committee.

Co-Optees

- 7.13_2.1 The Learning and Skills Scrutiny Committee shall include in its membership the following voting representatives:
- 7.13_2.1.1 One Church in Wales diocese representative;
 - 7.13_2.1.2 One Roman Catholic diocese representative; and
 - 7.13_2.1.3 Three parent governor representatives (covering so far as practicable the primary, secondary and special needs sectors)
- 7.13_2.2 When matters which are not education matters, which are the responsibility of the Cabinet, fall to be considered by the Learning and Skills Scrutiny Committee, the co-opted representatives specified in rule 7.13_2.1 shall not vote, although they may stay in the meeting and speak.
- 7.13_2.3 The Economy, Residents and Communities Scrutiny Committee shall include in its membership in a non-voting capacity 1 representative from the Police and Crime Panel (or from such other body which replaces the Panel), subject to that representative not being a Powys County Council representative on the Police and Crime Panel.
- 7.13_2.4 In addition to co-optees appointed under rules 7.13_2.1.1 to 7.13_2.1.3 above, Scrutiny Committees may recommend to Full Council the co-option of other persons as voting or non-voting representatives. In exercising or deciding whether to exercise a co-option, the Authority must, under section 76 of The Measure, have regard to guidance given by the Welsh Ministers and comply with directions given by them
- 7.13_2.5 The total number of co-optees on each Scrutiny Committee may not exceed more than one third the membership of the committee.²

Who Chairs Scrutiny Committees ~~(other than the Chair of the Governance and Audit Committee)?~~

- 7.14_3 The arrangements included in sections 66-75 of The Measure will be followed for appointing persons to chair Scrutiny Committees as set out in Rule 4.6.6 ~~(other than the Chair of the Governance and Audit Committee who will be appointed in accordance with Rule 7.5.2.3)~~³.

² Paragraph 8.19 Statutory Guidance from the Local Government Measure 2011 (issued by Welsh Government June 2012)

³ For provisions relating to the Chair of the Governance and Audit Committee See Rule 7.3.2(b)(ii) above.

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Role of the Chair of Scrutiny Committees

- 7.154.1 The chairs of the Scrutiny Committees will liaise with the Cabinet and the Head of Paid Service and will supervise the work programme for their Scrutiny Committee and identify cross cutting themes arising from the various Scrutiny Committees .
- 7.154.2 In summary, therefore, the Chair will:
- 7.154.2.1 be accountable for delivering effective scrutiny;
 - 7.154.2.2 will regularly monitor the work programmes for their Scrutiny Committee; and
 - 7.154.2.3 will liaise with the Cabinet on issues affecting the scrutiny work programme.
- 7.14.2.4 Prepare Annual Reports to Council in accordance with Rule 7.9 above

Work Programme

7.1615 The ~~Co-ordinating~~Chair in consultation with the Committee and officers ~~Committee~~ will be responsible for setting the work programme for each scrutiny committee and in doing so they should take into account the Cabinet Forward Work Programme and focus on strategic and important issues. ~~Any requests from scrutiny members for matters to be scrutinised should be sent to the Co-ordinating Committee for consideration.~~

Joint Scrutiny Committees

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

Rules of Procedure and Debate (“Scrutiny Procedure Rules”)

7.187 Rules 7.187 to 7.376 (inclusive) shall be known as the Scrutiny Procedure Rules and will apply to meetings of the Scrutiny Committees.

What will be the Number and Arrangements for Scrutiny Committees ?

- 7.198.1 Subject to Rules 7.4339 to 7.451 the Council will have three Scrutiny Committees set out in the table in Rule 7.3 and will appoint to them as it considers appropriate from time to time. The ~~Co-ordinating~~-Committee may appoint smaller groups (Member and Officer Working Groups) to carry out detailed examination of particular topics for report back to the committee. Such groups may be appointed for a fixed period on the expiry of which they shall cease to exist or may be appointed on a task and finish basis. Such Member and Officer Working Groups should work on a non-political basis and wherever possible should comprise as many political groups as practicable. ~~In addition, in the case of urgency, the Chair of the relevant scrutiny committee and the Co-ordinating Committee can establish a Member and Officer Working Group~~
- 7.198.2 The terms of reference / areas of responsibility of the various Scrutiny Committees will be as set out in Rule 7.4 above.

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- 7.~~19~~8.3 Each Scrutiny Committee (with the exception of the Public Service Board Scrutiny Committee) will be Chaired by a chair appointed by the Full Council from the membership of that Scrutiny Committee and there will be cross party membership of all Scrutiny Committees.

Meetings of the Scrutiny Committees

- 7.~~20~~19.1 The three Scrutiny Committees will meet on a ~~6 weekly cycle~~regular basis to meet the needs of Council and with the agreement of each Chair of Scrutiny.
- 7.~~20~~19.2 The Governance and Audit Committee must also meet if:
(a) the Full Council resolves that the Committee should meet; or
(b) at least one third of the members of the Governance and Audit Committee requisition a meeting by one or more notices in writing to the chair.
- 7.~~20~~19.3~~2~~ In addition, extraordinary meetings may be called from time to time by:
7.~~20~~19.3~~2~~.1 the Full Council by resolution; or
7.~~20~~19.3~~2~~.2 the relevant Scrutiny Committee by resolution; or
7.~~20~~19.3~~2~~.3 the chair of the relevant Scrutiny Committee; or
7.~~20~~19.3~~2~~.4 any 5 members of the relevant Scrutiny Committee; or
7.~~20~~19.3~~2~~.5 the Head of Paid Service; or
7.~~20~~19.3~~2~~.6 the Monitoring Officer; or
7.~~20~~19.3~~2~~.7 the Section 151 Officer;

as s/he / they consider necessary or appropriate.

Quorum

- 7.~~24~~0 The quorum of a meeting will be 25% of the number of members of that Scrutiny Committee. During any meeting, if the chair 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 chair. If s/he does not fix a date, the remaining business will be considered at the next ordinary meeting of the Scrutiny Committee..

Business at First Meeting Following the Annual Meeting of the County Council

- 7.~~22~~1 The first meeting of a scrutiny committee following the Annual Meeting of the County Council will (as may be appropriate):
- 7.~~22~~1.1 elect a chair of the ~~Governance and Audit Committee and the PSB~~ Scrutiny Committee;
- 7.~~22~~1.2 elect a person to preside if the chair of the Committee is not present;
- 7.~~22~~1.3 elect the vice-chair of the Committee
- 7.~~22~~1.4 make appointments to sub-committees authorised by Full Council (see Rules 4.6.1; 4.6.7; 4.15.7; and 4.18.6); such appointments to be in accordance with the wishes of the groups unless the committee decides unanimously to dis-apply the political balance requirements;
- 7.~~22~~1.5 ~~make recommendations to the Co-ordinating Committee for the establishment or re-establishment of Member and Officer Task and Finish Working Groups and make appointments thereto as appropriate;~~

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7.221.65 deal with those items of business listed in Rule 7.243 below as may be appropriate.

The order of business, with the exception of items 7.221.1 and 7.221.2 may be altered by the chair.

Business at Other Meetings

7.232 At all other meetings of committee, the committee will (as may be appropriate)

- 7.232.1 elect a person to preside if the chair and vice-chair of the Committee are not present;
- 7.232.2 elect the chair of ~~Governance and Audit Committee and~~ the PSB Scrutiny Committee in the event of there being a vacancy
- 7.232.3 elect a vice-chair of the Committee in the event of there being a vacancy;
- 7.232.4 receive declarations of interest (including whipping declarations);
- 7.232.5 make appointments to sub-committees and Member and Officer Task and Finish Groups in the event of there being a vacancy;
- 7.232.6 receive apologies for absence;
- 7.232.7 approve the minutes of the last meeting;
- 7.232.8 receive any announcements from the chair;
- 7.232.9 receive reports from the Cabinet and / or from any other committees, and / or from officers;
- 7.232.10 make recommendations to the Cabinet or Full Council;
- 7.232.11 deal with any business outstanding from the last meeting;
- 7.232.12 (where the Leader or a Cabinet member attends a meeting of the committee) to receive a presentation from the Leader or a Cabinet member and / or to put questions to, and to receive responses from the Leader or a Cabinet member;
- 7.232.13 put questions to the chair or relevant officers of the Council where appropriate on items of business before the committee and to receive responses.
- 7.232.14 receive reports from sub-committees and Member and Officer Task and Finish Groups;
- 7.232.15 to consider requests from members of the committee for items of business ~~to be recommended to the Co-ordinating Committee~~ for consideration at a future meeting or at the meeting when the request is made if the chair is satisfied that the matter is urgent (the reason for the urgency being recorded in the minutes), and that the committee is able to have the necessary professional advice of officers;
- 7.232.16 consider motions without notice as set out in the Full Council Procedure Rules in Section 4 of this Constitution;
- 7.232.17 review the Committee's Work Programme for the forthcoming year ~~and make such recommendations to the Co-ordinating Committee as are necessary;~~
- 7.232.18 consider such other business specified in the summons to the meeting;

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- | 7.232.19 consider other business, not specified in the summons as the chair considers urgent, subject to the nature of the urgency being specified in the minutes;
- | 7.232.20 to exclude the public for the consideration of any item in accordance with the Access to Information Procedure Rules;
- | The order of business, with the exception of items 7.232.1 to 7.232.4 may be altered by the chair.

Agenda Items

- | 7.243.1 Any member of a Scrutiny Committee shall be entitled to give notice to the chair of the Scrutiny Committee that s/he wishes an item relevant to the functions of that Scrutiny Committee ~~to be recommended to the Co-ordinating Committee~~ for inclusion on the agenda for the next available meeting.
- | 7.243.2 Scrutiny Committees shall also respond, as soon as their work programme permits, to requests from the Full Council and/or the Cabinet to review particular areas of Council activity. Where they do so, the particular Scrutiny Committee shall report their findings and any recommendations back to the Cabinet and/_or Council as appropriate. The ~~Council-Cabinet~~ and/_or the ~~Cabinet-Council~~ shall consider the report of the Scrutiny Committee and respond (if appropriate) as soon as possible or at the latest within 2 months of the date of the meeting.

Policy Review and Development

- | 7.254.1 The role of Scrutiny Committees in relation to the development of the Council's Budget and Policy Framework is set out in detail in the Budget and Policy Framework Procedure Rules in Section 15.
- | 7.254.2 In relation to the development of the Council's approach to other matters not forming part of its Budget and Policy Framework, Scrutiny Committees may make proposals to the Cabinet for developments in so far as they relate to matters within their terms of reference.
- | 7.254.3 Scrutiny Committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

Reports from Scrutiny Committees

- | 7.265.1 All formal reports from Scrutiny Committees will be submitted for consideration by the Cabinet (if the proposals are consistent with the existing Budget and Policy Framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed Budget and Policy Framework).
- | 7.265.2 If a Scrutiny Committee cannot agree on one single final report to the ~~Council or Cabinet~~Cabinet or Council as appropriate, one minority report

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may be prepared and submitted for consideration by ~~Full Council or Cabinet~~Cabinet or Council with the majority report.

- 7.265.3 A Scrutiny Committee may publish any non-confidential report.

Making sure that Scrutiny Reports are considered by Full Council or Cabinet

- 7.276.1 The reports of Scrutiny Committees shall be referred to the Cabinet (as determined by the Scrutiny Committee) within one month or to the next meeting of Full Council (where applicable). Where an item is not considered by ~~Full Council or Cabinet~~Cabinet or Council within the period specified above, the Chair of Council or the Leader or Portfolio Holder will give an explanation of the reasons to the chair of the relevant Scrutiny Committee as soon as practicable.
- 7.276.2 Where a scrutiny report is referred to the Cabinet the relevant Portfolio Holder(s) and senior officers will attend the meeting of the Cabinet wherever possible. The Cabinet will prepare a written response to the scrutiny report, including an action plan where appropriate, as soon as possible or at the latest within 2 months of the date of the meeting. The Portfolio Holder(s) and senior officers if requested to do so will attend a future meeting of that Scrutiny Committee to present the Cabinet's response.

Rights of Members of Scrutiny Committees to Documents

- 7.287.1 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 Section 14 of this Constitution.
- 7.287.2 Nothing in this paragraph prevents more detailed liaison between the Cabinet and the Scrutiny Committees as appropriate depending on the particular matter under consideration.

Members and Senior Officers Giving Account

- 7.298.1 Scrutiny Committees / Working Groups may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions within its remit. As well as reviewing documentation, in fulfilling the Scrutiny role, it may require any member of the Cabinet, the Chief Executive and/or any senior Officer to attend before it to explain the following matters within their remit:
- 7.298.1.1 any particular decision or series of decisions; and / or
7.298.1.2 the extent to which the actions taken implement Council policy; and/or
7.298.1.3 the implementation of decision(s) and or Council policy

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

- 7.298.2 Where there are concerns about the appropriateness of the Officer who should attend, the relevant ~~e~~Chief Officer shall discuss this with the appropriate Scrutiny Chair or Vice Chair with a view to achieving consensus.
- 7.298.3 Where any Cabinet Member is required to attend Scrutiny Committees -/ Working Group under this provision, the Chair of that Committee /

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Working Group will inform the relevant Cabinet Member in writing at least 5 working days' before the meeting at which s/he is required to attend (unless agreed otherwise). The written notice will state the nature of the item on which he or she is required to attend to give account and whether any papers are required to be produced for the Committee.

- | 7.298.4 Where any Officer is required to attend Scrutiny Committees / Working Group under this provision, the Chair of that Committee / Working Group will inform the relevant Head of Service. The relevant Head of Service shall inform the Officer, if necessary in writing, giving at least 5 working days' notice of the meeting at which s/he is required to attend (unless agreed otherwise). The notice will state the nature of the item on which he or she is required to attend to give account and whether any papers are required to be produced for the Committee.
- | 7.298.5 ~~For the purposes of attendances of members or Officers at the Governance and Audit Committee only, in accordance with Section 83(6) of The Measure, a person is not obliged to answer any question which the person would be entitled to refuse to answer in, or for the purposes of, proceedings in a court in England and Wales.~~
- | 7.298.65 Where the account to be given to a Scrutiny Committee / Working Group will require the production of a report, then the Member or Officer concerned will be given sufficient notice to allow for its preparation.
- | 7.297.28.6 Where, in exceptional circumstances, the Member or Officer is unable to attend on the required date, then the Scrutiny Committee / Working Group shall in consultation with the Member or Officer arrange an alternative date for attendance.

Attendance by Others

Attendance of Leader or Cabinet Member

- | 7.3029 Subject to the Members' Code of Conduct, the Leader or a Cabinet member in the role of the Leader's representative may attend and speak but not vote at meetings of Scrutiny Committees where the Leader has a specific issue to raise with the committee. The attendance of a Cabinet member in all other cases will be at the invitation of the chair or the Scrutiny Committee.

Attendance of Members at Committee Meetings

- | 7.340.1 In addition to their right to attend all meetings of committees of which they are members, Members (with the exception of Cabinet members) shall have the right to attend any meeting of a Scrutiny Committee and to remain present notwithstanding the passing of a resolution to exclude the public.
- | 7.340.2 Such attendance shall be as observer only, with no right to vote, the attendance not being included in the relevant quorum, and no right to speak, provided that the chair in his / her discretion may permit the member to speak on a particular issue.
- | 7.340.3 Such right of attendance is subject to the Councillor not having a Prejudicial Interest in the matter under discussion under the Members' Code of Conduct and subject to any legal provisions and any limitations or restrictions within this Constitution.

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Others

7.321 Scrutiny Committees / Working Group may invite people other than those people referred to in Rules 7.298 and 7.30–29 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders, members and officers in other parts of the public sector and shall invite such people to attend.

The Party Whip in Scrutiny

7.332 If a member of a Scrutiny Committee is subject to a party whip in respect of an issue to be considered by it, that member must declare the existence of the whip and the nature of it before the commencement of deliberations on the matter. The declaration, and the detail of the whipping arrangements, shall be recorded in the minutes of the meeting. The member declaring the existence of a whip may speak at the meeting but is not entitled to vote on the question.⁴

Procedure at Scrutiny Committee Meetings

7.343.1 The Rules of Procedure at Scrutiny Committees will be the same as the Full Council Procedure Rules set out in Section 4 of this Constitution except that the chair of the meeting may allow the rules of debate to be relaxed to enable a full contribution by those attending the meeting whether members of a Scrutiny Committee or in any other capacity which allows them to contribute to the worth of the meeting.

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

7.343.2.1 that the business be conducted fairly and all members of the Scrutiny Committee be given the opportunity to ask questions of attendees, and to contribute and speak;

7.343.2.2 that those assisting by giving evidence be treated with respect and courtesy;

7.343.2.3 that the business be conducted as efficiently as possible.

7.343.3 Following any investigation or review, a Scrutiny Committee shall prepare a report, for submission to the Cabinet and/or Full Council as appropriate and shall make its report and findings public.

Matters within the Remit of more than one Scrutiny Committee

7.354 Where a matter for consideration by Scrutiny Committees falls within the remit of more than one Scrutiny Committee the decision as to which Scrutiny Committee is to consider the matter will be resolved by the respective Chairs or, the Co-ordinating Committee, or if they fail to agree, the decision will be made by Monitoring Officer.

Call-In Procedure Rules

⁴ Section 78(1) of the Local Government (Wales) Measure 2011.

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- 7.365A The Call-In Procedure Rules set out in this Rule 7.365 do not apply to the Public Services Board Scrutiny Committee. For the sake of clarity the Public Service Board Scrutiny Committee does not have the ability to call-in decisions / recommendations made by the Public Service Board.
- 7.365B For the purpose of Rule 7.365, where the Monitoring Officer and / or the Chief Finance Officer is the author of the report which is the subject of a potential Call-In to scrutiny-, that officer cannot undertake the decisions described in Rules 7.365.3 and 7.365.15 in which event, the decision will be taken by the Chief Executive in consultation with the Deputy Monitoring Officer and / or Deputy Chief Finance Officer as appropriate.
- 7.365.1 Where a decision is made by the Cabinet or an individual member of the Cabinet or a Committee of the Cabinet or under joint arrangements with other public bodies, the decision shall be published by the Monitoring Officer, including where possible by electronic means, and shall be available at the main offices of the Council normally within 2 working days of it being made. All Councillors will be sent copies of the records of all such decisions within the same time scale.
- 7.365.2 The communication to Councillors sending them the decision will (a) bear the date on which the decision is published and (b) will specify the date when the decision will come into force (subject to Rule 7.376.3) and may then be implemented, on the expiry of five clear days (the "Call-in Period") after the date of publication of the decision, unless the appropriate Scrutiny Committee objects to it and calls it in for review within the Call-in Period.
- 7.365.3 Subject to Rule 7.365B above, and during the Call-in Period the Monitoring Officer shall call-in a decision for scrutiny by the relevant Scrutiny Committee if so requested in the specified format ("the Call-In Request"⁵) by the chair or 4 members of a Scrutiny Committee PROVIDED THAT the Monitoring Officer and / or the Chief Finance Officer are satisfied that the following conditions are met:

Appendix 1 - Call In Request

7.365.3.1 the decision or action was contrary to the policy framework or budget, or fell outside the functions of the Cabinet; or

7.365.3.2 the Cabinet or decision maker had not followed agreed procedures or failed to consult (where required) before reaching its decision; or

7.365.3.3 the Cabinet had not followed, or had failed to take account of, any legal obligations, including regulations or statutory guidance governing the Council's actions, or other guidance adopted by the Council.

7.365.4 Where the Monitoring Officer and / or the Chief Finance Officer are satisfied that one or more of the conditions set out in rule 7.365.3 above have been met, they shall produce a written report setting out the reasons for coming to this conclusion and the Monitoring Officer (subject to Rule 7.365B above) will

⁵ See Appendix 1 to this Section.

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then arrange for a “Call-In Notice”⁶ to be issued in accordance with Rule 7.365.5 below.

Appendix 2 - Call In Notice

7.365.5 A Call-In Notice must contain the following:

7.365.5.1 details of the condition set out in rule 7.365.3 above being relied upon;

7.365.5.2 the reasons why it is believed one or more of the conditions are satisfied;

7.365.6 The Monitoring Officer (subject to Rule 7.365B above) shall call a meeting of that Scrutiny Committee on such a date as s/he may determine, where possible after consultation with the chair or vice chair of that the appropriate Scrutiny Committee , and usually within 10 clear days of the receipt of the Call-In Request (the “Scrutiny Period”) (only in exceptional circumstances will the chair of the Scrutiny Committee consider extending this time limit and the period of extension cannot in any circumstances exceed a further 5 clear days).

7.365.7 If, having considered the decision, the Scrutiny Committee remains concerned about the decision, then the Committee may refer it back to the decision making body for reconsideration, setting out in writing the nature of its concerns or refer the matter to Full Council for review. If the decision is referred back to the decision maker, the decision maker shall then reconsider the decision within 10 clear days of the date of the reference. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. The final decision cannot be the subject of a further call-in.

7.365.8 If a Scrutiny Committee does not meet within the Scrutiny Period the decision shall take effect and be implemented on the next day following the expiry of the Scrutiny Period (as extended pursuant to Rule 7.365.6 as the case may be).

7.365.9 If following an objection to the decision, a Scrutiny Committee does not refer the matter back to the decision making person or body or to Full Council, the decision shall take effect on the date of the Scrutiny Committee meeting.

7.365.10If a Scrutiny Committee refers the matter to Full Council, the Monitoring Officer (subject to Rule 7.365 above) shall call a meeting of the Full Council on such a date as s/he may determine, where possible after consultation with the chair or vice chair of the Full Council, and usually within 10 clear days of the receipt of the referral (the “Council Scrutiny Period”) (only in exceptional circumstances will the chair of the Full Council consider extending this time limit and the period of extension cannot in any circumstances exceed a further 5 clear days).

7.365.11If, having considered the decision, the Full Council remains concerned about the decision, then the Full Council may refer it back to the decision making body for reconsideration, setting out in writing the nature of its concerns. If

⁶ See Appendix 2 to this Section.

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the decision is referred back to the decision maker, the decision maker shall then reconsider the decision within 10 clear days of the date of the reference. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. The final decision cannot be the subject of a further call-in.

- | 7.365.12 If the Full Council does not meet within 10 clear days of the date of the reference (“the Council Scrutiny Period”), the decision shall take effect on the day after the expiry of the Council Scrutiny Period.
- | 7.365.13 If the Full Council does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the Full Council meeting.
- | 7.365.14 In order to ensure that call-in is not abused, nor causes unreasonable delay, certain limitations are to be placed on its use. These are:
 - | 7.365.14.1 each Scrutiny Committee may only call-in a total of five decisions per year;
 - | 7.365.14.2 where a Call-in Request has been made by four members of a Scrutiny Committee in accordance with Rule 7.365.3 those four members must come from at least two political groups, or one political group and / or one or more non-aligned Councillor(s);
 - | 7.365.14.3 once a Member (the chair of the Scrutiny Committee excepted) has signed a Call-in Request s/he may not do so again until the period of six months has expired.
 - | 7.365.14.4 no Education Co-opted members may request a decision be called in.
 - | 7.365.14.5 only decisions involving expenditure or reduction in service over the threshold value for tenders set out in Section 17 of this Constitution may be called-in.
 - | 7.365.14.6 the decision being called-in, or broadly the same decision, has been called in during the last 6 months.
 - | 7.365.14.7 the provisions of Rule 7.376.1 apply (Urgency)

- | 7.365.15 Subject to Rule 7.365B above, the Monitoring Officer and / or the Chief Finance Officer may veto any request for call-in if it falls outside the remit of this scheme.
- | 7.365.16 Save in exceptional circumstances all members of a Scrutiny Committee requesting a matter be called in must attend the meeting at which the matter is being considered.
- | 7.365.17 For the avoidance of doubt a Call-In remains valid even if one or more of the members who have signed the Call-in Request do not attend the Scrutiny Meeting at which the Call-in is debated.

Call-In and Urgency

- | 7.376.1 The call-in procedure set out in Rule 7.365 above shall not apply where the decision being taken is urgent. A decision will be urgent if:
 - | 7.376.1.1 any delay likely to be caused by the call-in process would seriously prejudice the Council's or other public interests; and
 - | 7.376.1.2 Subject to Rule 7.376.3 below the Head of Paid Service and / or the

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Monitoring Officer and / or the Chief Finance Officer certifies in writing the reasons why any delay caused by a call-in process could seriously prejudice the Council, or the public interest; and

- | 7.376.1.3 the chair of the relevant Scrutiny Committee agrees in writing to the decision being treated as a matter of urgency. In the absence of the Scrutiny chair then either the Scrutiny vice chair or the chair of Council may agree to the decision being treated as a matter of urgency; and
- | 7.376.1.4 the record of the decision, and notice by which it is made public, shall state that the decision is an urgent one, and that the urgency of the matter has been approved by the Head of Paid Service and / or the Monitoring Officer and / or the Chief Finance Officer (subject to Rule 7.365B above) and by the chair of the relevant Scrutiny Committee or Scrutiny vice-chair or the chair of Council.

| 7.376.2 Decisions taken as a matter of urgency can be implemented forthwith but must be reported at the next available meeting of the relevant Scrutiny Committee, together with the reasons for urgency, such report to the scrutiny committee must contain the written certification as required in Rule 7.376.1.2 above.

| 7.376.3 For the purposes of Rules 7.376.1.2 above the officer certifying the reasons why any delay caused by a call-in process could seriously prejudice the Council, or the public interest cannot be an officer whose report is being considered under the Rule 7.376 procedure.

Co-ordinating Committee.

Role, Scope and Membership.

7.38

7.38.1 Membership: Chairs and Vice Chairs of the following committees:

Health and Care Scrutiny Committee;
Learning and Skills Scrutiny Committee;
Economy, Residents and Communities Scrutiny Committee;
Governance and Audit Committee;

For the sake of clarity the Chair of the Public Service Board Scrutiny Committee will not be a member of the Co-ordinating Committee.

3 Representatives of the Cabinet to be appointed by the Leader

2 Representatives of the Executive Management Team

7.38.2 Chair: Elected annually in rotation by the Committee.

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- 7.38.3 Vice Chair: Elected annually in rotation by the Committee.
- 7.38.4 Meetings: Meetings of the Committee will be held monthly. Additional meetings of the Committee can be called with the consent of the Chair.
- 7.38.5 Notes of Meetings: Agendas and notes of the meetings will be made available to Members.

Terms of Reference:

7.39 The Co-ordinating Committee will:

- 7.39.1 co-ordinate the work programmes of the Scrutiny Committees;
- 7.39.2 assess potential items for their suitability for a scrutiny review, and allocate those items if suitable to the appropriate scrutiny committee / Working Group for review;
- 7.39.3 consider items referred from the Scrutiny Committees for inclusion in the scrutiny work programme;
- 7.39.4 ensure the co-ordination of the Scrutiny Committees' Work Programmes with the Cabinet Work Programme;
- 7.39.5 receive the final report on a review undertaken by scrutiny working groups prior to its submission to the Cabinet;
- 7.39.6 consider any requests for the establishment of a Member and Officer Working Group;
- 7.39.7 consider the Audit Wales Annual Improvement Report and consider any matters for inclusion in the Scrutiny Committees' Work Programmes;
- 7.39.8 to ensure in conjunction with the Public Service Board Scrutiny Committee that there is no duplication of work between the County Council scrutiny committees, the Public Service Board Scrutiny Committee and any other joint scrutiny arrangements with other authorities;
- 7.39.9 such other matters which relate to or affect the operation of the Scrutiny Committees.
- 7.39.10 Review the Scrutiny Committee structure on a regular basis.

Finance Panel.

Role, Scope and Membership.

7.4037

- 7.4037.1 Membership: The Panel should be no larger than 10 Members to include the following:
- Chairs of the scrutiny committees (excluding the PSB Scrutiny Committee).
- Portfolio Holder for Finance
- Leaders of the Opposition groups i.e. those political groups which are not represented on the Cabinet.

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Other representatives from the Governance and Audit Committee one of which should be the Independent "Lay" Member appointed by the Governance and Audit Committee.

- | 7.4037.2 Chair : The Chair of the Panel will be elected from the Panel's membership, (excluding the Portfolio Holder for Finance).
- | 7.4037.3 Vice-Chair: The Vice-Chair of the Panel will be elected from the Panel's membership.
- | 7.4037.4 Meetings: Meetings of the Panel will be held on a schedule to be determined by the Panel.
- | 7.4037.5 Reports by the Panel: The Panel will make reports on its findings to the Cabinet and where necessary Full Council.

Terms of Reference:

- | 7.4138 The Panel will concentrate on strategic financial matters including the following:
 - | 7.4438.1 assist with the delivery of financial plans to support change and the Medium Term Financial Strategy to inform policy changes, and providing robust challenge and accountability;
 - | 7.4438.2 consider the robustness of the evidence base upon which the MTFS and Council budget are predicated;
 - | 7.4438.3 review and scrutinise:
 - Assumptions underlying the budget strategy;
 - The Medium Terms Financial Strategy / Finance Resource Model;
 - Budget Assumptions;
 - Annual Local Government Settlement and any legislative changes affecting local government;
 - Draft Budget and Impact Assessments;
 - Financial aspects of the Risk Register;
 - Financial Monitoring;
 - | 7.4438.4 provide evidence based recommendations to the Cabinet on its findings;
 - | 7.4438.5 develop a forward work programme based on the budget timetable and the Council's medium term financial strategy;

Public Service Board Scrutiny Committee.

- | 7.4239 ~~Members on the Co-ordinating Committee~~ The Chairs of the Scrutiny Committees shall appoint two Members from the Scrutiny Committees to act as representatives of the Council on the Public Service Board Scrutiny Committee.

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7.~~43~~⁴⁰ In addition Members on the Co-ordinating Committee ~~The Chairs of the Scrutiny Committees~~ shall appoint a substitute for each of the two Members of the Public Service Board Scrutiny Committee appointed under Rule 7.~~43~~³⁹ above ~~from the Scrutiny Committees~~, such substitute shall not be a member of the Public Service Board.

7.~~44~~⁴¹ The Terms of Reference and Membership of the Public Service Board Scrutiny Committee are set out in the “Arrangements for the Scrutiny of the Public Service Board in Powys” document approved by Full Council from time to time.

Councillor Call for Action

7.~~45~~⁴².1 The Councillor Call for Action is a mechanism for enabling Councillors to bring matters of local concern to the attention of the Council via the Scrutiny process. It should be an option of “last resort”.

7.~~45~~⁴².2 Any Councillor may request that an item is placed on the agenda of the relevant Scrutiny Committee for consideration.

7.~~45~~⁴².3 The procedure for dealing with a Call for Action is set out in the Councillor Call for Action - Guidance for Councillors ~~attached to this section of the Rules at 7.46 to 7.51 which can be found on the Council's website as follows:~~

[Councillor Call for Action - Guidance for Members](#)

Councillor Call for Action - Guidance for Councillors

Introduction

7.46.1. ~~The Local Government Wales Measure 2011 introduced a number of new provisions aimed at strengthening local democracy. Section 63 of the Measure introduced a provision for “Councillor Calls for Action” (CCfA) which enables Councillors to refer issues of local importance to Scrutiny Committees.~~

7.46.2 ~~CCfAs are intended to enable local Councillors and their electors to obtain a response from their Council Leadership on issues of local importance. CCfAs should be regarded as one of a series of tools which Councillors have at their disposal to resolve local issues and make a positive difference in their community. Previously in Wales, only local Crime and Disorder issues could be referred by the local Councillor to the designated Health and Care Scrutiny Committee for action and it should be noted that these local crime and disorder referrals will remain in place under separate legislation.~~

7.46.3 ~~As part of their community leadership role, Councillors have always attempted to resolve issues on behalf of their local residents and CCfAs provide an additional avenue for Councillors to follow if the normal ways of resolving an issue have not been successful and the issue meets the criteria for a referral. It should be noted that a referral under this process should be seen as a last resort after all other avenues have been exhausted.~~

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7.46.4 CCfAs have been introduced alongside other powers for scrutiny, including powers to scrutinise a wide range of bodies not previously subject to local authority scrutiny. CCfAs are intended to enable any Councillor to refer to a Scrutiny Committee, “a local government matter” which falls within the Scrutiny Committee’s remit.

How Should I Normally Attempt to Resolve a Local Issue in My Area?

7.46.5 Local issues can be resolved in a number of ways by Councillors on behalf of their residents as listed in the Welsh Government’s Statutory Guidance from the Local Government Measure 2011:

- 7.46.5.1 informal discussions with Officers or other Councillors;
- 7.46.5.2 informal discussions with partner representatives;
- 7.46.5.3 referral to other “scrutiny” bodies such as Community Health Councils or internal Governance and Audit Committee;
- 7.46.5.4 formal discussions with Officers and Councillors;
- 7.46.5.5 formal letters to the Cabinet members;
- 7.46.5.6 asking questions at Full Council;
- 7.46.5.7 submitting a motion to Full Council;
- 7.46.5.8 organising public meetings;
- 7.46.5.9 use of petitions;
- 7.46.5.10 making a complaint;
- 7.46.5.11 freedom of information requests;
- 7.46.5.12 communication with local AMs or MPs;
- 7.46.5.13 use of social media or email-based campaigns.

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

What is a Councillor Call For Action?

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

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

How and When Should I Make a CCfA?

7.46.8.1 A flowchart showing the process is provided at Rule 7.45. A Councillor may initiate the process by completing the form at Rule 7.46. Further copies are available from the Scrutiny Manager. It is important that the local Councillor specifies what outcome is expected from the referral. After completion the form should be returned to the Scrutiny Manager who will log and acknowledge the referral within five working days, to track its progress and forward a copy of the form to the Monitoring Officer.

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~~7.46.8.2 The Monitoring Officer will confirm whether or not the referral satisfies the requirements outlined in Rule 7.42.9 below to enable it to be placed on the agenda for discussion at a meeting of the relevant Scrutiny Committee. The Monitoring Officer reserves the right to exclude from the agenda any matter which is vexatious, discriminatory or otherwise potentially unlawful; and the Councillor will be informed of this outcome as soon as practicable.~~

Criteria To Be Followed By A Scrutiny Committee Dealing With CCfAs

~~7.46.9 It is up to the chair of a Scrutiny Committee in consultation with the Monitoring Officer to decide whether, and in what form, to take the matter further. The chair will use the following criteria to decide whether or not the referral is appropriate to be considered by its Scrutiny Committee:~~

- ~~7.46.9.1 does the matter fall within the remit of that Scrutiny Committee?
NB: Crime and Disorder referrals should be directed to the Health and Care Scrutiny Committee.~~
- ~~7.46.9.2 is that Scrutiny Committee satisfied that all reasonable attempts have been made to resolve the issue by the local Councillor? Do the responses received by the referring Councillor demonstrate that the matter is not being progressed?~~
- ~~7.46.9.3 has that Scrutiny Committee considered a similar issue recently? If so, have the circumstances or evidence changed?~~
- ~~7.46.9.4 is there a similar or related issue which is the subject of a review on the current work programme? It may be more appropriate to link the new issue to an existing review, rather than hold a separate CCfA hearing. Relevant time pressures on resolving the CCfA should be taken into account.~~
- ~~7.46.9.5 have all relevant service areas or partner organisations been informed and been given enough time to resolve the issue? What response has the Councillor received?~~
- ~~7.46.9.6 is this a case that is being or should be pursued via the Council's corporate complaints procedure?~~
- ~~7.46.9.7 is it relating to a "quasi judicial" matter or decision such as planning or licensing?~~
- ~~7.46.9.8 is the matter an issue of genuine local concern which impacts on the local community rather than a personal matter?~~
- ~~7.46.9.9 is this an issue currently being looked at by another form of external scrutiny?~~
- ~~7.46.9.10 and, as with all scrutiny, does the matter have the potential for scrutiny to produce recommendations which could realistically be implemented and lead to improvements for anyone living or working in the Councillor's electoral division?~~

- ~~7.46.10 If a Scrutiny Committee decides not to accept the CCfA it must inform the Councillor of the decision and the reasons for it..~~
- ~~7.46.11 If a Scrutiny Committee decides to accept the CCfA the Councillor will be informed and advised of the agreed Protocol, e.g. the Councillor will be given adequate notice (a minimum of 10 clear days) of the date of the Scrutiny Committee's meeting. The Councillor will be requested to attend the~~

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~~Scrutiny Committee and informed that s/he will have five minutes in which to address the Scrutiny Committee. The Scrutiny Committee may then wish to question the Councillor further before deciding how it intends to take the matter forward. This could include:~~

- ~~7.46.11.1 asking the relevant responsible authorities to respond to the CCfA;~~
- ~~7.46.11.2 setting up a research or task and finish group to undertake a more in-depth review;~~
- ~~7.46.11.3 asking for further evidence and/or witnesses to be brought to a future meeting. The Scrutiny Committee has the power to request “designated persons”², such as representatives from other public bodies/agencies to attend, where relevant, and to request information.~~

Potential Outcomes From a CCfA

~~7.47.1 A Scrutiny Committee could:~~

- ~~7.47.1.1 determine that it is a complex issue that requires further investigation and commission a scrutiny review of the issue;~~
 - ~~7.47.1.2 write a response and make recommendations on the CCfA to a relevant responsible authority;~~
 - ~~7.47.1.3 decide that further action is not appropriate giving its reasons.~~
- ~~7.47.2 Once a Scrutiny Committee has completed its work, the Councillor who made the referral will receive a copy of any response or recommendations made.~~

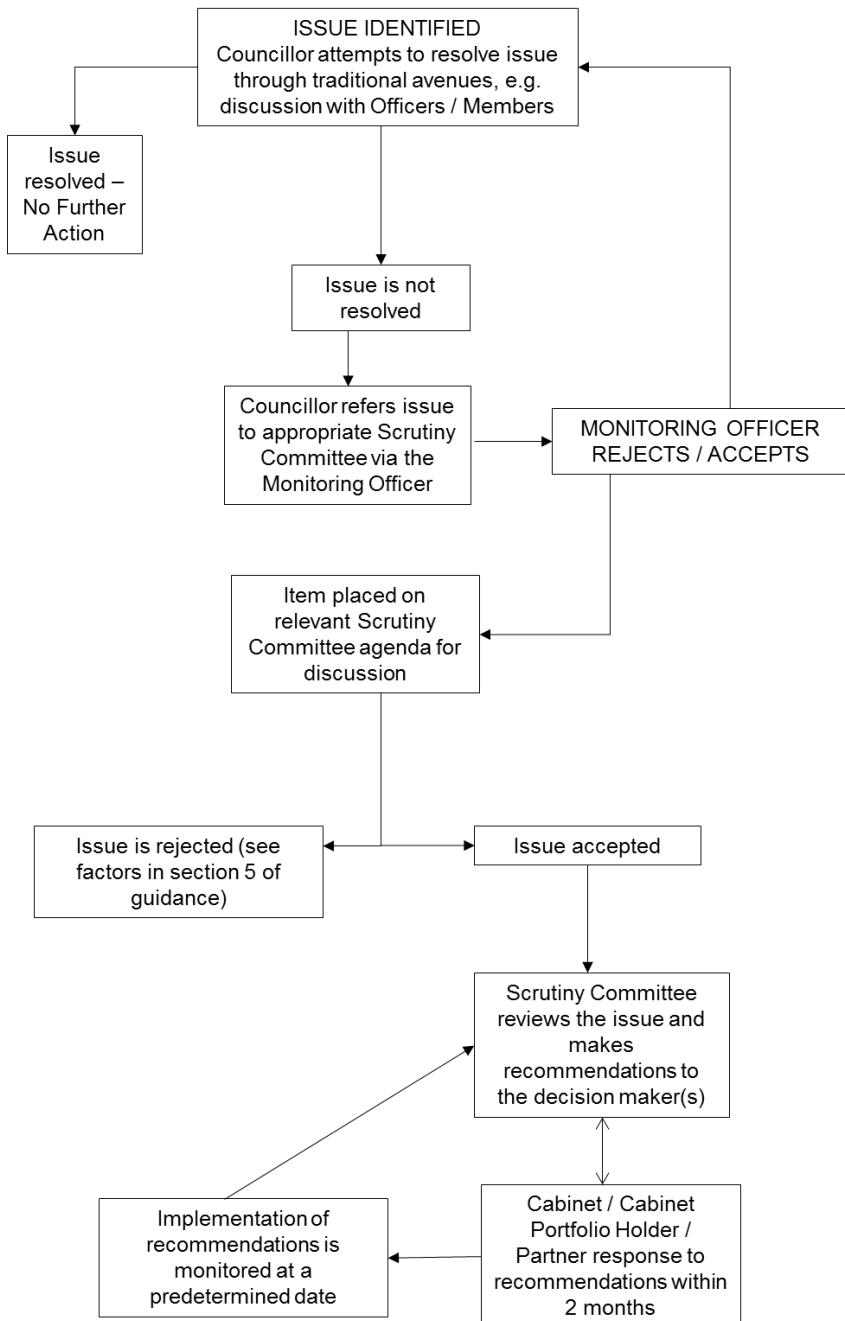
Timescales for Dealing With a CCfA

- ~~7.48.1 Within 10 working days of receipt of a CCfA the chair of the relevant Scrutiny Committee will consult with the Monitoring Officer to determine if the criteria set out in Rule 7.46.9 above have been met so as to ensure that it is appropriate for the CCfA to be dealt with at the next meeting of the Scrutiny Committee.~~
- ~~7.48.2 In exceptional circumstances, for example where there are unavoidable time constraints, the chair may convene a special meeting of the Scrutiny Committee.~~
- ~~7.48.3 Should a CCfA result in recommendations to the Cabinet or other responsible authorities, they will be requested to make a response to the recommendations within 28 days and two months respectively.~~
- ~~7.48.4 The Scrutiny Committee will monitor implementation of any recommendations as part of its Forward Work Programme.~~

~~7.49~~

²~~The Welsh Government have yet to publish a list of “designated persons”.~~

SECTION 7 – SCRUTINY COMMITTEES



SECTION 7 – SCRUTINY COMMITTEES

Councillor Call for Action Referral Form

7.50

Name of Scrutiny Committee	
Date given to the Monitoring Officer	
Name of Councillor making CCfA	Councillor
Councillor's Electoral Division	-
Councillor's Address	-
Councillor's Telephone	-
Councillor's E-mail	-
—	-
SUBJECT of CCfA	-
Details Please briefly explain what the issue is and how it affects either all or part of your electoral area, or how it affects someone who lives or works in your electoral division.	-
Action taken to date Please explain what steps you or others have taken, and with whom, to try to resolve the issue (please tick the actions you or others have taken to date) or add additional actions.	<input type="checkbox"/> Informal discussions with Officers or other councillors <input type="checkbox"/> Informal discussions with partner representatives <input type="checkbox"/> Referral to other "scrutiny" bodies such as Community Health Councils or internal Governance and Audit Committee <input type="checkbox"/> Formal discussions with Officers and councillors <input type="checkbox"/> Formal letters to the Cabinet members <input type="checkbox"/> Asking questions at Full Council <input type="checkbox"/> Submitting a motion to Full Council <input type="checkbox"/> Organising public meetings <input type="checkbox"/> Use of petitions <input type="checkbox"/> Making a complaint <input type="checkbox"/> Freedom of Information requests <input type="checkbox"/> Communication with local AMs or MPs <input type="checkbox"/> Use of social media or email based campaigns

SECTION 7 – SCRUTINY COMMITTEES

	<p>Other Actions (Please Specify):</p>
Expected Outcome: Please describe the outcome you hope to gain via this referral.	
Papers attached: Please list documents attached which should evidence the impact of the issue, the steps taken and any responses received.	1. 2. 3. 4. 5. 6.

Administration only:

Date received by Monitoring Officer	
Date CCfA accepted by Monitoring Officer	
Date of Next Scrutiny Committee Meeting	

Notes for Councillors:

7.51.1 The following criteria will be taken into consideration when a Scrutiny Committee decide whether to progress with your CCfA:

- 7.51.1.1 have all reasonable attempts been made to resolve the issue? Do the responses received by you demonstrate that the matter is not being progressed?
- 7.51.1.2 has the committee considered a similar issue recently—if yes have the circumstances or evidence changed?
- 7.51.1.3 is there a similar or related issue which is the subject of a review on the current work programme? It may be more appropriate to link the new issue to an existing review, rather than hold a separate CCfA hearing. Relevant time pressures on resolving

SECTION 7 – SCRUTINY COMMITTEES

- the CCfA should be taken into account.
- 7.51.1.4 have all relevant service areas or partner organisations been informed and been given enough time to resolve the issue? What response have you received?
- 7.51.1.5 is this a case that is being or should be pursued via the Council's corporate complaints procedure?
- 7.51.1.6 is it relating to a "quasi judicial" matter or decision such as planning or licensing?
- 7.51.1.7 is the matter an issue of genuine local concern, which impacts on the local community rather than a personal matter?
- 7.51.1.8 is this an issue currently being looked at by another form of external scrutiny?
- 7.51.1.9 and, as with all scrutiny, does the matter referred have the potential for scrutiny to produce recommendations, which could realistically be implemented and lead to improvements for anyone living or working in your electoral division.
- 7.51.2.1 Consider whether your referral might be considered premature by the Scrutiny Committee.
- 7.51.2.2 Consider whether other potential remedies have been exhausted, before a referral is made.
- 7.51.3 Members should be aware that if a premature referral is made, the Committee is likely to refuse to deal with the issue, based on the criteria outlined above. If the Monitoring Officer believes that the referral is premature, s/he will advise you accordingly.

SECTION 7 – SCRUTINY COMMITTEES

Appendix 1— “Call-In Request”

CALL-IN OF LEADER / CABINET / CABINET COMMITTEE / PORTFOLIO HOLDER DECISION REQUEST FORM.

CALL IN REQUEST FOR A MATTER TO BE CALLED IN BY A SCRUTINY COMMITTEE.

TO: _____ The Monitoring Officer.

I/County Councillor _____ Chair of the

Health and Care Scrutiny Committee	YES / NO
Learning and Skills Scrutiny Committee	YES / NO
Economy, Residents and Communities Scrutiny Committee	YES / NO

We 4 County Councillors being Members of the

Health and Care Scrutiny Committee	YES / NO
Learning and Skills Scrutiny Committee	YES / NO
Economy, Residents and Communities Scrutiny Committee	YES / NO

Request the call in of the decision referred to in Schedule 1 (Attached) to be reviewed by the Committee of which [I am Chair] [We are Members].

I/ We confirm that the matter is one which falls within the remit of the Committee of which [I am Chair] / [We are Members].

I / We make this request on the ground(s) following written advice from the Monitoring Officer and / or Chief Finance Officer (Attached at Schedule 2):

- (i) that the decision or action is contrary to the policy framework or budget, or falls outside the functions of the Cabinet; and / or
- (ii) that the Cabinet or decision maker had not followed agreed procedures on consultation before reaching its decision; and / or
- (iii) that the Cabinet had not followed, or had failed to take account of, any legal obligations, including regulations or statutory guidance governing the Council's actions, or other guidance adopted by the Council.

Date: _____

Name:	Signature:

SECTION 7 – SCRUTINY COMMITTEES

IMPORTANT NOTE TO CHAIRS AND MEMBERS OF A SCRUTINY COMMITTEE:

If you consider that a Cabinet decision falls within one or more of the categories set out above it is your responsibility to obtain from the Monitoring Officer and / or the Chief Finance Officer their written confirmation that he / she / they agree with your view and that their written advice is appended to this request for a Call In.

This form must be wholly completed – including Schedules 1 and 2 and must be received by the Monitoring Officer by no later than 5 p.m. on the 5th Working Day following publication of the Cabinet decision.

Thus by way of example where (as is usually the case) a Cabinet decision is published on a Thursday this completed form must be received by the Monitoring Officer by no later than 5 p.m. on Thursday of the following week. Where a bank holiday Monday intervenes then this deadline will be extended to 5 p.m. on the Friday of the following week.

Chairs / Members are particularly asked to note that incomplete forms WILL NOT be accepted nor will those received after 5 p.m. on the 5th day. No exception whatsoever will be made to this rule.

This process applies to all decisions relating to "Cabinet Functions" and so applies equally to decisions of the Leader, the Cabinet a Cabinet Committee or any decision by an individual Portfolio Holder.

PLEASE NOTE the following exceptions which apply to a Call In Request:

In order to ensure that call in is not abused or causes undue delay, certain limitations are to be placed on its use. These are:

- (i) that a scrutiny committee may only call in 5 decisions per year.
- (ii) only decisions involving expenditure or reduction in service over a value of £25,000 may be called in.
- (iii) four members of a scrutiny committee are needed for a decision to be called in.
- (iv) once a member has signed a request for a call in s/he may not do so again until a period of 6 months has expired.
- (v) the decision has not been determined to be urgent and not subject to a Call In.

SECTION 7 – SCRUTINY COMMITTEES

SCHEDULE 1.

TO BE COMPLETED BY THE CHAIR OR 4 MEMBERS REQUESTING THE CALL-IN.

4.	Leader / Cabinet / Cabinet Committee / Individual Portfolio Holder Decision To Be Called In (Please include Date of Meeting and Agenda Reference Number):

2. Reason for Call-In:

2.1 What is the reason for the Call-In Request. Please tick which of the conditions which you believe apply:

(i)	that the decision or action is contrary to the policy framework or budget, or falls outside the functions of the Cabinet; and / or	
(ii)	that the Cabinet or decision maker had not followed agreed procedures on consultation before reaching its decision; and / or	
(iii)	that the Cabinet had not followed, or had failed to take account of, any legal obligations, including regulations or statutory guidance governing the Council's actions, or other guidance adopted by the Council.	

2.2 Please provide an explanation in the box below as to why you believe that the conditions in 2.1 above apply.

--

SECTION 7 – SCRUTINY COMMITTEES

(Please continue on a separate sheet if necessary)

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SECTION 7 – SCRUTINY COMMITTEES

SCHEDULE 2.

TO BE COMPLETED BY THE MONITORING OFFICER AND CHIEF FINANCE OFFICER.

4. Chief Finance Officer's Advice.

Chief Finance Officer's Advice on the Call In Request.

(Please continue on a separate sheet if necessary)

Date: _____

Signature: _____

SECTION 7 – SCRUTINY COMMITTEES

2. Monitoring Officer's Advice.

Monitoring Officer's Advice on the Call-In Request:

(Please continue on a separate sheet if necessary)

Date: _____

Signature: _____

SECTION 7 – SCRUTINY COMMITTEES

FOR INTERNAL USE ONLY:

(a) _____ Date of Request to Call In Decision (as above):	YES / NO
(b) _____ Date of Cabinet Decision:	YES / NO
(c) Is Date of Request within 5 Working Days of Cabinet Decision:	YES / NO
(d) _____ Does the matter fall within the remit of the Scrutiny Committee?	YES / NO
(e) _____ Does the Chief Finance Officer's advice support a Call In Request:	YES / NO
(f) Does the Monitoring Officer's advice support a Call In Request:	YES / NO
(g) _____ Signature(s) of Chair or 4 Members of Relevant Committee included:	YES / NO
(h) _____ Call In Notice to be Issued:	YES / NO

(i) Date of Committee Meeting to consider Call In (within 10 working days of issue of notice):	YES / NO
(j) Name(s) of Relevant Cabinet Portfolio Holders to be Invited to Attend Meeting:	
(k) Details of Heads of Service to be Invited to Attend Committee:	
(l) Cabinet Portfolio Holders Heads of Service Advised of Committee Meeting (insert date):	YES / NO
(m) Questions and Checklist prepared for the Committee:	YES / NO

SECTION 7 – SCRUTINY COMMITTEES

Appendix 2 – “Call-In Notice”

TO BE COMPLETED BY THE MONITORING OFFICER AND CHIEF FINANCE OFFICER.

1. Chief Finance Officer.

4.1 Please tick which of the conditions which you believe apply for a “Call-In Notice” to be issued:

(i)	that the decision or action is contrary to the policy framework or budget, or falls outside the functions of the Cabinet; and / or	<input type="checkbox"/>
(ii)	that the Cabinet or decision maker had not followed agreed procedures on consultation before reaching its decision; and / or	<input type="checkbox"/>
(iii)	that the Cabinet had not followed, or had failed to take account of, any legal obligations, including regulations or statutory guidance governing the Council’s actions, or other guidance adopted by the Council.	<input type="checkbox"/>

Please set out the reasons why it is believed that one or more of the conditions are satisfied:

(Please continue on a separate sheet if necessary)

Date: _____

Signature: _____

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2. Monitoring Officer.

2.1 Please tick which of the conditions which you believe apply for a “Call In Notice” to be issued:

(i)	that the decision or action is contrary to the policy framework or budget, or falls outside the functions of the Cabinet; and / or	
(ii)	that the Cabinet or decision maker had not followed agreed procedures on consultation before reaching its decision; and / or	
(iii)	that the Cabinet had not followed, or had failed to take account of, any legal obligations, including regulations or statutory guidance governing the Council’s actions, or other guidance adopted by the Council.	

Please set out the reasons why it is believed that one or more of the conditions are satisfied:

(Please continue on a separate sheet if necessary)

Date: _____

Signature: _____

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SECTION 9 – REGULATORY AND OTHER COMMITTEES

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

The Democratic Services Committee

- 9.2.1 The Council will appoint a Democratic Services Committee to discharge the functions described in Section 13 of this Constitution.¹
- 9.2.2 The Committee shall consist of 14 Members to achieve so far as reasonably practicable a political balance.
- 9.2.3 No more than one Member of the Cabinet may be a member of the Committee and that Cabinet Member cannot be the Leader.
- 9.2.4 The Chair of the Democratic Services Committee is appointed by Full Council at its Annual Meeting and the Chair may be removed from office by a motion to remove to Council which is put on the agenda pursuant to Rule 4.38.1. The Chair must not be a member of an Executive Group (meaning a political group some or all of whose members comprise, or are included in, the Cabinet of the Authority, unless there are no oposition groups [meaning a political group none of whose members are included in the Cabinet of the Authority] in which case the Chair may be a member of an Executive Group but must not be a member of the Cabinet).
- 9.2.5 The Committee may appoint one or more sub-committees and may arrange for the discharge of any of its functions by such a sub-committee.
- 9.2.6 The Committee is to appoint the Chair of any Sub-Committee.
- 9.2.7 The Vice-Chair of the Committee is appointed by the Committee and the Vice-Chair of any Sub-Committee is appointed by the Sub-Committee
- 9.2.8 The Vice-Chair of the Democratic Services Committee and the Chair and Vice-Chair of a Sub-Committee may be removed from office by a motion to remove which is put on the agenda of the Democratic Services Committee pursuant to Rule 4.38.1

Regulatory Committees and Sub-Committees

- 9.3.1 The Council will appoint such Regulatory Committees as it considers appropriate to the exercise of its functions. These will include a Planning, Taxi Licensing and Rights of Way Committee of 21 Membersⁱ, a Licensing Act 2003 Committee of 14 Members, an Employment and Appeals Committee of 14 Members, a Governance and Audit Committee of 15 Members, and a Pensions and Investments Committee of 5 Members plus the Portfolio Holder for Finance together with a Staff and Employers Representative.
- 9.3.2 Any Regulatory Committee appointed by the Council may at any time appoint additional Sub-Committees and panels throughout the year. The terms of reference and delegation of powers to them shall be explicit and within the Regulatory Committee's terms of reference.
- 9.3.3 Subject to Rule 9.3.4 below, Cabinet Members cannot be members of Regulatory Committees and / or their Sub-Committees.
- 9.3.4 Cabinet Members may be members of the following Regulatory Committees and / or their Sub-Committees in the manner described below:
- 9.3.4.1 Pensions and Investment Committee;
- 9.3.4.2 Employment and Appeals Committee where dealing with

¹ See Rule 11, of the Local Government (Wales) Measure 2011.

SECTION 9 – REGULATORY AND OTHER COMMITTEES

shortlisting and appointments in accordance with Rules 11.45, 11.52, and 11.56.

- 9.3.5 The quorum of any Sub-Committee of a Regulatory Committee will be 25% of the membership save that the quorum of the Taxi Licensing Sub-Committee shall be at least 3 Members and the quorum of the Licensing Sub-Committee of the Licensing Act 2003 Committee shall be at least 3 Members.
- 9.3.6 A Regulatory Committee and / or Sub-Committee will appoint a Chair and Vice-Chair at the first meeting of the Committee / Sub-Committee following the Council's Annual Meeting.
- 9.3.7 A Chair and Vice-Chair of a Regulatory Committee may be removed from office by a motion to remove which is put on the agenda pursuant to Rule 4.38.1

9.4 Governance and Audit Committee.

- 9.4.1 The role, scope and Membership of the Governance and Audit Committee is set out below:

<u>Governance and Audit Committee</u>	<ul style="list-style-type: none"><u>To approve authority's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be).</u>
<u>Membership:</u>	<ul style="list-style-type: none"><u>Ensure the risk management strategy guides the programme of internal and external work, to address the controls and risk related issues identified</u>
<u>14 Councillors plus 1 Independent / Lay Member</u>	<ul style="list-style-type: none"><u>Oversee the production of the annual governance statement, recommend its adoption to County Council and ensure appropriate action is taken to address the issues raised</u><u>To consider and approve the annual audit opinion on internal control and the level of assurance given to the corporate governance arrangements</u><u>Approve the annual audit plan, ensuring there is sufficient and appropriate coverage, with a strong emphasis on risk management and resources are available to implement the plan.</u>
	<p><u>Receive and review internal audit reports and ensure officers respond promptly to the findings. Where necessary recommendations to other committees and portfolio holders will be made, to ensure action plans are implemented</u></p> <p><u>Consider and approve the annual letter, regulatory plan and specific reports as agreed.</u></p> <p><u>Where necessary ensure action is taken by officers to address those issues raised, and if necessary recommendations to other committees and portfolio holders will be made to address findings and deliver clear conclusions</u></p> <p><u>Comment on the scope and depth of the external audit work, to ensure it gives value for money</u></p> <p><u>Assess and approve the annual statement of accounts,</u></p>

SECTION 9 – REGULATORY AND OTHER COMMITTEES

	<p><u>external audit opinion and management representation in relation to annual audit findings</u></p> <p><u>Promote effective relationships between external and internal audit, inspection agencies and other relevant bodies to ensure the value of audit and inspection is enhanced and actively promoted</u></p> <p><u>• regularly monitor treasury management reports</u></p> <p><u>Local Government Measure 2011 (Section 81) as amended by the Local Government and Elections (Wales) Act 2021 (Section 115)</u></p> <p><u>• review and scrutinise the authority's financial affairs</u></p> <p><u>• make reports and recommendations in relation to the authority's financial affairs</u></p> <p><u>• review and assess the risk management, internal control, performance assessment and corporate governance arrangements of the authority</u></p> <p><u>• make reports and recommendations to the authority on the adequacy and effectiveness of those arrangements</u></p> <p><u>• review and assess the authority's ability to handle complaints effectively</u></p> <p><u>• make reports and recommendations in relation to the authority's ability to handle complaints effectively</u></p> <p><u>• oversee the authority's internal and external audit arrangements, and</u></p> <p><u>• review the financial statements prepared by the authority</u></p>
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9.4.2 The Committee can make reports and / or recommendations to the Cabinet and / or Scrutiny Committees and / or the Full Council, in connection with the discharge of any function of the authority;

Membership of the Governance and Audit Committee

9.4.3 The Governance and Audit Committee will comprise 14 Councillors, appointed to achieve as far as reasonably practicable a political balance on the committee plus 1 voting Lay Member plus such other co-optees as may be appointed by the Council (subject to the total number of co-optees being less than one third of the total membership).²

9.4.4 In accordance with Section 82 of The Measure:

- 9.4.4.1 At least one member of the Governance and Audit Committee must be a voting Lay Member;
- 9.4.4.2 An act of the Governance and Audit Committee will be invalid if the membership of the committee breaches any of the membership requirements set out in Rules 7.5.1 and 7.5.2.1.

SECTION 9 – REGULATORY AND OTHER COMMITTEES

9.4.4.3 The Chair of the Governance and Audit Committee is appointed by the Committee at the first meeting following the Council's Annual Meeting and the Chair:

- cannot be a member of the Cabinet;
- can be a Lay Member or a Co-Opted Member;
- can only be a member of an executive group if there are no opposition groups. (See Rule 7.5.4 below);

9.4.4.4 The Measure does not require a Cabinet Member to be a member of the Governance and Audit Committee but a maximum of one member of Cabinet (but not the Leader) may be a member of the Governance and Audit Committee;

9.4.4.5 The Chair of the Governance and Audit Committee may be removed from office by a motion to remove which is put on the agenda of the Governance and Audit Committee pursuant to Rule 4.38.1

9.4.5 The Vice-Chair of the Governance and Audit Committee will be appointed annually by the Committee at the first meeting following the Council's Annual Meeting who may appoint a Councillor, the Lay Member or a Co-Opted Member. (see Rule 9.4.6 below)

9.4.6 The Vice-Chair of the Governance and Audit Committee may be removed from office by a motion to remove which is put on the agenda of the Governance and Audit Committee pursuant to Rule 4.38.1

9.4.7 A person presiding at an Governance and Audit Committee can only be a member of an executive group if there are no opposition groups.

Who May Sit on the Governance and Audit Committee

9.4.8 In accordance with Section 82 of The Measure no more than one member of the Cabinet may be a member of the Governance and Audit Committee (but there is no requirement for Full Council to appoint a member of the Cabinet to the Governance and Audit Committee). The Leader cannot be a member of the Governance and Audit Committee.

Work Programme

9.4.9 The Chair in consultation with the Committee will determine its own work programme

Meetings of the Governance and Audit Committee

9.4.10 The Governance and Audit Committee must also meet if:

- (a) the Full Council resolves that the Committee should meet; or
- (b) at least one third of the members of the Governance and Audit Committee requisition a meeting by one or more notices in writing to the chair.

9.4.11 For the purposes of attendances of members or Officers at the Governance and Audit Committee only, in accordance with Section 83(6) of The Measure, a person is not obliged to answer any question which the person would be entitled to refuse to answer in, or for the purposes of, proceedings in a court in England and Wales.

SECTION 9 – REGULATORY AND OTHER COMMITTEES

Rules of Procedure and Debate

9.45 The Council Procedure Rules in Section 4 will apply.

ⁱ To comply with The Size and Composition of Local Planning Authority Committees (Wales) Regulations 2017 a Planning Committee must have between 11 and 21 Members.

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SECTION 2 – PURPOSE, DEFINITION, INTERPRETATION AND AMENDMENT OF THE CONSTITUTION

Purpose of the Constitution

2.1 The purpose of the Constitution is to:

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

Definitions in the Constitution

2.2.1 The Constitution of the Council is this document.

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

“Annual Meeting”	In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place in March, April or May. ¹
“Budget”	the overall revenue and capital budget approved by Full Council (Section 4);
“Chief Officer”	Unless stated otherwise Chief Officer means the following officers: Chief Executive Strategic Executive Directors
“Clear Days”	The number of days that the notice and summons of a meeting have to be published in advance of a meeting. The clear days do not include (a) the day the document is published and / or received; and (b) the day of the meeting; and (c) weekends and bank holidays. ²
“Co-Opted Member”	A person chosen by the Council to serve on one of its Member Bodies consisting of the following: 5 Independent (Lay) Members of the Standards Committee; 3 Town and Community Council representatives of the Standards Community Sub-Committee;

¹ Local Government Act 1972, Schedule 12

² Schedule 12, Part 1, Regulation 4(2) – Local Government Act 1972.

SECTION 2 – PURPOSE, DEFINITION, INTERPRETATION AND AMENDMENT OF THE CONSTITUTION

	3 Parent Governor Representatives on the Learning and Skills Scrutiny Committee; 1 Church in Wales representative on the Learning and Skills Scrutiny Committee; 1 Roman Catholic Church representative on the Learning and Skills Scrutiny Committee; 1 'Lay' Members of the Governance and Audit Committee; 1 co-opted Member in respect of crime and disorder matters on the Economy, Residents, Communities and Governance Scrutiny Committee.
"Councillor"	a person elected to the Council to represent an area (called an electoral division) within the county of Powys;
"Deputy Chief Officer"	Unless otherwise stated Deputy Chief Officers means the following officers: Directors Heads of Service
"Executive"	the Cabinet or a Member or Members of the Cabinet when exercising Executive Functions;
"Executive Decision" or "Cabinet Decision"	any decision taken by the Cabinet to exercise or refrain from exercising an Executive Function. It also includes decisions made by persons or Member Bodies to whom the Leader or Cabinet has delegated Executive Functions to exercise or refrain exercising those functions;
"Executive Function" or "Cabinet Function"	(a) Executive Functions are defined by the Local Government Act 2000, subsidiary legislation ³ and associated guidance. Any function that is not exercisable only by Full Council or delegated to another Member body is an Executive Function. It should be noted that regulatory functions such as planning, licensing, rights of way and building control, are not Executive Functions; (b) Contractual matters (within an approved budget), the acquisition and disposal of land and financial support to organisations and individuals are also Executive Functions.
"Exempt Information"	Information which a Council is able to withhold from being disclosed to the public as it falls within one of 10 categories of information described in regulations. ⁴

³ The Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2001 (as amended)

⁴ Paragraphs 12 to 18 of Part 4 of Schedule 12A to the Local Government Act 1972 as inserted by the Local Government (Access to Information)(Variation) Order 2007 and Regulation 4 of the Local Authorities (Executive Arrangements) (Decisions, Documents and Meetings) and the Standards Committees (Wales) (Amendment) Regulations 2007.

SECTION 2 – PURPOSE, DEFINITION, INTERPRETATION AND AMENDMENT OF THE CONSTITUTION

“Forward Work Programme”	the Forward Work Programme is a document which lists all of the decisions that the Cabinet intend to take and when those matters will be discussed. This does not prevent urgent or unforeseen matters being considered;
“Full Council”	the body where all Councillors act to exercise functions of the Council;
“Head of Service”	such officers appointed from time to time by Strategic Directors and / or Directors to run the individual services within their directorates.
“Head of Paid Service”	an Officer who must be appointed by law to carry out certain functions. See Section 11 for more details. The Officer will usually have other duties and a different job title. See Section 11 for which Officer is the Head of Paid Service;
“Independent (Lay) Member”	a member of the Standards Committee who is not: <ul style="list-style-type: none"> (a) a Councillor; (b) an officer; or (c) the spouse of a Member or an officer of the Council, or any other Relevant Authority, or a Community Council.
“Lay Member”	the Co-Opted Member of the Governance and Audit Committee appointed by the Full Council who cannot be a Councillor.
“Local Choice Functions”	there are some functions which the Council may treat as being the responsibility of the Cabinet (in whole or in part) or as being non-executive, at its discretion; ⁵
“Local Representative”	has the meaning set out in Rules 19.82 to 19.89 (Planning Protocol).
“Management Team”	the senior management body for officers (Section 11). It includes those officers designated from time to time by the Head of Paid Service as members of the Management Team;
“the Measure”	means the Local Government (Wales) Measure 2011.
“Member”	either a Councillor or a Co-Opted Member chosen by the Council to serve on one of its Member Bodies;
“Member Body”	any of the following: <ul style="list-style-type: none"> • Governance and Audit Committee; • Cabinet; • Democratic Services Committee; • Employment and Appeals Committee; • Learning and Skills Scrutiny Committee;

⁵ The Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2001 (as amended)

SECTION 2 – PURPOSE, DEFINITION, INTERPRETATION AND AMENDMENT OF THE CONSTITUTION

	<ul style="list-style-type: none"> • Health and Care Scrutiny Committee; • Economy, Residents, <u>and</u> Communities and Governance Scrutiny Committee; • Full Council; • Licensing Act 2003 Committee; • Pensions and Investments Committee; • Planning, Taxi Licensing and Rights of Way Committee; • Standards Committee (or its Community Sub-Committee) <p>Note - references to Committee also includes Sub-Committee;</p>
“Monitoring Officer”	an Officer who must be appointed by law to carry out certain functions. See Section 11 for a description of those functions. The Officer will usually have other duties and a different job title. See Section 11 for which Officer is the Monitoring Officer;
“Non-Executive Functions”	any function which may only be exercised by Full Council (whether by local choice or as a matter of law) or which is delegated to a Member Body other than the Cabinet; ⁶
“Planning Application”	any of the applications set out in the Planning Protocol set out in Section 19.
“Policy Framework”	The framework set out in Rule 4.2;
“Public Interest”	Means the test set out in Section 14.
“Relevant Authority”	(a) a county council; or (b) a county borough council; or (c) a national park authority established under section 63 of the Environment Act 1995 (as amended); or (d) a fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004(2) or a scheme to which section 4 of that Act applies
“Returning Officer”	Means the officer appointed by Full Council pursuant to section 35 of the Representation of the People Act 1983 to be the officer responsible for the administration of elections of councillors of the county, and elections of councillors of communities within the County.
“Scrutiny Committees”	<ul style="list-style-type: none"> • Learning and Skills Scrutiny Committee; • Health and Care Scrutiny Committee; • Economy, Residents <u>and</u>, Communities and Governance Scrutiny Committee; • Governance and Audit Committee

⁶ The Local Authorities Executive Arrangements (Functions and Responsibilities) (Wales) Regulations 2001 (as amended)

SECTION 2 – PURPOSE, DEFINITION, INTERPRETATION AND AMENDMENT OF THE CONSTITUTION

	<ul style="list-style-type: none">• Public Service Board Scrutiny Committee.
“Section 151 Officer”	an Officer who must be appointed by law to carry out certain functions in relation to financial administration. See Section 11 for a description of those functions. The Officer may have other duties and a different job title. See Section 11 for which Officer is the Section 151 Officer;
“Service”	any of the services provided by the Council;
“ <u>Single Integrated Plan</u> Corporate Improvement Plan (<u>SCIP</u>)”	<p>The CIP is a strategic document, and sets out the council's vision for the future of Powys, in line with the priorities of the ruling administration. The plan outlines the well-being and equality objectives the council will aim to deliver over a five year period, to achieve its vision and meet the needs of local residents and communities. These objectives are required by legislation (Well-being of Future Generations Wales Act 2015 and Equality Act 2010). Means the single plan for Powys that reflects the needs of the local population and is known as the “One Powys Plan”. The SIP builds on and brings together in one document the joint work previously developed through the Community Plan, as well as the Community Safety, Children and Young Peoples, and the Health Social Care and Wellbeing Partnership Plan.</p>

Interpretation of the Constitution

- 2.3.1 We have tried to make the Constitution as clear and as easy to understand as possible. Inevitably, people will have different views about what certain passages mean.
- 2.3.2 During meetings, the person chairing or presiding at the meeting may interpret the relevant procedure rules and for the purposes of the meeting the Chair's ruling is final.
- 2.3.3 In all other situations, the Monitoring Officer will determine the interpretation and application of the Constitution.
- 2.3.4 Unless the context requires otherwise, the singular shall include the plural and vice versa, and words expressed in any gender shall include any other gender.

The headings are inserted for convenience only and shall not affect the interpretation of the Constitution.

Duty to Monitor and Review the Constitution

- 2.4.1 The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.
- 2.4.2 The Monitoring Officer will make arrangements for any proposed changes to the Constitution to be considered by the Democratic Services Committee which will in turn make recommendations to the Full Council as to any amendments that may be necessary.

SECTION 2 – PURPOSE, DEFINITION, INTERPRETATION AND AMENDMENT OF THE CONSTITUTION

2.4.3 The Section 151 Officer shall be responsible for keeping under review the Financial Regulations set out in Section 16 of the Constitution and shall make any necessary amendments and revisions as are required from time to time. S/he shall make arrangements for any proposed changes to be considered by the Governance and Audit Committee and Democratic Services Committee which will in turn make recommendations to the Full Council as to any amendments that may be necessary.

Protocol for Monitoring and Review of Constitution by Monitoring Officer

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

- 2.5.1 observe meetings of different parts of the Member and Officer structure;
- 2.5.2 undertake an audit trail of a sample of decisions;
- 2.5.3 record and analyse issues raised with him/her by Members, Officers, the public and other relevant stakeholders; and,
- 2.5.4 compare practices in this Council with those in comparable authorities, or national examples of best practice.

Changes to the Constitution

Approval

2.6 Subject to Rules 2.7 and 2.8 below, changes to the Constitution will only be approved by the Full Council in accordance with the procedures set out in Rule 2.4.2 above.

Minor Changes

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

- 2.7.1 a minor variation; or
 - 2.7.2 required to be made to remove any inconsistency, ambiguity or typographical correction;
- the Monitoring Officer may make such a change. Any such change made by the Monitoring Officer shall come into force with immediate effect. Such changes shall be reported to the Democratic Services Committee and the next Full Council meeting for information.

2.7.3 A minor change includes changes to the titles and roles of the Senior Leadership Team and Proper Officers, and the names of Council Committees.

Legislative Change

SECTION 2 – PURPOSE, DEFINITION, INTERPRETATION AND AMENDMENT OF THE CONSTITUTION

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

Suspension of the Constitution

Limit to Suspension

- 2.9 Any of the procedure rules contained in the Constitution may be suspended to the extent permitted within these rules and the law except for the following rules:

- 2.9.1 Motions affecting persons employed by the Council (Rule 4.39.7)
- 2.9.2 Point of Order (Rule 4.55)
- 2.9.3 Right to Require Individual Vote to be Recorded (Rule 4.67)
- 2.9.4 No Requirement to sign minutes of previous meeting at extraordinary meeting (Rule 4.76)

Procedure to Suspend

- 2.10 A motion to suspend any rule will not be moved without notice unless at least one half of the whole number of councillors is present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in this Section. Any suspension will apply solely to the matter or matters being discussed at that meeting.

Publication

- 2.11.1 The Monitoring Officer will ensure that copies of this Constitution are available on the Council's website, and copies can be made available on request in audio format, in Welsh, and in Braille. Copies of Sections of the Constitution can be printed at the Council's Customer Service Points on request.
- 2.11.2 The Monitoring Officer will provide a link to a copy of this Constitution or by disk to each Member of the Council upon delivery to him/her of that individual's declaration of acceptance of office on the Member first being elected to the Council and thereafter ensure that an up to date version is available for inspection and published on the Council's website.
- 2.11.3 The Monitoring Officer will ensure that the Constitution is updated as necessary in accordance with Rule 2.6.

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