

Democratic Services Committee

Meeting Venue
**Council Chamber - County Hall,
Llandrindod Wells, Powys**

Meeting date
Wednesday, 30 March 2016

Meeting time
2.00 pm



County Hall
Llandrindod Wells
Powys
LD1 5LG

For further information please contact
Carol Johnson
01597 826206
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22nd March, 2016

AGENDA

1.	APOLOGIES FOR ABSENCE	DSC7 - 2016
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To receive apologies for absence.

2.	MINUTES OF PREVIOUS MEETING	DSC8 - 2016
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To authorise the Chair to sign the minutes of the previous meeting of the Committee held on 14th January, 2016 as a correct record.
(Pages 3 - 6)

3.	DECLARATIONS OF INTEREST	DSC9 - 2016
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To receive and consider declarations of interests from Members relating to items to be considered on the agenda.

4.	MATTERS RELATING TO DEMOCRATIC SERVICES ISSUES	DSC10 - 2016
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(Pages 7 - 238)

5.	MEMBER DEVELOPMENT WORKING GROUP	DSC11 - 2016
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To receive the notes of the Member Development Working Group held on 6th November, 2015 and 15th January, 2016.
(Pages 239 - 244)

6.	JOINT CHAIRS AND VICE CHAIRS STEERING GROUP - SCRUTINY, AUDIT AND DEMOCRATIC	DSC12 - 2016
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	SERVICES COMMITTEES	
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To receive the notes of the Joint Chairs and Vice Chairs Steering Group meetings held on 20th November, 2015 and 22nd January, 2016.

(Pages 245 - 258)

**MINUTES OF A MEETING OF THE DEMOCRATIC SERVICES COMMITTEE HELD
AT COMMITTEE ROOM A - COUNTY HALL, LLANDRINDOD WELLS, POWYS ON
THURSDAY, 14 JANUARY 2016**

PRESENT

County Councillor S C Davies (Chair)

County Councillors PJ Ashton, D O Evans, D C Jones, M J Jones, P E Lewis and
K M Roberts-Jones

1.	APOLOGIES FOR ABSENCE	DSC1 - 2016
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Apologies for absence were received from County Councillors D. Bailey, G.R. Banks, G. Bowker, L.V. Corfield and D.G. Thomas and County Councillor J.C. Holmes who was on other Council business.

2.	MINUTES OF PREVIOUS MEETING	DSC2 - 2016
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The Chair was authorised to sign as a correct record the minutes of the meeting held on 9th July, 2015.

Officers were asked to check if training provided to Councillors on safeguarding was the same as that provided for school Governors to ensure that there was no duplication.

3.	DECLARATIONS OF INTEREST	DSC3 - 2016
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There were no declarations of interest.

4.	MATTERS RELATING TO DEMOCRATIC SERVICES ISSUES	DSC4 - 2016
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The Committee considered the report from the Head of Democratic Services [copy filed with the minutes].

1. Constitution

Members considered amendments to the following sections of the Constitution as set out in Appendices A to F to the report:

Section 4 – Full Council

Section 5 – The Cabinet

Section 7 – Scrutiny Committees

Section 9 – Regulatory Committees

Section 13 – Responsibility for Functions

Section 16 – Financial Procedure Rules.

The Committee considered the arrangements for recorded votes as the new congress system in County Hall had the facility to record votes. The Committee

felt that votes taken at full Council and Cabinet meetings should always be recorded and published on the web and suggested that this be piloted for 12 months.

Members' attention was drawn to the proposed amendment to require, wherever possible, questions on Cabinet reports to be provided in writing to the report author at least 24 hours before the start of the Cabinet meeting. The intention was to make best use of the Cabinet's time and to ensure that Portfolio Holders were able to respond to questioners requiring specific information.

RECOMMENDED TO COUNCIL	Reason for recommendation
To approve amendments to Sections 4, 5, 7, 9, 13 and 16 of the Constitution	To update the Constitution.

3.2 Family Responsibilities

The Committee were content to leave it to the Head of Democratic Services to stay in touch with County Councillor Bowker.

3.5 Future Size of Committees

The Head of Democratic Services reported that there had been general agreement amongst the political group leaders on the need to reduce the size of committees. A further meeting of group leaders was being arranged and it was hoped to bring in changes by 1st April 2016 to help meet budget savings targets.

4.1 Candidate information, Councillor Information Pack and Induction Programme

The Committee discussed the information that should be made available for candidates standing in the 2017 local government elections. The Member Development Working Group was overseeing the information to be produced for candidates. There was agreement that it was important that candidates should be provided with a realistic picture of the workload of a councillor. Members noted that the Modern.Gov system provided details of Councillors' attendance at main Committees but was not currently showing their attendance at working groups which was where a lot of work was undertaken. Officers were asked to look at system so that attendance at working groups was also shown.

5.	MEMBER DEVELOPMENT WORKING GROUP	DSC5 - 2016
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The Committee received the notes of the Member Development Working Group held on 8th June, 2015 [copy filed with the signed minutes].

6.	JOINT CHAIRS AND VICE CHAIRS STEERING GROUP - SCRUTINY, AUDIT AND DEMOCRATIC SERVICES COMMITTEES	DSC6 - 2016
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The Committee received the notes of the Joint Chairs and Vice Chairs Steering Group held on 20th May, 2015 [copy filed with the signed minutes].

County Councillor S C Davies (Chair)

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CYNGOR SIR POWYS COUNTY COUNCIL.

**Democratic Services Committee
30th March, 2016**

REPORT BY: Head of Democratic Services

SUBJECT: Matters relating to Democratic Services issues

REPORT FOR: Decision

1 Constitution

Following the introduction of the Council's new Constitution as from 1st September, 2015, the requirement for a number of amendments has become apparent. Numerous amendments were agreed at the previous meeting and further amended sections are included for the Committee's consideration as follows. The tracked changes are shown on each document:

- Section 4 – Full Council – to follow
- Section 5 – The Cabinet [Appendix A]
- Section 7 – Scrutiny Committees [Appendix B]
- Section 9 – Regulatory Committees [Appendix C]
- Section 10 – Joint Committees [Appendix D]
- Section 13 – Responsibility for Functions [Appendix E]
- Section 14 – Access to Information Procedure Rules [Appendix F]
- Section 16 – Financial Procedure Rules [Appendix G]
- Section 18 – Members Code of Conduct – to follow
- Section 19 – Planning Protocol [Appendix H]

The Committee is asked to consider the amendments and recommend the changes to Council.

2 Composition of Committees

The report considers the reduction in the membership of committees.

Contact Officer Name:	Tel:	Email:
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SECTION 5 – THE CABINET

Introduction

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

Form and Composition of the Cabinet

5.2 The Cabinet will consist of:

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

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

Election

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

Term of Office

5.4 The Leader is appointed for a period of 4 years or for such other period as is prescribed from time to time in legislation or until s/he leaves office pursuant to Rules 6.4 to 6.7.

Role of the Leader

5.5 The Leader will Chair meetings of the Cabinet and determine the portfolios of Members of the Cabinet.

Other Cabinet Members

5.6 Other Cabinet Members will be Councillors appointed to the position of Cabinet Member by the Leader. Each Cabinet Member shall hold office until:

5.6.1 s/he resigns from that office; or

5.6.2 s/he is removed either individually or collectively from office by the Leader who must give written notice of any removal to the Monitoring Officer. The removal will take effect two Clear Days after receipt of the notice by the Monitoring Officer; or

5.6.3 s/he ceases to be a Councillor; or

5.6.4 s/he is suspended from being a Councillor under Part III of the Local Government Act 2000 (although s/he may resume office at the end of the period of suspension).

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

5.8 The Cabinet shall not include the Chair, the Vice-Chair, the Assistant Vice-Chair of the Council, a member of a Scrutiny Committee, the Chair of any other Committee or Sub-Committee of the authority (save for the Pensions and Investments Committee and Chair of Area (Shire) Committees).

SECTION 5 – THE CABINET

Delegation of Functions

5.9 The Leader may exercise Executive Functions himself/herself or may otherwise make arrangements to delegate responsibility for their discharge. The Leader may delegate Executive Functions to:

- 5.9.1 the Cabinet as a whole;
- 5.9.2 a committee of the Cabinet (comprising Cabinet Members only);
- 5.9.3 an individual Cabinet Member;
- 5.9.4 a joint committee;
- 5.9.5 another local authority or the executive of another local authority;
- 5.9.6 a delegated Officer.
- 5.9.7 an Area (Shire) Committee.

Responsibility for Functions When There is No Cabinet

5.10 During any period when there is no Cabinet, any functions which are the responsibility of the Cabinet shall be allocated to and discharged by the Head of Paid Service or in his/her absence the Strategic Directors acting singularly or collectively **PROVIDED THAT** in discharging such functions the Head of the Paid Service or the Strategic Directors shall have regard to and comply with any protocol applying to the exercise of delegated powers in so far as that is reasonably practicable, and in consultation with all the Leaders of political groups in accordance with the Local Government (Committees and Political Groups) Regulations 1990.

Rules of Procedure and Debate

5.11 The proceedings of the Cabinet shall take place in accordance with the Cabinet Procedure Rules in Rules 5.12 to 5.29 below.

Cabinet Procedure Rules

Delegation by the Leader

5.12 The Monitoring Officer, at the direction of the Leader, will draw up a written record of executive delegations made by the Leader for inclusion in the Council's scheme of delegation at Section 13 to this Constitution. This will contain the following information about Executive Functions:

- 5.12.1 the extent of any authority delegated to Cabinet Members individually, including details of the limitation on their authority;
- 5.12.2 the terms of reference and constitution of such Cabinet committees as the Leader appoints and the names of Cabinet Members appointed to them;
- 5.12.3 the nature and extent of any delegation of Executive Functions to any other authority or any joint arrangements;
- 5.12.4 the nature and extent of any delegation to Officers with details of any limitation on that delegation, and the title of the Officer to whom the delegation is made

Sub-Delegation of Executive Functions

5.13.1 Where the Cabinet is responsible for an Executive Function, they may

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delegate further to joint arrangements, or an Area (Shire) Committee or an Officer.

5.13.2 Where a committee of the Cabinet or an individual Member of the Cabinet is responsible for an Executive Function, they may delegate further to an Area (Shire) Committee or an Officer.

5.13.3 Unless otherwise stated in the delegation, where Executive Functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who made the delegation.

The Council's Scheme of Delegation and Executive Functions

5.14.1 The Leader may amend the scheme of delegation relating to Executive Functions at any time. In doing so the Leader will give written notice to the Monitoring Officer and wherever practicable to the person, body or committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body or committee. The Monitoring Officer will present a report for information purposes to the next ordinary meeting of the Council setting out the changes made by the Leader. Where the Leader withdraws any delegation from any person, body or committee the delegated powers revert back to the Leader with immediate effect from the time of receipt of the notice by the Monitoring Officer.

5.14.2 Where the Leader seeks to withdraw delegation from a committee of the Cabinet, notice will be deemed to be served on that committee when it is served on its chair.

Conflicts of Interest

5.15.1 Where the Leader has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Section 18 of this Constitution.

5.15.2 If any Member of the Cabinet has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Section 18 of this Constitution.

5.15.3 If the exercise of an Executive Function has been delegated to a committee of the Cabinet, an individual Member or an Officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Section 18 of this Constitution.

Cabinet Meetings

5.16.1 The frequency and timing of meetings of the Cabinet will be determined by the Leader. The Cabinet will meet at the Council's main offices or another location to be agreed by the Leader.

5.16.2 Those listed below may ask the Monitoring Officer to call Cabinet meetings in addition to those agreed by the Leader:

5.16.2.1 the Head of Paid Service;

5.16.2.2 the Section 151 Officer

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- 5.16.2.3 the Monitoring Officer
- 5.16.2.4 any three members of the Cabinet.

5.16.3 Any request presented in accordance with Rule 5.16.2 above must be in writing and must specify the business to be transacted at the meeting.

Public or Private Meetings of the Cabinet?

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

Quorum

5.18 The quorum for a meeting of the Cabinet, or a committee of the Cabinet, shall be 3 members of the Cabinet. During any meeting if the person presiding counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the person presiding. If s/he does not fix a date, the remaining business will be considered at the next ordinary meeting of the Cabinet.

How are Decisions to be Taken by the Cabinet

5.19.1 All decisions taken by the following need to follow the Access to Information Procedure Rules set out in Section 14:

- 5.19.1.1 Cabinet;
- 5.19.1.2 Cabinet Committee;
- 5.19.1.3 Individual Members of the Cabinet

5.19.2 All decisions taken by the Executive, a Committee of the Executive, or an Individual Member of the Executive shall comply with the Budget and Framework Procedure Rules (so far as appropriate) as set out in Section 15.

5.19.3 All decisions taken by the Executive and / or a Committee of the Executive will be taken by a majority vote of those present at the meeting with the person Chairing the meeting having a second or casting vote.

How are Cabinet Meetings Conducted?

Who Chairs?

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

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Who May Attend?

5.21 These details are set out in the Access to Information Procedure Rules in Section 14 of this Constitution. See also Rule 3.28 in relation to Member participation in meetings.

What Business?

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

- 5.22.1 elect a person to chair if the Leader or a Deputy Leader is not present;
- 5.22.2 receive apologies for absence
- 5.22.3 approval of the minutes of the last meeting;
- 5.22.4 declarations of interest, if any;
- 5.22.5 matters referred to the Cabinet by a Scrutiny Committee for reconsideration by the Cabinet in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Sections 7 and 15 of this Constitution;
- 5.22.6 consideration of reports from a Scrutiny Committee or other committees;
- 5.22.7 consideration of reports from Cabinet Committees;
- 5.22.8 reports from Cabinet Members
- 5.22.9 reports from Officers of the Authority.
- 5.22.10 make recommendations to the Council or a scrutiny or other committee
- 5.22.11 consider such other business specified in the summons to the meeting;
- 5.22.12 consider other business, not specified in the summons as the Leader considers urgent, subject to the nature of the urgency being specified in the minutes
- 5.22.13 exclude the public for the consideration of any item in accordance with the Access to Information Procedure Rules

Consultation

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

Who can put Items on the Cabinet Agenda?

- 5.24.1 The Leader will decide upon the schedule for meetings of the Cabinet. S/he may put any matter on the agenda of any Cabinet meeting whether or not authority has been delegated to the Cabinet, a committee of it or any Member or Officer in respect of that matter.
- 5.24.2 Any Member of the Cabinet may require the Monitoring Officer to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration.
- 5.24.3 The Head of Paid Service, the Monitoring Officer and/or the Chief Financial Officer may include an item for consideration on the agenda of a Cabinet meeting and may require that such a meeting be convened.

SECTION 5 – THE CABINET

- 5.24.4 The Leader will make sure that an item is placed on the agenda of the next available meeting of the Cabinet and / or Cabinet Committee where a Scrutiny Committee or the Full Council have resolved that an item be considered by the Cabinet and / or Cabinet Committee.
- 5.24.5 Any member of the Council may ask the Leader to put an item on the agenda of a Cabinet and / or Cabinet Committee meeting for consideration, and if the Leader agrees the item will be considered at the next available meeting of the Cabinet and / or Cabinet Committee. The notice of the meeting will give the name of the Councillor who asked for the item to be considered. This individual will be invited to attend the meeting, whether or not it is a public meeting, and, at the discretion of the Leader or person presiding, be permitted to speak.

Speaking at Meetings

- 5.25.1 Subject to Rules [5.25.23](#) and [5.26](#) below only Cabinet Members, employees or persons asked to or with a duty to advise Cabinet or other persons asked by the Cabinet to do so may speak at an Cabinet meeting
- 5.25.2 Subject to rule 5.25.3 below a Member may attend any meeting of the Cabinet or a Cabinet Committee (whether or not they are a member of the Cabinet or of the Cabinet Committee) and with the permission of the person chairing may speak. Members wishing to speak should wherever possible notify the Chair in advance of the meeting. [Members speaking under this Rule will be allowed a maximum of 5 minutes, subject to the discretion of the person chairing the meeting.](#)
- 5.25.3 The right to speak pursuant to rule 5.25.2 will not apply in the following cases:
- 5.25.3.1 where the Member is required to declare an interest and withdraw from the meeting under the Code of Conduct;
 - 5.25.3.2 where the Cabinet or a Committee of the Cabinet (as the case may be) is exercising functions of a quasi-judicial nature and have asked the members of the public and the parties to withdraw whilst they deliberate before reaching a decision;
 - 5.25.3.3 where the Monitoring Officer or his/her representative advises that as a matter of law non-members of the Cabinet or Cabinet committee (as the case may be) should withdraw.

PROVIDED THAT nothing in this rule shall prevent the Chair of the meeting exercising his/her powers to ensure the orderly conduct of the proceedings.

Rights of Leaders of Political Groups, Chairs of Scrutiny Committees to Speak at Meetings.

- 5.26 A Councillor being the leader of a political group in accordance with the Local Government (Committees and Political Groups) Regulations 1990, shall have the right (such right to be exercised reasonably and not so as to interfere with the proper conduct of business) to speak once on any item at any meeting of the Cabinet or a Committee of the Cabinet even though s/he is not a member of the Cabinet or Cabinet Committee as the case may be. In

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the absence of the leader of such political group the Councillor designated as the leader's deputy may exercise this right. Wherever possible, questions to be posed at the meeting should be provided in writing to the report author at least 24 hours before the start of the Cabinet meeting.

Comment [WR1]: MAJOR CHANGE

These ~~above rights~~ also apply to the Chairs (or in their absence Vice-Chairs) of the Scrutiny Committees.

This right may not be exercised in the following cases:

- 5.26.1 where the Councillor is required to declare an interest and withdraw from the meeting under the Members' Code of Conduct;
- 5.26.2 where the Cabinet or any Committee of the Cabinet exercising a quasi judicial function have asked the members of the public and the parties to withdraw whilst they deliberate before reaching a decision;
- 5.26.3 where the Monitoring Officer or his/her representative advises that as a matter of law or to protect the Council's interest non-members of the Cabinet or the Committee of the Cabinet (as the case may be) should withdraw;
- 5.26.4 in relation to Scrutiny Committees any matter outside the remit of that committee.

PROVIDED THAT nothing in this rule shall prevent the Chair of the meeting exercising his/her powers to ensure the orderly conduct of the proceedings

Disturbance by the Public, Filming, Audio Recording and Use of Social Media

- 5.27.1 The provisions in Council Procedure Rules in Rules 4.89 to 4.90 in relation to disturbance by the public apply to meetings of the Cabinet.
- 5.27.2 The provisions in Council Procedure Rules in Rule 4.91 relating to filming, audio recording and use of social media apply to meetings of the Cabinet.

Format of Reports for Cabinet Decisions

- 5.28 Reports prepared by Cabinet Members and / or officers on which it is intended that Cabinet decisions are taken whether by the Leader, the Cabinet, a Cabinet Committee, Individual Cabinet Members or an officer shall comply with a report template protocol provided by the Monitoring Officer.

Call-In of Decisions

- 5.29 A decision of the Cabinet, a Committee of the Cabinet, or an Individual Member of the Cabinet is subject to the Call-In provisions set out in the scrutiny procedure rules in Section 7 of this Constitution.

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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 have appointed four Scrutiny Committees 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
Audit 21 Councillors – Politically Balanced At least 1 Co-opted Lay Member with voting rights (See Rule 7.5.2 below)	<ul style="list-style-type: none"> • Approve statement of accounts, income and expenditure and balance sheet; • Commissioning and Procurement Working Group (Joint Working Group with the People Scrutiny Committee) • External Audit Reports; • Finance Monitoring – Council wide; • Internal Audit Reports; • Oversee the authority's internal and external audit arrangements; • Performance Monitoring – Council wide, including workforce; • Review and assess risk management, internal control and corporate governance arrangements and make reports and

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	<ul style="list-style-type: none"> recommendations on the adequacy and effectiveness of those arrangements; • Review and scrutinise the authority's financial affairs and make reports and recommendations on the authority's financial affairs; • Review the financial statements prepared by the authority. •
<p>Place Scrutiny Committee 21 Councillors – Politically Balanced 1 Non-Voting Co-optee for crime and disorder functions</p>	<ul style="list-style-type: none"> • Building and Engineering; • Built Heritage grants • Car parks • Catering; • Cleaning; • Climate Change; • Community Grants. • Council buildings and Property including Maintenance; • Council fleet; • County Farms; • Crime and Disorder – delivering safer communities, road safety; • Customer Services; • Environmental Health; • European matters and RDP • Grounds and Woodlands; • Homes for Older People • Housing Stock; • ICT infrastructure; • Leisure Centres and Sports Centres, Outdoor Recreation, Sports Pitches, Countryside Services/Rights of Way. • Licensing; • Markets • Planning and Development Control; • Regeneration – Grants and Job Creation / Business support (inc. grants) • Regeneration and Procurement (Joint working with the People Scrutiny Committee) • Roads; • Street cleaning, public conveniences; • Street Lighting; • Tourism: • Trading Standards; • Transportation; • Village Halls; • Waste; Refuse and Re-cycling. • Workshops

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	<ul style="list-style-type: none"> • Youth Offending
<p>People Scrutiny Committee Membership: 21 Councillors – Politically Balanced; 3 parent governor representatives; 1 Church in Wales Diocese representative; 1 Roman Catholic Church Diocese representative,</p>	<ul style="list-style-type: none"> • Adults’ Social Services; • Arts & Culture • Children’s Social Services; • Commissioning and Procurement Working Group (Joint Working Group with the Audit Committee) • Education & Learning; • Equalities and Welsh Language; • Finance – Revenues, Benefits; • Gypsies • Housing-Tenancies and Homelessness. • Libraries, Museums and Archive Services. • Mental Health; • Older People and Health; • Substance Misuse; • Voluntary Sector • Workforce /HR • Youth Services;
<p>Local Service Board Scrutiny Committee (with immediate effect)</p> <ul style="list-style-type: none"> • 4 Elected Members of Powys County Council (the 4 Chairs on the Joint Chairs Steering Group with the 4 Vice-Chairs to be substitute representatives in the absence of a Chair); • 1 non-executive representative of Powys teaching Local Health Board; • 1 non-executive representative from PAVO; • 1 representative of the Police and Crime Commissioner; • 1 non-County Councillor representative from Powys Community Health Council; <p><u>Substitutes:</u> Nominated substitutes will be allowed for the representatives listed above.</p>	<ul style="list-style-type: none"> • To provide a ‘critical friend’ challenge to the Local Service Board; • To scrutinise, evaluate and actively promote improvement in work carried out in line with Local Service Board priorities and its terms of reference and not that of those individual constituent organisations represented on the Local Service Board; • To develop and deliver a forward work programme which seeks to contribute to the performance management and governance arrangements of the Local Service Board, and its projects; • To commission Research & Evaluation Group investigations into areas identified on its forward work programme. • To submit reports to the Local Service Board (as appropriate) and make recommendations for consideration and adoption; • To ensure through the Joint Chairs and Vice- Chairs Steering Group that there is no duplication of work between the County Council scrutiny committees, the LSB Scrutiny Committee and any other joint scrutiny arrangements with other authorities;

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<p>Public Service Board Scrutiny Committee (from 1st April, 2016)</p> <ul style="list-style-type: none"> • 4 Elected Members of Powys County Council as follows: <ul style="list-style-type: none"> • Chair of the People Scrutiny Committee; • Chair of the Place Scrutiny Committee; • Chair of the Audit Committee; • Chair of the Democratic Services Committee. • 1 non-executive, non-Councillor representative of Powys teaching Local Health Board; • 1 non-executive representative from PAVO and is not a representative on the LSB; • 1 representative of the Police and Crime Commissioner; • 1 non-County Councillor representative from Powys Community Health Council; • 1 non executive and non-Powys County Councillor representative from the Mid and West Wales Fire and Rescue Authority; • 1 non-executive representative from the Natural Resources Wales Board. <p><u>Substitutes:</u> Nominated substitutes will be allowed for the representatives listed above.</p>	<ul style="list-style-type: none"> • To provide a ‘critical friend’ challenge to the Public Service Board; • To scrutinise, evaluate and actively promote improvement in work carried out in line with Public Service Board priorities and its terms of reference and not that of those individual constituent organisations represented on the Public Service Board; • To develop and deliver a forward work programme which seeks to contribute to the performance management and governance arrangements of the Public Service Board, and its projects; • To commission Research & Evaluation Group investigations into areas identified on its forward work programme. • To submit reports to the Public Service Board (as appropriate) and make recommendations for consideration and adoption; • To ensure through the Joint Chairs and Vice-Chairs Steering Group that there is no duplication of work between the County Council scrutiny committees, the PSB Scrutiny Committee and any other joint scrutiny arrangements with other authorities;
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Membership of the Audit Committee.

7.5.1 The Audit Committee will comprise 21 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

SECTION 7 – SCRUTINY COMMITTEES

the total membership).¹

7.5.2 In accordance with Section 82 of The Measure:

7.5.2.1 At least one member of the Audit Committee must be a voting Lay Member;

7.5.2.2 An act of the 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 Audit Committee is appointed by it 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 Audit Committee but a maximum of one member of Cabinet (but not the Leader) may be a member of the Audit Committee;

7.5.3 The Vice-Chair of the Audit Committee will be appointed annually by the Committee who may appoint a Councillor, the Lay Member or a Co-Opted Member. (see Rule 7.5.4 below)

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

General Functions

7.6 Within their terms of reference, Scrutiny Committees will:

7.6.1 review and / or scrutinise decisions made, or other action taken in connection with the discharge of any function of the authority;

7.6.2 make reports and / or recommendations to the Full Council and / or the Cabinet, and / or any joint committee or Area (Shire) Committee in connection with the discharge of any function of the authority;

7.6.3 consider any matter affecting the area or its inhabitants;

7.6.4 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, and / or any Area (Shire) Committee exercising functions delegated by the Cabinet.(See Call-In Procedure – Rule 7.37);

Specific Functions

Policy Development and Review

7.7 The Scrutiny Committees may:

7.7.1 assist 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;

¹ See Section 82 of The Measure.

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- 7.7.2 conduct research, site visits, community and other consultation in the analysis of policy issues and possible options;
- 7.7.3 question members of the Cabinet and/or Committees and Chief Officers from the Council about their views on issues and proposals affecting the area;
- 7.7.4 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;
- 7.7.5 consider the impact of policies to assess if they have made a difference;
- 7.7.6 consider and implement mechanisms to encourage and enhance community participation in the scrutiny of the development of policy options; and
- 7.7.7 investigate or review a particular matter in depth, reporting their conclusions and making any recommendations to the Council or Cabinet as appropriate.

Scrutiny

7.8 Scrutiny Committees may:

- 7.8.1 review and scrutinise the decisions by and performance of the Cabinet and/or Committees and Council Officers in relation to individual decisions and over time;
- 7.8.2 review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- 7.8.3 question members of the Cabinet and/or Committees and Chief Officers from the Council about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or project;
- 7.8.4 make recommendations to the Cabinet and/or appropriate Committee and/or Council arising from the outcome of the scrutiny process;
- 7.8.5 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;
- 7.8.6 question and gather evidence from any person (with their consent);
- 7.8.7 review and scrutinise the budget setting process;
- 7.8.8 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
- 7.8.9 consider and report on mechanisms to encourage and enhance community participation in the development of service delivery options.

Finance

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

Annual Report

SECTION 7 – SCRUTINY COMMITTEES

7.10 The Scrutiny Committees may report annually to the Full Council on their workings.

Head of Democratic Services

7.11 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 .

Who May Sit on Scrutiny Committees ?

7.12.1 Subject to Rule 7.12.2. below 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 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 Audit Committee (but there is no requirement for Full Council to appoint a member of the Cabinet to the Audit Committee). The Leader cannot be a member of the Audit Committee.

Co-Optees

7.13.1 The People Scrutiny Committee shall include in its membership the following voting representatives:

7.13.1.1 One Church in Wales diocese representative;

7.13.1.2 One Roman Catholic diocese representative; and

7.13.1.3 Three parent governor representatives (covering so far as practicable the primary, secondary and special needs sectors)

7.13.2 When matters which are not education matters, which are the responsibility of the Cabinet, fall to be considered by the People Scrutiny Committee, the co-opted representatives specified in rule 7.13.1 shall not vote, although they may stay in the meeting and speak.

7.13.3 The Place 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.

7.13.4 In addition to co-optees appointed under rules 7.13.1.1 to 7.13.1.3 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

7.13.5 The total number of co-optees on each Scrutiny Committee may not exceed more than one third the membership of the committee.²

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

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

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

Role of the Chair of Scrutiny Committees

7.15.1 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 .

7.15.2 In summary, therefore, the Chair will:

7.15.2.1 be accountable for delivering effective scrutiny;

7.15.2.2 will regularly monitor the work programmes for their Scrutiny Committee; and

7.15.2.3 will liaise with the Cabinet on issues affecting the scrutiny work programme.

Work Programme

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

Meetings

7.17.1 The Scrutiny Committees will have at least 4 meetings a year.

7.17.2 The 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 Audit Committee requisition a meeting by one or more notices in writing to the chair.

7.17.3 Extraordinary meetings may be called from time to time where the chair of a Scrutiny Committee considers it is necessary to do so.

Joint Scrutiny Committees

7.18 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”)

7.19 Rules 7.19 to 7.37 (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 ?

7.20.1 The Council will have four Scrutiny Committees set out in the table in Rule 7.3 and will appoint to them as it considers appropriate from time to time.

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

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The Scrutiny Committees 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.

- 7.20.2 The terms of reference / areas of responsibility of the various Scrutiny Committees will be as set out in Rule 7.4 above.
- 7.20.3 Each Scrutiny Committee (with the exception of the Audit Committee and the Local 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

- 7.21.1 Subject to Rule 7.17 above the Full Council may determine a cycle of meetings for scrutiny committees . If the Full Council does not set the cycle, each Scrutiny Committee shall determine their own cycle of meetings. The chair, or in their absence the vice chair, may change the date or cancel meetings, or call additional meetings as they consider necessary to deal with the Scrutiny Committee's work programme.
- 7.21.2 In addition, extraordinary meetings may be called from time to time by:
- 7.21.2.1 the Full Council by resolution; or
 - 7.21.2.2 the relevant Scrutiny Committee by resolution; or
 - 7.21.2.3 the chair of the relevant Scrutiny Committee; or
 - 7.21.2.4 any 5 members of the relevant Scrutiny Committee; or
 - 7.21.2.5 the Head of Paid Service; or
 - 7.21.2.6 the Monitoring Officer; or
 - 7.21.2.7 the Section 151 Officer;

as s/he / they considers necessary or appropriate.

Quorum

- 7.22 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

- 7.23 The first meeting of a scrutiny committee following the Annual Meeting of the County Council will (as may be appropriate):
- 7.23.1 elect a chair of the Audit Committee;
 - 7.23.2 elect a person to preside if the chair of the Committee is not present;
 - 7.23.3 elect the vice-chair of the Committee

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- 7.23.4 (unless the committee decides unanimously to dis-apply the political balance requirements) allocate seats to political groups on sub-committees authorised by the Full Council.
- 7.23.5 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;
- 7.23.6 establish or re-establish Member and Officer Task and Finish Working Groups and make appointments thereto as appropriate;
- 7.23.7 to approve the committee's work programme for the forthcoming year;
- 7.23.8 deal with those items of business listed in Rule 7.24 below as may be appropriate.

The order of business, with the exception of items 7.23.1 and 7.23.2 may be altered by the chair.

Business at Other Meetings

- 7.24 At all other meetings of committee, the committee will (as may be appropriate)
 - 7.24.1 elect a person to preside if the chair and vice-chair of the Committee are not present;
 - 7.24.2 elect the chair of the Audit Committee in the event of there being a vacancy
 - 7.24.3 elect a vice-chair of the Committee in the event of there being a vacancy;
 - 7.24.4 receive declarations of interest (including whipping declarations);
 - 7.24.5 make appointments to sub-committees and Member and Officer Task and Finish Groups in the event of there being a vacancy;
 - 7.24.6 receive apologies for absence;
 - 7.24.7 approve the minutes of the last meeting;
 - 7.24.8 receive any announcements from the chair;
 - 7.24.9 receive reports from the Cabinet and / or from any other committees, and / or from officers;
 - 7.24.10 make recommendations to the Cabinet or Full Council;
 - 7.24.11 deal with any business outstanding from the last meeting;
 - 7.24.12 (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;
 - 7.24.13 put questions to the chair or relevant officers of the Council where appropriate on items of business before the committee and to receive responses.
 - 7.24.14 receive reports from sub-committees and Member and Officer Task and Finish Groups;
 - 7.24.15 to consider requests from members of the committee for items of business to be considered at a future meeting or at the meeting when the request is made if the chair is satisfied that the matter is

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- 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;
- 7.24.16 consider motions without notice as set out in the Full Council Procedure Rules in Section 4 of this Constitution;
 - 7.24.17 review the Committee's Work Programme for the forthcoming year and make such alterations as are necessary;
 - 7.24.18 consider such other business specified in the summons to the meeting;
 - 7.24.19 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;
 - 7.24.20 to exclude the public for the consideration of any item in accordance with the Access to Information Procedure Rules;
 - 7.24.21 receive notes of meetings of the Joint Chairs and Vice-Chairs Steering Group.

The order of business, with the exception of items 7.24.1 to 7.24.4 may be altered by the chair.

Agenda Items

- 7.25.1 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 included on the agenda for the next available meeting. The chair will decide in his / her absolute discretion whether or not the matter will be placed on the agenda for the next meeting.
- 7.25.2 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 and/or the Cabinet shall consider the report of the Scrutiny Committee and respond (if appropriate) within 6 weeks of its consideration

Policy Review and Development

- 7.26.1 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.
- 7.26.2 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.
- 7.26.3 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

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witnesses a reasonable fee and expenses for doing so.

Reports from Scrutiny Committees

- 7.27.1 All formal reports from Scrutiny Committees will be submitted to the Monitoring Officer 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).
- 7.27.2 If a Scrutiny Committee cannot agree on one single final report to the Council or Cabinet as appropriate, one minority report may be prepared and submitted for consideration by Full Council or Cabinet with the majority report.
- 7.27.3 A Scrutiny Committee may publish any non-confidential report.

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

- 7.28.1 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 within the period specified above, the Chair of Full Council or Cabinet the Leader will give an explanation of the reasons to the chair of the relevant Scrutiny Committee as soon as practicable.
- 7.28.2 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, within 2 months. The Portfolio Holder(s) and senior officers ~~will respond~~ and if requested to do so ~~by the Scrutiny Committee they will attend a future meeting of that Scrutiny Committee to present their~~Cabinet's response.

Comment [WR1]: NEW.

Rights of Members of Scrutiny Committees to Documents

- 7.29.1 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.
- 7.29.2 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

- 7.30.1 Scrutiny Committees 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:
- 7.30.1.1 any particular decision or series of decisions; and / or
- 7.30.1.2 the extent to which the actions taken implement Council policy; and/or
- 7.30.1.3 the implementation of decision(s) and or Council policy

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

- 7.30.2 Where there are concerns about the appropriateness of the Officer who should attend, the relevant chief Officer shall discuss this with the appropriate Scrutiny Chair or Vice Chair with a view to achieving consensus.
- 7.30.3 Where any Member or Officer is required to attend Scrutiny Committees under this provision, the Chair of that Committee will inform the Monitoring Officer. The Monitoring Officer (or officers nominated by him / her) shall inform the Member or 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). Any notice will state the nature of the item on which he or she is required to attend to give account and whether any papers are required to be produced for the Committee.
- 7.30.4 For the purposes of attendances of members or Officers at the 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.
- 7.30.5 Where the account to be given to a Scrutiny Committee will require the production of a report, then the Member or Officer concerned will be given sufficient notice to allow for its preparation.
- 7.30.6 Where, in exceptional circumstances, the Member or Officer is unable to attend on the required date, then the Scrutiny Committee shall in consultation with the Member or Officer arrange an alternative date for attendance.

Attendance by Others

Attendance of Leader or Cabinet Member

- 7.31 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

- 7.32.1 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.
- 7.32.2 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.
- 7.32.3 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

7.33 Scrutiny Committees may invite people other than those people referred to in Rules 7.30 and 7.31 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

7.34 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

- 7.35.1 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.
- 7.35.2 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:
- 7.35.2.1 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;
 - 7.35.2.2 that those assisting by giving evidence be treated with respect and courtesy;
 - 7.35.2.3 that the business be conducted as efficiently as possible.
- 7.35.3 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

7.36 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 Joint Chairs and Vice-Chairs Steering Group, or if they fail to agree, the decision will be made by Monitoring Officer.

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

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Call-In Procedure Rules

- 7.37 The Call-In Procedure Rules set out in this Rule 7.37 do not apply to the Local Services Board Scrutiny Committee. For the sake of clarity the Local Service Board Scrutiny Committee does not have the ability to call-in decisions / recommendations made by the Local Service Board.
- 7.37.1 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.
- 7.37.2 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 7.37.3) 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.
- 7.37.3 During the Call-in Period the Monitoring Officer shall call-in a decision for scrutiny by ~~a~~ the relevant Scrutiny Committee if so requested in the specified format (“the Call-In Request”⁵) by the chair or 5 members of a Scrutiny Committee PROVIDED THAT the Monitoring Officer and / or the Chief Finance Officer are satisfied that the following conditions are met:
- 7.37.3.1 the decision or action was contrary to the policy framework or budget, or fell outside the functions of the Cabinet; or
- 7.37.3.2 the Cabinet or decision maker had not followed agreed procedures or failed to consult (where required) before reaching its decision; or
- 7.37.3.3 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.
- 7.37.4 Where the Monitoring Officer and / or the Chief Finance Officer are satisfied that one or more of the conditions set out in rule 7.37.3 above have been met, they shall produce a written report setting out the reasons for coming to this conclusion and the Monitoring Officer will then arrange for a “Call-In Notice”⁶ to be issued in accordance with Rule 7.37.5 below.
- 7.37.5 A Call-In Notice must contain the following:
- 7.37.5.1 details of the condition set out in rule 7.37.3 above being relied upon;
- 7.37.5.2 the reasons why it is believed one or more of the conditions are

⁵ See Appendix 1 to this Section.

⁶ See Appendix 2 to this Section.

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satisfied;

- 7.37.6 The Monitoring Officer 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).
- 7.37.7 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.
- 7.37.8 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 7.37.6 as the case may be).
- 7.37.9 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.
- 7.37.10 If a Scrutiny Committee refers the matter to Full Council, the Monitoring Officer 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).
- 7.37.11 If, 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 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.
- 7.37.12 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.
- 7.37.13 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.
- 7.37.14 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:

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- 7.37.14.1 each Scrutiny Committee may only call-in a total of five decisions per year;
 - 7.37.14.2 where a Call-in Request has been made by five members of a Scrutiny Committee in accordance with Rule 7.37.3 those five members must come from at least two political groups, or one political group and / or one or more non-aligned Councillor(s);
 - 7.37.14.3 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.
 - 7.37.14.4 no Education Co-opted members may request a decision be called in.
 - 7.37.14.5 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.
 - 7.37.14.6 the decision being called-in, or broadly the same decision, has been called in during the last 6 months.
 - 7.37.14.7 the provisions of Rule 7.38.1 apply (Urgency)
- 7.37.15 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.
- 7.37.16 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.
- 7.37.17 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

- 7.38.1 The call-in procedure set out in Rule 7.37 above shall not apply where the decision being taken is urgent. A decision will be urgent if:
- 7.38.1.1 any delay likely to be caused by the call-in process would seriously prejudice the Council's or other public interests; and
 - 7.38.1.2 the Head of Paid Service and / or the Monitoring Officer and / or the Chief Finance Officer certifies in writing that any delay likely to be caused by the call-in process could seriously prejudice the Council, or the public interest; and
 - 7.38.1.3 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
 - 7.38.1.4 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 and by the chair of the relevant Scrutiny Committee or Scrutiny vice-chair or the chair of Council.

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7.38.2 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.

Joint Chairs and Vice-Chairs Steering Group – Scrutiny and Democratic Services Committees (“the Steering Group”).

Role, Scope and Membership.

7.39

7.39.1 Membership: Chairs and Vice-Chairs of the following committees:
People Scrutiny Committee;
Place Scrutiny Committee;
Audit Committee;
Democratic Services Committee.

7.39.2 Chair : For the sake of clarity the Chair of the Local Service Board / Public Service Board Scrutiny Committee will not be a member of the Joint Chairs steering Group.
Elected annually in rotation by the Steering Group from the Chairs of the Committees detailed in “Membership” above.

7.39.3 Vice-Chair: Elected annually in rotation by the Steering Group from the Chairs of the Committees detailed in “Membership” above.

7.39.4 Meetings: Meetings of the Steering Group will be held bi-monthly. Additional meetings of the Steering Group can be called with the consent of the Chair.

7.39.5 Notes of Meetings: Notes of the meetings of the Steering Group will be considered by the Scrutiny Committees and the Democratic Services Committees.

Terms of Reference:

7.40 The Steering Group will:

7.40.1 co-ordinate the work programmes of the Scrutiny Committees;

7.40.2 assess potential items for their suitability for a scrutiny review, and allocate those items if suitable to the appropriate scrutiny committee for review;

7.40.3 consider items referred from the Scrutiny Committees;

7.40.4 ensure the co-ordination of the Scrutiny Committees’ Work Programmes with the Cabinet Work Programme;

7.40.5 receive a summary report on the progress being made by scrutiny working groups in relation to their reviews;

7.40.6 discuss with the Chief Executive and Strategic Directors / Directors any items for inclusion on Scrutiny Committees’ Work programmes;

7.40.7 undertake an annual review of the Draft One Powys Plan and make recommendations to the Cabinet;

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- 7.40.8 undertake an annual review of the draft budget proposals and make recommendations to the Cabinet;
- 7.40.9 review the Cabinet's Statement of Intent and make recommendations to the Cabinet;
- 7.40.10 review the draft Annual Governance Statement and make recommendations;
- 7.40.11 review as appropriate the performance evaluation grids which form the basis of the draft Annual Improvement Report;
- 7.40.12 review the draft Annual Improvement Report and make recommendations to the Cabinet;
- 7.40.13 consider the Wales Audit Office Annual Improvement Report and consider any matters for inclusion in the Scrutiny Committees' Work Programmes;
- 7.40.14 to ensure in conjunction with the Local Service Board Scrutiny Committee that there is no duplication of work between the County Council scrutiny committees, the Local Service Board Scrutiny Committee and any other joint scrutiny arrangements with other authorities;
- 7.40.15 such other matters which relate to or affect the operation of the Scrutiny Committees.

Councillor Call for Action

- 7.41.1 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".
- 7.41.2 Any Councillor may request that an item is placed on the agenda of the relevant Scrutiny Committee for consideration.
- 7.41.3 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 7.42 to 7.46

Councillor Call for Action - Guidance for Councillors

Introduction

- 7.42.1. 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 .
- 7.42.2 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 Place Scrutiny Committee for action and it should be noted that these local crime and

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disorder referrals will remain in place under separate legislation.

- 7.42.3 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.
- 7.42.4 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?

- 7.42.5 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:

- 7.42.5.1 informal discussions with Officers or other Councillors;
- 7.42.5.2 informal discussions with partner representatives;
- 7.42.5.3 referral to other “scrutiny” bodies such as Community Health Councils or internal audit committee;
- 7.42.5.4 formal discussions with Officers and Councillors;
- 7.42.5.5 formal letters to the Cabinet members;
- 7.42.5.6 asking questions at Full Council;
- 7.42.5.7 submitting a motion to Full Council;
- 7.42.5.8 organising public meetings;
- 7.42.5.9 use of petitions;
- 7.42.5.10 making a complaint;
- 7.42.5.11 freedom of information requests;
- 7.42.5.12 communication with local AMs or MPs;
- 7.42.5.13 use of social media or email based campaigns.

- 7.42.6 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?

- 7.42.7.1 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.
- 7.42.7.2 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?

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- 7.42.8.1 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.
- 7.42.8.2 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

- 7.42.9 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 :
- 7.42.9.1 does the matter fall within the remit of that Scrutiny Committee?
NB: Crime and Disorder referrals should be directed to the Place Scrutiny Committee.
- 7.42.9.2 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?
- 7.42.9.3 has that Scrutiny Committee considered a similar issue recently? If so, have the circumstances or evidence changed?
- 7.42.9.4 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.
- 7.42.9.5 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?
- 7.42.9.6 is this a case that is being or should be pursued via the Council's corporate complaints procedure?
- 7.42.9.7 is it relating to a "quasi-judicial" matter or decision such as planning or licensing?
- 7.42.9.8 is the matter an issue of genuine local concern which impacts on the local community rather than a personal matter?
- 7.42.9.9 is this an issue currently being looked at by another form of external scrutiny?
- 7.42.9.10 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?

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- 7.42.10 If a Scrutiny Committee decides not to accept the CCfA it must inform the Councillor of the decision and the reasons for it.
- 7.42.11 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 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:
- 7.42.11.1 asking the relevant responsible authorities to respond to the CCfA;
 - 7.42.11.2 setting up a research or task and finish group to undertake a more in-depth review;
 - 7.42.11.3 asking for further evidence and/or witnesses to be brought to a future meeting. The Scrutiny Committee has the power to request “designated persons” ⁷ such as representatives from other public bodies/agencies to attend, where relevant, and to request information.

Potential Outcomes From a CCfA

- 7.43.1 A Scrutiny Committee could:
- 7.43.1.1 determine that it is a complex issue that requires further investigation and commission a scrutiny review of the issue;
 - 7.43.1.2 write a response and make recommendations on the CCfA to a relevant responsible authority;
 - 7.43.1.3 decide that further action is not appropriate giving its reasons.
- 7.43.2 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

- 7.44.1 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 7.42.9 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.
- 7.44.2 In exceptional circumstances, for example where there are unavoidable time constraints, the chair may convene a special meeting of the Scrutiny Committee.
- 7.44.3 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.
- 7.44.4 The Scrutiny Committee will monitor implementation of any recommendations as part of its Forward Work Programme.

⁷ The Welsh Government have yet to publish a list of “designated persons”.

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7.45

Councillor Call for Action Referral Form 7.46

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 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

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	Other Actions (Please Specify).
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:

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

- 7.46.1.1 have all reasonable attempts been made to resolve the issue? Do the responses received by you demonstrate that the matter is not being progressed?
- 7.46.1.2 has the committee considered a similar issue recently – if yes have the circumstances or evidence changed?
- 7.46.1.3 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

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- the CCfA should be taken into account.
- 7.46.1.4 have all relevant service areas or partner organisations been informed and been given enough time to resolve the issue? What response have you received?
 - 7.46.1.5 is this a case that is being or should be pursued via the Council’s corporate complaints procedure?
 - 7.46.1.6 is it relating to a “quasi-judicial” matter or decision such as planning or licensing?
 - 7.46.1.7 is the matter an issue of genuine local concern, which impacts on the local community rather than a personal matter?
 - 7.46.1.8 is this an issue currently being looked at by another form of external scrutiny?
 - 7.46.1.9 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.
- 7.46.2.1 Consider whether your referral might be considered premature by the Scrutiny Committee .
- 7.46.2.2 Consider whether other potential remedies have been exhausted, before a referral is made.
- 7.46.3 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.

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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

People Scrutiny Committee.	YES / NO
Place Scrutiny Committee.	YES / NO

We 5 County Councillors being Members of the

People Scrutiny Committee.	YES / NO
Place 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:

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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) five 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.

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SCHEDULE 1.

TO BE COMPLETED BY THE CHAIR OR 5 MEMBERS REQUESTING THE CALL-IN.

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

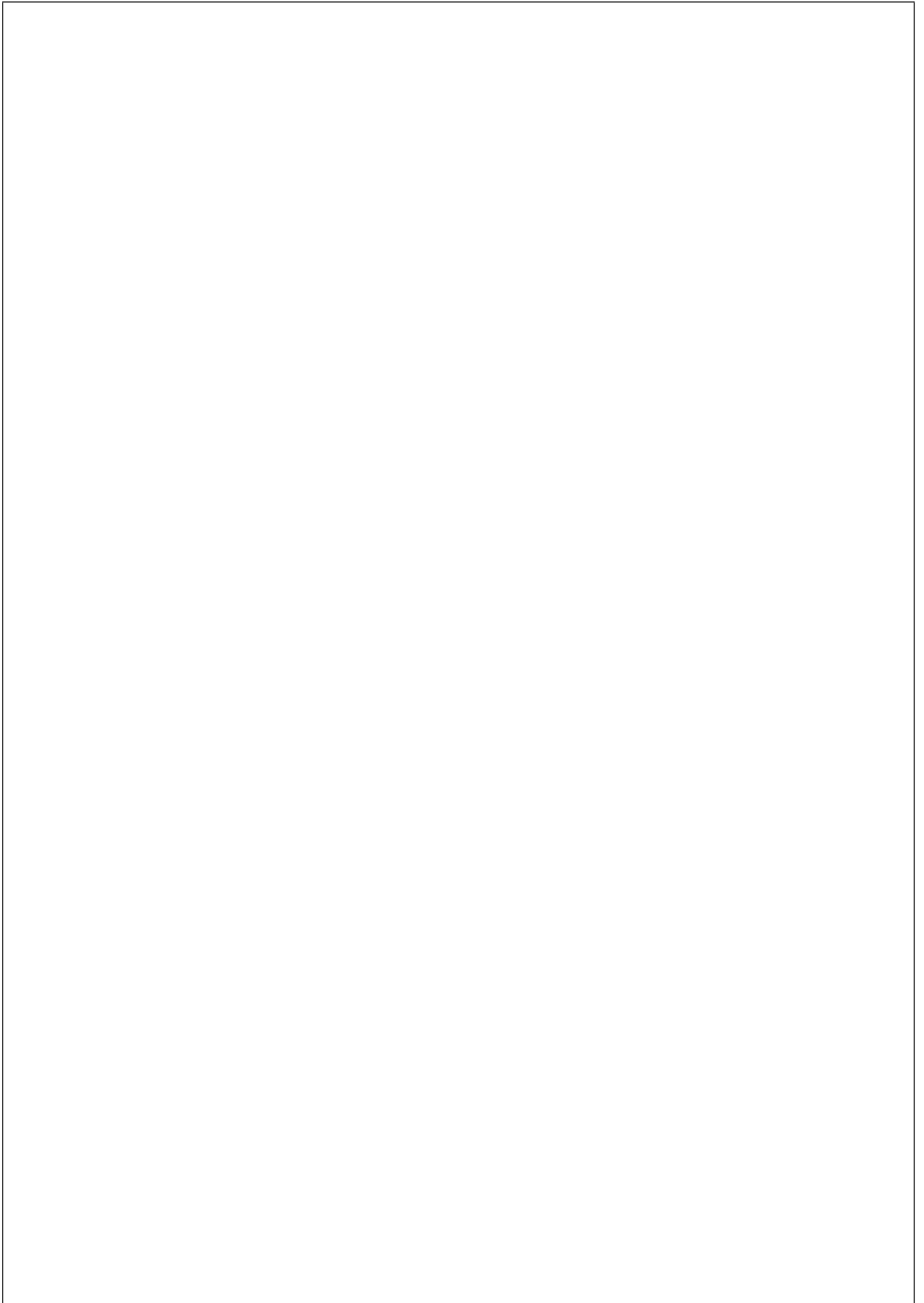
2. Reason for Call-In:

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.

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(Please continue on a separate sheet if necessary)

SCHEDULE 2.

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

1. 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: _____

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2. Monitoring Officer's Advice.

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

(Please continue on a separate sheet if necessary)

Date: _____

Signature: _____

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FOR INTERNAL USE ONLY:

(a)	Date of Request to Call-In Decision (as above):	
(b)	Date of Cabinet Decision:	
(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 5 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):	
(j)	Name(s) of Relevant Cabinet Portfolio Holders to be Invited to Attend Meeting:	
(k)	Details of Strategic Directors / Heads of Service to be Invited to Attend Committee:	
(l)	Cabinet Portfolio Holders / and Strategic Directors / Heads of Service Advised of Committee Meeting (<i>insert date</i>):	YES / NO
(m)	Questions and Checklist prepared for the Committee:	YES / NO

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Appendix 2 – “Call-In Notice”

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

1. Chief Finance Officer.

1.1 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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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: _____

Arrangements for the Scrutiny of the Local Service Board / Public Service Board in Powys.

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1. Background.

- 1.1 Local Service Boards (LSBs) represent a new approach to the delivery of public services. They are a Welsh Assembly Government initiative to encourage public sector partners to work collaboratively.
- 1.2 Each partner organisation of the LSB brings a different contribution and perspective to the table, including their particular form of accountability and unique professional and service expertise. The aim is to create strong synergy by combining these in a public services team model, building on strengths and tackling barriers where they exist.
- 1.3 There are a number of different models of LSB scrutiny across Wales. One scrutiny model recognised by the Welsh Assembly Government as demonstrating best practice in this area is that used by Cardiff City and County Council. This model is led but not controlled by the City Council and includes appropriate representatives from all sectors included within the LSB's portfolio.
- 1.4 Any model of LSB scrutiny needs to ensure that there is no duplication of individual forms of partner accountability. Therefore the role of any group scrutinising the LSB will not be to scrutinise any individual service, but to ensure an effective whole-system response to the needs of citizens. To be clear the scrutiny of an individual person / organisation falls within the remit of the definition of "Designated Persons" under Section 61 of the Local Government (Wales) Measure 2011 which is a different form of scrutiny to that which is to be undertaken for the LSB.

2. National Context

2.1 Beyond Boundaries – Citizen Centred Local Services for Wales

- 2.1.1 Beyond Boundaries was launched on 10th July 2006. The review was commissioned by the Welsh Assembly Government as part of the action plan for implementing its *Making the Connections* strategy for improving public service delivery in Wales.
- 2.1.2 The report sets out that the role of Scrutiny should be *"to provide effective challenge to organisational culture and examine whether public services together are achieving desired outcomes"*.
- 2.1.3 The report made a number of recommendations, of particular relevance to LSB scrutiny are:
 - Raising the profile of scrutiny, making it a strong vehicle for service improvement and citizen engagement, by involving a wide range of stakeholders and developing scrutiny skills across sectors;
 - Developing scrutiny mechanisms for jointly organised services.
- 2.1.4 The review drew from the Welsh Assembly's previously advocated citizen model as the driver for public service reform. The citizen model recognises that the public have both rights and responsibilities: rights to receive services but also responsibilities to be concerned about the services available to everyone else.

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2.2 Making the Connections - Local Service Boards in Wales: A prospectus for the first phase 2007-2008

2.2.1 In January 2007, the Assembly Government published its consultation paper regarding their vision for LSBs in Wales. In considering arrangements for LSB scrutiny the Assembly stated that LSBs should:

- *Act as a catalyst for the development of a more citizen-focused approach to scrutiny and improvement at local level, as envisaged in Delivering Beyond Boundaries. The aim is to move to a multi-disciplinary scrutiny process which examines the effectiveness of the public service response to citizens, in a fundamental, constructive and improvement-focused way. Local elected members will be at the heart of this process, reflecting their community leadership role, but they will need to involve other stakeholders, depending on the subject for scrutiny – both to ensure sufficiently cross-cutting expertise and to encourage an even-handed and objective approach.*
- *Contribute to policy review and strategy development, and consider real-time and retrospective reporting of performance. The process should involve citizens, service users, advocates and other stakeholders and be tailored to the issue under scrutiny. The governance and accountability arrangements of each of the public service partners must be respected.*

2.3 Local Government Policy Statement – A Shared Responsibility

2.3.1 In March 2007, the Assembly Government published 'A Shared Responsibility', the response to the Beecham Review in the area of local government.

2.3.2 Chapter six details commitments to a number of reforms including:

- Local authority scrutiny to cover all public services in an area;
- Introduction of joint scrutiny committees between two or more authorities;
- A power to co-opt non-Councillors as full members;
- Giving scrutiny committees the power to require public service providers to provide information and/or attend;
- Prohibition of whipping;
- Proportionate allocation of committee chairs.

2.4 Police and Justice Act 2006

2.4.1 From 1 October 2009, legislation requires Local Authorities to have an Overview & Scrutiny Committee with power to:

- *Review or scrutinise decisions made or action taken by the Responsible Authorities in connection with the discharge of crime and disorder functions;*
- *Make reports or recommendations to Council or Cabinet, as determined by responsibility for function, in connection with the discharge of those functions.*

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2.4.2 The legislation also requires the Local Authority to:

- *Enable any Member of the Authority to raise a local crime and disorder matter and have the matter included as an agenda item and discussed at the meeting of the Scrutiny Committee exercising the Crime and Disorder Scrutiny functions, to facilitate the “Councillor Call for Action”.*

2.4.3 Draft Guidance defines a crime and disorder matter as including anti-social behaviour, behaviour adversely affecting the local environment, or the misuse of drugs, alcohol or other substances. To qualify as a local matter, the issue must affect either all or part of the electoral area for which that particular Member is elected, or it must affect a person who lives or work in that area.

2.5 The Well-Being of Future Generations (Wales) Act 2015.

2.5.1 The Act requires the establishment of a public services board (PSB) for each local authority area in Wales. These boards are also a statutory body whereas the LSB is not a statutory body. The membership of the public service board will also differ from that of the current LSB as set out below.

2.5.2 LSB and PSB Structures.

LSB	PSB
<u>Board:</u> PCC PtLHB PAVO Police Police and Crime Commissioner Welsh Government Representative.	<u>Board:</u> PCC PtLHB Fire and Rescue Natural Resources Wales
	<u>Invitees:</u> Chief Constable Police and Crime Commissioner Probation County Voluntary Council

2.5.3 PSBs will need to be established by 1st April, 2016.

3. The LSB / PSB Scrutiny Committee in Powys.

3.1 In establishing a committee to scrutinise the LSB, those arrangements must take account of the need to move to the scrutiny of the PSB as from 1st April, 2016. Therefore the membership of that committee must be transferrable and flexible to account for both requirements.

3.2 It also makes practical sense that any committee established should include representatives from each of the partner agencies, whilst recognising that those representatives could not be drawn from the “executives” of any of the

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organisations to ensure the split of responsibilities between those who are the “executive” of the organisation and those who undertake a “scrutiny” function. Having representation from the organisations who form the LSB / PSB should also provide “buy-in” to the scrutiny process.

3.3 Format of the Committee.

3.3.1 It is suggested that the Committee be composed as follows:

Local Service Board Scrutiny Committee (from July 2015 to April 2016)	Public Service Board Scrutiny Committee (from 1st April, 2016)
<ul style="list-style-type: none"> • 4 Elected Members of Powys County Council as follows: <ul style="list-style-type: none"> • Chair of the People Scrutiny Committee; • Chair of the Place Scrutiny Committee; • Chair of the Audit Committee; • Chair of the Democratic Services Committee. • 1 non-executive, non-Councillor representative of Powys teaching Local Health Board; • 1 non-executive representative from PAVO and is not a representative on the LSB; • 1 representative of the Police and Crime Commissioner; • 1 non-County Councillor representative from Powys Community Health Council; <p><u>Substitutes:</u> Nominated substitutes will be allowed for the representatives listed above.</p>	<ul style="list-style-type: none"> • 4 Elected Members of Powys County Council as follows: <ul style="list-style-type: none"> • Chair of the People Scrutiny Committee; • Chair of the Place Scrutiny Committee; • Chair of the Audit Committee; • Chair of the Democratic Services Committee. • 1 non-executive, non-Councillor representative of Powys teaching Local Health Board; • 1 non-executive representative from PAVO and is not a representative on the LSB; • 1 representative of the Police and Crime Commissioner; • 1 non-County Councillor representative from Powys Community Health Council; • 1 non executive and non-County Councillor representative from the Mid and West Wales Fire and Rescue Authority; • 1 non-executive representative from the Natural Resources Wales Board. <p><u>Substitutes:</u> Nominated substitutes will be allowed for the representatives listed above.</p>

3.3.2 The Committee will be supported by the Powys County Council Scrutiny Services.

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- 3.3.3 The Committee can invite any other persons with a particular interest / expertise to support the Committee work on an ad-hoc basis.
- 3.3.4 The Committee should develop a forward work programme for a 12 month basis.

3.4 Terms of Reference of the Committee.

- 3.4.1 The Terms of Reference describe the purpose and structure of the Committee. The Terms of Reference should assist in developing a common understanding of the scope among stakeholders.
- 3.4.2 The Terms of Reference for the Scrutiny Committee are:
- To provide a ‘critical friend’ challenge to the Local Service Board / Public Service Board;
 - To scrutinise, evaluate and actively promote improvement in work carried out in line with Local Service Board / Public Service Board priorities and its terms of reference and not that of those individual constituent organisations represented on the Local Service Board / Public Service Board;
 - To develop and deliver a forward work programme which seeks to contribute to the performance management and governance arrangements of the Local Service Board / Public Service Board, and its projects;
 - To commission Research & Evaluation Group investigations into areas identified on its forward work programme.
 - To submit reports to the Local Service Board / Public Service Board (as appropriate) and make recommendations for consideration and adoption;
 - To ensure through the Joint Chairs and Vice-Chairs Steering Group that there is no duplication of work between the County Council scrutiny committees, the LSB / PSB Scrutiny Committee and any other joint scrutiny arrangements with other authorities;

3.5 Meetings of the Committee.

- 3.5.1 Election of Chair – The Committee will elect a Chair from the membership of the Committee. Substitute Members will not be eligible for election as the Chair. The Chair will be appointed for a 12 month period. The appointment of Chair will rotate between the membership of the Committee.
- 3.5.2 It is suggested that meetings of the Committee will be held on a quarterly cycle to mirror the cycle of the LSB / PSB. However a degree of flexibility should be incorporated in line with the wishes of the Committee e.g. members may wish to consider issues on an ad-hoc basis.
- 3.5.3 The nature of Scrutiny work is such that ad-hoc meetings are also held to consider issues as and when appropriate. For example, the investigative work of the Committee may require the holding of interview sessions, site visits or seminars to discuss individual issues.
- 3.5.4 Notes of meetings will usually be brief, containing a summary of discussions and action points arising from them.

SECTION 7 – SCRUTINY COMMITTEES

- 3.5.5 Where invitees are invited to address the Committee, draft notes will be sent to invitees to ensure accuracy prior to the notes being finalised and circulated.
- 3.5.6 A representative of Scrutiny Services will always be present at meetings to support the Chair and members of the Committee with advice and guidance.
- 3.5.7 The Committee may request any member of the LSB / PSB to attend a Committee meeting to assist with issues under consideration.
- 3.5.8 Initially meetings of the Committee will not be held in public but this will be kept under review as the work of the Committee develops. If meetings are held in public in future there may be occasions when the nature of the matters being discussed mean that the Committee will need to move into a private session at which point the press and the public will be excluded from the meeting.
- 3.5.9 The quorum of the Committee will be when at least 2 County Councillors and at least 2 representatives of other organisations are present at a meeting.

3.6 Work Programme.

- 3.6.1 The Committee will establish a rolling forward work programme and Committee members will be asked to identify issues for consideration during the year.
- 3.6.2 The Committee may also receive requests for items to be included on the work programme from the LSB / PSB, individual organisations who sit on the LSB / PSB or from the County Council's scrutiny committees. Any such requests should include sufficient information for the Committee to understand the issues underlying the request, what outcome is being sought so that the Committee can assess the suitability of that item being included on the work programme. A representative of the body / organisation making the request may be invited by the Chair of the Committee to address the Committee to outline the request and respond to questions.
- 3.6.3 Items for inclusion on the work programme will be assessed using the criteria used by the Powys County Council scrutiny committees to determine whether an item should be included on the work programme.
- 3.6.4 If a request for an item to be included on the work programme is considered in line with paragraph 3.6.2 above, the requestor will be advised in writing of the Committee's determination as to whether the item is to be included on the work programme or not.

3.7 Reports by the Committee.

- 3.7.1 The Committee itself will prepare reports based on work undertaken by the Committee as a whole, or by Research and Evaluation Groups who will submit their finalised reports to the full Committee for consideration.
- 3.7.2 Reports once approved by the Committee will be submitted to the LSB / PSB for consideration.
- 3.7.3 Draft reports will be circulated to relevant individuals / groups to ensure accuracy before being finalised.
- 3.7.4 The LSB / PSB will be required to consider the report of the Committee and to determine:
 - (a) to accept the report and / or the recommendations contained within it;
 - or

SECTION 7 – SCRUTINY COMMITTEES

- (b) to not accept the report and / or the recommendations contained within it; and
- (c) to advise Scrutiny Services of the outcome of the deliberations of the Board, who will make that determination known to members of the Scrutiny Committee.

3.7.5 The LSB / PSB will be required to:

- (a) Where the Board accepts the recommendations of the Scrutiny Committee, to provide the Scrutiny Committee with an action plan to address the recommendations made; or
- (b) Where the Board does not accept the recommendations to advise the Scrutiny Committee as to the reasons why the recommendations are not accepted.

3.7.6 The Scrutiny Committee (or a Research and Evaluation Group as appropriate) will / may:

- (a) Where an action plan has been prepared, monitor progress in implementation of the action plan and request periodic updates from the LSB / PSB, until such time as the action plan has been completed;
- (b) Where recommendations have not been accepted, call representatives of the LSB / PSB to discuss the reasons why the recommendations were not accepted with the Scrutiny Committee or a Research and Evaluation Group.

4. Research and Evaluation Groups.

4.1 The Scrutiny Committee can undertake a review itself of any matters within its remit.

4.2 The Scrutiny Committee can establish Research and Evaluation Groups to undertake a review of any matters within the remit of the Scrutiny Committee.

4.3 The Research and Evaluation Group will establish and agree terms of reference for any reviews it undertakes as well as identifying the intended outcomes of the review.

4.4 Reviews.

4.4.1 A Scrutiny investigation will be a detailed study of a subject, involving the gathering of evidence from a variety of sources. This will usually include an analysis of relevant documentation, interview sessions with invitees, consultation with relevant stakeholders and consideration of best practice. An investigation may take place over a period of a few months or even longer.

4.4.2 Arising from an investigation, the Group will produce a report that will be presented to the Scrutiny Committee for approval.

4.4.3 Once approved by the Scrutiny Committee, the Group's report will be submitted to the LSB / PSB. The relevant Board will then provide a formal response to the Committee's report outlining what recommendations have been approved or rejected with accompanying explanation.

SECTION 7 – SCRUTINY COMMITTEES

- 4.5 The Research and Evaluation Group will usually consist of between 3 and 5 members of the Committee with the membership being determined by the Committee. The Lead Member of the Group will be determined when the Group is established by the Committee.
- 4.6 Research and Evaluation Groups can invite other persons with the relevant knowledge / expertise either as a co-opted member of the Group for the duration of the investigation or on an ad-hoc basis. Otherwise such persons can be invited to give evidence to the Group. If the Group decides to co-opt additional members for an investigation, the numbers of those co-opted should not exceed one third of the membership of the Group established by the Scrutiny Committee (e.g. one third of 3 or 5 members)
- 4.6 Research and Evaluation Group meetings are confidential to allow for flexibility, openness and transparency.
- 4.7 The Chair of the Committee will always be able to attend meetings of a Group, even if he / she is not a member of that Group.
- 4.8 A Research and Evaluation Group should where possible be comprised of representatives from individual organisations rather than multiple representatives from a single organisation.
- 4.9 Procedures.
- 4.9.1 The Scrutiny Committee should not have more than 1 Research and Evaluation Group in operation at the same time to ensure sufficient resources are available to undertake the review both in terms of membership and also in terms of scrutiny officer support.
- 4.9.2 Whilst the Scrutiny Committee will determine the broad area that a Research and Evaluation Group will investigate, the Group will determine the detailed terms of reference and expected outcomes for the investigation. The project plan and the approach to be adopted will include details of the evidence to be gathered, including invitees to be interviewed, documents to be considered, any consultation that will be undertaken and any other information that will be examined as part of the process, such as benchmarking information, consideration of best practice etc.
- 4.9.3 Once the terms of reference and project plan have been agreed by the Research and Evaluation Group, the work can commence.
- 4.10 Reports.
- 4.10.1 The Research and Evaluation Group will prepare a report of its findings as a result of its investigation to include recommendations to address the issues highlighted.
- 4.10.2 The draft report will be circulated to those consulted at part of the review to ensure accuracy.
- 4.10.3 The final report will be presented by the Group to the Scrutiny Committee for approval and onward transmission to the LSB / PSB for consideration.
- 4.11 The Research and Evaluation Group may have a role in monitoring any action plans from the LSB / PSB resulting from a review report prepared by that Group.

SECTION 7 – SCRUTINY COMMITTEES

The Use of Invitees in the Scrutiny Process

Examples of Invitees

1. Relevant Chief/Executive Officers
2. Relevant Cabinet Member(s)
3. Chairs of other internal bodies, such as quasi-judicial bodies
4. Members and Officers from other local authorities
5. Senior representatives from external local public agencies e.g. Directors of health trusts, Chairs of NHS bodies etc.
6. Senior Officers from external regional public agencies e.g. WAG Officers, Environmental Health Agency Wales, National Public Health Service etc.
7. Representatives from local voluntary sector organisations, regional organisations and national organisations
8. Representatives from professional associations
9. Representatives from trade unions
10. Representatives from the private sector (Chamber of Commerce, Business in Focus)
11. Representatives of user groups (local, regional, national)
12. Community representatives
13. Recognised experts in the subject area (academics, public or private sector managers)

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 15 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. 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 opposition 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

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, the Licensing Act 2003 Committee, the Employment and Appeals Committee, and the Pensions and Investments Committee.
- 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 shortlisting and appointments in accordance with Rules 11.45, 11.52, and 11.56.]

Comment [WR1]: In old Constitution but omitted from new Constitution in error.

Rules of Procedure and Debate

9.4 The Council Procedure Rules in Section 4 will apply.

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

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SECTION 10 – JOINT COMMITTEES

- 10.1 There are a number of circumstances where the Council or the Cabinet is entitled to carry out certain functions jointly with another local authority or with a Local Health Board.
- 10.2 The Council and Cabinet in order to promote the economic, social, or environmental wellbeing of its area may:
- 10.2.1 enter into arrangements or agreements with any person or body;
 - 10.2.2 co-operate with, or facilitate or co-ordinate the activities of any person or body; and
 - 10.2.3 exercise on behalf of that person or body any functions of that person or body.

Joint Arrangements

- 10.3.1 The Council may establish joint arrangements with one or more local authorities, or a Local Health Board and/or their executives to (a) exercise functions which are not Executive Functions in any of the participating authorities, or (b) advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- 10.3.2 The Cabinet may establish joint arrangements with one or more local authorities, or a Local Health Board to exercise functions which are Executive Functions. Such arrangements may involve the appointment of joint committees with these other local authorities, or a Local Health Board. Except as set out below, or as permitted or required by Law, the Cabinet may only appoint Cabinet Members to such joint committees and those Members need not reflect the political composition of the Council as a whole.
- 10.3.3 The Cabinet may appoint Members to a Joint Committee from outside the Cabinet where the Joint Committee has functions for only part of the area of the Council and that area is smaller than two fifths of that local authority, by area or population. In such cases, the Cabinet may appoint to the Joint Committee any Councillor who is Member for an electoral division contained within the area. Political balance requirements do not apply to such appointments.
- 10.3.4 Details of any joint arrangements including any delegations to joint committees will be found in the Council's scheme of delegations in Section 13 of this Constitution.

Access to Information

- 10.4.1 The Access to Information Rules applying to a Joint Committee will depend upon the terms of reference agreed for the operation of that committee.
- 10.4.2 Where it is agreed that Powys County Council Access to Information Procedure Rules in Section 14 will apply to a Joint Committee, those rules will take effect subject to rules 10.4.3. and 10.4.4. below.
- 10.4.3 If all the Members of a Joint Committee are Members of the Cabinet in each of the participating authorities, then its access to information regime is the same as that applied to the Cabinet.
- 10.4.4 If the Joint Committee contains Members who are not on the Cabinet of any participating authority, then the Access to Information Rules in part VA of the

SECTION 10 – JOINT COMMITTEES

Local Government Act 1972 (as amended) will apply. 1

Delegation to and from Other Local Authorities

- 10.5.1 The Council can delegate Non-Executive Functions to another local authority, or a Local Health Board, or and, where those functions are the responsibility of the executive of another local authority, to the executive of another local authority.
- 10.5.2 The Cabinet can delegate Executive Functions to another local authority or the executive of another local authority, or a Local Health Board.
- 10.5.3 The decision whether or not to accept such a delegation from another local authority, or a Local Health Board is reserved to the Full Council.

Contracting Out

- 10.6 The Council (in respect of Non-Executive Functions) and the Cabinet (in respect of Executive Functions) may contract out to another body or organisation functions:
- 10.6.1 which may be exercised by an Officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994²; or
- 10.6.2 under contracting arrangements where the Contractor acts as the Council's Agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

¹ See Section 14.

² Any function of the Council or of an Executive

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

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

Who can be Decision Makers?

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

- 13.1.1 Full Council;
- 13.1.2 a Committee or Sub-Committee of the Council;
- 13.1.3 the Executive Leader;
- 13.1.4 the Cabinet;
- 13.1.5 a Committee of Cabinet;
- 13.1.6 an individual Cabinet Member;
- 13.1.7 a Joint Committee;
- 13.1.8 an Officer.

Principles of Decision Making

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

- 13.2.1 proportionately (i.e. the action must be proportionate to the desired outcome);
- 13.2.2 due consideration and the taking of professional advice from Officers;
- 13.2.3 respect for human rights;
- 13.2.4 a presumption in favour of openness;
- 13.2.5 clarity of aims and desired outcomes;
- 13.2.6 consideration of any alternative options; and
- 13.2.7 the giving and recording of reasons for the decision and the proper recording of these reasons.

13.3 Functions fall into the following categories:

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Index:

Schedule 1 – Functions NOT to be the responsibility of the Cabinet	Pages 3 - 43
Schedule 2 – Council functions may be delegated to the Executive and other Member Bodies pursuant to Regulation 4 of the 2007 Regulations	Pages 44 - 69
Schedule 3 – Functions Not to be the Sole Responsibility of Cabinet	Pages 70 - 78
Schedule 4 – Circumstances in Which Functions are not to be the responsibility of Cabinet	Pages 79 - 81
Delegation to Officers	Pages 82 - 89
Delegation to Cabinet Portfolio Holders	Pages 90 - 100

Colour Code:

Pages:

Planning, Taxi Licensing Rights of Way and Taxi Licensing Rights of Way Committee	Schedule 1 – Pages 4 – 11; 14 – 25; Schedule 2 – Pages 59 – 67;
Full Council	Schedule 1 – Pages 12; 26 – 27; 29; 30 – 32; 38 – 43 Schedule 2 – Pages 44 – 46; Schedule 3 – Pages 70 – 76; 78; Schedule 4 – Pages 79 - 81
Licensing Act 2003 Committee	Schedule 1 – Page 13; Schedule 2 – Pages 57 – 58;
Officers	Schedule 1 – Pages 28; 38;
Pensions and Investment Committee	Schedule 1 – Page 30;
Audit Committee	Schedule 1 – Pages 33 – 36;
Democratic Services Committee	Schedule 1 – Page 36;
Employment and Appeals Committee	Schedule 1 – Page 37;
Cabinet	Schedule 2 – Pages 47 – 56; Schedule 3 – Page 77;
Area (Shire) Committees	Schedule 2 – Pages 68 – 69;

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Schedule 1 – Functions NOT to be the responsibility of the Cabinet.

For the sake of clarity, the functions set out in Column 1 of the Schedule below include:

- the imposition of any condition, limitation or other restriction on an approval, consent, licence, permission or registration granted, and the determination of any other terms to which any approval, consent, licence, permission or registration is to be subject (Regulation 3(2)(a) and 3(2)(b)).
- the determining whether, and in what manner, to enforce
 - any failure to comply with an approval, consent, licence, permission or registration granted in the exercise of a function specified in this column.
 - any failure to comply with a condition, limitation or term to which any such approval, consent, licence, permission or registration is subject; or
 - any other contravention in relation to a matter with regard to which the function of determining an application for approval, consent, licence, permission or registration would not be the responsibility of an executive of the authority. (Regulation 3(3))
- the amending, modifying or varying any such approval, consent, licence, permission or registration granted or any condition, limitation, restriction or term or the revoking any such approval, consent, licence, permission or registration(Regulation 3(4))

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
Function (including): ¹	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
A Functions relating to town and country planning and development control				
A1 Power to determine applications for planning permission.	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 (c 8).	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	Subject to column 5 Delegated to the Strategic Director – Place, and / or the Head of Regeneration, Property and Commissioning and / or the Lead Professional – Development Management (“Relevant Planning Officer”) with the ability to further sub-delegate.	In the following circumstances the responsibility will lie with the <u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee and not the Relevant Planning Officer.
A2 Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990.	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	Subject to column 5 Delegated to <u>the Lead Professional – Development Management in consultation with the Chair of the Planning, Taxi Licensing and Rights of Way Committee</u> Relevant Planning Officer with the ability to further sub-delegate unless the original permission was granted by the <u>Planning, Rights of Way and Taxi Licensing Committee (including one of the previous Shire Planning Sub-Committees) save where the condition relates</u>	A. Where the Relevant Planning Officer considers that the planning function should be dealt with by the <u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee and not by a Relevant Planning Officer. B. Where the planning application in question constitutes a material departure from the

¹ Regulation 3 of the Local Authorities (Executive Arrangements)(Functions and Responsibilities)(Wales)Regulations 2007

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

			to the time limits imposed on the permission.	Development Plan and the view of the Relevant Planning Officer is that the planning application should be approved;
A3	Power to grant planning permission for development already carried out.	Section 73A of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee Planning, Rights of Way and Taxi Licensing Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate
A4	Power to decline to determine application for planning permission.	Section 70A of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee Planning, Rights of Way and Taxi Licensing Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate
A5	Duties relating to the making of determinations of planning applications.	Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (SI 1995/419) and directions made there under.	Planning, Taxi Licensing and Rights of Way Committee Planning, Rights of Way and Taxi Licensing Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate
A6	Power to determine applications for planning permission made by a local authority, alone or jointly with another person.	Section 316 of the Town and Country Planning Act 1990 and the Town Country Planning General Regulations 1992 (SI 1992/1492).	Planning, Taxi Licensing and Rights of Way Committee Planning, Rights of Way and Taxi Licensing Committee	No delegation
A7	Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (SI 1995/418).	Planning, Taxi Licensing and Rights of Way Committee Planning, Rights of Way and Taxi Licensing Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate
A8	Power to enter into	Section 106 of the Town	Planning, Taxi Licensing and	Subject to column 5

- C. Where the planning application is made by or on behalf of the County Council or relates to or affects Council land or premises (whether or not actually occupied by the Council) ;
- D. Where the planning application is required to be accompanied by an Environmental Statement under the EIA Regulations;
- E. Where the planning application is submitted by or on behalf of any Member or any member of staff employed in Development Control, the Chief Executive, Strategic Directors and Directors, Heads of Service, or officers who are in regular contact with Development Control.
- F. Where a Councillor registers a request in

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

<p>planning obligation, regulating development or use of land.</p>	<p>and Country Planning Act 1990.</p>	<p><u>Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee</p>	<p>Delegated to Relevant Planning Officer with the ability to further sub-delegate</p> <p>PROVIDED ALWAYS that when exercising this power the Relevant Planning Officer (and the Planning, Rights of Way and Taxi Licensing Committee in the event of that committee exercising that power) shall stipulate the time limit within which such agreement shall be concluded. In the event that it is not concluded within such time limit, the Relevant Planning Officer (or as the case may be the Planning, Rights of Way and Taxi Licensing Committee) shall refuse any related Planning Application, unless satisfied that the delay is unavoidable and that there is sufficient evidence for him / her / the committee to conclude that the matter will be concluded within a further reasonable time period, whereupon a fresh time limit shall be imposed.</p>	<p>accordance with the Planning Call-In Procedure set out in the Planning Protocol in Section 19 that a planning application be referred to the <u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee for decision and not determined by the Relevant Planning Officer;</p> <p>(See conditions at the top of the column)</p>
<p>A9 Power to issue a certificate of existing or proposed lawful use or development.</p>	<p>Sections 191(4) and 192(2) of the Town and Country Planning Act 1990.</p>	<p><u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee</p>	<p>Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate</p>	<p>(See conditions at the top of the column)</p> <p>(See conditions at the top of</p>

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A10 Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990.	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate	the column) (See conditions at the top of the column)
A11 Power to grant consent for the display of advertisements.	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992.	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate	(See conditions at the top of the column)
A12 Power to authorise entry onto land.	Section 196A of the Town and Country Planning Act 1990.	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate	(See conditions at the top of the column)
A13 Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990.	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	No delegation	
A14 Power to serve a planning contravention notice, breach of condition notice or stop notice.	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990.	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate PROVIDED ALWAYS that the Relevant Planning Officer before and during the exercise of this power shall have appropriate discussions with the Local Representative for the electoral division affected so that the Councillor may be fully appraised and have a proper opportunity of making	(See conditions at the top of the column)

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<p>A15 Power to issue an enforcement notice.</p>	<p>Section 172 of the Town and Country Planning Act 1990.</p>	<p><u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee</p>	<p>his / her views known.</p> <p>Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate</p> <p>PROVIDED ALWAYS that the Relevant Planning Officer before and during the exercise of this power shall have appropriate discussions with the Councillor for the electoral division affected so that the Local Representative may be fully appraised and have a proper opportunity of making his / her views known.</p>	<p>(See conditions at the top of the column)</p>
<p>A16 Power to apply for an injunction restraining a breach of planning control.</p>	<p>Section 187B of the Town and Country Planning Act 1990.</p>	<p><u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee</p>	<p>Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate.</p> <p>PROVIDED ALWAYS that the Relevant Planning Officer before and during the exercise of this power shall have appropriate discussions with the Local Representative for the electoral division affected so that the Councillor may be fully appraised and have a proper opportunity of making his / her views known.</p>	<p>(See conditions at the top of the column)</p> <p>(See conditions at the top of the column)</p>

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A17 Power to determine applications for hazardous substances consent, and related powers.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990 (c 10).	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate	(See conditions at the top of the column)
A18 Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c 25) and paragraph 6(5) of Schedule 14 to that Act.	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate PROVIDED ALWAYS that the Relevant Planning Officer before and during the exercise of this power shall have appropriate discussions with the Councillor for the electoral division affected so that the Local Representative may be fully appraised and have a proper opportunity of making his / her views known.	(See conditions at the top of the column) (See conditions at the top of the column) (See conditions at the top of the column)
A19 Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990.	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate	(See conditions at the top of the column)
A20 Power to determine applications for listed building consent, and related powers.	Sections 16(1) and (2), 17 and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (c 9).	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate.	(See conditions at the top of the column)
A21 Power to determine applications for conservation area consent.	Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as applied by section 74(3) of that Act).	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate	(See conditions at the top of the column)

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

	listed building in need of repair and to serve a repairs notice.	Planning (Listed Buildings and Conservation Areas) Act 1990.	Rights of Way Committee Planning, Rights of Way and Taxi Licensing Committee		(See conditions at the top of the column)
A26	Power to apply for an injunction in relation to a listed building.	Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Planning, Taxi Licensing and Rights of Way Committee Planning, Rights of Way and Taxi Licensing Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate. PROVIDED ALWAYS that the Relevant Planning Officer before and during the exercise of this power shall have appropriate discussions with the Councillor for the electoral division affected so that the Local Representative may be fully appraised and have a proper opportunity of making his / her views known.	(See conditions at the top of the column) (See conditions at the top of the column) (See conditions at the top of the column) (See conditions at the top of the column)
A27	Power to execute urgent works.	Section 54 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.	Planning, Taxi Licensing and Rights of Way Committee Planning, Rights of Way and Taxi Licensing Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate.	
A28	Power related to mineral working.	Schedule 9 of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee Planning, Rights of Way and Taxi Licensing Committee	No delegation	
A29	Power related to footpaths and bridleways.	Section 257 of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee Planning, Rights of Way and Taxi Licensing Committee	The Rights of Way Officer or his / her duly authorised representative subject to consultation with Development Management.	

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A30 Power as to certification of appropriate alternative development.	Section 17 of the Land Compensation Act 1961 (c 33).	Planning, Taxi Licensing and Rights of Way Committee Planning, Rights of Way and Taxi Licensing Committee	Subject to column 5 Delegated to Relevant Planning Officer with the ability to further sub-delegate	
A31 Duties in relation to purchase notices.	Sections 137-144 of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee Planning, Rights of Way and Taxi Licensing Committee	No delegation	
A32 Powers related to blight notices.	Sections 149-171 of the Town and Country Planning Act 1990.	Planning, Taxi Licensing and Rights of Way Committee Planning, Rights of Way and Taxi Licensing Committee	No delegation	

Column 1	Column 2	Column 3	Column 4	Column 5
B Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule) including: ²	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
B43 Functions in respect of establishing a Licensing Committee.	Section 6 of the Licensing Act 2003 (c 17).	Full Council	No delegation	

² Regulation 3 of the Local Authorities (Executive Arrangements)(Functions and Responsibilities)(Wales)Regulations 2007

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

In Sections B1 to B41 below any reference to a power to licence includes the power to set the relevant fees and to approve and amend the relevant policies.

Column 1	Column 2	Column 3	Column 4	Column 5
B Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule) including: ³	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
B6 Power to register pool promoters.	Gambling Act 2005.	Licensing Act 2003 Committee	No delegation	
B7 Power to grant track betting licences.	Gambling Act 2005.	Licensing Act 2003 Committee	No delegation	
B8 Power to license inter-track betting schemes.	Gambling Act 2005.	Licensing Act 2003 Committee	No delegation	
B9 Power to grant permits in respect of premises with amusement machines.	Gambling Act 2005.	Licensing Act 2003 Committee	No delegation	
B10 Power to register societies wishing to promote lotteries.	Gambling Act 2005.	Licensing Act 2003 Committee	No delegation	
B11 Power to grant permits in respect of premises where amusements with prizes are provided.	Gambling Act 2005.	Licensing Act 2003 Committee	No delegation	

³ Regulation 3 of the Local Authorities (Executive Arrangements)(Functions and Responsibilities)(Wales)Regulations 2007

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Column 1	Column 2	Column 3	Column 4	Column 5
B Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule) including: ⁴	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
B1(a) Power to issue licences (not the granting of Planning Permission) authorising the use of land as a caravan site for static holiday homes and touring sites ("site licences").	Section 3(3) of the Caravan Sites and Control of Development Act 1960 (c 62).	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	Delegated to the appropriate officer with the ability to further sub-delegate.	A licence cannot be given before appropriate planning permission has been obtained.
B1(b) Power to issue licences (not the granting of Planning Permission) authorising the use of land as a caravan site for residential purposes ("site licences").	Mobile Homes (Wales) Act 2014.	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	Delegated to the appropriate officer with the ability to further sub-delegate.	A licence cannot be given before appropriate planning permission has been obtained.
B2 Power to license the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936 (c 49).	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	Delegated to the appropriate officer with the ability to further sub-delegate.	A licence cannot be given before appropriate planning permission has been obtained.

⁴ Regulation 3 of the Local Authorities (Executive Arrangements)(Functions and Responsibilities)(Wales)Regulations 2007

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Column 1	Column 2	Column 3	Column 4	Column 5
B Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule) including: ⁵	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
B3 Power to license hackney carriages and private hire vehicles.	(a) as to hackney carriages, the Town Police Clauses Act 1847 (10 & 11 Vict c 89), as extended by section 171 of the Public Health Act 1875 (38 & 39 Vict c 55), and section 15 of the Transport Act 1985 (c 67); and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (c 57); (b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.	<u>Planning, Taxi Licensing and Rights of Way Committee</u> <u>Planning, Rights of Way and Taxi Licensing Committee</u>	(i) In respect of unfit vehicles, power is delegated to the relevant officer to suspend the use of the vehicle. (ii) Issues relating to the suitability of a vehicle are to be considered by a Sub-Committee. (iii) Issues relating to the use of a vehicle contrary to the Intended Use Policy for Hackney Carriages are to be considered by a Sub-Committee.	

⁵ Regulation 3 of the Local Authorities (Executive Arrangements)(Functions and Responsibilities)(Wales)Regulations 2007

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Column 1	Column 2	Column 3	Column 4	Column 5
B Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule) including: ⁶	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
B4 Power to license drivers of hackney carriages and private hire vehicles.	Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.	<u>Planning, Taxi Licensing and Rights of Way Committee</u> <u>Planning, Rights of Way and Taxi Licensing Committee</u>	Delegated to the relevant officer (with the ability to further sub-delegate) save where there is consideration as to whether the applicant has satisfied the “Fit and Proper Criteria” in general and in particular to the Council’s Policy on Treatment of Convictions, Cautions and Charges and the DVLA medical fitness criteria.	
B5 Power to license operators of private hire vehicles.	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.	<u>Planning, Taxi Licensing and Rights of Way Committee</u> <u>Planning, Rights of Way and Taxi Licensing Committee</u>	Delegated to the relevant officer (with the ability to further sub-delegate) save where there is consideration as to whether the applicant has satisfied the “Fit and Proper Criteria” in general and in particular to the Council’s Policy on Treatment of Convictions, Cautions and Charges.	

⁶ Regulation 3 of the Local Authorities (Executive Arrangements)(Functions and Responsibilities)(Wales)Regulations 2007

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
B Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule) including: ⁷	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
B12 Power to issue entertainments licences.	Section 12 of the Children and Young Persons Act 1933 (c 12)	<u>Planning, Taxi Licensing and Rights of Way Committee</u> <u>Planning, Rights of Way and Taxi Licensing Committee</u>	Delegated to the relevant officer with the ability to further sub-delegate.	
B13 Power to license sex shops and sex cinemas.	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3.	<u>Planning, Taxi Licensing and Rights of Way Committee</u> <u>Planning, Rights of Way and Taxi Licensing Committee</u>	Uncontested applications delegated to the relevant officer with the ability to further sub-delegate. Contested applications will be considered by a Sub-Committee.	
B14 Power to license performances of hypnotism.	The Hypnotism Act 1952 (c 46).	<u>Planning, Taxi Licensing and Rights of Way Committee</u> <u>Planning, Rights of Way and Taxi Licensing Committee</u>	Delegated to the relevant officer with the ability to further sub-delegate.	
B15 Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis.	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.	<u>Planning, Taxi Licensing and Rights of Way Committee</u> <u>Planning, Rights of Way and Taxi Licensing Committee</u>	Delegated to the relevant officer with the ability to further sub-delegate.	
B16 Power to license pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907 (c 53).	<u>Planning, Taxi Licensing and Rights of Way Committee</u> <u>Planning, Rights of Way and Taxi Licensing Committee</u>	Delegated to the relevant officer with the ability to further sub-delegate.	
B17 Power to license market and street	Part III of, and Schedule 4 to, the Local Government	<u>Planning, Taxi Licensing and Rights of Way</u>	Delegated to the relevant officer with the ability to	

⁷ Regulation 3 of the Local Authorities (Executive Arrangements)(Functions and Responsibilities)(Wales)Regulations 2007

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trading.	(Miscellaneous Provisions) Act 1982.	Committee Planning, Rights of Way and Taxi Licensing Committee	further sub-delegate.	
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Column 1	Column 2	Column 3	Column 4	Column 5
B Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule) including: ⁸	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
B19 Power to license dealers in game and the killing and selling of game.	Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831 (c 32); sections 2 to 16 of the Game Licences Act 1860 (c 90), section 4 of the Customs and Inland Revenue Act 1883 (c 10), section 27 of the Local Government Act 1894 (c 73), and section 213 of the Local Government Act 1972 (c 70).	<u>Planning, Taxi Licensing and Rights of Way Committee</u> <u>Planning, Rights of Way and Taxi Licensing Committee</u>	Delegated to the relevant officer with the ability to further sub-delegate.	
B20 Power of register and license premises for the preparation of food.	Section 19 of the Food Safety Act 1990 (c 16).	<u>Planning, Taxi Licensing and Rights of Way Committee</u> <u>Planning, Rights of Way and Taxi Licensing Committee</u>	Delegated to the relevant officer with the ability to further sub-delegate.	

⁸ Regulation 3 of the Local Authorities (Executive Arrangements)(Functions and Responsibilities)(Wales)Regulations 2007

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Column 1	Column 2	Column 3	Column 4	Column 5
B Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule) including: ⁹	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
B21 Power to license scrap yards.	Scrap Metal Dealers Act 2013.	Planning, Taxi Licensing and Rights of Way Committee Planning, Rights of Way and Taxi Licensing Committee	Sub-delegation to the relevant officer with the ability to further sub-delegate unless the applicant has relevant convictions under the Scrap Metal Dealers Act 2013 (Prescribed Offences and Relevant Enforcement Action) Regulations 2013 when such applications are to be determined by a Sub-Committee.	
B22 Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975 (c 52).	Planning, Taxi Licensing and Rights of Way Committee Planning, Rights of Way and Taxi Licensing Committee	Delegated to the relevant officer with the ability to further sub-delegate.	
B23 Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.	Part III of the Fire Safety and Safety of Places of Sport Act 1987 (c 27).	Planning, Taxi Licensing and Rights of Way Committee Planning, Rights of Way and Taxi Licensing Committee	Delegated to the relevant officer with the ability to further sub-delegate.	

⁹ Regulation 3 of the Local Authorities (Executive Arrangements)(Functions and Responsibilities)(Wales)Regulations 2007

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Column 1	Column 2	Column 3	Column 4	Column 5
B Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule) including:¹⁰	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
B25 Power to license premises for the breeding of dogs.	The Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014.	<u>Planning, Taxi Licensing and Rights of Way Committee</u> <u>Planning, Rights of Way and Taxi Licensing Committee</u>	Delegated to the relevant officer with the ability to further sub-delegate.	
B26 Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	Section 1 of the Pet Animals Act 1951 (c 35); section 1 of the Animal Boarding Establishments Act 1963 (c 43); the Riding Establishments Acts 1964 and 1970 (1964 c 70 and 1970 c 70); section 1 of the Breeding of Dogs Act 1973 (c 60), and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.	<u>Planning, Taxi Licensing and Rights of Way Committee</u> <u>Planning, Rights of Way and Taxi Licensing Committee</u>	Delegated to the relevant officer with the ability to further sub-delegate.	
B27 Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925 (c 38).	<u>Planning, Taxi Licensing and Rights of Way Committee</u> <u>Planning, Rights of Way and Taxi Licensing Committee</u>	Delegated to the relevant officer with the ability to further sub-delegate.	
B28 Power to license zoos.	Section 1 of the Zoo Licensing Act 1981 (c 37)	<u>Planning, Taxi Licensing and Rights of Way Committee</u> <u>Planning, Rights of Way and Taxi Licensing Committee</u>	Delegated to the relevant officer with the ability to further sub-delegate.	

¹⁰ Regulation 3 of the Local Authorities (Executive Arrangements)(Functions and Responsibilities)(Wales)Regulations 2007

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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
B Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule) including: ¹¹	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
B29 Power to license dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976 (c 38).	Planning, Taxi Licensing and Rights of Way Committee Planning, Rights of Way and Taxi Licensing Committee	Delegated to the relevant officer with the ability to further sub-delegate.	
B30 Power to enforce regulations in relation to animal by-products	Regulation 49 of the Animal By-products (Wales) Regulations 2006 (SI 1292 (W 127))	Planning, Taxi Licensing and Rights of Way Committee Planning, Rights of Way and Taxi Licensing Committee	Delegated to the relevant officer with the ability to further sub-delegate.	
B31 Power to license the employment of children.	Part II of the Children and Young Persons Act 1933 (c 12), byelaws made under that Part, and Part II of the Children and Young Persons Act 1963 (c 37).	Planning, Taxi Licensing and Rights of Way Committee Planning, Rights of Way and Taxi Licensing Committee	No delegation	
B32 Power to approve premises for the solemnisation of marriages and the registration of civil partnerships.	Section 46A of the Marriage Act 1949 (c 76), section 6A of the Civil Partnership Act 2004 (c 33) and the Marriages and Civil Partnerships (Approved Premises) Regulations 2005 (SI 2005/3168).	Planning, Taxi Licensing and Rights of Way Committee Planning, Rights of Way and Taxi Licensing Committee	Delegated to the Solicitor to the Council with the ability to further sub-delegate.	

¹¹ Regulation 3 of the Local Authorities (Executive Arrangements)(Functions and Responsibilities)(Wales)Regulations 2007

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Column 1	Column 2	Column 3	Column 4	Column 5
B Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule) including: ¹²	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
B33 Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to-- (a) an exchange of lands effected by an order under section 19(3) or paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c 67); or (b) an order under section 7 of the Commons Act 2006.	Regulation 6 of the Commons Registration (New Land) Regulations 1969 (SI 1969/1843). The Commons Deregulation and Exchange Orders (Interim Arrangements) (Wales) Regulations 2012	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	No delegation	
B34 Power to register variation of rights of common.	Regulation 29 of the Commons Registration (General) Regulations 1966 (SI 1966/1471).	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	No delegation	
B35 Power to issue a permit to conduct charitable collections.	Section 68 of the Charities Act 1992.	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	Delegated to the relevant officer with the ability to further sub-delegate.	

¹² Regulation 3 of the Local Authorities (Executive Arrangements)(Functions and Responsibilities)(Wales)Regulations 2007

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Column 1	Column 2	Column 3	Column 4	Column 5
B Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule) including: ¹³	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
B36 Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993 (c 40).	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi-Licensing Committee	Delegated to the relevant officer with the ability to further sub-delegate.	
B37 Power to grant a street works licence.	Section 50 of the New Roads and Street Works Act 1991 (c 22).	Cabinet	Delegated to the relevant officer with the ability to further sub-delegate.	
B38 Duty to register the movement of pigs.	Regulations 21(3) and (4) of the Pigs (Records Identification and Movement) (Wales) Order 2004 (SI 2004/996 (W 104).	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi-Licensing Committee	Delegated to the relevant officer with the ability to further sub-delegate.	
B39 Power to enforce regulations in relation to the movement of pigs.	Regulation 27(1) of the Pigs (Records, Identification and Movement) (Wales) Order 2004/996 (W 104).	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi-Licensing Committee	Delegated to the relevant officer with the ability to further sub-delegate.	
B40 Power to issue a licence to move cattle from a market.	Article 5(2) of the Cattle Identification Regulations 1998 (SI 1998/871).	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi-Licensing Committee	Delegated to the relevant officer with the ability to further sub-delegate.	
B41 Power to sanction use of parts of buildings for	Section 1 of the Celluloid and Cinematograph Film	<u>Planning, Taxi Licensing and Rights of Way</u>	Delegated to the relevant officer with the ability to	

¹³ Regulation 3 of the Local Authorities (Executive Arrangements)(Functions and Responsibilities)(Wales)Regulations 2007

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storage of celluloid.	Act 1922 (c 35).	Committee Planning, Rights of Way and Taxi Licensing Committee	further sub-delegate.	
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Column 1	Column 2	Column 3	Column 4	Column 5
B Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule) including: ¹⁴	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
B42 Duty to enforce and execute Regulations (EC) No 852/2004 and 853/2004 in relation to food business operators as further specified in regulation 5 of the Food (Hygiene) (Wales) Regulations 2006.	Regulation 5 of the Food (Hygiene) (Wales) Regulations 2006.	<u>Planning, Taxi Licensing and Rights of Way Committee</u> <u>Planning, Rights of Way and Taxi Licensing Committee</u>	Delegated to the relevant officer with the ability to further sub-delegate.	

¹⁴ Regulation 3 of the Local Authorities (Executive Arrangements)(Functions and Responsibilities)(Wales)Regulations 2007

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Column 1	Column 2	Column 3	Column 4	Column 5	
C	Functions relating to health and safety at work	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
C1	Functions under any of the "relevant statutory provisions" within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc Act 1974, to the extent that those functions are discharged otherwise than in the authority's capacity as an employer.	Part I of the Health and Safety at Work etc Act 1974 (c 37).	Planning, Taxi Licensing and Rights of Way Committee Planning, Rights of Way and Taxi Licensing Committee	Delegated to the relevant officer with the ability to further sub-delegate.	

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Column 1	Column 2	Column 3	Column 4	Column 5
D Functions relating to elections	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
D1 Duty to appoint an electoral registration officer.	Section 8(2A) of the Representation of the People Act 1983 (c 2).	Full Council	No delegation	
D3 Power to dissolve community councils.	Section 28 of the Local Government Act 1972.	Full Council	No delegation	
D4 Power to make orders for grouping communities.	Section 29 of the Local Government Act 1972.	Full Council	No delegation	
D5 Power to make orders for dissolving groups and separating community councils from groups.	Section 29A of the Local Government Act 1972.	Full Council	No delegation	
D6 Duty to appoint returning officer for local government elections.	Section 35 of the Representation of the People Act 1983.	Full Council	No delegation	
D7 Duty to provide assistance at European Parliamentary elections.	Section 6(7) and (8) of the European Parliamentary Elections Act 2002.	Full Council	No delegation	
D8 Duty to divide constituency into polling districts.	Section 18 of the Representation of the People Act 1983.	Full Council	No delegation	
D9 Power to divide electoral divisions into polling districts at local government elections.	Section 31 of the Representation of the People Act 1983.	Full Council	No delegation	

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5	
D	Functions relating to elections	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
D10	Powers in respect of holding of elections.	Section 39(4) of the Representation of the People Act 1983.	Full Council	No delegation	
D12	Power to fill vacancies in the event of insufficient nominations.	Section 21 of the Representation of the People Act 1985.	Full Council	No delegation	
D15	Power to make temporary appointments to community councils.	Section 91 of the Local Government Act 1972.	Full Council	No delegation	
D17	Power to submit proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.	Section 10 of the Representation of the People Act 2000 (c 2).	Full Council	No delegation	

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5	
D	Functions relating to elections	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
D2	Power to assign officers in relation to requisitions of the registration officer.	Section 52(4) of the Representation of the People Act 1983.	Head of Paid Service	No delegation	
D13	Duty to declare vacancy in office in certain cases.	Section 86 of the Local Government Act 1972.	Head of Paid Service	No delegation	
D14	Duty to give public notice of a casual vacancy.	Section 87 of the Local Government Act 1972.	Head of Paid Service	No delegation	
D16	Power to determine fees and conditions for supply of copies of, or extracts from, elections documents.	Rule 48(3) of the Local Elections (Principal Areas) Rules 1986 (SI 1986/2214) and rule 48(3) of the Local Elections (Parishes and Communities) Rules 1986 (SI 1986/2215).	Head of Paid Service	No delegation	
D11	Power to pay expenses properly incurred by electoral registration officers.	Section 54 of the Representation of the People Act 1983.	Section 151 Officer	No delegation	

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5	
E	Functions relating to name and status of areas and individuals	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
E1	Power to change the name of a county or county borough.	Section 74 of the Local Government Act 1972.	Full Council	No delegation	
E2	Power to change the name of a community.	Section 76 of the Local Government Act 1972.	Full Council	No delegation	
E3	Power to confer title of honorary alderman or to admit to be an honorary freeman.	Section 249 of the Local Government Act 1972.	Full Council	No delegation	
E4	Power to petition for a charter to confer county borough status.	Section 245A of the Local Government Act 1972.	Full Council	No delegation	

Column 1	Column 2	Column 3	Column 4	Column 5	
F	Power to make, amend, revoke or re-enact byelaws	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
F1	Power to make, amend, revoke or re-enact byelaws	Any provision of any enactment (including a local Act), whenever passed, and section 14 of the Interpretation Act 1978 (c 300).	Full Council	No delegation	

Column 1	Column 2	Column 3	Column 4	Column 5	
G	Power to promote or oppose private Bills.	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
G1	Power to promote or oppose private Bills	Sections 52 and 53 of the Local Government (Democracy)(Wales) Act 2013.	Full Council	No delegation	

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
H Functions relating to pensions etc	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
H1 Functions relating to local government pensions, etc.	Regulations under section 7, 12 or 24 of the Superannuation Act 1972 (c 11).	Pensions and Investment Committee	No delegation	
H2 Functions relating to pensions, allowances and gratuities.	Regulations under section 18 (3A) of the Local Government and Housing Act 1989 (c 42).	Pensions and Investment Committee	No delegation	

Column 1	Column 2	Column 3	Column 4	Column 5
I Miscellaneous functions	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
I5 Power to make standing orders.	Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972.	Full Council	No delegation	
I6A Appointment and dismissal of Chief Executive, Head of Paid Service, Strategic Directors.	Section 112 of the Local Government Act 1972 and sections 7 and 8 of the Local Government and Housing Act 1989.	Full Council	No delegation	The exercise of functions relating to the recruitment, appointment and dismissal of, and taking disciplinary action against staff must be undertaken in accordance with Section 11 (Officers).
I7 Power to make standing orders as to contracts.	Section 135 of the Local Government Act 1972.	Full Council	No delegation	

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

	Column 1	Column 2	Column 3	Column 4	Column 5
I	Miscellaneous functions	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
I8	Power to consider reports from the Public Services Ombudsman for Wales.	Section 19 of the Public Services Ombudsman (Wales) Act 2005 (c 10).	Full Council	No delegation	
I9	Power to make an order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption.	Section 13(2) of the Criminal Justice and Police Act 2001 (c 16).	Full Council	No delegation	
I10	Powers in respect of registration of motor salvage operators.	Part 1 of the Vehicles (Crime) Act 2001 (c 3).	Full Council	No delegation	
I11	Power to appoint officers for particular purposes (appointment of "proper officers").	Section 270(3) of the Local Government Act 1972 (c 42).	Full Council	No delegation	
I12	Duty to designate an officer as the head of the authority's paid service, and to provide staff, etc.	Section 4(1) of the Local Government and Housing Act 1989 (c 42).	Full Council	No delegation	
I13	Duty to designate an officer as the monitoring officer and to provide staff, etc.	Section 5(1) of the Local Government and Housing Act 1989.	Full Council	No delegation	

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
I Miscellaneous functions	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
I14 Duty to determine affordable borrowing limit.	Section 3 of the Local Government Act 2003 (c 22).	Full Council	No delegation	
I15 Approval of annual investment strategy in accordance with guidance.	Section 15 of the Local Government Act 2003.	Full Council	No delegation	
I17 Power to make or revoke an order designating a locality as an alcohol disorder zone.	Section 16 of the Violent Crime Reduction Act 2006 (c 38).]	Full Council	No delegation	

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
I Miscellaneous functions	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
I1 Duty to approve authority's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be).	The Accounts and Audit (Wales) Regulations 2005.	Audit Committee ¹⁵	No delegation	
Risk and Control I19A Ensure the risk management strategy guides the programme of internal and external work, to address the controls and risk related issues identified I19B 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	County Council meeting 16 th May, 2013	Audit Committee	No delegation	

¹⁵ Regulation 9(3) of the The Accounts and Audit (Wales) Regulations 2005

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
I Miscellaneous functions	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
Internal Audit I20A (i) To consider and approve the annual audit opinion on internal control and the level of assurance given to the corporate governance arrangements (ii) 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. (iii) 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	County Council meeting 16 th May, 2013	Audit Committee	No delegation	

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
I Miscellaneous functions	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
External Audit I21A (i) Consider and approve the annual letter, regulatory plan and specific reports as agreed. (ii) 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 (iii) Comment on the scope and depth of the external audit work, to ensure it gives value for money	County Council meeting 16 th May, 2013	Audit Committee	No delegation	

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
I Miscellaneous functions	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
Other I22A (i) Assess and approve the annual statement of accounts, external audit opinion and management representation in relation to annual audit findings (ii) 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 (iii) regularly monitor treasury management reports	County Council meeting 16 th May, 2013	Audit Committee	No delegation	

Column 1	Column 2	Column 3	Column 4	Column 5
I Miscellaneous functions	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
I18 Functions relating to family absence of Local Authority Members	The Family Absence for Members of Local Authorities (Wales) Regulations 2013	Democratic Services Committee	No delegation	

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
I Miscellaneous functions	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
I6D For the purposes of the JNC Conditions of Service for Chief Officers and for the Local Authorities (Standing Orders)(Wales) Regulations 2006, to discharge all relevant functions associated with the disciplinary and grievance processes and procedures in respect of all the Council's Chief and Deputy Chief Officers other than the Head of Paid Service, Monitoring Officer and Chief Financial Officer, Head of Democratic Services (as these 4 statutory officers are dealt with in Section 11 (Officers))	County Council meeting 16 th May, 2013	Employment and Appeals Committee	Delegated to the Investigating and Disciplinary Committee	
I6E Hearing and determining appeals by officers in respect of, dismissals arising out of disciplinary, capability or redundancy issues; and grievances.	County Council meeting 16 th May, 2013	Employment and Appeals Committee	Delegated to the appropriate Sub-Committee	

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
I Miscellaneous functions	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
I16 Duty to make arrangements for proper administration of financial affairs.	Section 151 of the Local Government Act 1972 (c 11).	Section 151 Officer	No delegation	

Column 1	Column 2	Column 3	Column 4	Column 5
J Functions Relating to Highways	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
J1 Power to consent to temporary deposits or excavation in streets.	County Council meeting 15 th July, 2015	Full Council	Delegated to the relevant officer with the ability to further sub-delegate.	
J2 Power to dispense with obligation to erect hoarding or fence.	County Council meeting 15 th July, 2015	Full Council	Delegated to the relevant officer with the ability to further sub-delegate.	
J3 Power to consent to construction of cellars etc. under street.	County Council meeting 15 th July, 2015	Full Council	Delegated to the relevant officer with the ability to further sub-delegate.	
J4 Power to consent to the making of openings into cellars etc. under streets, and pavement lights and ventilators.	County Council meeting 15 th July, 2015	Full Council	Delegated to the relevant officer with the ability to further sub-delegate.	
J5 Powers relating to the removal of things so deposited on highways as to be a nuisance.	County Council meeting 15 th July, 2015	Full Council	Delegated to the relevant officer with the ability to further sub-delegate.	
J6 Power to license planting, retention and maintenance of trees etc. in part of metalled highway.	County Council meeting 15 th July, 2015	Full Council	Delegated to the relevant officer with the ability to further sub-delegate.	

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5	
J	Functions Relating to Highways	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
J7	Power to license works in relation to buildings etc. which obstruct the metalled highway.	County Council meeting 15 th July, 2015	Full Council	Delegated to the relevant officer with the ability to further sub-delegate.	
J8	Power to restrict the placing of rails, beams etc. over metalled highways.	County Council meeting 15 th July, 2015	Full Council	Delegated to the relevant officer with the ability to further sub-delegate.	
J9	Duty to assert and protect the rights of the public to use and enjoyment of metalled highways.	County Council meeting 15 th July, 2015	Full Council	Delegated to the relevant officer with the ability to further sub-delegate.	

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
K. Regulation 3 Matters	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
3(5) The functions of making any scheme authorised or required by regulations under (schemes for basic, attendance and special responsibility allowances for local authority members), or of amending, revoking or replacing any such scheme is not to be the responsibility of an executive of the authority.	section 18 of the Local Government and Housing Act 1989	Full Council	No delegation - Section 101 of the Local Government Act 1972 (Discharge by Committee, Sub-Committee, Officer or other Local Authority etc) shall not apply to this function.	
3(6) (a)the amount of any allowance payable under:		Full Council	No delegation - Section 101 of the Local Government Act 1972 (Discharge by Committee, Sub-Committee, Officer or other Local Authority etc) shall not apply to this function.	

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
K. Regulation 3 Matters	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
(i) chairman's expenses; (ii) vice-chairman's expenses; (iii) financial loss allowance; (iv) allowances for attending conferences and meetings;	(i) subsection (5) of section 22 of the Local Government Act 1972 (ii) subsection (4) of section 24 of the Local Government Act 1972 (iii) subsection (4) of section 173 of the Local Government Act 1972 (iv) section 175 of the Local Government Act 1972	Full Council	No delegation - Section 101 of the Local Government Act 1972 (Discharge by Committee, Sub-Committee, Officer or other Local Authority etc) shall not apply to this function.	
(b) the rates at which payments are to be made under (travelling and subsistence allowances);	section 174 of the Local Government Act 1972	Full Council	No delegation - Section 101 of the Local Government Act 1972 (Discharge by Committee, Sub-Committee, Officer or other Local Authority etc) shall not apply to this function.	
(c) the amount of any allowances payable pursuant to a scheme under or regulations made under, or the rates at which payments by way of any such allowances are to be made;	section 18 of the Local Government and Housing Act 1989 section 100 of the Local Government Act 2000	Full Council	No delegation - Section 101 of the Local Government Act 1972 (Discharge by Committee, Sub-Committee, Officer or other Local Authority etc) shall not apply to this function.	

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
K. Regulation 3 Matters	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
(d) whether a charge should be made for any approval, consent, licence, permit or registration the issue of which is not the responsibility of an executive of the authority; and e) where a charge is made for any such approval, consent, licence, permit or registration, the amount of the charge.		Full Council	Delegation to the appropriate Committee on an individual basis.	
3(8) The function of making arrangements for the discharge of functions by a committee or officer under (2 or more local authorities discharging functions jointly)	section 101(5) of the Local Government Act 1972 Section 20 of the Local Government Act 2000.	Full Council	No delegation possible pursuant to Regulation 3(8).	
3(9) The functions of making appointments under (appointment of committees)	section 102 of the Local Government Act 1972	Full Council	No delegation possible pursuant to Regulation 3(9)	

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
K. Regulation 3 Matters	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
3(10) Unless otherwise provided by the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 (as amended), a function of a local authority which, by virtue of any enactment (past or made before the 16 th February, 2007) must not be discharged by the Cabinet.		Full Council	No delegation possible pursuant to Regulation 3(10)	

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Schedule 2 – Council functions may be delegated to the Executive and other Member Bodies pursuant to Regulation 4 of the 2007 Regulations.

For the sake of clarity, Full Council has delegated the functions set out in Column 1 of Schedule 2 to the Member Body set out in Column 3. Full Council reserves the right to remove such delegation.

Pursuant to Regulation 4(2), the functions in Column 1 so delegated may also be exercised by Full Council.

Nothing in this Schedule prevents the exercise of functions delegated to the Cabinet under Column 1 of this Schedule being sub-delegated by the Executive Leader under Rule 5.9.

For the purposes of this Schedule 2 “Rights of Way Officer” means either the Strategic Director, or the Director or the Head of Service responsible for the rights of way functions.

Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
1 Any function under a local Act other than a function specified or referred to in Schedule 1.		Full Council	No delegation	
7 The making of arrangements under section 20 (questions on police matters at council meetings) of the Police Act 1996 for enabling questions to be put on the discharge of the functions of a police authority.	Section 20 (questions on police matters at Council meetings) of the Police Act 1996	Full Council	No delegation	

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
8	The making of appointments under paragraphs 2 to 4 (appointment of members by relevant councils) of Schedule 2 (police authorities established under section 3) to the Police Act 1996.	Full Council	No delegation	
13	The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	Full Council	No delegation	
19	The appointment of any individual:	Full Council	No delegation	Also exercisable by the Cabinet.
	(a) to any office other than an office in which he is employed by the authority;			
	(b) to any body other than-			
	(i) the authority;			
	(ii) a joint committee of two or more authorities; or			

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
(c) to any committee or sub-committee of such a body, and the revocation of any such appointment.				
21 The discharge of any function by an authority acting as a harbour authority.		Full Council	No delegation	

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
2	The determination of an appeal against any decision made by or on behalf of the authority.	Cabinet	The Executive Leader may delegate the function to the appropriate Portfolio Holder.	This does not extend to determining any dismissal or grievance appeal by an employee which are to be determined by the Employment and Appeals Committee.
3	Functions in relation to the revision of decisions made in connection with claims for housing benefit or council tax benefit and for appeals against such decisions under section 68 of and Schedule 7 to the Child Support, Pensions and Social Security Act 2000 (c.19)	Cabinet	The Executive Leader may delegate the function to the appropriate Portfolio Holder.	
4	The making of arrangements in relation to appeals against the exclusion of pupils in maintained schools under section 52 of the Education Act 2002.	Cabinet	The Executive Leader may delegate the function to the appropriate Portfolio Holder.	

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
5	The making of arrangements pursuant to section 94(1), (1A) and (4) of, and Schedule 24 to, the School Standards and Framework Act 1998 (admission appeals).	Cabinet	The Executive Leader may delegate the function to the appropriate Portfolio Holder.	
6	The making of arrangements pursuant to section 95(2) of the School Standards and Framework Act 1998 (children to whom section 87 applies: appeals by governing bodies).	Cabinet	The Executive Leader may delegate the function to the appropriate Portfolio Holder.	
9	The conducting of best value reviews in accordance with the provisions of any order for the time being having effect under section 5 (best value reviews) of the Local Government Act 1999.	Cabinet	The Executive Leader may delegate the function to the appropriate Portfolio Holder.	
10	Any function relating to contaminated land.	Cabinet	The Executive Leader may delegate the function to the appropriate Portfolio Holder.	

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5	
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation	
11	The discharge of any function relating to the control of pollution or the management of air quality.	Pollution and Prevention Control Act 1999 (c.24); Part IV of the Environment Act 1995 (c.25); Part 1 of the Environment Act 1990 (c.43) and the Clean Air Act 1993 (c.11)	Cabinet	The Executive Leader may delegate the function to the appropriate Portfolio Holder.	
12	The service of an abatement notice in respect of a statutory nuisance.	Section 8 of the Noise and Statutory Nuisance Act 1993 (c.40)	Cabinet	The Executive Leader may delegate the function to the appropriate Portfolio Holder.	
14	The inspection of the authority's area to detect any statutory nuisance.	Section 79 of the Environmental Protection Act 1990.	Cabinet	The Executive Leader may delegate the function to the appropriate Portfolio Holder.	
15	The investigation of any complaint as to the existence of a statutory nuisance.		Cabinet	The Executive Leader may delegate the function to the appropriate Portfolio Holder.	
16	The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.	Section 330 of the Town and Country Planning Act 1990 (c.8)	Cabinet	The Executive Leader may delegate the function to the appropriate Portfolio Holder.	

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
17 The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 (c.57)	Cabinet	The Executive Leader may delegate the function to the appropriate Portfolio Holder.	
18 Any of the following functions in respect of highways:				
(a) the making of agreements for the execution of highways works;	Section 278 of the Highways Act 1980 (c.66) was substituted by Section 23 of the New Roads and Street Works Act 1991 (c.22)	Cabinet	Delegated to the relevant officer with the ability to further sub-delegate..	
(d) the functions contained in the following provisions of Part IX of the Highways Act 1980 (lawful and unlawful interference with highways and streets):		Cabinet	Delegated to the relevant officer with the ability to further sub-delegate.	
(i) section 130-- protection of public rights;	Part IX of the Highways Act 1980 (lawful and unlawful interference with highways and streets) – Section 130	Cabinet	Delegated to the relevant officer with the ability to further sub-delegate.	

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
(ii) sections 139-- control of builders' skips;	Part IX of the Highways Act 1980 (lawful and unlawful interference with highways and streets) – Section 139	Cabinet	Delegated to the relevant officer with the ability to further sub-delegate.	
(iii) section 140-- removal of builders' skips;	Part IX of the Highways Act 1980 (lawful and unlawful interference with highways and streets) – Section 140	Cabinet	Delegated to the relevant officer with the ability to further sub-delegate.	
(iv) section 140A-- builders' skips: charges for occupation of the highway;	New Roads and Street Works Act 1991 (c.22) (Section 168 and Part 1 of Schedule 8)	Cabinet	Delegated to the relevant officer with the ability to further sub-delegate.	
(v) section 142-- licence to plant trees, shrubs etc in a highway;	Part IX of the Highways Act 1980 (lawful and unlawful interference with highways and streets) – Section 142	Cabinet	Delegated to the relevant officer with the ability to further sub-delegate.	
(vi) section 147-- power to authorise erection of stiles etc on footpath or bridleway;	Part IX of the Highways Act 1980 (lawful and unlawful interference with highways and streets) – Section 147	Cabinet	Delegated to the relevant officer with the ability to further sub-delegate.	

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
(vii) section 147ZA-- agreements relating to improvements for benefit of persons with mobility problems;	Section 69(3) of the Countryside and Rights of Way Act 2000 (c.37)	Cabinet	Delegated to the relevant officer with the ability to further sub-delegate.	
(viii) section 149- removal of things so deposited on highways as to be a nuisance etc;	Part IX of the Highways Act 1980 (lawful and unlawful interference with highways and streets) – Section 149	Cabinet	Delegated to the relevant officer with the ability to further sub-delegate.	
(ix) section 169- control of scaffolding on highways;	Part IX of the Highways Act 1980 (lawful and unlawful interference with highways and streets) – Section 169	Cabinet	Delegated to the relevant officer with the ability to further sub-delegate.	
(x) section 171- control of deposit of building materials and making of excavations in streets;	Part IX of the Highways Act 1980 (lawful and unlawful interference with highways and streets) – Section 171	Cabinet	Delegated to the relevant officer with the ability to further sub-delegate.	

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
(xi) section 171A and regulations made under that section-- works under s169 or s171: charge for occupation of the highway;	New Roads and Street Works Act 1991 (c.22) (Section 168 and Part 1 of Schedule 8)	Cabinet	Delegated to the relevant officer with the ability to further sub-delegate.	
(xii) section 172-- hoardings to be set up during building etc;	Part IX of the Highways Act 1980 (lawful and unlawful interference with highways and streets) – Section 172	Cabinet	Delegated to the relevant officer with the ability to further sub-delegate.	
(xiii) section 173-- hoardings to be securely erected;	Part IX of the Highways Act 1980 (lawful and unlawful interference with highways and streets) – Section 173	Cabinet	Delegated to the relevant officer with the ability to further sub-delegate.	
(xiv) section 178-- restriction on placing of rails, beams etc over highways;	Part IX of the Highways Act 1980 (lawful and unlawful interference with highways and streets) – Section 178	Cabinet	Delegated to the relevant officer with the ability to further sub-delegate.	
(xv) section 179-- control of construction of cellars etc under street;	Part IX of the Highways Act 1980 (lawful and unlawful interference with highways and streets) – Section 179	Cabinet	Delegated to the relevant officer with the ability to further sub-delegate.	

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
(xvi) section 180- control of openings into cellars etc under streets, and pavement lights and ventilators;	Part IX of the Highways Act 1980 (lawful and unlawful interference with highways and streets) – Section 180	Cabinet	Delegated to the relevant officer with the ability to further sub-delegate.	
20 Power to make payments or provide other benefits in cases of maladministration etc.	Section 92 of the Local Government Act 2000.	Cabinet	Delegated to the relevant officer with the ability to further sub-delegate.	
22 Functions in respect of the calculation of council tax base in accordance with any of the following:		Cabinet	The Executive Leader may delegate the function to the appropriate Portfolio Holder.	
(a) the determination of an for item T in section 33(1) and 44(1) of the Local Government Finance Act 1992;	Sections 33(1) and 44(1) of the Local Government Finance Act 1992	Cabinet	The Executive Leader may delegate the function to the appropriate Portfolio Holder.	
(b) the determination of an amount for item TP in sections 34(3), 45(3) 48(3) and 48(4) of the Local Government Finance Act 1992;	Sections 34(3), 45(3), 48(3) and 48(4) of the Local Government Finance Act 1992	Cabinet	The Executive Leader may delegate the function to the appropriate Portfolio Holder.	

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
(c) the determination of an amount required for determining an amount for the item mentioned in paragraph (a) or (b) above.		Cabinet	The Executive Leader may delegate the function to the appropriate Portfolio Holder.	
2B.(1) The making of <u>Temporary</u> Traffic Regulation Orders relating to all highways other than those specified in 2B(2) below. (Temporary)	<u>Road Traffic Regulation Act 1984</u>	Cabinet	The Head of Highways, Transportation and Recycling and the Service Manager (Place) or persons authorised to act on their behalf.	Subject to: (i) The period of the temporary traffic regulation order not exceeding 128 months. (ii) Any extensions to the time limit for a Traffic Regulation Order being determined by the relevant Area (Shire) Committee require the permission of the relevant Welsh Government Minister. N.B. Permanent Traffic Regulation Orders are the responsibility of the Area (Shire) Committees in accordance with J 2A below.
2B (2) The making of <u>Temporary Traffic Regulation Orders relating to cycle tracks, footpaths, bridleways,</u>	<u>Road Traffic Regulation Act 1984 – Section 15</u>	<u>Cabinet</u>	<u>The Leisure and Recreation Services Manager (Place) or persons authorised to act on their behalf.</u>	Such temporary orders can be given by the Authority for up to 6 months and extensions require the permission of the relevant

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<u>restricted byways and byways open to all traffic.</u>				<u>Welsh Government Minister.</u>
4. Provision, operation and maintenance of on-street and off-street car parking, including charging.		Cabinet	The Executive Leader may delegate the function to the appropriate Portfolio Holder.	

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Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
5. All matters relating to Municipal Services, namely : (a) street cleaning and litter; (b) verge maintenance; (c) markets (livestock, produce and street), other than regulatory aspects; (d) land drainage; (e) allotments; (f) other minor miscellaneous municipal services		Cabinet	Delegated to the relevant officer with the ability to further sub-delegate.	

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Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
23	Licensing functions in accordance with Part 2 of the Licensing Act 2003 except section 6.	Licensing Act 2003 Committee	The Licensing Committee has authority to appoint 3 Member Sub-Committees to hear and determine applications under the Licensing Act 2003 (Liquor Licensing).	
24	Functions in respect of gambling under the following provisions of the Gambling Act 2005:	Licensing Act 2003 Committee	No delegation	
(a)	section 29--licensing authority information;	Licensing Act 2003 Committee	Delegated to the relevant officer with the ability to further sub-delegate.	
(b)	section 30--other exchange of information;	Licensing Act 2003 Committee	Delegated to the relevant officer with the ability to further sub-delegate.	
(c)	section 166--resolution not to issue casino licences;	Licensing Act 2003 Committee	No delegation	
(d)	section 212 and regulations made under that section--fees;	Licensing Act 2003 Committee	No delegation	
(e)	section 284--removal of exemption;	Licensing Act 2003 Committee	The Licensing Committee has authority to appoint 3 Member Sub-Committees to hear and determine applications under the Licensing Act 2003 (Liquor Licensing).	

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Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
(f) section 304-- authorised persons;	Gambling Act 2005 – Section 304	Licensing Act 2003 Committee	Delegated to the relevant officer with the ability to further sub-delegate.	
(g) section 346-- prosecutions by licensing authority;	Gambling Act 2005 – Section 346	Licensing Act 2003 Committee	Delegated to the relevant officer with the ability to further sub-delegate.	
(h) section 349--three-year licensing policy <u>and other relevant policies</u> ;	Gambling Act 2005 – Section 349	Licensing Act 2003 Committee	No delegation	
(i) section 350-- exchange of information;	Gambling Act 2005 – Section 350	Licensing Act 2003 Committee	Delegated to the relevant officer with the ability to further sub-delegate.	
(j) Part 5 of Schedule 11--registration with local authority.	Gambling Act 2005 – Part 5 of Schedule 11	Licensing Act 2003 Committee	Delegated to the relevant officer with the ability to further sub-delegate.	

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Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
18 Any of the following functions in respect of highways:				
(b) the functions contained in the following provisions of Part III of the Highways Act 1980 (creation of highways):	Part III of the Highways Act 1980 (c.66)	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	No delegation	
(i) section 25-- creation of footpath, bridleway or restricted byway by agreement;	Part III of the Highways Act 1980 (creation of highways) – Section 25	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	The Rights of Way Officer or his / her duly authorised representative.	<p>Conditions for Sub-Delegation (failing which matter must be referred to the <u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee):</p> <ul style="list-style-type: none"> (a) consent of local member(s); (b) consent of community council; (c) consent of landowner;

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Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
(ii) section 26-- compulsory powers for creation of footpaths, bridleways or restricted byways;	Part III of the Highways Act 1980 (creation of highways) – Section 26	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	The Rights of Way Officer or his / her duly authorised representative.	Conditions for Sub-Delegation (failing which matter must be referred to the <u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee): (a) consent of local member(s); (b) consent of community council; (c) consent of landowner;
(c) the functions contained in the following provisions of Part VIII of the Highways Act 1980 (stopping up and diversion of highways etc):				
(i) section 116--power of magistrates' court to authorise stopping up or diversion of highway;	Part VIII of the Highways Act 1980 (stopping up and diversion of highways etc) – Section 116	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	No delegation	
(ii) section 117-- application for order under section 116 on behalf of another person;	Part VIII of the Highways Act 1980 (stopping up and diversion of highways etc) – Section 117	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	No delegation	

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Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
(iii) section 118-- stopping up of footpaths, bridleways and restricted byways;	Part VIII of the Highways Act 1980 (stopping up and diversion of highways etc) – Section 118	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	The Rights of Way Officer or his / her duly authorised representative.	Conditions for Sub-Delegation (failing which matter must be referred to the <u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee): (a) consent of local member(s); (b) consent of community council; (c) consent of landowner;
(iv) section 118ZA-- application for a public path extinguishment order;	Section 57 of, and Part 1 of Schedule 6 to, the Countryside and Rights of way Act 2000 (c.37)	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	The Rights of Way Officer or his / her duly authorised representative.	Conditions for Sub-Delegation (failing which matter must be referred to the <u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee): (a) consent of local member(s); (b) consent of community council; (c) consent of landowner;

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Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
(v) section 118A-- stopping up of footpaths, bridleways and restricted byways crossing railways;	Section 47 of, and Schedule 2 to, the Transport and Works Act 1992 (c.42)	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	The Rights of Way Officer or his / her duly authorised representative.	Conditions for Sub-Delegation (failing which matter must be referred to the <u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee): (a) consent of local member(s); (b) consent of community council; (c) consent of landowner;
(vi) section 118B-- stopping up of certain highways for purposes of crime prevention etc;	Section 57 of, and Part 1 of Schedule 6 to, the Countryside and Rights of way Act 2000 (c.37)	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	The Rights of Way Officer or his / her duly authorised representative.	Conditions for Sub-Delegation (failing which matter must be referred to the <u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee): (a) consent of local member(s); (b) consent of community council; (c) consent of landowner;

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Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
(vii) section 118C-- application by proprietor of school for special extinguishment order;	Section 57 of, and Part 1 of Schedule 6 to, the Countryside and Rights of way Act 2000 (c.37)	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	The Rights of Way Officer or his / her duly authorised representative.	Conditions for Sub-Delegation (failing which matter must be referred to the <u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee): (a) consent of local member(s); (b) consent of community council; (c) consent of landowner;
(viii) section 119-- diversion of footpaths, bridleways and restricted byways;	Part VIII of the Highways Act 1980 (stopping up and diversion of highways etc) – Section 119	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	The Rights of Way Officer or his / her duly authorised representative.	Conditions for Sub-Delegation (failing which matter must be referred to the <u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee): (a) consent of local member(s); (b) consent of community council; (c) consent of landowner;

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Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
(ix) section 119ZA-- application for a public path diversion order;	Section 57 of, and Part 1 of Schedule 6 to, the Countryside and Rights of way Act 2000 (c.37)	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	The Rights of Way Officer or his / her duly authorised representative.	Conditions for Sub-Delegation (failing which matter must be referred to the <u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee): (a) consent of local member(s); (b) consent of community council; (c) consent of landowner;
(x) section 119A-- diversion of footpaths, bridleways and restricted byways crossing railways;	Section 47 of, and Schedule 2 to, the Transport and Works Act 1992 (c.42)	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	The Rights of Way Officer or his / her duly authorised representative.	Conditions for Sub-Delegation (failing which matter must be referred to the <u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee): (a) consent of local member(s); (b) consent of community council; (c) consent of landowner;

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Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
(xi) section 119B--diversion of certain highways for purposes of crime prevention etc;	Section 57 of, and Part 1 of Schedule 6 to, the Countryside and Rights of way Act 2000 (c.37)	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	The Rights of Way Officer or his / her duly authorised representative.	<p>Conditions for Sub-Delegation (failing which matter must be referred to the <u>Planning, Taxi Licensing and Rights of Way Committee</u>Planning, Rights of Way and Taxi Licensing Committee):</p> <ul style="list-style-type: none"> (a) consent of local member(s); (b) consent of community council; (c) consent of landowner;
(xii) section 119C--application by proprietor of school for special diversion order;	Section 57 of, and Part 1 of Schedule 6 to, the Countryside and Rights of way Act 2000 (c.37)	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	The Rights of Way Officer or his / her duly authorised representative.	<p>Conditions for Sub-Delegation (failing which matter must be referred to the <u>Planning, Taxi Licensing and Rights of Way Committee</u>Planning, Rights of Way and Taxi Licensing Committee):</p> <ul style="list-style-type: none"> (a) consent of local member(s); (b) consent of community council; (c) consent of landowner;

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Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
(xiii) section 119D--diversion of certain highways for protection of sites of special scientific interest;	Section 57 of, and Part 1 of Schedule 6 to, the Countryside and Rights of way Act 2000 (c.37)	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	The Rights of Way Officer or his / her duly authorised representative.	Conditions for Sub-Delegation (failing which matter must be referred to the <u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee): (a) consent of local member(s); (b) consent of community council; (c) consent of landowner;
(xiv) section 120--exercise of powers of making public path extinguishment and diversion orders;	Part VIII of the Highways Act 1980 (consultation with other authorities on cross boundary stopping up and diversion of highways etc) – Section 120	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	The Rights of Way Officer or his / her duly authorised representative.	
(xv) section 121B--register of applications;	Section 57 of, and Part 1 of Schedule 6 to, the Countryside and Rights of way Act 2000 (c.37)	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	No delegation	

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Column 1	Column 2	Column 3	Column 4	Column 5
	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
(e) exercising functions under section 34 of the Wildlife and Countryside Act 1981 (limestone pavement orders); and	Section 34 of the Wildlife and Countryside Act 1981 (limestone pavement orders) (c.69) as amended by paragraph 83 of Schedule 11 to the Natural Environment and Rural Communities Act 2006 (c.16); by Section 27AA of the 1981 Act Section 34 has effect as if references to Natural England were references to the Countryside Council for Wales.	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	No delegation	
(f) exercising functions under section 53 of the Wildlife and Countryside Act 1981 (duty to keep definitive map and statement under continuous review).	Section 53 of the Wildlife and Countryside Act 1981 (duty to keep definitive map and statement under continuous review) as amended by the Countryside and Rights of Way Act 2000 (c.37) (Section 51 and Part 1 of Schedule 5) and the Natural Environment and Rural Communities Act 2006 (c.16) (Section 70)	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee	No delegation	
Miscellaneous Functions:				
Cycle Track Conversion Orders	Cycle Tracks Act 1984 Cycle Tracks Regulations 1984	Cabinet	<u>Planning, Taxi Licensing and Rights of Way Committee</u> Planning, Rights of Way and Taxi Licensing Committee.	

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Column 1	Column 2	Column 3	Column 4	Column 5
J Area (Shire) Committees	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
Miscellaneous functions relating to Highways				
Within a framework agreed by the Executive, and within an annual budget to be allocated by the Executive, and subject to an individual project limit of £50,000 :		Cabinet	the relevant Area (Shire) Committee	
1. All decisions in relation to highway maintenance within the overall plans determined by the Executive relating to : (a) Local Improvement Programmes; (b) The general Highway Maintenance Programme; (c) Non-structural Bridge Maintenance.		Cabinet	the relevant Area (Shire) Committee	
2A. The making of Permanent Traffic Regulation Orders		Cabinet	the relevant Area (Shire) Committee save for those Traffic Regulation Orders numbered (i) to (ii) specified in column 5 which must be made by Cabinet and to Traffic Regulation Order numbered (iii) in column 5 which are delegated to the relevant Portfolio Holder.	Traffic Regulation Orders relating to: (i) Water Break It's Neck (ii) Moelfre City (iii) car parks and car park charging. N.B. Temporary Traffic Regulation Orders are the

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				responsibility of the Cabinet (but subject to delegation) in accordance with 2B(1) above.
3.	Promoting and developing local road safety initiatives.	Cabinet	the relevant Area (Shire) Committee	
Miscellaneous functions relating to Local Grants				
(i)	the determination of Built Heritage Grants funded from the town specific allocations of Local Regeneration Fund and Basic Credit Approval in accordance with policy and budget set by the Executive.	Cabinet	the relevant Area (Shire) Committee	
(ii)	administering Built Heritage Grants for Montgomeryshire to the Montgomeryshire Area (Shire) Committee.	Cabinet	the relevant Area (Shire) Committee who in turn have delegated these to the Montgomeryshire Built Heritage Grants Sub-Committee	

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Schedule 3 – Functions Not to be the Sole Responsibility of Cabinet.¹⁶

Column 1	Column 2	Column 3	Column 4	Column 5
Plans, schemes and strategies	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
Children and Young People's Plan (part of the One Powys Plan)	Regulations made under section 26 of the Children Act 2004.	Full Council	<p>Cabinet is hereby instructed to prepare draft plan, scheme or strategy (or amendment thereof) for Full Council to approve.</p> <p>N.B. Pursuant to Regulation 5(8), this function cannot be delegated to a committee, sub-committee, an officer, or another local authority.</p>	<p>N.B. Amendments, modifications, variations or revocations to the plan, scheme or strategy can be made by the Cabinet only if either:</p> <p>(i) they are required by the National Assembly for Wales or a Minister of the Crown; or</p> <p>(ii) Full Council has delegated such power to the Cabinet at the time when arrangements for the approval of the plan, scheme or strategy were made.¹⁷</p>

¹⁶ Schedule 3 – Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 (as amended).

¹⁷ Regulation 5(4) of the Local Authorities (Executive Arrangements)(Functions and Responsibilities)(Wales)Regulations 2007

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Column 1	Column 2	Column 3	Column 4	Column 5
Plans, schemes and strategies	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
Best Value Performance Plan	Section 6(1) of the Local Government Act 1999 (c 27).	Full Council	<p>Cabinet is hereby instructed to prepare draft plan, scheme or strategy (or amendment thereof) for Full Council to approve.</p> <p>N.B. Pursuant to Regulation 5(8), this function cannot be delegated to a committee, sub-committee, an officer, or another local authority.</p>	<p>N.B. Amendments, modifications, variations or revocations to the plan, scheme or strategy can be made by the Cabinet only if either:</p> <p>(i) they are required by the National Assembly for Wales or a Minister of the Crown; or</p> <p>(ii) Full Council has delegated such power to the Cabinet at the time when arrangements for the approval of the plan, scheme or strategy were made.</p>
Community Strategy (part of the One Powys Plan)	Section 4 of the Local Government Act 2000 (c 22).	Full Council	<p>Cabinet is hereby instructed to prepare draft plan, scheme or strategy (or amendment thereof) for Full Council to approve.</p> <p>N.B. Pursuant to Regulation 5(8), this function cannot be delegated to a committee, sub-committee, an officer, or another local authority.</p>	<p>N.B. Amendments, modifications, variations or revocations to the plan, scheme or strategy can be made by the Cabinet only if either:</p> <p>(i) they are required by the National Assembly for Wales or a Minister of the Crown; or</p> <p>(ii) Full Council has delegated such power to the Cabinet at the time when arrangements for the approval of the plan, scheme or strategy were made.</p>

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
Plans, schemes and strategies	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
Crime and Disorder Reduction Strategy (part of the One Powys Plan)	Sections 5 and 6 of the Crime and Disorder Act 1998 (c 37).	Full Council	<p>Cabinet is hereby instructed to prepare draft plan, scheme or strategy (or amendment thereof) for Full Council to approve.</p> <p>N.B. Pursuant to Regulation 5(8), this function cannot be delegated to a committee, sub-committee, an officer, or another local authority.</p>	<p>N.B. Amendments, modifications, variations or revocations to the plan, scheme or strategy can be made by the Cabinet only if either:</p> <p>(i) they are required by the National Assembly for Wales or a Minister of the Crown; or</p> <p>(ii) Full Council has delegated such power to the Cabinet at the time when arrangements for the approval of the plan, scheme or strategy were made.</p>
Health and Well Being Strategy (part of the One Powys Plan)	Section 24 of the National Health Service Reform and Health Care Professions Act 2002 (c 17).	Full Council	<p>Cabinet is hereby instructed to prepare draft plan, scheme or strategy (or amendment thereof) for Full Council to approve.</p> <p>N.B. Pursuant to Regulation 5(8), this function cannot be delegated to a committee, sub-committee, an officer, or another local authority.</p>	<p>N.B. Amendments, modifications, variations or revocations to the plan, scheme or strategy can be made by the Cabinet only if either:</p> <p>(i) they are required by the National Assembly for Wales or a Minister of the Crown; or</p> <p>(ii) Full Council has delegated such power to the Cabinet at the time when arrangements for the approval of the plan, scheme or strategy were made.</p>

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1 Plans, schemes and strategies	Column 2 Provision of Act or Statutory Instrument	Column 3 Delegated to	Column 4 Sub-Delegation	Column 5 Conditions and / or Limitations on Delegation and Sub-Delegation
Local Transport Plan	Section 108 of the Transport Act 2000 (c 38).	Full Council	<p>Cabinet is hereby instructed to prepare draft plan, scheme or strategy (or amendment thereof) for Full Council to approve.</p> <p>N.B. Pursuant to Regulation 5(8), this function cannot be delegated to a committee, sub-committee, an officer, or another local authority.</p>	<p>N.B. Amendments, modifications, variations or revocations to the plan, scheme or strategy can be made by the Cabinet only if either:</p> <p>(i) they are required by the National Assembly for Wales or a Minister of the Crown; or</p> <p>(ii) Full Council has delegated such power to the Cabinet at the time when arrangements for the approval of the plan, scheme or strategy were made.</p>
Plans and alterations which together comprise the Development Plan	Section 10A of the Town and Country Planning Act 1990 (c 8).	Full Council	<p>Cabinet is hereby instructed to prepare draft plan, scheme or strategy (or amendment thereof) for Full Council to approve.</p> <p>N.B. Pursuant to Regulation 5(8), this function cannot be delegated to a committee, sub-committee, an officer, or another local authority.</p>	<p>N.B. Amendments, modifications, variations or revocations to the plan, scheme or strategy can be made by the Cabinet only if either:</p> <p>(i) they are required by the National Assembly for Wales or a Minister of the Crown; or</p> <p>(ii) Full Council has delegated such power to the Cabinet at the time when arrangements for the approval of the plan, scheme or strategy were made.</p>

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Column 1	Column 2	Column 3	Column 4	Column 5
Plans, schemes and strategies	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
Welsh Language Scheme	Section 5 of the Welsh Language Act 1993 (c 38).	Full Council	<p>Cabinet is hereby instructed to prepare draft plan, scheme or strategy (or amendment thereof) for Full Council to approve.</p> <p>N.B. Pursuant to Regulation 5(8), this function cannot be delegated to a committee, sub-committee, an officer, or another local authority.</p>	<p>N.B. Amendments, modifications, variations or revocations to the plan, scheme or strategy can be made by the Cabinet only if either:</p> <p>(i) they are required by the National Assembly for Wales or a Minister of the Crown; or</p> <p>(ii) Full Council has delegated such power to the Cabinet at the time when arrangements for the approval of the plan, scheme or strategy were made.</p>
Youth Justice Plan	Section 40 of the Crime and Disorder Act 1998 (c 37).	Full Council	<p>Cabinet is hereby instructed to prepare draft plan, scheme or strategy (or amendment thereof) for Full Council to approve.</p> <p>N.B. Pursuant to Regulation 5(8), this function cannot be delegated to a committee, sub-committee, an officer, or another local authority.</p>	<p>N.B. Amendments, modifications, variations or revocations to the plan, scheme or strategy can be made by the Cabinet only if either:</p> <p>(i) they are required by the National Assembly for Wales or a Minister of the Crown; or</p> <p>(ii) Full Council has delegated such power to the Cabinet at the time when arrangements for the approval of the plan, scheme or strategy were made.</p>

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Column 1	Column 2	Column 3	Column 4	Column 5
Plans, schemes and strategies	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
Powers to approve a Young Peoples Partnership Strategic Plan and a Children and Young Peoples Framework Partnership	Section 123, 124 and 125 of the Learning and Skills Act 2000 (c 21).	Full Council	<p>Cabinet is hereby instructed to prepare draft plan, scheme or strategy (or amendment thereof) for Full Council to approve.</p> <p>N.B. Pursuant to Regulation 5(8), this function cannot be delegated to a committee, sub-committee, an officer, or another local authority.</p>	<p>N.B. Amendments, modifications, variations or revocations to the plan, scheme or strategy can be made by the Cabinet only if either:</p> <p>(i) they are required by the National Assembly for Wales or a Minister of the Crown; or</p> <p>(ii) Full Council has delegated such power to the Cabinet at the time when arrangements for the approval of the plan, scheme or strategy were made.</p>
Housing Strategy	Section 87 of the Local Government Act 2003 (c 26).	Full Council	<p>Cabinet is hereby instructed to prepare draft plan, scheme or strategy (or amendment thereof) for Full Council to approve.</p> <p>N.B. Pursuant to Regulation 5(8), this function cannot be delegated to a committee, sub-committee, an officer, or another local authority.</p>	<p>N.B. Amendments, modifications, variations or revocations to the plan, scheme or strategy can be made by the Cabinet only if either:</p> <p>(i) they are required by the National Assembly for Wales or a Minister of the Crown; or</p> <p>(ii) Full Council has delegated such power to the Cabinet at the time when arrangements for the approval of the plan, scheme or strategy were made.</p>

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Column 1	Column 2	Column 3	Column 4	Column 5
Plans, schemes and strategies	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
Rights of Way Improvement Plan	Section 60 of the Countryside and Rights of Way Act 2000.	Full Council	<p>Cabinet is hereby instructed to prepare draft plan, scheme or strategy (or amendment thereof) for Full Council to approve.</p> <p>N.B. Pursuant to Regulation 5(8), this function cannot be delegated to a committee, sub-committee, an officer, or another local authority.</p>	<p>N.B. Amendments, modifications, variations or revocations to the plan, scheme or strategy can be made by the Cabinet only if either:</p> <p>(i) they are required by the National Assembly for Wales or a Minister of the Crown; or</p> <p>(ii) Full Council has delegated such power to the Cabinet at the time when arrangements for the approval of the plan, scheme or strategy were made.</p>

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
Plans, schemes and strategies	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
<p>5(5) An application for:</p> <p>(a) under sub-section (5) of section 135 of the leasehold Reform, Housing and Urban development Act 1993 (programmes for disposal); or</p> <p>(b) under section 32 (power to dispose of land held for the purposes of Part II or section 43 (consent required for certain disposals not within section 32) of the Housing Act 1985:</p> <p>Is the responsibility of an executive of the authority.</p>	See Column 1	Cabinet	No Sub-delegation possible pursuant to Regulation 5(5)	N.B. Full Council must first authorise Cabinet to make the application.

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1	Column 2	Column 3	Column 4	Column 5
Plans, schemes and strategies	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
<p>5(9) In connection with the discharge of the function of:</p> <p>(a) subject to the provisions in respect of calculations of council tax base in paragraph 22 of Schedule 2 making a calculation in accordance with any of sections 32 to 37, 43 to 51, 52I, 52J, 52T and 52U of the Local Government Finance Act 1992, whether originally or by way of substitute; or</p> <p>(b) Issuing a precept under Chapter IV of Part 1 of that Act,</p> <p>the actions designated by paragraph (11) (“the designated actions”) are the responsibility of an executive of the authority.</p>	See Column 1	<p>Full Council</p> <p>N.B. The Cabinet is responsible for preparation of the submission to Full Council in relation to these matters.</p>	No Sub-delegation	

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Miscellaneous:				
Consultation responses in relation to Windfarm issues.		Full Council	Cabinet	
Responses in relation to consultations received under Section 37 of the Electricity Act 1989	Electricity Act 1989 – Section 37	Full Council	The Head of Regeneration, Property and Commissioning in consultation with the Portfolio Holder for Regeneration and Planning.	

Schedule 4 – Circumstances in Which Functions are not to be the responsibility of Cabinet.

The functions set out in Column 1 below shall not be undertaken by the Cabinet unless:

- (i) circumstances render the making of that determination urgent, and
- (ii) it is not reasonably practicable to call an extraordinary meeting of Full Council within the required timeframe, and
- (iii) the Chair(s) of the relevant Scrutiny Committee(s) or in his / her / their absence the Chair of Council or in the absence of the Chair of Council the Vice-Chair of Council has agreed in writing that the determination needs to be made as a matter of urgency; and
- (iv) at the next meeting of Full Council after the making of the determination, the Cabinet submits to the Council a report which shall include particulars of:
 - (a) the determination;
 - (b) the emergency or other circumstances in which it was made; and
 - (c) the reasons for the determination; and
- (v) pursuant to Rule 7.38.2 the Cabinet submits to the relevant Scrutiny Committee(s) a report which shall include particulars of:
 - (a) the determination;
 - (b) the emergency or other circumstances in which it was made; and
 - (c) the reasons for the determination.

Column 1	Column 2	Column 3	Column 4	Column 5
Function	Provision of Act or Statutory Instrument	Delegated to	Sub-Delegation	Conditions and / or Limitations on Delegation and Sub-Delegation
1 The adoption or approval of a plan or strategy (whether statutory or non-statutory), other than a plan or strategy for the control of the authority's borrowing or	Regulation 6(1) and Schedule 4 of the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 (as amended)	Full Council	No delegation	

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

capital expenditure or referred to in Schedule 3 where Full Council determines that the decision should be adopted or approved should be taken by Full Council.				
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Column 1 Function	Column 2 Provision of Act or Statutory Instrument	Column 3 Delegated to	Column 4 Sub-Delegation	Column 5 Conditions and / or Limitations on Delegation and Sub-Delegation
<p>2 Where the Cabinet:</p> <p>(i) is minded to determine a matter, plan or strategy which is not wholly in accordance with the Council's budget; or the plan or strategy for the time being approved or adopted by the Council in relation to its borrowing or capital expenditure; and</p> <p>(ii) is not authorised by the Council's executive arrangements, financial procedure rules, its Constitution or other rules or</p>	Regulation 6(1) and Schedule 4 of the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 (as amended)	Full Council	No delegation	

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

procedures to make a determination in those terms such a decision must be made by Full Council.				
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SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Column 1 Function	Column 2 Provision of Act or Statutory Instrument	Column 3 Delegated to	Column 4 Sub-Delegation	Column 5 Conditions and / or Limitations on Delegation and Sub-Delegation
3 Where the Cabinet is minded to determine a matter, plan or strategy which is not wholly in accordance with a plan or strategy for the time being approved or adopted by the Council, such a decision must be made by Full Council.	Regulation 6(1) and Schedule 4 of the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 (as amended)	Full Council	No delegation	

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

DELEGATION TO OFFICERS

Management Structure – Section 11

- 13.4 Section 11 contains details of the Council's management structure in relation to Chief Officers and Deputy Chief Officers including broad outlines of their functions and areas of responsibility and the allocation of Statutory and Proper Officer Posts and their functions.
- 13.5 The following provisions contains more detailed provisions relating to the general and specific delegation of functions to officers by the County Council.

Specific Delegation to Officers

- 13.6 The Council, each committee, the Leader, the Cabinet, and an individual Cabinet Member where appropriate shall have authority to delegate to an officer full power to exercise and perform on behalf of the Council, Committee, Leader, the Cabinet, or an individual Cabinet Member, (as the case may be), any powers and duties exercisable by the Council, Committee or Leader, the Cabinet, and an individual Cabinet Member respectively under this Constitution but subject always to the constraints contained in legislation or this Constitution, and to any conditions or limitations which the Council, Committee, Leader, the Cabinet, and an individual Cabinet Member may impose when delegating the power or duty to the officer.

General Delegation to the Council's Chief Officers and Deputy Chief Officers

- 13.7 The Council's Chief Officers and Deputy Chief Officers are authorised to act and take any step or decision relating to any matter within the remit of their functions and areas of responsibility **PROVIDED ALWAYS** that such act, step or decision is :

13.7.1 in accordance with any legal requirement;

13.7.2 not a matter specifically reserved for full Council or a committee of the Council, the Cabinet Leader, the Cabinet, an individual Member of the Cabinet, or a Statutory Officer (unless they are that Statutory Officer);

13.7.3 in accordance with this Constitution including:

13.7.3.1 the Financial Procedure Rules contained in Section 16 of this Constitution;

13.7.3.2 the Contracts Procedure Rules contained in Section 17 of this Constitution;

13.7.3.3 the Budget and Policy Framework Procedure Rules set by the Council (subject to the regulations relating to the taking of urgent decisions as set out in Section 15 of the Constitution);

13.7.3.4 the Code of Conduct for Employees in Section 20, and

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

13.7.3.5 the Protocol on Member and Officer Relations in Section 21.

13.7.4 taken following consultation, as appropriate with:

- 13.7.4.1 officers from any other services who may be affected;
- 13.7.4.2 relevant Cabinet Members;
- 13.7.4.3 relevant scrutiny or other committee members;
- 13.7.4.4 relevant local Members;

13.7.5 taken following consideration whether the act, step or decision is of such a nature that it ought to be referred to the Council, the Leader, Cabinet, individual Cabinet Member or appropriate committee, sub-committee or other officer.

13.8 Any powers conferred upon any of the officers referred to above may be exercised by an authorised officer in his / her absence or at other times in accordance with any general directions of that officer. In the absence of that officer, any officer designated to deputise for that officer in his / her absence may authorise similarly the exercise of those powers.

General Delegations – Staff

- 13.9 The Council's Chief Officers and Deputy Chief Officers are authorised to act in relation to the appointment, dismissal, discipline and determination of all other matters relating to the employment of staff subject to the Officer Employment Procedure Rules as set out in Section 11 of this Constitution, and the conditions upon which they are employed as are specified in the Management of Change Process and the relevant employment policies of the Council contained on the Powys County Council Intranet.
- 13.10 The Council's Chief Officers and Deputy Chief Officers may authorise appropriate line managers in his / her service area to exercise those powers of appointment, dismissal, discipline determination of all other matters relating to the employment of staff, and the conditions upon which they are employed as are specified in the Management of Change Process and the relevant employment policies of the Council contained on the Powys County Council Intranet.
- 13.11 The Council's Chief Officers and Deputy Chief Officers are may authorise staff to exercise such powers of entry, inspection and survey of land, buildings or premises and may issue any necessary evidence or authority as may be appropriate to the execution of their duties and in respect of which the Council has statutory powers.
- 13.12 Where such delegation to an officer has occurred the Chief Officer or Deputy Chief Officer making the delegation shall keep a register of such delegations.

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

General Delegations – Property

- 13.13 Where either the capital payment does not exceed £100,000 or the annual rental does not exceed £10,000, provided that such sums are within the current budget head and relevant policies:
- 13.13.1 the Council's Chief Officers and Deputy Chief Officers may, subject to the consent of the Solicitor to the Council, authorise and approve the acquisition of land and the taking of leases, licences, dedications and easements of or over any land (including buildings) whether by way of valuable consideration or exchange; and / or
 - 13.13.2 the Council's Chief Officers and Deputy Chief Officers may, with the consent of the Solicitor to the Council authorise and approve the granting or variation in granting of leases, licences, or dedications of or over any land, where the annual payment does not exceed £10,000; and / or
 - 13.13.3 in the case of the grant of tenancies of smallholdings, the Head of Highways, Transportation and Recycling will exercise the power referred to in Rule 13.13.2.
 - 13.13.4 in the case of the grant of tenancies of workspace premises the Head of Regeneration, Property and Commissioning will exercise the power referred to in Rule 13.13.2.
- 13.14 The Council's Chief Officers and Deputy Chief Officers may arrange for the session lettings of premises for periods of less than twenty-four hours.
- 13.15 The Head of Housing is authorised to issue and sign documents in relation to both secure tenancies and the right to buy provisions of the Housing Act 1985.

General Delegations – Legal and Procedural

- 13.16 The Solicitor to the Council is authorised:-
- 13.16.1 to serve statutory notices to ascertain the legal interest of any person in land;
 - 13.16.2 to institute, defend or settle legal proceedings (either in the name of the Council or an individual officer of the Council), at common law or under any enactment, statutory instrument, order or bye-law conferring functions upon the Council or in respect of functions undertaken by them and to lodge an appeal against any decision affecting the Council. For the avoidance of doubt, this authority shall extend to the taking of all procedural steps, including the service of notices, statutory or otherwise, counter-notices and notices to quit and to compromise and settle disputes involving the Council which are not yet the subject of legal or other formal proceedings;
 - 13.16.3 to authorise officers of the Council to prosecute or defend or appear in any legal proceedings by virtue of the provisions of Section 223 of the Local Government Act 1972.

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

13.17 Without prejudice to the generality of the powers of the Solicitor to the Council to institute proceedings, the Council's Chief Officers and Deputy Chief Officers, shall have power to institute proceedings either in the name of the Council or in the name of an officer under those statutory provisions which relate to their respective service areas, a list of which enabling statutory provisions shall be maintained by the Solicitor to the Council.

Delegation to Specific Officers

13.18 Without prejudice to the general delegation described above, the following specific functions and powers are delegated to the following officers.

A. Head of Regeneration, Property and Commissioning

Development Management

- 13.19 To exercise those planning functions delegated to the Head of Regeneration, Property and Commissioning by the Planning Protocol adopted by the Council contained in Section 19 of this Constitution.
- 13.20 To determine the need or otherwise, for a formal Environmental Assessment and decide what data should be contained in environmental statements;
- 13.21 To determine (whether through formal "application" or otherwise) the need for specific planning permission;
- 13.22 To determine the need for publicity and the form of such;
- 13.23 To request applicants to provide more detailed information where needed to enable a proper consideration of an application;
- 13.24 To determine applications for prior approval in relation to permitted development proposals for agricultural, forestry and telecommunications permitted development in accordance with General Development Orders;
- 13.25 To respond objectively to consultations from neighbouring planning authorities in respect of development proposals outside the Council's area of responsibility;
- 13.26 To respond positively to consultations in respect of crown development where there are no written objections from any party;
- 13.27 To respond to consultations from the Forestry Commission in respect of forestry proposals;
- 13.28 To approve details reserved by condition;
- 13.29 To approve minor amendments to approved developments; (minor defined as any amendment not necessitating the requirement for a fresh application to be made);
- 13.30 To determine the form and content of conditions to be recommended to the Secretary of State or Inspector in cases where an application is taken to appeal or an application has been deemed to have been made following the issue of an Enforcement Notice;

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

- 13.31 To issue "Breach of Condition Notices" and "Contravention Notices" under the Town and Country Planning Acts.
- 13.32 Following consultation with the Chair and/or Vice Chair of the planning committee to issue emergency Tree Preservation Orders and Enforcement and Stop Notices under the Town and Country Planning Acts (with a report to Committee thereafter);
- 13.33 To determine applications for "Certificates of Lawfulness";
- 13.34 To decline to accept repetitive applications for planning permission under the Town and Country Planning Act 1990 pursuant to the Planning and Compensation Act 1991 where the receipt involves a second re submission following two previous refusals and there being no change in planning circumstances;
- 13.35 Following consultation with the Chair and/or Vice Chair of the planning committee, to serve Building Preservation Notices in respect of buildings which are not listed as buildings of special architectural or historic interest but which the Council considers are of such interest (with a report to Committee thereafter);
- 13.36 The non-discretionary elements of the process in relation to the Hedgerow Regulations 1997 subject to report for information to the planning committee.

Building Control

- 13.37 Administration of the Building Regulations function under the Building Regulations 2010 (Processing of Full Plans, Building Notice and Regularisation Applications)
- 13.38 Land Charges CON29
- 13.39 Administration of the Building and Approved Inspectors (Amendment) Regulations 2010
- 13.40 Administration of the Competent Persons registers under the Building Regulations 2010
- 13.41 Enforcement of the Building Regulations under the Building Act 1984
- 13.42 Dealing with dangerous structures and demolitions of buildings under the Building Act 1984
- 13.43 Administration of Street Naming and Numbering of new Developments/Streets under the Public Health Act 1925
- 13.44 Administration of Local Government (Miscellaneous Provisions) Act 1982 (Dangerous Trees)
- 13.45 Street Name Plates Maintenance & Repair Public Health Act 1925 – Section 17-19

Regulatory Services

- 13.46 Authority to vary licensing conditions under the Petroleum (Consolidation) Act 1928, as necessary to take account of local circumstances in individual cases.
- 13.47 Authority in consultation with Executive Leader and relevant Executive Member to appoint a Proper Officer and alternative Proper Officers under the Public Health (Control of Disease) Act 1984.
- 13.48 Authority to issue notices, consents and licenses under the statutory provisions relating to environmental health and housing and in accordance with any appropriate policies of the Council.

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

B. Head of Housing

- 13.49 Authority to allocate council housing in accordance with Council policies.
- 13.50 Authority to deal with all matters in relation to Home Renovation Grants, including determinations, in accordance with the overall framework and policy established by the Council and the Executive.
- 13.51 Authority to appoint inspectors under the Health and Safety at Work Act 1974.

C. Head of Professional Services and Commissioning

Finance – General

- 13.52 All matters relating to billing, collection and recovery of revenue payable to the Council, and also administration and payment of Housing Benefit and Council Tax Benefit.
- 13.53 To exercise discretion over the payment of death grants from the Pension Fund in accordance with the Local Government Pension Scheme Regulations 1995.
- 13.54 To make the following determinations (not later than the 30th September in the financial year following that in which the transaction in question occurred):
 - 13.54.1 that expenditure for capital purposes which is to be reimbursed by another person is capitalised;
 - 13.54.2 that a credit approval is to be used as authorisation either to capitalise expenditure or to enter into or vary a credit arrangement;
 - 13.54.3 that a credit approval is in whole or in part to be transferred to another authority;
 - 13.54.4 that usable capital receipts are to be applied either to meet expenditure for capital purposes or as voluntary provision for credit liabilities (including credit cover for credit arrangements);
 - 13.54.5 that an amount not less than Minimum Revenue Provision (and any voluntary amounts as credit cover for credit arrangements) is to be set aside from the revenue account as provision for credit liabilities.

D. Head of Children's Services

- 13.55 Power to institute or defend legal proceedings, on the Council's behalf, brought under the Children Act 1989, Adoption Act 1976, the courts' inherent jurisdiction, and any other statute relevant to the welfare of children in force to date and in the future, and to appear before the Court.
- 13.56 Decisions regarding the functions of the Adoption Panel of Powys.
- 13.57 Responsibility for the promotion of claims under the Criminal Injuries Compensation scheme for Looked After Children.

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

- 13.58 Representation at, and organisation of, the Area Child Protection Social Services Strategic Group and any duties or responsibilities arising therefrom, i.e. Case Reviews and accountability for the investigation of complaints relating to children in Local Authority care.
- 13.59 Decision-making in respect of the Placement with Parents Regulations.
- 13.60 Decision-making in respect of issues arising from the Powys Foster Panel.
- 13.61 Responsibilities for the implementation of rights and responsibilities under statute for Children With Disabilities and Young Carers under the Carers Recognition Act.
- 13.62 Responsibility for the promotion and organisation of the Youth Offending Team and any duties arising from its work and activities.
- 13.63 Taking decisions on the application for Secure Accommodation under Section 25 of the Children Act 1989.
- 13.64 Health and Safety Regulations for staff employed within the Group.
- 13.65 Implementation of the Council's Improvement Review Programme and subsequent action plans.
- 13.66 Ensuring compliance with the maintenance of standards in Local Authority-run Children's Homes, Day Centres, Family Centres and Voluntary Sector resources used by the Authority. Ensuring that such placements meet the standards set by the Director of Social Services, in accordance with the appropriate legislation or regulations.
- 13.67 Providing a forum for users to assist the Authority in its strategic planning and providing a detailed report to the Director of Social Services.
- 13.68 Taking decisions on Out-of-County Placements, on both social, educational and health grounds. Ensuring that such placements meet standards set by the Director of Social Services in accordance with the appropriate legislation.
- 13.69 Taking decisions on the payment of residence allowances under the Council's current policy in respect of children in the care of the Council who are subject to Residence Orders.
- 13.70 Approving foster care allowances and approving changes to the rates in accordance with current Council policy.
- 13.71 Refusing contact for a child in care under Section 34 (6) of the Children Act 1989.
- 13.72 Approving the payment of monies under Section 17 or 24 of the Children Act 1989.
- 13.73 Purchasing accommodation and / or services for children assessed as in need or at risk which met the standards set by the Director of Social Services, in accordance with statute and regulation.
- 13.74 Decisions regarding control, allocation, virement, and monitoring of revenue budget provision and associated resources for Children's Services.
- 13.75 Taking decisions relating to disputes on Ordinary Residence.
- 13.76 Decisions on entering into recognisance or surety for release on bail of any child accommodated in a Council home.
- 13.77 Commissioning, purchasing and procuring appropriate services.
- 13.78 Ensuring compliance with the objectives and requirements of the National Assembly's Children First initiative.

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

- 13.79 Preparing the Children’s Services Plan, in accordance with National Assembly requirements.
- 13.80 Implementing and processing data from the National Framework for Assessment of Children in Need and their families, in accordance with National Assembly requirements.

E. Head of Adult Social Care

- 13.81 Appointment of Approved Social Workers under the Mental Health Act 1983.
- 13.82 Undertaking any applications necessary under the Mental Health Act.
- 13.83 Undertaking the financial and property management for adults deemed incapable by virtue of disability or mental illness.
- 13.84 Provision of Disability Services.
- 13.85 Acting as Receiver for the Court of Protection, in respect of a person incapable of managing their own affairs.
- 13.86 Approving special expenditure on funerals for those in Local Authority Homes
- 13.87 Approving applications for aids and adaptations under the various Health and Disability Acts in force at the relevant time.
- 13.88 Approving financial assistance for the purchase of television licences for those who qualify
- 13.89 Operating discretion on the enforcement of charges where applicable for services provided by the Authority, either in whole or in part.
- 13.90 Operating discretion on the provision of services under a Care Assessment.
- 13.91 Ensuring compliance with the Carers Recognition Act and the Carers and Disabled Children’s Act 2000.
- 13.92 Approving payments for grants for adaptations for the homes of those with a disability, in accordance with Council policy.
- 13.93 Purchasing services and accommodation for elderly disabled and mentally ill clients which meet the standards set by the Director of Social Services, in accordance with statute and regulations.
- 13.94 Health and Safety of the employees of the Group.
- 13.95 Implementation of the Council’s Improvement Review programme and subsequent action plans.
- 13.96 Implementation of the Vulnerable Adults policy and the operational issues flowing from that document.
- 13.97 Decisions regarding the control, allocation, virement and monitoring of revenue budget provision and other resources for Adult Services.
- 13.98 Providing a forum for users to assist the Authority in its strategic planning and providing a report to the Director of Social Services.
- 13.99 Taking decisions on disputes on Ordinary Residence.
- 13.100 Issuing Disabled Persons’ Badges under Section 21 of the Chronically Sick and Disabled Persons Act.
- 13.101 Commissioning, purchasing or procuring appropriate services.
- 13.102 Approval for payment of travel expenses of relatives visiting a patient in hospital in cases of financial hardship.

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

DELEGATION TO CABINET PORTFOLIO HOLDERS.

SPECIFIC RESPONSIBILITY FOR CABINET FUNCTIONS (PORTFOLIOS)

General Provisions

- 13.103 As indicated in Schedule 1 of Rule 13.3 above certain functions cannot be undertaken by the Cabinet or can only be undertaken to a limited extent or in specified circumstances.
- 13.104 Subject to this, any relevant provisions in other legislation, and any contrary provisions in this Constitution, all other functions of the Local Authority are to be the responsibility of the Cabinet and the Leader is responsible for the delegation of those functions to other Cabinet members.
- 13.105 The Leader has determined that the individual Cabinet Members (including the Leader) are to have responsibility for specific functions (portfolios) allotted to them as set out in Rule 13.111.
- 13.106 The Leader has authorised the individual Cabinet Members allocated the portfolios detailed in Rule 13.111 to take decisions personally in respect of such portfolios subject to any provision in legislation or this Constitution requiring functions to be undertaken by the Council or any of its committees and subject to the powers, duties and responsibilities of officers in the exercise of functions pursuant to their Statutory and Proper Officer posts and the general and specific delegation of functions to officers above.

Decision-Making by Cabinet Members.

13.107 In taking such decisions personally Executive (Cabinet) Members must comply with:

13.107.1 Any legal or statutory restrictions;

13.107.2 Any specific provisions or limitations in this Constitution including:

13.107.2.1 powers delegated to officers;

13.107.2.2 the Financial Procedure Rules;

13.107.2.3 the Contracts Procedure Rules;

13.107.2.4 the Policy and Budget Framework set by the Council (subject to the regulations relating to the taking of urgent decisions);

13.107.2.5 the Access to Information Rules;

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

- 13.107.3 The Members' Code of Conduct. The advice of the Monitoring Officer should always be sought in cases of doubt;
- 13.107.4 The requirement to consult with the local member(s) if the issue being considered is of a local nature;
- 13.107.5 The requirement to consider whether referral to one or more scrutiny committees where the issue, in the view of the Cabinet Member, is one which warrants a pre-decision review by such a committee or committees;
- 13.107.6 Advice given by the Chief Executive, Monitoring Officer, Section 151 Officer, Strategic Director, Director or Head of Service ;
- 13.107.7 The requirement to consult with another Cabinet Member(s) where the issue involves two or more portfolio areas and / or those Cabinet Members share responsibility;
- 13.107.8 The requirement always to consider whether in all the circumstances the decision should be one for the Cabinet as a whole to take.

13.108 An individual member of the Cabinet in taking any decision within his/her portfolio shall:

- 13.108.1 ensure that wherever possible and appropriate the subject matter is included within the forward work programme approved by the Cabinet;
- 13.108.2 comply fully with the Access to Information Rules with respect to the preparation of written reports, recording and implementing decisions.

13.109 Nothing in this Scheme of Delegation prevents the Cabinet from exercising functions which under this Scheme would otherwise be exercised by an individual Member of the Cabinet.

Decision Notices.

13.110 A Decision Notice recording decision(s) of an individual Cabinet Member shall where ever practicable be published within 2 working days of the decision being taken. Decision Notices will be circulated to all Members of the County Council in accordance with the Council's current practice and will be published on the Council's Internet Site save where they contain confidential or exempt information.

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

13.111 Portfolios

Portfolio & Portfolio Holders	Portfolio Responsibilities
<p><u>Leader</u></p> <p>County Councillor Barry Thomas</p>	<p>LSB Chair Change Programme Business Manager Organisational development and partnership support (Shared with designated Portfolio holder) One Powys Plan To appoint and remove individuals to the Cabinet and to allocate Cabinet Portfolios. To determine any amendments to the content of Portfolios of individual Cabinet Members and to determine the scope of delegation of individual Cabinet Members. Partnership Management <u>Risk Management.</u></p>
<p><u>Portfolio Holder for Education</u></p> <p>County Councillor Arwel Jones</p>	<p>Education Special Educational Needs Exclusions Attendance Education other than at school Looked after children English as an additional language Migrant and Traveller Children Admissions Behaviour management Complementary education Education Psychology Monitoring, challenging and supporting schools and providing intervention when necessary Support for teaching and learning Support for leadership and management including governance Provision of and support for use of data</p>

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

	<p>Early years education Welsh Medium/ Bilingual Education Welsh Education scheme 14-19 Learning Pathways Basic skills strategic intervention programme Workforce remodelling School Organisation Review Post 16 Education School Transport Policy Lifelong Learning (adult continuing education incl. Welsh for Adults) Welsh Language</p>
<p><u>Deputy Leader</u></p> <p><u>Portfolio Holder for Commissioning, and Procurement and Children's Services</u></p> <p>County Councillor Graham Brown</p>	<p>Commissioning Procurement Change Champion WHQS Housing Public Sector Housing (landlord function) Supporting People Homelessness Private Sector Housing</p> <p>Libraries Culture Libraries (Public Library Service & Schools Library Service) Arts and Culture (Theatres, Galleries, Museums, Arts Strategy, Arts Development, Theatr Powys / Powys Dance) Youth Service YFC</p> <p>Leisure Leisure (Recreation and Leisure policy, Leisure and Sports Centres, Outdoor Pursuits Centres,</p>

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

Indoor Bowling Centre, Sports Development (Generic Sports Development, Sports Specific Sports Development – Football, Rugby, Cricket, Netball, Hockey, Disability Sport) Outdoor Recreation (Parks and Open Spaces, Playgrounds, Sports Pitches – Bowls, Football, Rugby)

Town and Community Councils

Children's Services

Lead Member for Children

Partnership Coordination

Youth Offending Service

Child Protection

Commissioning and Policy for Children's Services

Powys Executive Safeguarding Group

Safeguarding

Children with Disabilities including Residential Respite Unit

Family Placement Teams

Children's Social Work Teams

Children and Young People's Partnership

Childcare

Adoption

Fostering

Leaving Care

Out of Hours Service

Corporate Parenting

Looked after Children

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

<p><u>Deputy Leader</u></p> <p><u>Portfolio Holder for Finance</u></p> <p>County Councillor Wynne Jones</p>	<p>Finance Welfare Reform Section 151 Officer Consultee on all grants made to individuals by portfolio holders</p> <p>Income and awards Pensions</p>
<p><u>Portfolio Holder for Adult Social Care and Children's Services</u></p> <p>County Councillor Darren Mayor Stephen Hayes</p>	<p>Adult Social Care</p> <p style="padding-left: 40px;">Lead on Strategic Social Services</p> <p style="padding-left: 40px;">Mental Health Older People Disabled People Learning Disabilities Carers Services Substance Misuse (Operational services covers both care management and provider services) Commissioning and Contracting Adult Social Services Policy Interpretation and Development. Domiciliary Care Health and Well Being Health Intervention Programme, Exercise on Prescription, Cardiac Rehabilitation).</p> <p style="padding-left: 40px;">Health, Social Care and Well-Being Partnership</p> <p style="padding-left: 40px;">Older Persons Champion</p> <p>Children's Services</p>

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

	<p>Lead Member for Children Partnership Coordination Youth Offending Service Child Protection Commissioning and Policy for Children’s Services Powys Executive Safeguarding Group Safeguarding Children with Disabilities including Residential Respite Unit Family Placement Teams Children’s Social Work Teams Children and Young People’s Partnership Childcare Adoption Fostering Leaving Care Out of Hours Service Corporate Parenting Looked after Children</p>
<p><u>Portfolio Holder for Property, and Assets Buildings and Housing</u></p> <p><u>County Councillor Stephen Hayes</u> <u>Darren Mayor</u></p>	<p>Property and Assets Catering and Cleaning Workshops Building Design Gypsies & Travellers</p> <p>Anti-Poverty Champion</p> <p>Archives</p> <p>Ombudsman Members’ Standards and Ethical Issues Coroner’s Service</p>

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

	<p>Customer Services Complaints Management Information Management & Compliance Registration of Births, Deaths and Marriages</p> <p>Combined Central Wales Infrastructure Collaboration and Central Wales Partnership Board (Deputy to the Portfolio Holder for Environment and Sustainability)</p> <p><u>Welsh Housing Quality Standard</u> <u>Housing</u> <u>Public Sector Housing (landlord function)</u> <u>Supporting People</u> <u>Homelessness</u> <u>Private Sector Housing</u></p>
<p><u>Portfolio Holder for Regeneration and Planning</u></p> <p>County Councillor Avril York</p>	<p>Planning Development Management and Planning Control. and Enhancement of Conservation Areas. Listed Building control and advice. Built Heritage Conservation grants. Designation and safeguarding of trees the subject of Tree Preservation Orders. Planning Enforcement. Building Control, including health and safety of buildings, dangerous structures. Street naming and numbering service Development and Planning Policy, input into regional planning policy development. Minerals and Waste Planning. Designation Land Drainage associated with planning and land use</p> <p>Regeneration Community Regeneration</p>

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

	<p>Community Enablement Fund/Welsh Church Acts Communities First Business Services Business Grants Business Advice. Opportunity Wales and other contracts Tourism Tourist Information Service</p> <p>Europe European funds Powys Regeneration Partnership European policy External funding</p> <p>Economic Development</p> <p>Land Charges Village Halls</p> <p>Affordable Housing</p> <p>Combined Central Wales Infrastructure Collaboration and Central Wales Partnership Board (Deputy to the Portfolio Holder for Highways)</p>
<p><u>Portfolio Holder for Highways</u></p> <p>County Councillor John Brunt</p>	<p>Highways Transport Planning and Policy Traffic management Road safety Development Control Transport Co-ordination Highway asset Management</p>

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

	<p>Network management TRACC Highways Engineering Design – Contract, Procurement, Administration & Supervision Highways Maintenance (Technical Advice). Highways Maintenance Operations (e.g. Winter Maintenance). Fleet Management (including Fuel Management). Car parks Trunk Road Agency</p> <p>Statutory Compliance Building Maintenance Operations Servicing Contracts and testing Street Cleaning Public Conveniences Grounds Maintenance Markets Land Drainage</p> <p>Combined Central Wales Infrastructure Collaboration and Central Wales Partnership Board</p>
<p><u>Portfolio Holder for HR and ICT</u></p> <p>County Councillor Phil Pritchard</p>	<p>Human Resources Human Resources Strategy, Advice and Policy Development Organisational Development (Equalities, Training, Pay and Policy) Occupational Health and Safety Powys Training Corporate Policy Equalities</p> <p>Business Services Employment Services Business Support</p>

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

	<p>ICT Central / Corporate Services Organisational development and partnership support Statistics and Analysis Research Design and Print</p> <p>Member Development & Support Legal Services Scrutiny Services Democratic Services Monitoring Officer Electoral Registration and Elections</p> <p>Communications</p> <p>Performance</p>
<p><u>Portfolio Holder for Environment and Sustainability</u></p> <p>County Councillor John Powell</p>	<p>County Farms Estate</p> <p>Waste Management Refuse Collection</p> <p>Environmental Health</p> <p>Trading Standards</p> <p>Emergency Planning Community Safety</p> <p>Woodland Management, Landscape Design</p> <p>Countryside Services (Countryside Rights of Way, Maintenance, Open Access, Biodiversity, Coed</p>

SECTION 13 – RESPONSIBILITY FOR FUNCTIONS

	Cymru, Commons Registration, National Trails). Sustainability Climate Change & Sustainable Development Sustainability, Green Dragon and Carbon Management Sustainability Strategy Combined Central Wales Infrastructure Collaboration and Central Wales Partnership Board
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Call-in

13.112 Decisions taken by an individual Cabinet Member but not implemented are subject to the same provisions relating to call in as apply to ordinary Cabinet decisions as set out Section 7 (Scrutiny Committees).

Cabinet Committees.

13.113 The Leader has not established any Cabinet Committees.

Area (Shire) Committees.

13.114 The Leader has also delegated functions to the Area (Shire) Committees is as set out in Schedule 1 of Rule 13.3.

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SECTION 14 – ACCESS TO INFORMATION PROCEDURE RULES

Scope

- 14.1 These Rules apply to all meetings of a Member Body.
- 14.2 The Monitoring Officer shall be the proper officer for the purposes of all statutory and regulatory provisions relating to the identification listing and availability of background papers for any report where such report is within the scope of these Rules.
- 14.3 The Strategic Director – People shall be responsible for securing compliance with the requirements of the Data Protection Act 1998 and of the Freedom of Information Act 2000 in relation to the data and information within the purview of those Acts appearing in agendas, reports and minutes to which these Rules apply.

Additional Rights to Information

- 14.4 These Rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

Rights to Attend Meetings

- 14.5 Members of the public and the press may attend all meetings subject only to the exceptions set out in Rule 14.14. Save for meetings or parts of meetings which are held in confidential session pursuant to Section 14 filming, audio recording and use of social media is permitted during meetings so long as there is no disturbance to the conduct of the meeting, and provided that children and / or vulnerable adults are not participating in the debate by way of a presentation. The right to attend meetings is subject to the Council's right to exclude persons if their conduct is disorderly or if they misbehave at the meeting.

Notices of Meeting

- 14.6 Unless a meeting is convened at short notice in accordance with Rule 14.7, the Council will give at least 3 clear days' notice of any meeting by posting details of the meeting at County Hall Llandrindod Wells Powys LD1 5LG and on its website. Where a meeting is held other than in County Hall the Council will also give at least 3 clear days' notice of that meeting by posting details at the venue.
- 14.7 If a matter is considered by the Monitoring Officer to be so significantly urgent and unexpected that a decision must be taken and that it is not possible to provide three clear days notice of the date of the meeting at which the decision must be taken, then with the agreement of the Chair of the meeting, the Monitoring Officer may call a meeting at short notice, subject to the agenda and reports being available to the public on the same day that they are made available to Members.

Access to Agenda and Reports Before the Meeting

- 14.8 The Council will make copies of the agenda and reports open to the public available for inspection at County Hall and on its website at least 3 clear days before the meeting. If an item is added to the agenda later, or where reports are prepared after the summons has

SECTION 14 – ACCESS TO INFORMATION PROCEDURE RULES

been sent out, the Monitoring Officer shall make each revised agenda or report available to the public as soon as the agenda or report is completed and sent to Members.

Supply of Copies

14.9 The Council will supply copies of:

- 14.9.1 any agenda and reports which are open to public inspection;
- 14.9.2 any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- 14.9.3 if the Monitoring Officer thinks fit, copies of any other documents supplied to Members in connection with an item to any person either electronically or on payment of a charge for postage and any other printing and handling costs.

Access to Minutes etc after the Meeting

14.10 The Council will make available either electronic or hard copies of the following for a period of at least six years after the date of a meeting:

- 14.10.1 the minutes of the meeting or record of decisions taken by the Cabinet, excluding any part of the minutes of proceedings when the meeting was not open to the public because Exempt or Confidential Information was being considered;
- 14.10.2 a summary of any proceedings not open to the public, where the minutes open to inspection would not provide a reasonably fair and coherent record;
- 14.10.3 the agenda for the meeting; and
- 14.10.4 reports relating to items when the meeting was open to the public.

Background Papers

List of Background Papers

14.11 The officer preparing the report will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- 14.11.1 disclose any facts or matters on which the report or an important part of the report is based; and
- 14.11.2 which have been relied on to a material extent in preparing the report

but does not include published works or those which disclose Exempt or Confidential Information as defined in Rule 14.16.

SECTION 14 – ACCESS TO INFORMATION PROCEDURE RULES

Public Inspection of Background Papers

14.12 The Council will make available for public inspection for at least four years after the date of the meeting one copy of each of the documents on the list of background papers.

Summary of Public's Rights

14.13 A written summary of the public's rights to attend meetings and to inspect and copy documents will be kept at, and made available to the public, at County Hall and on the website.¹

Exclusion of Access by the Public to Meetings

Confidential Information – Requirement to Exclude Public

14.14 The public must be excluded from those parts of meetings whenever it is likely in view of the nature of the business to be transacted, or the nature of the proceedings, that Confidential Information would be disclosed.

Exempt Information – Discretion to Exclude Public

14.15.1 The public may be excluded from those parts of meetings whenever it is likely in view of the nature of the business to be transacted, or the nature of the proceedings, that Exempt Information would be disclosed.

14.15.2 Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public, unless a private hearing is necessary for one of the reasons specified in article 6. Due regard will be had to the wishes of the individual should they elect that the hearing be held in private where the law so permits.

Meaning of Confidential Information

14.16 Confidential Information means information given to the Council by a Government Department (including Welsh Government) on terms which forbid its public disclosure, or information which cannot be publicly disclosed by Court Order.

Meaning of Exempt Information

14.17 Exempt Information means information falling within the following eight categories (subject to any condition):

NOTE: Information is not Exempt Information if it relates to proposed development for which the local planning authority may grant itself planning

¹ Part Va and Part Xi and Schedule 12a of the Local Government Act 1972 (as amended)

SECTION 14 – ACCESS TO INFORMATION PROCEDURE RULES

permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.²

Category No.	Category of Information	Exempt Condition
1.	Information relating to any individual. ³	Public interest test applies (see below).
2.	Information which is likely to reveal the identity of an individual. ⁴	Public interest test applies (see below).
3.	Information relating to the financial or business affairs of any particular person (including the authority holding that information). ⁵	Information falling within paragraph 14 is not exempt information by virtue of that paragraph if it is required to be registered under: <ul style="list-style-type: none"> • The Companies Act 1985; • The Friendly Societies Act 1974; • The Friendly Societies Act 1992; • The Industrial and Provident Societies Acts 1965 to 1978; • The Building Societies Act 1986; or • The Charities Act 1993. Public interest test applies (see below).
4.	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority. ⁶	Public interest test applies (see below).
5.	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. ⁷	

² Paragraph 20 of Schedule 12A – Local Government Act 1972 (as amended)

³ Paragraph 12 of Schedule 12A – Local Government Act 1972 (as amended)

⁴ Paragraph 13 of Schedule 12A – Local Government Act 1972 (as amended)

⁵ Paragraphs 14 and 19 of Schedule 12A – Local Government Act 1972 (as amended)

⁶ Paragraph 15 of Schedule 12A – Local Government Act 1972 (as amended)

⁷ Paragraph 16 of Schedule 12A – Local Government Act 1972 (as amended)

SECTION 14 – ACCESS TO INFORMATION PROCEDURE RULES

6.	Information which reveals that the authority proposes: ⁸ <ul style="list-style-type: none"> • to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or • to make an order or direction under any enactment. 	Public interest test applies (see below).
7.	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime. ⁹	Public interest test applies (see below).
8.	In relation to a meeting of a Standards Committee, or a Sub-Committee of a Standards Committee, which is convened to consider a matter referred under the provisions of section 70(4) or (5) or 71(2) of the Local Government Act 2000: <ul style="list-style-type: none"> • Information which is subject to any obligations of confidentiality. • Information which relates in any way to matters concerning national security. • The deliberations of a Standards Committee or of a Sub-Committee of a Standards Committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred to it.¹⁰ 	Public interest test applies (see below).

Public Interest Test

14.18 Information which:

14.18.1 falls within any category numbers 1 to 4, 6,7 and 8 of the table in Rule 14.10.4 above; and

⁸ Paragraph 17 of Schedule 12A – Local Government Act 1972 (as amended)

⁹ Paragraph 18 of Schedule 12A – Local Government Act 1972 (as amended)

¹⁰ Local Government Act 1972 as amended by the Local Authorities (Executive Arrangements)(Decisions, Documents and Meetings) and the Standards Committees (Wales) (Amendment) Regulations 2007

SECTION 14 – ACCESS TO INFORMATION PROCEDURE RULES

14.18.2 is not prevented from being exempt by virtue of the “qualifications” in the table in Rule 14.10.4 above, is Exempt Information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Assessment of Public Interest.

- 14.19 The starting point is that there is a general public interest in release and the public authority has to decide whether in any particular case it would serve the interest of the public better to either disclose or withhold the information.
- 14.20 There is a distinction between public interest and what merely interests the public.
- 14.21 There is no legal definition of what the public interest is, but the following have been identified as some of the relevant considerations:
- 14.21.1 further the understanding of and participation in debating issues of the day;
 - 14.21.2 facilitate transparency and accountability in and enhance scrutiny of decisions taken by the Council;
 - 14.21.3 facilitate transparency and accountability in the spending of public money;
 - 14.21.4 help individuals understand the decisions made by the Council affecting their lives;
 - 14.21.5 bring to light information affecting public safety or danger to the environment;
 - 14.21.6 contribute to the administration of justice and enforcement of the law, or the prevention or detection of crime, or the apprehension or prosecution of offenders;
 - 14.21.7 protect the public from unsafe products or rogue traders or practices.
- 14.22 In making such an assessment the following factors shall be regarded as irrelevant:
- 14.22.1 possible embarrassment to the Council or its officers;
 - 14.22.2 possible loss of confidence in the Council or another public body;
 - 14.22.3 the seniority of persons involved in the subject matter;
 - 14.22.4 the risk of the public misinterpreting the information.
- 14.23 Account may be taken of whether disclosure would breach any obligation of confidence, or the rights of any individual under the Data Protection Act 1998 or the Human Rights Act 1998.

SECTION 14 – ACCESS TO INFORMATION PROCEDURE RULES

Exclusion of Access by the Public to Reports

14.24 If the Solicitor to the Council thinks fit, the Council may exclude access by the public to reports which, in his or her opinion, relate to items during which, in accordance with Rule 14.14, the meeting is likely not to be open to the public. Such reports will be marked “Not for Publication”, together with the category of information likely to be disclosed and, if applicable, why it is considered in the public interest it is that the information should not be disclosed. After the meeting access to the report is subject to Rule 14.10.

The Forward Work Programmes

Period of Forward Work Programmes

14.25 The Forward Work Programmes will be prepared by the Solicitor to the Council to cover a period of 4 months.

Contents of Forward Work Programmes

14.26 The Forward Work Programmes will contain matters which the Cabinet, Scrutiny Committees and Full Council are likely to consider. It will contain information on:

14.26.1 the timetable for considering the budget and any plans forming part of the Policy Framework and requiring Council approval, and which body is to consider them;

14.26.2 the timetable for considering any plans which are the responsibility of the Cabinet;

14.26.3 any individual matters on which the Cabinet intends to consult in advance of taking a decision, and the timetable for consultation and decision;

14.26.4 the work programmes of the Scrutiny Committees .

14.27 The Forward Work Programmes will be published on the website at least 14 days before the start of the period covered.

Consultation on Proposals to be Considered by the Cabinet

14.28 Each item in the Cabinet’s Forward Work Programme will contain details as to the consultation (if any) which will be undertaken prior to a decision being taken.

Record of Decisions

The Decision Record

14.29 A written record will be made of every decision made by the Full Council, Cabinet and its Committees (if any) and by individual Cabinet Members, and Joint Committees and Joint Sub-Committees whose Members are all Members of a local authority executive.

14.30 This decision record will include a statement, for each decision, of:

14.30.1 the decision made;

SECTION 14 – ACCESS TO INFORMATION PROCEDURE RULES

- 14.30.2 the date the decision was made;
- 14.30.3 the reasons for that decision;
- 14.30.4 any personal interest declared;
- 14.30.5 any dispensation to speak granted by the Standards Committee;
- 14.30.6 any consultation undertaken prior to the decision.

Preparing the Decision Record

- 14.31 The Solicitor to the Council or his or her representative shall attend any meeting of the Full Council, Cabinet, a committee of the Cabinet or a Joint Committee or joint sub-committee where all its Members are Members of a local authority executive, and shall, as soon as reasonably practicable after the meeting, produce a decision record.
- 14.32 Where an individual Cabinet Member has made a Cabinet decision:
 - 14.32.1 that Member shall as soon as reasonably practicable instruct the Solicitor to the Council to produce a decision record; and
 - 14.32.2 subject to Rule 14.33 below, the decision shall not be implemented until the provisions of Rule 7.37.2 (Call-In) have been complied with (the expiry of 5 clear days after the date of publication of the decision notice) and that decision record has been produced.
- 14.33 Where the urgency of the implementation of the decision makes compliance with Rule 14.32.2 impracticable, the decision may be implemented provided that the provisions of Rule 7.38 have been complied with (exclusion of Call-In for urgency).

Decisions by An Individual Member of the Cabinet

Reports Must Be Taken Into Account

- 14.34 Where an individual Member of the Cabinet intends to make any decision, then s/he will not make the decision until taking into account the contents of an officer report.
- 14.35₂ Where an individual member of the Cabinet receives a report which s/he 1 intends to take into account in making any decision, then s/he will not make the decision until at least 3 clear days after publication of that report.
 - 14.35.2 Where a report unless and so far as it contains confidential or Exempt Information as set out in these Rules, the report must be published to Councillors (but not to the public) at least 3 clear days before the decision can be made.
 - 14.35.3 An individual member of the Cabinet can take an urgent decision as set out in Rule 7.38.]

Comment [WR1]: NEW

Record of Individual Decision by Cabinet Members

- 14.36 Rules 14.29 to 14.33 will apply. Wherever practicable the Solicitor to the Council shall publish a decision of an individual Member of the Cabinet within two days of it being made.

SECTION 14 – ACCESS TO INFORMATION PROCEDURE RULES

Members Access to Documents

Rights of Access

14.37 Subject to Rules 14.38 to 14.39 below, Members will be entitled to access to any document which is in the possession or control of the Cabinet or its Committees and which contains material relating to:

- 14.37.1 any business transacted at a meeting of the Cabinet or its Committees; or
- 14.37.2 any decision taken by an individual Member of the Cabinet.

Limit on Rights

14.38 Members will not be entitled to any part of a document that contains advice provided by a political advisor or assistant unless that information is relevant to an action or decision that is being reviewed or scrutinised or any review contained in a programme of work of the Scrutiny Committee.

14.39 No Member shall be entitled to any part of a document if to do so would be in breach of any legislative provision such as the Data Protection Act 1998, any person's rights in respect of confidentiality, or commercial interests, any provision of this Constitution or any Council or Government policy, Rule or procedure.

Nature of Rights

14.40 The rights of Members under Rule 14.37 are additional to any other right s/he may have, including:

- 14.40.1 the common law right to inspect documents where this is necessary for a Member to perform his or her duties. Any Member asserting a 'need to know' in relation to documents not otherwise available under these Rules should request the documents from the appropriate Head of Service only and not individual officers, and should take into account the reasonableness of an individual request and of cumulative requests and the impact upon officer time, should make application to the Solicitor to the Council.
- 14.40.2 the statutory rights available to any person under the Freedom of Information Act 2000 and the Environmental Information Regulations 2005.
- 14.40.3 Members' right, under Section 228 of the Local Government Act 1972, to inspect the accounts of the Council and of any proper officer of the Council.

14.41 In exercising rights of access to information Members shall have regard to any guidance issued by the Solicitor to the Council.

Comment [WR2]: NEW.

SECTION 14 – ACCESS TO INFORMATION PROCEDURE RULES

Information Given in Confidence

Disclosure

- 14.42 Exempt or Confidential Information supplied to a Member in accordance with Rule 14.37 remains exempt or confidential.
- 14.43 Under Part 2, paragraph 5 of the Members' Code of Conduct Members must not disclose information given in confidence, without the express consent of a person authorised to give such consent, or unless required by law to do so.
- 14.44 Members will not make public Confidential or Exempt Information without the consent of the Authority or divulge information given in confidence to anyone other than a Member or officer entitled to know it unless otherwise authorised by law.

SECTION 16 – FINANCIAL PROCEDURE RULES

Capital programmes

Why is this important?

- 16.194 Capital expenditure involves acquiring or enhancing fixed assets with a long-term value to the authority, such as land, buildings, and major items of plant, equipment or vehicles. Capital assets shape the way services are delivered in the long term and create financial commitments for the future in the form of financing costs and revenue running costs.
- 16.195 The Government places strict controls on the financing capacity of the authority. This means that capital expenditure should form part of an investment strategy and should be carefully prioritised in order to maximise the benefit of scarce resources.

Key controls

- 16.196 The key controls for capital programmes are:
- 16.196.1 specific approval by the Full Council for the programme of capital expenditure
 - 16.196.2 expenditure on capital schemes is subject to the approval of the Section 151 Officer
 - 16.196.3 a scheme and estimate, including project plan, progress targets and associated revenue expenditure is prepared for each capital project, excluding minor works of improvement of less than £100,000, for approval by the Cabinet
 - ~~16.196.4 proposals for new buildings or improvements and alterations to existing buildings (excluding Council houses) must be approved by the Chief Legal Officer.~~
 - 16.196.54 schedules for individual schemes within the overall budget approved by the Full Council must be submitted to the Cabinet for approval (for example, minor works), or under other arrangements approved by the Full Council
 - 16.196.65 the development and implementation of asset management plans
 - 16.196.76 accountability for each proposal is accepted by a named manager
 - 16.196.87 monitoring of progress in conjunction with expenditure and comparison with approved budget.

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SECTION 19 – PLANNING PROTOCOL

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SECTION 19 – PLANNING PROTOCOL

TITLE, COMMENCEMENT, APPLICATION AND EFFECT

TITLE

19.1 The title of this Protocol is “Planning Protocol”.

COMMENCEMENT

19.2 This Revision of the Protocol shall come into force on 1st September, 2015.

19.3 This Protocol shall be reviewed at least every 2 years by the Planning Committee and the Democratic Services Committee.

APPLICATION

19.4 This Protocol:

19.4.1 regulates, guides and informs Councillors and Officers of Powys County Council in all matters concerning the exercise of the Planning Functions.

19.4.2 explains which of the Planning Functions will be dealt with and determined by the Planning Committee and which will be dealt with and determined by the Head of Development Management

19.4.3 aims to help Applicants, Agents, and anyone likely to be affected by development and planning related issues have a greater insight to the Council’s processes and procedures for dealing with the Planning Functions.

EFFECT

19.5 Failure to follow this Protocol without good reason could be taken into account in investigations into possible maladministration or alleged breaches of the Members’ Code of Conduct or have implications for the standing of Councillors and professional officers

INTERPRETATION

19.6 In this Protocol:

19.6.1 “**Agent**” means a person (other than a Member Representative) authorised by an “Applicant” or “Objector” to represent them, which can include a professional person, employed by the Applicant.

19.6.2 “**Applicant**” means a person who has instigated a planning application for whatever purpose.

19.6.3 “**Call-in**” means the procedure set out in Rules 19.38 to 19.49.

19.6.4 “**Clear Working Days**” means for the purposes of this Planning Protocol only days which do not include the day of the meeting, the day on which the request is made, weekends and bank holidays.

19.6.5 “**Councillor with a Dispensation**” has the meaning given by Rules 19.73 to 19.75 of this Protocol.

SECTION 19 – PLANNING PROTOCOL

- 19.6.6** “**Councillor with a Personal Interest**” has the meaning given by Rules 19.62 to 19.64 of this Protocol.
- 19.6.7** “**Councillor with a Prejudicial Interest**” has the meaning given by Rule 19.65 of this Protocol.
- 19.6.8** “**Councillor’s Family or a Relative of a Councillor**” means the wife, husband, partner, son, daughter, son-in-law, daughter-in-law, grandchild, grandfather, grandmother, uncle, aunt, nephew, niece, and cousin of the Councillor, or the Councillor’s spouse or partner, or any other person related by birth or marriage to the Councillor or the Councillor’s spouse or partner, with whom they live, or with whom the Councillor or the Councillor’s spouse or partner has regular personal contact. For the purposes of the above definition “marriage” shall be taken to include co-habitation.
- 19.6.9** **Decision Maker** has the meaning given by Rules 19.76 to 19.81 of this Protocol.
- 19.6.10** “**Decision Making Process**” has the meaning given by Rules 19.90 to 19.91 of this Protocol.
- 19.6.11** “**Friend(s)**” means close personal associate(s) of the Councillor or the Councillor’s spouse or partner including neighbours and individuals with whom the Councillor or the Councillor’s spouse or partner has regular social contact, including membership of the same club, association or organisation as the Councillor or the Councillor’s spouse or partner.
- 19.6.12** “**Lobbying**” means any attempt (successful or not) to persuade or influence a Councillor or planning officer towards a particular point of view in relation to a planning application. A Member Representative may not lobby on behalf of an “Applicant” or “Objector”.
- 19.6.13** “**Local Representative**” has the meaning given by Rules 19.82 to 19.89 of this Protocol and for the avoidance of doubt more than one Councillor can undertake the role of Local Representative in relation to a Planning Application.
- 19.6.14** “**Member Representative**” means a Councillor who has agreed to represent a person able to speak at meetings of the Planning Committee and can perform the functions set out in Rules 19.34 to 19.37 below.
- 19.6.15** “**Objector**” means a person or body (other than a Town or Community Council or a Local Representative) who has lodged an objection to any planning application.
- 19.6.16** “**Planning Application**” means any application to the Council for an approval, agreement, permission, determination, consent, certificate or authorisation of any kind in respect of a Planning Function.
- 19.6.17** “**Public Speaking Procedures**” has the meaning given by Rules 19.113 to 19.116 of this Protocol.
- 19.6.18** “**Representative**” means any non professional person who is not a Member who is asked by an Applicant or Objector to represent him / her in relation to the application and who may carry out all the roles or functions of an “Agent”.

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- 19.6.19** “the Council” means Powys County Council.
- 19.6.20** “the Head of Development Management” means Head of Regeneration, Property and Commissioning including any officer authorised by that Head of Service to exercise those powers, duties, responsibilities and decision making on their behalf.
- 19.6.21** “the Planning Committee” means the Committee appointed by the Council (currently the Planning, Taxi Licensing and Rights of Way Committee) under its Constitution to exercise the Planning Functions.
- 19.6.22** “the Planning Functions” means all those functions set out in Section 13 of the Constitution (Responsibility for Functions) and reference to “Planning Function” or “a Planning Function” shall be construed accordingly.

PROTOCOL’S AIMS

PROTOCOL AIMS TO:

- 19.7 Regulate, guide, inform and assist Councillors and Officers, potential developers, interested parties and members of the public in relation to the exercise of the Planning Functions.
- 19.8 Supplement the Members’ Code of Conduct contained in the Council’s Constitution, the Code of Professional Conduct of the Royal Town Planning Institute and the Protocol on Member / Officer Relations (Council Constitution Section 21).
- 19.9 Provide specific guidance on ethical matters.
- 19.10 Ensure that decisions taken are based on informed judgement within a firm policy and legal context and made in an open, transparent, impartial way with justifiable reasons.
- 19.11 Recognise the need to control development in the public interest whilst acknowledging that decisions in this area necessarily affects land and property interests, particularly the financial value of landholdings and the quality of their settings.
- 19.12 Assist Councillors with their duties, obligations and responsibilities:
- 19.12.1 to their constituents (including those who did not vote for them)
 - 19.12.2 to the whole community and County (in respect of which they have an overriding duty); and
 - 19.12.3 to all individuals and bodies directly and indirectly concerned with Planning Applications:
 - 19.12.3.1 not to favour, or be seen to favour, any individuals or groups or be unduly influenced by the opinions of others, and discharge the responsibility that they alone have to decide what view to take; and
 - 19.12.3.2 to decide (where they are members of the Planning Committee) all Planning Applications which fall to be determined by the Planning Committee as required by law in accordance with the statutory development plan (i.e. the Powys Unitary Development Plan or

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Local Development Plan) having taken into account the advice of appropriate officers and relevant representations made in respect of such Planning Applications and, what weight should be attached to them.

PUBLICATION OF THE CODE

19.13 This Planning Code of Conduct is publicised and made publicly available, and is incorporated into the Council's Constitution.

COUNCILLORS SHOULD SEEK ADVICE

19.14 A Councillor in any doubt as to his position under this Protocol or the Members' Code of Conduct should always seek the advice of the Monitoring Officer.

DELEGATION OF THE PLANNING FUNCTIONS

DELEGATION TO THE PLANNING COMMITTEE AND THE HEAD OF DEVELOPMENT MANAGEMENT

19.15 The Council has delegated responsibilities for the Planning Functions to the Planning Committee and to the Head of Development Management.

19.16 The Council may from time to time review these delegation arrangements and it is essential that Councillors, Officers, Applicants, Agents and others always refer to the latest version of the Protocol.

19.17 The Head of Development Management is responsible for ensuring that proper and timely procedures and arrangements are in place so that all Councillors may be aware of:

19.17.1 Planning Applications within or affecting their electoral divisions received and being dealt with and determined by the Head of Development Management; and

19.17.2 Decisions made in respect of those Planning Applications by the Head of Development Management.

19.18 Nothing prevents the Planning Committee from delegating a function to an officer in consultation with the Chair of the Committee.

ROLES OF COUNCILLORS – GENERAL PROVISIONS

INTRODUCTION

19.19 The Council has one Planning Committee comprising 21 Councillors which determines those Planning Applications referred to it for decision in accordance with the Decision Making Process.

19.20 A Planning Application will, however, in accordance with the "Decision Making Process", more often than not be determined by the Head of Development Management rather than the Planning Committee. In this situation those Councillors who sit on the Planning Committee will have no role to play in the decision making process.

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- 19.21 In respect of a Planning Application in their electoral division or which affects their electoral division a Councillor may exercise the power of Call-in (so that the application is dealt with by the Planning Committee and not the Head of Development Management).
- 19.22 A Councillor may also in respect of a Planning Application in their electoral division or which affects their electoral division attend a meeting of the Planning Committee when that application is determined to put forward the views of those constituents they represent (See Rule 19.24 below).
- 19.23 The roles and powers of Councillors may be restricted where there are conflicts between their position as Councillors and their private or outside interests.
- 19.24 These roles and powers of Councillors are defined in more detail below.

DECISION MAKER ROLE

- 19.25 A Councillor who is a member of the Planning Committee and who takes part (or who intends to take part) at a meeting of the Planning Committee in the determination of a particular Planning Application will for the purposes of this Protocol be a Decision Maker in relation to such Planning Application.
- 19.26 A Councillor who is a Decision Maker shall comply with the provisions of the Decision Making Process and with the Members' Code of Conduct generally.
- 19.27 For the avoidance of doubt a Councillor who is a Decision Maker shall not make representations on behalf of a Town or Community Council under the Public Speaking Procedures.

LOCAL REPRESENTATIVE ROLE

- 19.28 A Councillor who is not a member of the Planning Committee but who, in respect of a Planning Application in their electoral division or which affects their electoral division, attends (or who intends to attend) a meeting of the Planning Committee when it considers the Planning Application in question to make representations about the Planning Application on behalf of their constituents will for the purposes of this Protocol be a Local Representative in relation to that Planning Application. For the avoidance of doubt a Councillor is not a Local Representative on the basis that the Applicant or any person who has made representations in respect of the Planning Application resides in their electoral division.
- 19.29 A Councillor who is a member of the Planning Committee and who decides not to be a Decision Maker in relation to a Planning Application which is in their electoral division or which affects their electoral division, but who attends (or intends to attend) a meeting of the Planning Committee when it considers the Planning Application in question to make representations about the Planning Application on behalf of their constituents will for the purposes of this Protocol be a Local Representative in relation to that Planning Application. For the avoidance of doubt a Councillor is not a Local Representative on the basis that the Applicant or any person who has made representations in respect of the Planning Application resides in their electoral division.
- 19.30 A Councillor who is a member of the Planning Committee and who decides to be a Decision Maker in relation to a Planning Application which is in their

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electoral division or which affects their electoral division may arrange for another Councillor to represent their constituents in relation to the Planning Application in question and to make representations about the Planning Application on behalf of their constituents at meetings of the Planning Committee. In this situation this other Councillor will for the purposes of this Protocol be a Local Representative in relation to that Planning Application.

- 19.31 A Councillor who is a Local Representative shall comply with the Public Speaking Provisions set out in Rules 19.112 to 19.116 and with the Members' Code of Conduct generally. Further provisions relating to the Local Representative role are also contained in Rules 19.82 to 19.89.
- 19.32 For the avoidance of doubt a Councillor may choose (where they are a Town or Community Council member) to make representations on behalf of a Town or Community Council in their electoral division but that Councillor shall not also make representations as Local Representative under the Public Speaking Procedures.

NON-PLANNING COMMITTEE COUNCILLOR ROLE

19.33 Subject to the provisions in this Protocol relating to a Councillor with a Personal Interest, Councillor with a Prejudicial Interest and Councillor with a Dispensation and to the provisions of the Members' Code of Conduct generally a Councillor who is not a member of the County Planning Committee (whether or not they play or intend to play the role of Local Representative) will be free to:

- 19.33.1 discuss any Planning Application with the Applicant /Agent /Objector /lobby group etc;
- 19.33.2 attend any locally organised meeting concerning the application;
- 19.33.3 attend any Town or Community Council Meeting concerning the application and speak about the application (including expressing a view either for or against the application) and (if a member of the Town or Community Council) vote upon the application;
- 19.33.4 relay relevant information about the application to a planning officer;
- 19.33.5 seek information / clarification about the application from a planning officer.

PROVIDED ALWAYS that in so doing the Councillor must never seek to lobby or improperly influence a Decision Maker, the Head of Development Management or a Planning Officer in relation to the determination of a Planning Application.

MEMBER REPRESENTATIVE

19.34 A Councillor can act as a Member Representative on behalf of persons entitled to speak at meetings of the Planning Committee PROVIDED THAT:

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- 19.34.1 the Councillor cannot act for a person living within their electoral division unless the Member has handed over their responsibilities as Local Representative to another Councillor pursuant to Rule 19.53.
- 19.34.2 the Councillor notifies the Head of Planning Development or a Planning Officer that they are acting as a Member Representative on behalf of an objector person entitled to speak at meetings of the Planning Committee **“no later than 4 clear working days in advance of the meeting”**.
- 19.34.3 Where a Councillor wishes to act as a Member Representative for an applicant s/he must notify the Head of Planning Development no later than 2 clear working days in advance of the meeting.
- 19.35 A Councillor acting as a Member Representative cannot:
- 19.35.1 be a Decision Maker if they are a member of the Planning Committee;
- 19.35.2 Call-in an application to the Planning Committee.
- 19.35.3 seek to influence / lobby fellow Councillors or officers;
- 19.35.4 attend site visits.
- 19.36 A Councillor acting as a Member Representative at a meeting of the Planning Committee must:
- 19.36.1 when the Chair calls them prior to speaking to advise the Committee:
- 19.36.1.1 that they are not acting in the role of Local Representative;
- 19.36.1.2 that they are not acting in the role of a County Councillor;
- 19.36.1.3 that they are acting as a Member Representative;
- 19.36.1.4 whether they have a personal or a personal and prejudicial interest in respect of the application.
- 19.36.2 not speak to members of the Planning Committee regarding the application;
- 19.36.3 sit in the public gallery and not sit with members of the Committee
- ~~19.36.4 leave the room once they have made their presentation to the Committee.~~
- 19.37 A Councillor acting as Member Representative who has a personal and prejudicial interest must disclose that interest prior to making a presentation to the Committee, and having completed their presentation must leave the room prior to the Committee discussing the application.

CALL-IN

- 19.38 A Councillor (whether a member of the Planning Committee or not) may:

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- 19.38.1 in respect of a Planning Application in their electoral divisions, or which affect their electoral division, request, that such Planning Application which ordinarily would be determined by the Head of Development Management will be determined by the Planning Committee and in this Protocol a Councillor making such a request will be referred to as exercising “the power of Call-in”.
- 19.38.2 in respect of a planning application in their electoral division, or which affect their electoral division, where they believe that application is likely to be controversial, exercise the power of Call-in, but may withdraw that Call-in in accordance with Rules 19.39 and 19.45.
- 19.39 A Councillor exercising the power of Call-in may withdraw the Call-in by written notification to the Head of Development Management at any time before the agenda for the meeting has been published in accordance with Section 14 of the Constitution.
- 19.40 ~~A Councillor exercising the power of Call-in will have a right to speak and the applicant notified. is reminded that s/he will need to register a request to speak in accordance with Rule 19.113.3 and failure to do so will preclude the Councillor from speaking]~~
- 19.41 An objection from a Town or Community Council will not automatically trigger an application being considered by the Planning Committee.

Comment [WR1]: CHANGE.

Call-in Procedure relating to a Councillor making a request for a planning application to be determined by the Planning Committee and not by the Head of Development Management.

- 19.42. Subject to Rule 19.44 below, a Councillor (whether a member of the Planning Committee or not) may, in respect of a Planning Application in their electoral divisions, or which affect their electoral division, request in writing (by letter, email or fax), in accordance with Rule 19.43 below, that such Planning Application which ordinarily would be determined by the Head of Development Management be determined by the Planning Committee;
- 19.43 A written request (by letter, email or fax) by a County Councillor for a Planning Application within their Electoral Division or which affects their electoral division to be considered by the Planning Committee shall be sent or forwarded to the Head of Development Management so as to be received by them within the period of 21 ~~consecutive~~ days from the registration of the Planning Application and such request must set out the specific planning grounds justifying the request and vague or general reasons may not be acceptable;
- 19.44 A Councillor shall not be entitled to make a request under Rule 19.42 above in relation to re-submitted applications where no substantial change has been made to an original application which has been refused.
- 19.45 A Councillor who has exercised the Call-in of a Planning Application may request that the Call-in be withdrawn by giving notice in writing (Email / fax / letter) no later than 4 clear working days in advance of the meeting.
- 19.46 The decision of the Chair of the Planning Committee as to whether a request complies with the procedure in Rules 19.38 to 19.49 shall be final.

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- 19.47 A Councillor exercising the power of Call-in shall comply with the provisions of this Protocol relating to Councillor with a Personal Interest, Councillor with a Prejudicial Interest and Councillor with a Dispensation and with the Members' Code of Conduct generally.
- 19.48 Members of the Planning Committee are cautioned that if, in exercising the power of Call-in:
- 19.48.1 they express an opinion for or against the Planning Application, they will only be able to undertake the role of Local Representative; and
 - 19.48.2 if they have previously discussed the application with Applicant and / or Agent and / or Objector and / or third party they will only be able to undertake the role of Local Representative.

In these situations the advice of the Monitoring Officer should be sought.

- 19.49 Where a Councillor requests determination by the Planning Committee and is unable to attend the meeting to speak thereon, consideration of a letter from that Councillor relating to the Planning Application will be allowed as an alternative to an oral presentation made by that Councillor. Alternatively a Councillor acting as Local Representative, where they are unable to attend the meeting of the Committee when the application is considered, may hand over their Local Representative role to another County Councillor.

COUNCILLOR WITH A PERSONAL INTEREST

- 19.50 A Councillor with a Personal Interest in relation to a Planning Application who attends a meeting of the Planning Committee (whether as a member of the Committee or not) when that Planning Application is considered must, in accordance with the Members' Code of Conduct, disclose orally to that meeting the existence and nature of the Personal Interest in question before or at the commencement of the consideration of the Planning Application or when the Personal Interest becomes apparent to the Councillor. The role of a Councillor with a Personal Interest who also has a prejudicial interest under the Members' Code of Conduct is further limited as detailed in Rules 19.51 to 19.53 below.

COUNCILLOR WITH A PREJUDICIAL INTEREST

- 19.51 A Councillor with a Prejudicial Interest in relation to a Planning Application who is a member of the Planning Committee may not in respect of that Planning Application (unless granted a dispensation by the Standards Committee to be a Decision Maker) be a Decision Maker but may undertake the role of Local Representative in respect of that Planning Application.
- 19.52 A Councillor with a Prejudicial Interest in relation to a Planning Application who is not a member of the Planning Committee may undertake the role of Local Representative in respect of that Planning Application and may apply to the Standards Committee for a dispensation as detailed in the provisions of this Protocol below and in Rules 19.54 to 19.55 relating to a Councillor with a Dispensation.

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- 19.53 A Councillor with a Prejudicial Interest in relation to a Planning Application who is not a member of the Planning Committee may if s/he determines that their prejudicial interest is so significant that it would prejudice their ability to undertake the Local Representative role, appoint another Councillor to undertake the Local Representative role by giving written notice to the Head of Development Management who will arrange for the appointment to be placed on the relevant application file. The Councillor who takes over the Local Representative role may not be a Decision Maker or have a significant Prejudicial Interest which would prejudice their ability to act as the Local Representative.

COUNCILLOR WITH A DISPENSATION

- 19.54 A Councillor with a Dispensation attending a meeting of the Planning Committee (whether a member of the Committee or not) to which the dispensation is relevant may only participate in the meeting subject to:-
- 19.54.1 Stating at the Meeting that they are relying on the dispensation; and
 - 19.54.2 Giving to the Solicitor to the Council a written notification before or immediately after the close of the Meeting containing:
 - 19.54.2.1 Details of the Prejudicial Interest;
 - 19.54.2.2 Details of the Planning Application to which the Prejudicial Interest relates;
 - 19.54.2.3 Details of, and the date on which, the dispensation was granted; and
 - 19.54.2.4 The Councillor's signature.
- 19.55 A Councillor with a Dispensation making written or oral representations in reliance upon the dispensation must provide details of the dispensation within such written or oral representations, and in the latter case, provide written notification to the Solicitor to the Council within 14 days of making the representations.

PREDISPOSITION AND PREDETERMINATION

- 19.56 A Councillor who is a Decision Maker may be predisposed to a particular view. However the Councillor must be open to the possibility that they will hear arguments during the debate about the Planning Application that, will change their mind about how they intend to vote. As long as the Councillor is willing to keep an open mind about the Planning Application they are entitled to take part on any vote on it.
- 19.57 A Decision Maker must exercise care not to predetermine a Planning application. Predetermination is where the Councillor's mind is closed to the merits of any arguments which differ from their own about a Planning Application. A Decision Maker should avoid giving the appearance that they have decided how they will vote at the meeting and that nothing will change their mind.

A COUNCILLOR'S DIRECT CONNECTIONS WITH APPLICANTS AND OTHERS

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- 19.58 If a Councillor advises Applicants, Agents, Objectors or other interested parties about the likely acceptability of planning proposals then in relation to planning applications relating to those proposals that Councillor cannot undertake the role of Decision Maker and may need to consider whether they fall within the category of a Councillor with a Prejudicial Interest.
- 19.59 A Councillor who wishes to ensure that they remain eligible to carry out the role of Decision Maker should advise prospective Applicants to contact a Planning Officer for advice on both merits and procedures.
- 19.60 **A Councillor should never seek to influence / lobby fellow Councillors or officers in these circumstances.**

COUNCILLORS SHOULD SEEK ADVICE

- 19.61 A Councillor in any doubt as to his position under this Protocol or Members' Code of Conduct should always seek the advice of the Monitoring Officer.

COUNCILLORS WITH PERSONAL AND PREJUDICIAL INTERESTS

DEFINITION OF COUNCILLOR WITH A PERSONAL INTEREST

- 19.62 Under the Members' Code of Conduct a Councillor (whether a member of the Planning Committee or not) must consider whether they have a Personal Interest (as defined in the Members' Code of Conduct) in respect of a Planning Application and whether the Members' Code of Conduct requires them to disclose that interest in the event of the Councillor attending a meeting of the Planning Committee which considers that Planning Application. A Councillor who is required to declare a personal interest in respect of a Planning Application at a meeting of the Planning Committee will for the purposes of this Protocol be a Councillor with a Personal Interest in relation to that Planning Application.

EXAMPLES OF PERSONAL INTERESTS

- 19.63 Paragraph 10 of the Members' Code of Conduct details what will constitute a "Personal Interest" for the purposes of the Code and, by extension through Rule 19.62 above. Illustrative of the types of interest referred to in Paragraph 10 are the categories listed below. They must not be taken as authoritative. Reference to Paragraph 10 must always be made to ascertain with certainty whether a Councillor is a Councillor with a Personal Interest.
- 19.64 Planning Applications concerning:
- 19.64.1 The Councillor
 - 19.64.2 The Councillor's family;
 - 19.64.3 The Councillor's friends;
 - 19.64.4 The Business interests of the Councillor;
 - 19.64.5 The Land interests of the Councillor or their family;
 - 19.64.6 An organisation of which the Councillor is a member (including those to which the Councillor has been elected, appointed or nominated by the Council;

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- 19.64.7 Projects and schemes in respect of which the Councillor (or members of the family of the Councillor) has drawn plans for their family / friends or for other people or acted as Agents for their family friends or for other people.

DEFINITION OF COUNCILLOR WITH A PREJUDICIAL INTEREST

- 19.65 Where a Councillor (whether a member of the Planning Committee or not) is a Councillor with a Personal Interest in relation to a Planning Application that Councillor will, for the purposes of this Protocol, also be a Councillor with a Prejudicial Interest in respect of that Planning Application if the interest of that Councillor is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice that Councillor's judgement of the public interest.

DEVELOPMENT PROPOSALS INVOLVING COUNCILLORS

- 19.66 A Planning Application by a Councillor or their family and relatives, close friends and business associates can easily give rise to suspicions of impropriety. It is vital that it is handled in a way that gives no grounds for accusations of favouritism.
- 19.67 A serving Councillor who prepares plans or generally acts as an Agent for people submitting a Planning Application should never be a Decision Maker or Local Representative in relation to that Planning Application and should not seek to lobby / influence fellow Councillors or officers.
- 19.68 Where a Councillor is the Applicant for a planning permission they:
- 19.68.1 must appoint an Agent or Representative to act on their behalf;
 - 19.68.2 must notify, in writing, the Head of Development Management that such application has been submitted;
 - 19.68.3 should take no part in the processing of that application or endeavour to influence the final decision on the application;
 - 19.68.4 seek to influence / lobby fellow Councillors or officers;
 - 19.68.5 must not attend any meeting of the Planning Committee whilst it is considering their application;
 - 19.68.6 must regard themselves as being both a Councillor with a Personal Interest and a Councillor with a Prejudicial Interest.
- 19.69 Any Planning Application submitted by a Councillor will be determined by the Planning Committee and shall never be dealt with by officers under 'delegated powers'. The Council's Planning Solicitor should confirm in the Planning Officer's report to the Planning Committee that the application has been processed normally and therefore must be given the opportunity to review the file.
- 19.70 Where a Planning Application is made by a member of a Councillor's family, a friend or business associate of the Councillor or an organisation in which the Councillor holds a position of responsibility the Councillor shall advise the Head of Development Management of the submission of that application, and the relationship between the Councillor and that individual. The Head of Development Management shall determine whether the nature of the relationship would warrant the application being referred to

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the Planning Committee for determination or whether it could be determined by him. In any event the Councillor should not seek to influence / lobby fellow Councillors or officers in respect of the application.

- 19.71 A Councillor must have regard to the Members' Code of Conduct when dealing with a Planning Application involving another Councillor.

COUNCILLORS SHOULD SEEK ADVICE

- 19.72 A Councillor in any doubt as to his position under this Protocol or Members' Code of Conduct should always seek the advice of the Monitoring Officer.

COUNCILLOR WITH A DISPENSATION

DEFINITION OF COUNCILLOR WITH A DISPENSATION

- 19.73 A Councillor with a Prejudicial Interest who is a member of the Planning Committee may

19.73.1 undertake the Role of Local Representative, but shall leave the meeting room after making their presentation; or

19.73.2 if a Local Representative with a Prejudicial Interest wishes to remain in the meeting room s/he may apply for a dispensation from the Council's Standards Committee well in advance of the meeting of the Planning Committee.

19.73.3 A Councillor undertaking the role of Local Representative with a prejudicial interest is not allowed to make written representations in lieu of their right to speak at the meeting.

19.73.4 where he / she does not wish to act as a Decision Maker or Local Member but does wish to act as a Member Representative may apply for a dispensation from the Council's Standards Committee well in advance of the meeting of the Planning Committee.

- 19.74 A Councillor with a Prejudicial Interest who is not a member of the Planning Committee may undertake the Role of Local Representative (or Member Representative), but shall leave the meeting room after making their presentation. If a Local Representative (or a Member Representative) with a prejudicial interest wishes to remain in the meeting room s/he may apply for a dispensation from the Council's Standards Committee well in advance of the meeting of the Planning Committee. A Councillor undertaking the role of Local Representative with a prejudicial interest is not allowed to make written representations in lieu of their right to speak at the meeting.

- 19.75 A Councillor who has obtained such dispensation as is mentioned in Rules 19.73 and 19.74 shall for the purposes of this Protocol be a Councillor with a Dispensation.

ROLE OF DECISION MAKER

OBLIGATIONS OF DECISION MAKER

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- 19.76 A Decision Maker in relation to any Planning Application to be determined by the Planning Committee:
- 19.76.1 **shall not** discuss such a Planning Application with, or seek information about that Planning Application from, an Applicant / Objector or any third party (including another Councillor – whether a member of the Planning Committee or not) other than the Head of Development Management or the Monitoring Officer prior to the Planning Committee considering and determining that Planning Application. **In the event that any such individual attempts to hold such discussions with or impart information to the Decision Maker that individual shall be advised by the Decision Maker of the fact that under the requirements of this Protocol they are not allowed to discuss or receive information concerning such Planning Application and that the proper course of action is for the individual to discuss or relay information about the Planning Application to the Head of Development Management; the Decision Maker shall also notify the Head of Development Management of such approach to them forthwith. Members must take account of the provisions of Rule 19.76.9 in this circumstance;**
- 19.76.2 **shall not** allow themselves to be lobbied or influenced by any other person (including another Councillor – whether a member of the Planning Committee or not) concerning such a Planning Application and its determination prior to the Planning Committee considering and determining that Planning Application. **If a Councillor acting as a Decision Maker is approached by Applicants, Objectors and others interested in the outcome of a Planning Application they should not allow themselves to be lobbied – whether for or against an application and should inform the person seeking to lobby them, that if they discuss the application with that person this will disqualify them from taking part in the decision making process on the application. Potential lobbyists should be advised to contact an appropriate officer within Development Management. The Decision Maker shall also notify the Head of Development Management of such approach to them forthwith. Members must take account of the provisions of Rule 19.76.9 in this circumstance;**
- 19.76.3 **shall not** lobby or influence or attempt to lobby or influence another Decision Maker or the Head of Development Management concerning such a Planning Application and its determination prior to the Planning Committee considering and determining that Planning Application;
- 19.76.4 **shall not** become involved in organised local support or opposition to such application;
- 19.76.5 **shall not** accept any gifts or hospitality from anyone connected with such Planning Application and take immediate steps to

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- register any offers of gifts or hospitality refused in the Register kept for that purpose by the Solicitor to the Council;
- 19.76.6 **shall not** accept or indicate that they will accept any letter, pamphlet or other written material (including email and FAX) concerning such a Planning Application before it is determined by the Planning Committee. **Where a Decision Maker gratuitously receives such material they shall forthwith forward it to the Head of Development Management who will arrange for the material to be referred to, in the Officer’s Committee Report. Members must take account of the provisions of Rule 19.76.9 in this circumstance;**
- 19.76.7 **shall not** attend any Meeting, Briefing or Discussion concerning such Planning Application which is not arranged by or attended by the Head of Development Management or otherwise authorised in writing by the Monitoring Officer;
- 19.76.8 **shall not** indicate or express publicly or privately the likely decision on or the merits of/objections to, such Planning Application prior to the Planning Committee considering and determining that Planning Application. **In the event of a Decision Maker doing so they must take advice from the Monitoring Officer regarding their continuing in the role of Decision Maker;**
- 19.76.9 **shall not** give a commitment in relation to that Planning Application prior to its consideration at the Planning Committee. **It is of vital importance that Councillors come to meetings with an open mind and can demonstrate that they are open-minded;**
- 19.76.10 **shall not** bring detailed presentations with them to be read out at the meeting. **This could be perceived as indicating that the Councillor had already decided in favour of, or against an application prior to attending the meeting.** (It is recommended that Councillors make notes of points raised at the meeting as they occur for use in any presentations);
- 19.76.11 **shall not** vote or take any part in the Planning Committee meeting if they have not been present to hear the entire debate, including the officer’s presentation concerning the application;
- 19.76.12 **shall not** resume their seat in the Planning Committee room or chamber (having left the room or chamber before the debate on the application began or during the debate on the application) until consideration of the application being determined at that time is concluded. **Until so concluded the Councillor must sit in the public gallery;**
- 19.76.13 **shall not** propose, second or support a decision contrary to the Development Plan or the recommendations of the Head of Development Management without clearly identifying and articulating the planning reasons supporting that proposed decision. **Those reasons must be given prior to the vote and be recorded in the Minutes;**

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- 19.76.14 **shall not** move a motion that the Planning Application be deferred without clearly identifying and articulating the reasons justifying such deferral. **Those reasons must be recorded in the Minutes if the planning application is deferred;**
- 19.76.15 **shall not** attend a meeting or vote on or take part in discussions about the application at an earlier meeting of a Town or Community Council. **In the event of a Decision Maker doing so they must take advice from the Monitoring Officer regarding their continuing in the role of Decision Maker.**
- 19.77 If, during a Planning Committee meeting a Decision Maker concludes that (for whatever reason) they are prejudiced and unable to continue to undertake the role of Decision Maker in relation to a particular Planning Application, **they cannot change their role to that of Local Representative and address the meeting in relation to that application.** A Councillor in this situation may, however, ask the Committee to defer the application for consideration at a future meeting and must then leave the room during any subsequent discussion of the application in question by the Planning Committee.
- 19.78 **A Councillor who is a member of the Planning Committee and who wishes to undertake the Local Representative role in relation to a Planning Application which is to be determined by the Planning Committee shall comply with the provisions in this Protocol relating to the Local Representative in Rules 19.82 to 19.89.**
- 19.79 A Councillor who is a member of the Planning Committee shall comply with the provisions of the **Decision Making Process** and the provisions of this Protocol relating to **Councillor with a Personal Interest, Councillor with a Prejudicial Interest and Councillor with a Dispensation** and with the **Members' Code of Conduct** generally and is reminded in particular that if they have in respect of a Planning Application to be determined by the Planning Committee:-
- 19.79.1 a Personal Interest - the requirements as to disclosure;
- 19.79.2 a Prejudicial Interest – the need to obtain a dispensation from the Standards Committee – or otherwise be unable to undertake the role of Decision Maker.

DECISION MAKER WHO HAS EXERCISED POWER OF CALL-IN

- 19.80 If a specific planning application falls to be determined by the Planning Committee as a result of a Call-in request from a member of the Committee then that Councillor needs to consider carefully the role which they are able to play when the Planning Committee comes to consider and determine the application in question. **In particular where the member of the Planning Committee who has made the Call-in request:**
- 19.80.1 **has couched the Call-in request in language which might indicate that they have already formed a clear and settled view as to the appropriate outcome of the application ;or**

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19.80.2 **has made the Call-in request following discussions with the application /Agent /Objector and / or any third party (including another Councillor whether a member of the Planning Committee or not)**

19.81 The Councillor should seek advice from the Monitoring Officer regarding their continuing in the role of Decision Maker.

LOCAL REPRESENTATIVE ROLE

OBLIGATIONS OF LOCAL REPRESENTATIVE

19.82 A Councillor wishing and, under this Protocol, entitled to act as a Local Representative at a meeting of the Planning Committee and address the Committee, make representations and answer questions must notify the Head of Development Management of such wish **“no later than 4 clear working days in advance of the meeting” unless the application has been Called-In by that Councillor in which event the Councillor has an automatic right to speak under Rule 19.40.** Applicants will be informed by means of a circular letter prior to the meeting that the Local Representative may exercise their right to speak at the Committee meeting.

19.83 A Councillor acting as a Local Representative (whether a member of the Planning Committee or not):

19.83.1 Shall not sit with members of the Planning Committee, when attending a meeting of the Planning Committee concerning the Planning Application in question, and must wait to be called to make any representations in the public area of the room.

19.83.2 Shall not speak to any member of the Planning Committee in relation to the Planning Application in question, either during a meeting of the committee or otherwise.

19.83.3 May, in relation to the Planning Application in question with the consent of the Chair, respond to questions from members of the Committee, the Applicant or his Agent and any other party allowed to speak at the meeting.

19.83.4 Shall if the Councillor has a prejudicial interest (unless as a Councillor with a Dispensation the Councillor has a dispensation to remain) withdraw from the room, chamber or place where the meeting of the Planning Committee is taking place once they have concluded their representations and dealt with any questions asked and in any event before further consideration of the Planning Application begins.

19.83.5 Shall not accept any gift or hospitality from anyone connected with the Planning Application in question and take immediate steps to register any offers of gifts or hospitality refused in the Register kept for that purpose by the Solicitor to the Council.

19.84 Councillors who are not on the ~~County~~ Planning Committee are expected to undertake training provided by the Council at regular intervals to enable them to properly carry out their role as Local Representative.

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- 19.85 When acting in the role of Local Representative in relation to a specific Planning Application a Councillor can attend meetings held in the Community by lobby groups and others and participate in those meetings if the Councillor so wishes, but the Councillor must not communicate any information, views or recommendations arising from such meetings to members of the Planning Committee determining the Planning Application in question in advance of a meeting of the Planning Committee and should only express any such views as part of their formal presentations to the Planning Committee at a public meeting of the Committee called to determine the application.
- 19.86 When acting in the role of Local Representative in relation to a specific Planning Application, a Councillor who does not have a prejudicial interest may decide not to address the Planning Committee, but may submit written comments either supporting or objecting to the application prior to the meeting to the Head of Development Management. The comments will be included in the Planning Officer's report to the Committee where it is practicable to do so and will be displayed on the Planning Portal. The Applicant can make a written response to the Local Representative's written comments.
- 19.87 A Councillor acting as a Local Representative who requires further information on the Planning Application in question should seek such information from the relevant planning officers and not from members of the Planning Committee.

RIGHTS OF LOCAL REPRESENTATIVE

- 19.88 For the avoidance of doubt a Local Representative will have those rights set out in Rule 19.33 of this Protocol under the heading of "Non-Planning Committee member role" that is to say:
- 19.88.1 Subject to the provisions in this Protocol relating to a Councillor with a Personal Interest, Councillor with a Prejudicial Interest and Councillor with a Dispensation and to the provisions of the Members' Code of Conduct generally a Councillor who is a Local Representative will be free to:
- 19.88.1.1 discuss any Planning Application with the Applicant /Agent /Objector /lobby group etc;
 - 19.88.1.2 attend any locally organised meeting concerning the application
 - 19.88.1.3 attend any Town or Community Council Meeting concerning the application and speak about the application (including expressing a view either for or against the application) and (if a member of the Town or Community Council) vote upon the application
 - 19.88.1.4 relay relevant information about the application to a planning officer.
 - 19.88.1.5 seek information / clarification about the application from a planning officer.

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PROVIDED ALWAYS that in so doing the Councillor must never seek to lobby or improperly influence a Decision Maker, the Head of Development Management or a Planning Officer in relation to the determination of a Planning Application.

COUNCILLORS SHOULD SEEK ADVICE

19.89 A Councillor in any doubt as to his position under this Protocol or Members' Code of Conduct should always seek the advice of the Monitoring Officer.

DECISION MAKING PROCESS

19.90 Subject to Rule 19.91 below the Committee will perform the functions and follow the delegation set out in Section 13 (Responsibility for Functions).

19.91 The Head of Development Management will not exercise their delegated responsibility for functions in the following circumstances whereupon the function will be dealt with by the Planning Committee:

19.91.1 the Head of Development Management considers that the Planning Function should be dealt with by the Planning Committee and not by him / herself;

19.91.2 a Councillor registers a request under Rules 19.38 to 19.49 that a Planning Application be referred to the Planning Committee for decision and not determined by the Head of Development Management;

19.91.3 the Planning Application in question constitutes a material departure from the Development Plan and the view of the Head of Development Management is that the Planning Application should be approved;

19.91.4 the Planning Application is made by or on behalf of the County Council or relates to or affects Council land or premises (whether or not actually occupied by the Council);

19.91.5 the Planning Application is required to be accompanied by an Environmental Statement under the EIA Regulations;

19.91.6 the Planning Application is submitted by or on behalf of any member of the Council or any member of staff employed in Development Management, the Chief Executive, Strategic Directors and Directors, Heads of Service, or officers who are in regular contact with Development Management.

DECISION MAKING BY THE PLANNING COMMITTEE

PLANNING COMMITTEE DETERMINATION PRINCIPLES

19.92 In considering and determining a Planning Application the Planning Committee shall:

19.92.1 have regard to the regulatory and quasi-judicial nature of the Committee's proceedings;

19.92.2 disregard irrelevant considerations;

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- 19.92.3 act impartially, fairly and not take into account any political considerations;
- 19.92.4 determine the application in accordance with the Statutory Development Plan unless material planning considerations indicate otherwise;
- 19.92.5 acknowledge the emphasis in determining applications is upon a 'plan-led' system;
- 19.92.6 reflect the basis of the planning system is the consideration of private proposals against the wider public interest;
- 19.92.7 recognise much is often at stake in this process and opposing views are often strongly held by those involved;
- 19.92.8 take into account representations made to the local planning authority as a result of consultation with interested bodies or as a result of public notice or neighbour notification;
- 19.92.9 decide which representations are material to the decision to be made, and, if so, what weight to attach to them;
- 19.92.10 not reach any conclusion on the merits until all the relevant facts have been considered including the officer's report and the matter appropriately debated;
- 19.92.11 ensure that the Public Speaking Provisions are implemented fairly.

Statutory Duties

- 19.93 The Council is also subject to a number of statutory duties which it must comply with when carrying out its statutory functions. These will apply to the planning function except when such matters are clearly immaterial because they are not capable of relating to the use of development land. Examples of these duties include:

Equality Act 2010

- 1994 Section 149 provides that:

- 19.94.1 A council must, in the exercise of its functions, have due regard to the need to:
 - 19.94.1.1 eliminate discrimination, harassment, victimisation and any other conduct which is prohibited by or under the Equality Act 2010;
 - 19.94.1.2 advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - 19.94.1.3 foster good relations between persons who share a protected characteristic and persons who do not share it.

- 19.94.2 The above powers relate to the following protected characteristics:
 - 19.94.2.1 age;
 - 19.94.2.2 disability;

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- 19.94.2.3 gender reassignment;
- 19.94.2.4 marriage and civil partnership;
- 19.94.2.5 pregnancy and maternity;
- 19.94.2.6 race (including colour, nationality and ethnic or national origins);
- 19.94.2.7 religion or belief;
- 19.94.2.8 sex; or
- 19.94.2.9 sexual orientation.

Human Rights

19.95 Section 6(1) of the Human Rights Act 1998 provides that:

“It is unlawful for a public authority to act [or fail to act] in a way which is incompatible with a Convention right.”

Best Value

19.96 Section 3(1) of the Local Government Act 1999 and Part 1 of the Local Government (Wales) Measure 2009 provides that:

“A best value authority must make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.”

Crime and Order

19.97 Section 17(1) of the Crime and Disorder Act 1998 provides that:

“Without prejudice to any other obligation imposed on it, it shall be the duty of a [local authority] to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.”

DEFERRALS

19.98 In the event of consideration of a Planning Application being deferred at a meeting of the Planning Committee then (unless deferral of the application is agreed at the outset of the consideration of the application by the Planning Committee and no further discussion about it takes place at that meeting) only those Decision Makers present during the meeting when the application is deferred will be eligible to reconsider the application at a subsequent meeting of the Planning Committee.

RECONSIDERED APPLICATIONS

19.99 Where an application which has been previously considered and / or determined by the Committee, is subsequently resubmitted, the Head of Development Management in consultation with the Chair and Vice-Chair should consider whether:

- 19.99.1 the application is materially the same as the previous application considered. If so only those Councillors who were present when the application was considered can take part in any subsequent consideration of the resubmitted application. Speaking rights at this meeting will be in accordance with Rule

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19.116.8.4 as follows:

“If representations are made by a Councillor acting as a Local Representative / an Objector/ a representative of a Town or Community Council / an Applicant or their Agent to a Planning Committee meeting and the matter is deferred to a subsequent meeting, then **there will be no right for any of these individuals to make a second oral representation to the reconvened meeting and any further representations shall be made in writing only. However additional comments are allowed at the discretion of the Chair in consultation with the Vice-Chair at the subsequent meeting where additional information has been received**”.

- 19.99.2 the application is significantly different to the previous application considered. If so the application will be considered to be a new application and all members of the Planning Committee can take part in any subsequent consideration of the resubmitted application and full speaking rights will be allowed.
- 19.99.3 the length of time between the original consideration and subsequent consideration is 6 months or more. If the length of time is 6 months or more (the timescale starts from the date of the meeting when the matter was first considered), then it will be considered to be a new application and all members of the Planning Committee can take part in any subsequent consideration of the resubmitted application and full speaking rights will be allowed.

DECISIONS CONTRARY TO OFFICER RECOMMENDATION

- 19.100 When members of the Planning Committee are minded to either approve or refuse a Planning Application contrary to the recommendation of the Head of Development Management (in a written report to the Committee or communicated orally at a meeting of the Committee) those members shall clearly identify and articulate the planning reasons supporting their view before a vote is taken on the application in question and those reasons shall be recorded in the Minutes of the meeting if the Planning Committee makes a decision contrary to the recommendation of the Head of Development Management and a copy of the minute containing the Committee’s reasons shall be placed on the relevant application file.
- 19.101 If the Planning Committee is minded to refuse or grant an application contrary to Officer recommendation, it may wish to consider whether to defer the confirmation of conditions to the next available committee. This will allow members the opportunity to obtain further planning and legal advice on the proposed reasons for acting contrary to the recommendation based on material planning considerations.

MODIFYING PLANNING CONDITIONS

- 19.102 Where members of the Planning Committee wish to add, modify or amend conditions which are recommended by the Head of Development Management those members shall clearly identify and articulate the

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planning reasons supporting their view before a vote is taken on the application and/or the conditions in question and those reasons shall be recorded in the Minutes of the meeting if the Planning Committee makes a decision contrary to the recommendation of the Head of Development Management **PROVIDED ALWAYS** that the wording of the final version of those conditions shall be delegated to the Head of Development Management in consultation with the Chair and Vice-Chair.

- 19.103 Where the Head of Development Management considers that they would be unable to defend a proposed decision of the Planning Committee on appeal they shall make this point known to the Committee before the final vote is taken. In such cases the Minutes of the meeting shall record the proposer and seconder of the motion to pass a resolution contrary to the recommendation of the Head of Development Management.

PREDETERMINATION

- 19.104 Where the Monitoring Officer (or their representative at a meeting of the Planning Committee meeting) considers that a member of the Planning Committee has prejudiced their position as a Decision Maker, by expressing a clear and settled view on an application before its determination by the Planning Committee, the Monitoring Officer (or their representative at a meeting of the Planning Committee) shall advise the Councillor in question and the Chair of the Committee of the effect of that Councillor continuing to play the role of a Decision Maker. The decision as to whether that Councillor shall continue to play the role of Decision Maker shall rest with that Councillor.

CORRESPONDENCE AND OTHER RELEVANT INFORMATION RECEIVED BY MEMBERS OF THE PLANNING COMMITTEE

- 19.105 A member of the Planning Committee may receive from time to time correspondence and other relevant information from persons or groups who have an interest in the outcome of a planning application to be determined by the Planning Committee and there will be pressure to reply. A member of the Planning Committee will occasionally receive a significant amount of unsolicited correspondence and other information on more contentious applications. The Councillor shall not reply or respond to this correspondence but instead shall refer it to the Head of Development Management. This will prevent any delay in the process. The Head of Development Management shall also:

- 19.105.1 if time permits, send a copy of such correspondence / other information to the Applicant or their Agent (provided neither is the author) so as to allow them an opportunity to respond;
- 19.105.2 place a copy of all such correspondence/other information on the relevant Planning file;
- 19.105.3 if time permits, ensure that their report to the Planning Committee refers to such correspondence / other information; otherwise the Head of Development Management should refer to such correspondence / other information orally at the meeting of the Planning Committee giving it such prominence and weight as its relevance requires.

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- 19.106 On occasions the new information may be so substantial as to lead to a deferment of the application. Where the Planning Application is not deferred the Chair will allow members an appropriate period of time to read the new material before proceeding with consideration of the item.
- 19.107 The Head of Development Management shall be responsible for reporting any correspondence or new information of relevance to the Planning Committee.

SITE INSPECTIONS

- 19.108 There will be no Site Inspections undertaken by the Planning Committee unless there are exceptional circumstances justifying a site inspection (that is to say it must be clearly demonstrated that a site inspection is essential to the decision making process i.e. that a proper decision cannot be made without a site inspection taking place). For the avoidance of doubt, it will be the expectation that Local Representatives will make any request for Site Inspections well in advance of the meeting:
- 19.108.1 as recommended in the report to the committee by the Head of Development Management in consultation with the Solicitor to the Council and the Chair and Vice-Chair of the Planning Committee; or
 - 19.108.2 as determined by the Committee itself to deal with unresolved site specific planning issues in which case these wholly exceptional circumstances justifying the site visit shall be recorded in the minutes of the meeting at which the decision is taken.
 - 19.108.3 as determined by the Chair and Vice-Chair of the Planning Committee on the application of one or more Councillors in whose electoral division(s) the development in question will take place or whose electoral division will be affected by the development in question subject to consultation with the Head of Development Management and the Solicitor to the Council.
- 19.109 Where Site Inspections are held the following Policies shall apply.

POLICY 1: ARRANGEMENTS FOR HOLDING SITE INSPECTIONS

- 19.109.1 Wherever practicable Site inspections shall be arranged to take place on the same day as and immediately prior to the formal public Planning Committee meeting considering the application.

POLICY 2: ATTENDANCE AT SITE INSPECTIONS

- 19.109.2 ALL members of the Planning Committee shall be invited to attend Site Inspections together with planning officers.
- 19.109.3 Councillors acting as a Local Representative shall, be allowed to attend site visits to provide planning specific information to the committee unless they have a Personal and Prejudicial Interest. Alternatively a Local Representative may provide to a planning officer only in writing, additional relevant planning information relating to the site, prior to a site inspection, and the planning

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officer will inform those present at the site inspection of this additional information.

- 19.109.4 In exceptional circumstances the Chair may, after consultation with the Head of Development Management and the Vice-Chair, invite other council officers to attend site inspections for the sole purpose of providing information only, in relation to specialist matters, concerning the application and to answer such questions as Councillors may wish to raise.
- 19.109.5 **Landowners / representative of a Town and Community Council / Applicants / Objectors / supporters or any other third party shall not be allowed to attend site inspections.**

POLICY 3: NON ATTENDANCE BY COUNCILLORS

- 19.109.6 All members of the Planning Committee shall use their best endeavours to attend a Site Inspection where they intend to play the role of Decision Maker in relation to the Planning Application in question. A Councillor's position to undertake the role of Decision Maker in relation to such application may be in doubt if they did not attend a relevant Site inspection (i.e. as a consequence of which the Councillor is unable to take a decision with knowledge of all relevant matters) and in that situation the Councillor shall seek the advice of the Monitoring Officer, which shall wherever practicable be obtained in writing and a copy given to the Chair and Vice-Chair of the Planning Committee prior to the commencement of the meeting in question.
- 19.109.7 **Councillors who, as a result of such advice from the Monitoring Officer, conclude that they are unable to undertake the role of Decision Maker shall either move to the public gallery, or may leave the room during consideration of the application in question.**

POLICY 4: ACCESS TO PRIVATE LAND

- 19.109.8 Where Councillors need to enter onto private land the landowner's prior consent shall be sought by the Head of Development Management. If consent is not forthcoming, the site shall, if practicable, be viewed from the public highway.

POLICY 5: NOTIFICATION OF SITE INSPECTIONS

- 19.109.9 The Applicant / Objectors / and the relevant Town or Community Council shall be informed of the site inspection in advance but will not be permitted to be present during the inspection or to make any representations at the Site Inspection. However a Town or Community Council may provide to a planning officer only in writing, additional relevant planning information relating to the site, prior to a site inspection, and the planning officer will inform those present at the site inspection of this additional information.

POLICY 6: PURPOSE OF SITE INSPECTION

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19.109.10 The sole purpose of the site inspection will be for the planning officers to explain in the context of the site, the planning issues relating to the application and for Councillors to view the site. **There shall be no discussions at the site inspection concerning the merits of the application and the site inspection will not be used as a forum for debate. No recommendations shall be made at the site inspection.**

POLICY 7: REPORT TO PLANNING COMMITTEE

19.109.11 The Chair of the Planning Committee shall report if a Site Inspection has been undertaken.

REPORT ON A PLANNING APPLICATION BY THE HEAD OF DEVELOPMENT MANAGEMENT

19.110 All Planning Applications considered by the Planning Committee shall be the subject of a full written report by the Head of Development Management, including a detailed assessment of the proposal, including any reasonable options available to the Committee and a reasoned recommendation.

19.111 Any new matters that have arisen between the preparation of the report and the date of the Planning Committee considering the planning application or planning matter in question will be the subject of a written update report circulated prior to the commencement of the proceedings of the Planning Committee meeting or referred to orally at the meeting. Only exceptionally should planning officers report only orally to the Planning Committee. The update report will be filed with the signed minutes and the other reports on the Planning Application and added to the published agenda on the Council's website, where possible, prior to the meeting. All submissions should be received no later than 48 hours before the meeting of the Planning Committee, and submissions submitted less than 48 hours before the meeting will only be allowed at the discretion of the Chair and Vice-Chair of the Committee in consultation with the Head of Development Management.

SPEAKING AT PLANNING COMMITTEE MEETINGS

WHO MAY SPEAK

19.112 For the purposes of Rules 19.113 to 19.116 and 19.120, an Applicant and Objector may speak either directly or via an Agent, Member Representative, or Representative.

19.113 Where in relation to a specific Planning Application to be determined by the Planning Committee:

19.113.1 a person or body (other than a statutory consultee) has lodged an **objection** to that application and has notified the Head of Development Management (in accordance with Rule 19.115 below) of their wish to exercise the right to speak against the

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- application at the relevant meeting of the Planning Committee;
or
- 19.113.2 a **Town or Community Council** has indicated a wish to be heard regarding that application as a statutory consultee (in accordance with Rule 19.115 below); or
- 19.113.3 **(a) Local Representative(s)** has / have indicated a / their wish to speak (in accordance with Rule 19.115 below); or
- 19.113.4 The **Applicant** exercises the right to respond to any representations made to the Committee by an Objector, Town/Community Council or Local Representative(s)

the **PUBLIC SPEAKING PROCEDURES** set out Rule 19.116 below shall apply.

MATTERS NOT INCLUDED

19.114 For the avoidance of doubt Rules 19.112 to 19.115 shall not apply to, (and there shall be no right for any person to speak in relation to) the following:

- 19.114.1 enforcement cases;
- 19.114.2 applications for listed building consent;
- 19.114.3 advertisements;
- 19.114.4 lawful use certificates;
- 19.114.5 appeal decisions and proposals to remove legal obligations under Section 106 of the Town & Country Planning Act;
- 19.114.6 ancient hedgerows.

OBTAINING THE RIGHT TO SPEAK

19.115 A right to speak at a meeting of the Planning Committee will only be obtained in the following situations:-

- 19.115.1 A member of the public shall be allowed to speak as an **Objector** to a planning application at the Planning Committee where:
- 19.115.1.1 They have duly made, within prescribed time limits, a written objection to a planning application;
- 19.115.1.2 A member of the public will need to register an “intention to speak” when a submission is made to the Council i.e. advanced notice of an intention to speak at the Committee which will need to be confirmed at least 4 clear working days before the date of the relevant committee; and
- 19.115.1.3 Has submitted the request to be heard by the Planning Committee with Development Management at least 4 clear working days before the date of the relevant meeting of the Planning Committee. For the avoidance of doubt the relevant meeting is the first meeting of the Planning Committee where that Planning

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Application is on the agenda. Where additional information is submitted, additional comments can be allowed at the discretion of the Chair in consultation with the Vice-Chair at a subsequent meeting.

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PROVIDED ALWAYS that:

- 19.115.1.4 Where more than one person or body (other than a statutory consultee) has lodged an objection to a planning application (as mentioned in Rule 19.113.1 above) and the Chair of the Planning Committee in consultation with the Vice-Chair concludes that the substance of the objections by those persons are identical or similar then only one such person so objecting shall be permitted to exercise the right to speak against the application in accordance with the Public Speaking Procedures, and that person shall be the individual agreed by all the Objectors who have raised the same or similar objection or in the absence of such agreement the individual who first submitted an objection in writing to Development Management.
- 19.115.1.5 Where in relation to the above situation the Chair of the Planning Committee in consultation with the Vice-Chair concludes that different persons or bodies have made objections which are different in substance each person or body making a different substantive objection shall be allowed to exercise the right to speak in opposition to the planning application in accordance with the Public Speaking Procedures.
- 19.115.1.6 Where more than one person or body (other than a statutory consultee) has submitted an objection, the Head of Development Management shall, at least 3 days before the meeting of the Planning Committee in question, notify (by the most appropriate means) the persons or bodies of the conclusions of the Chair and Vice-Chair as to whether the objections are different in substance and accordingly as to those individuals and bodies who are entitled to exercise the right to speak under the Public Speaking Procedures.
- 19.115.2 A **Town or Community Council** (by its clerk or one of its members who can be a County Councillor (if a member of the Town or Community Council) will be allowed to speak as a statutory consultee to a Planning Application at a Planning Committee where that Council has submitted a request to be heard by the Planning Committee with Development Management at least 4 clear working days before the date of the relevant meeting of the Planning Committee. (A Town or Community Council will need to register an “intention to speak”

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when a submission is made to the Council i.e. advanced notice of an intention to speak at the Committee) which will need to be confirmed at least 4 clear working days before the date of the relevant committee. For the avoidance of doubt:

- 19.115.2.1 the relevant meeting is the first meeting of the Planning Committee where that Planning Application is on the agenda. Where additional information is submitted, additional comments can be allowed at the discretion of the Chair in consultation with the Vice-Chair at a subsequent meeting.
- 19.115.2.2 The County Councillor choosing to speak on behalf of a Town or Community Council cannot also be a Local Representative.
- 19.115.3 (A) Councillor(s) exercising the role of **Local Representative(s)** will be allowed to speak in relation to a Planning Application at a Planning Committee where that / those Councillor(s) has/have submitted a request to be heard by the Planning Committee with Development Management at least 4 clear working days before the date of the relevant meeting of the Planning Committee unless the application has been Called-In by that Councillor in which event the Councillor has an automatic right to speak under Rule 19.40. For the avoidance of doubt the relevant meeting is the first meeting of the Planning Committee where that Planning Application is on the agenda. Where additional information is submitted, additional comments can be allowed at the discretion of the Chair in consultation with the Vice-Chair at a subsequent meeting.
- 19.115.4 The **Applicant** will be allowed to speak (if they wish) where an Objector, Town or Community Council or Local Representative has spoken.

PUBLIC SPEAKING PROCEDURES

19.116 Where an Objector, and / or representative of a Town or Community Council, and / or (a) Councillor(s) in the role of Local Representative has duly complied with the above provisions enabling that individual or Council to speak at a meeting of a Planning Committee in relation to a specific Planning Application then the procedures to be followed at a meeting of the Planning Committee will be as follows.

- 19.116.1 The Chair will briefly outline these procedures that allow Councillor(s) acting as (a) Local Representative(s), Objectors, and representatives of Town and Community Councils the right to address the Committee, and the Applicant's right of reply.
- 19.116.2 Prior to making their representations to the Planning Committee these individuals shall sit in the public gallery or wait outside the meeting room.

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- 19.116.3 For the purposes of making their representations to the Planning Committee an individual entitled to address the Planning Committee under these provisions will be invited by the Chair to take a seat allocated for this purpose where a microphone will be available. A maximum time limit of 5 minutes will be available for each presentation which will be strictly observed save for:
- 19.116.3.1 in applications where there are multiple speakers objecting to the application, the Applicant will be allowed the same aggregate time allowed to the Objectors.
- 19.116.3.2 In Planning Applications classified by the Head of Development Management as major applications a maximum time limit of 8 minutes will apply but this will be subject to ~~(a)~~19.116.3.1 above (e.g. **those applications with a Welsh Office Planning Statistics (WOPS) Code 1 to 6 inclusive plus any application subject to an Environmental Impact Statement (EIA).**
- 19.116.4 Those making presentations cannot ask questions of one another, members of the Committee or officers but members of the Committee may ask questions of a person making a presentation to the Committee. A person making a presentation, can at the discretion of the Chair ask a question in relation to procedure only, prior to the start of their allotted speaking time.
- 19.116.5 Those individuals making representations under these provisions must avoid making personal or derogatory remarks, confine their presentation to relevant planning issues and shall not use plans, photographs or other display material (but may refer to plans, documents etc included in the formal application material to be considered by the Committee).
- 19.116.6 At the end of the each presentation, the individual making the presentation will either take a seat in the public gallery or leave the meeting room **PROVIDED ALWAYS** that a Local Representative who is also a Councillor with a Prejudicial Interest having completed their presentation to the Committee and answered any questions shall (unless they have received a dispensation from the Standards Committee to remain throughout the proceedings) immediately leave the room or chamber where the meeting is taking place.
- 19.116.7 The order in which individuals shall exercise their right in making representations to a Planning Committee shall be as follows:
- 19.116.7.1 The Local Representative (s).
- 19.116.7.2 Representative (s) of Town or Community Council.

SECTION 19 – PLANNING PROTOCOL

- 19.116.7.3 Objector (s) entitled to speak under Rule 19.115.1.
- 19.116.7.4 Applicant and / or Agent (s).
- 19.116.7.5 Head of Development Management

PROVIDED ALWAYS that the Applicant is not obliged to exercise a right of reply to representations / objections made to the committee if they do not wish to do so.

19.116.8 For the avoidance of doubt

- 19.116.8.1 where an Applicant does exercise the right to reply to representations / objections the time limits and other procedures referred to in Rules 19.116.3, 19.116.3.1 and 19.116.3.2 above shall apply.
- 19.116.8.2 An Applicant has no right to make representations to a Planning Committee in the absence of presentations by the Local Representative(s), and / or representatives of Town or Community Councils, and / or Objector.
- 19.116.8.3 In respect of proposals where there are lodged duplicate applications or several linked applications relating to the same site, these shall be deemed to relate to one overall development and the rights to address the Committee will be interpreted accordingly.
- 19.116.8.4 If representations are made by a Councillor acting as a Local Representative / an Objector / a representative of a Town or Community Council / an Applicant to a Planning Committee meeting and the matter is deferred to a subsequent meeting, then **there will be no right for any of these individuals to make a second oral representation to the reconvened meeting and any further representations shall be made in writing only. However additional comments are allowed at the discretion of the Chair in consultation with the Vice-Chair at the subsequent meeting where additional information has been received.**
- 19.116.8.5 A Councillor who chooses to be a Local Representative shall not also make representations on behalf of a Town or Community Council under the Public Speaking Procedures set out above.
- 19.116.8.6 A Councillor who is a Decision Maker shall not make representations on behalf of a Town or Community Council under the Public Speaking Procedures set out above.

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- 19.116.8.7 Public speaking is expected to take place at the first meeting where the application is determined unless there is additional information submitted, in which case additional comments can be allowed at the discretion of the Chair in consultation with the Vice-Chair.
- 19.116.9 Following oral presentations by individuals under the above provisions, the Chair of the Planning Committee shall invite the Head of Development Management (if he wishes) to respond as necessary to those presentations before proceeding with his presentation of the application in the normal way **including where appropriate an update to the Committee concerning any correspondence or additional information received since publication of the Committee Agenda papers.**
- 19.116.10 The Head of Development Management shall keep a record of all notices received under these provisions.
- 19.116.11 At a meeting of the Planning Committee where representations under these provisions fall to be made in respect of a specific Planning Application every effort should be made for that application to be dealt with at the earliest opportunity.
- 19.116.12 The relevant plans shall be displayed as appropriate and a description of the application given before any oral representations are heard.
- 19.116.13 The minutes of the Planning Committee shall record the receipt of representations made under these arrangements but shall not record the substance of the representations.

Following the presentation by the Head of Development Management, members of the Committee shall debate the application and reach a decision unless it is decided to defer the application in question. Members of the Committee speaking at a Planning Committee shall not do so for longer than 5 minutes.

ROLE AND DUTIES OF THE COMMITTEE CHAIR / VICE CHAIR

ELECTION OF THE CHAIR

19.117 The Chair of the Planning Committee shall:

- 19.117.1 be a Councillor elected by the Committee at the first meeting of the Committee following the Annual Meeting of the Council or at an ordinary meeting in the event of a vacancy occurring between Annual Meetings.
- 19.117.2 hold office until:
- 19.117.2.1 the Annual Meeting of the County Council next following their appointment; or
 - 19.117.2.2 they resign from the office; or
 - 19.117.2.3 they are suspended from being a Councillor

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- under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
- 19.117.2.4 they are disqualified from being a Councillor under Part III of the Local Government Act 2000; or
- 19.117.2.5 a vote of no confidence in the Chair of the Planning Committee is passed by the Council following a Notice on Motion; or
- 19.117.2.6 they are no longer a Councillor;

whichever shall first occur.

ELECTION OF VICE-CHAIR

19.118 The Vice-Chair of the Planning Committee shall:

- 19.118.1 be a Councillor elected to that position by the Planning Committee at the first meeting of the Committee following the Annual Meeting of the Council, or in the event of a vacancy occurring at the next convenient meeting of the Committee following the occurrence of the vacancy.
- 19.118.2 hold office until:
 - 19.118.2.1 the first meeting of the Planning Committee which follows the next Annual Meeting of the County Council after the Councillor's appointment; or
 - 19.118.2.2 they resign from the office; or
 - 19.118.2.3 they are suspended from being a Councillor under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
 - 19.118.2.4 they are disqualified from being a Councillor under Part III of the Local Government Act 2000; or
 - 19.118.2.5 in the event of a vote of no confidence in the Vice-Chair of the Planning Committee being passed by the Council following a Notice on Motion; or
 - 19.118.2.6 they are no longer a Councillor;

whichever shall first occur.

CHAIRING THE PLANNING COMMITTEE

19.119 In the absence of the Chair for the whole or part of a meeting of the Planning Committee the Vice-Chair shall preside. If the Vice-Chair shall be absent the Planning Committee shall choose one of its number present to preside as Chair for that meeting or part of it until the Chair (or Vice-Chair) returns to the meeting.

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RESPONSIBILITY OF THE CHAIR PRESIDING AT A MEETING OF THE PLANNING COMMITTEE

19.120 The Councillor presiding as Chair at a meeting of the Planning Committee shall have the following general responsibilities:-

19.120.1 to preside over the meeting so that the Committee's business can be carried out efficiently and with proper regard to the rights of Councillors, Applicants, Objectors, officers and the interest of the community as a whole.

19.120.2 to ensure that the Committee meeting is properly conducted as a forum for debate on planning applications.

19.120.3 to ensure that the business of the meeting is carried out in accordance with the relevant provisions contained within the Council's Constitution, the Members' Code of Conduct, the Protocol on Member / Officer Relations, and this Protocol; and shall in particular have the following duties, obligations and responsibilities:

19.120.3.1 at the commencement of the meeting:

(a) to request declarations of interests from members of the Committee relating to items to be considered on the agenda;

(b) to receive members of the Committee's requests that a record be made of their membership of Town and Community Councils where discussion has taken place of matters for the consideration of the Committee;

(c) to receive declarations from members of the Committee that they will be acting as Local Representative in respect of an individual application being considered by the Committee;

(d) to receive details of Councillors (who are not members of the Committee) who will be acting as Local Representative in respect of an individual application being considered by the Committee.

~~(e) to receive disclosures from members of the Committee of any approaches regarding an application to be considered by the Committee from an Applicant / Objector or any third party (including another Councillor, whether a member of the Committee or not);~~

~~(f) to receive disclosures from members of the Committee of any attempts to lobby or influence the Councillor by any other person (including another Councillor, whether a member of the Committee or not) regarding~~

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- ~~an application to be considered by the Committee;~~
- ~~(g) to receive disclosures from members of the Committee regarding any letters, pamphlets or other written material (including email and fax) which has been sent to them regarding an application to be considered by the Committee.~~
- 19.120.3.2 prior to the consideration of each application to call out the application number (whereupon any Councillor undertaking the role of Local Representative in relation to that application, and who is a member of the committee, will withdraw to the public gallery and the withdrawal of the Local Representative will be recorded in the minutes of the committee);
- 19.120.3.3 to amend if necessary the order in which planning applications are to be considered by the committee in order wherever practicable that Planning Applications where members of the Planning Committee will; be undertaking the role of Local Representative are dealt with first;
- 19.120.3.4 to introduce each agenda item for discussion or for information; and
- 19.120.3.5 to report where a site inspection has taken place.
- 19.120.3.6 following the officer presentation relating to a Planning Application to facilitate the debate of Councillors and allow them to participate in the discussion in the order in which they acknowledge their wish to speak;
- 19.120.3.7 to consider whether an officer of the Council other than an officer of Development Management should be allowed to address the Planning Committee or answer questions and to ensure that only such officers as they consider necessary do so (it being acknowledged that it will not normally be the practise for such officers to address the Committee or answer questions);
- 19.120.3.8 to consider whether a representative of a statutory consultee should be allowed to address the Planning Committee or answer questions and to ensure that only such representatives as they consider necessary do so (it being acknowledged that it will not normally be the practise for such representatives to address the Committee or answer questions);
- 19.120.3.9 not to differentiate between Councillors (Members of the Planning Committee represent the whole community of Powys) and not to afford

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- any preferential treatment of or special privileges to a Councillor on the basis that they are the local electoral division Councillor for the application;
- 19.120.3.10 to ensure so far as is reasonable that all Councillors and Officers attending the meeting shall abide by the provisions of the Council's Constitution, the Members' Code of Conduct, the Protocol on Member / Officer Relations, and this Protocol;
- 19.120.3.11 to ensure that Decision Makers refrain from making speeches and address the Committee on material 'planning matters' only. (The Chair will be expected to intervene and curtail Councillors who are making repetitious, or irrelevant statements);
- 19.120.3.12 where officers response to comments or questions from Councillors is required to ensure that officers are given that opportunity;
- 19.120.3.13 a general discretion in relation to the protocol in consultation with the Head of Development Management and Legal Officers.

BRINGING DISCUSSIONS TO A CONCLUSION

- 19.120.4 at the conclusion of the discussion relating to a specific Planning Application the Chair shall not sum up but shall request those Councillors on the Planning Committee exercising the role of Decision Maker to move and second motions and any amendments and to vote on them (taking amendments first);
- 19.120.5 to ensure that votes are properly recorded and that the result is clearly communicated to the meeting so that the outcome is in no doubt;
- 19.120.6 to rule on all questions of procedure and process at the Committee meeting (the Chair's decision shall be final and not open to discussion);
- 19.120.7 to ensure that proper regard is had by all Councillors to the advice given by officers at the Committee meeting.

THE ROLE OF OFFICERS IN SUPPORTING THE CHAIR

19.121 The Lead Professional, Legal and the Head of Development Management and relevant officers representing them shall provide professional advice to the Councillor presiding as Chair of a meeting of the Planning Committee in order to assist the Chair in discharging the duties of the post and in particular officers shall provide advice as follows:

- 19.121.1 at pre-Committee meetings so that the Chair and Vice-Chair are fully briefed on issues that may arise at meetings;
- 19.121.2 at any post-Committee meetings (if relevant);

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- 19.121.3 during Committee meetings where questions are directed towards the Chair for response.

RESPECT FOR OFFICE OF CHAIR

- 19.122 All Councillors and officers shall respect the position of Chair.

DEVELOPMENT MANAGEMENT

CONDUCT OF OFFICERS

- 19.123 Officers who are Chartered Town Planners are guided by the Royal Town Planning Institute (RTPI) Code of Professional Conduct. All officers whether members of the Institute or not shall abide by the same principles namely they shall:

- 19.123.1 act with competence, honesty and integrity;
- 19.123.2 fearlessly and impartially exercise their independent professional judgement to the best of their skill and understanding;
- 19.123.3 discharge their duty to their employers, clients, colleagues and others with due care and diligence in accordance with the provisions of this Planning Code of Conduct;
- 19.123.4 Shall not bring the profession or the Royal Town Planning Institute into disrepute;
- 19.123.5 not disclose or use to the advantage of themselves or the Authority information acquired in confidence in the course of their work;
- 19.123.6 decline any discounts, gifts or commissions offered by any third parties in connection with their work as professional planners.

RELATIONSHIPS BETWEEN COUNCILLORS AND OFFICERS

- 19.124 In order to engender a committed professional relationship between both planning officers and Councillors each shall have respect and regard for the roles both play within the decision making process. Councillors and officers have different, but complementary, roles. Both serve the public but Councillors are responsible to the electorate, while officers are responsible to the Council as a whole. Officers must act in accordance with their professional codes of conduct. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which occasionally may be at odds with the views, opinions or decisions of the Committee or its members. Officers should also have regard to, and comply with the Protocol on Member / Officer Relations (Council Constitution Section 21).

REPORTS AND PRESENTATIONS TO THE PLANNING COMMITTEE

- 19.125 The report by the Head of Development Management to the Planning Committee in relation to a Planning Application shall:

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- 19.125.1 be a report based on the professional judgement of planning officers;
 - 19.125.2 include the observations, recommendations and comments of consultees, Objectors and others including other departments of the Council;
 - 19.125.3 be supported by the use of still photographs, video etc., to assist Councillors in determining that application (i.e. to provide a balanced view of the site, including a 360° view of the site, contours and topography) which shall specifically include points and issues raised by the Councillor for the electoral division concerned and address and deal with the observations, recommendations, comments of other departments of the Council.
- 19.126 Recommendations in such report may not always accord with the views and opinions of individuals, groups, statutory consultees etc. However, the report will always follow this Protocol. A Councillor acting as a Decision Maker shall respect the advice given by planning officers at the Committee or when dealing with delegated applications and shall not lobby, seek to influence, or bring pressure to bear on a planning officer for a particular recommendation or decision.

PRE-APPLICATION AND PRE-DETERMINATION DISCUSSIONS BY OFFICERS WITH APPLICANTS ETC

- 19.127 In any discussions involving the Head of Development Management or a member of their department regarding proposed development or other planning issues, it shall always be made clear at the outset, that such discussions shall not bind the local planning authority to make a particular decision, and that any views expressed are based on the officers' provisional professional judgement but do not commit the local planning authority to any particular decision.
- 19.128 Any advice given by the Head of Development Management or a member of their department shall be consistent and based upon the Development Plan and other material considerations. Furthermore any advice given shall be impartial; the best that the officer can give in the circumstances and shall highlight any apparent problems and where appropriate discuss possible options that may be open to the developer or other party to the discussions.

PUBLIC MEETINGS RELATING TO DEVELOPMENT PROPOSALS

- 19.129 Officers involved in the processing or determining of planning applications or planning matters should not attend public meetings in connection with development proposals or submitted planning applications, unless their attendance has been authorised by the Monitoring Officer. In some situations attendance by officers at such meetings could lead to allegations of bias or prejudice in relation to a particular point of view. If authorised to attend such meetings officers should take great care to maintain impartiality, concentrate on providing factual information, listen to comments and avoid giving views on the merits or otherwise of the proposal.

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GIFTS AND HOSPITALITY

19.130 Officers during the course of carrying out their duties may be offered hospitality from people with an interest in a planning proposal. Officers should refuse offers of gifts and hospitality of any kind. Officers must record any offers of hospitality refused in a register to be kept by the Head of Development Management.

RECORD KEEPING

19.131 Every planning file (including one relating to an enforcement matter) shall contain an accurate account of events throughout its life including minutes and notes of meetings of all descriptions, and telephone conversations. The case officer shall visit each site to which the file relates and detailed site notes shall be maintained on file. Managers and team leaders within Development Management will undertake monitoring of record keeping on a regular basis.

DECISION MAKING BY THE HEAD OF DEVELOPMENT MANAGEMENT

19.132 Section 13 (Responsibility for Functions) stipulates those Planning Functions which are the responsibility of the Head of Development Management.

DELEGATED DECISION MAKING

19.133 In determining Planning Applications under the delegated powers the Head of Development Management shall have regard to:

- 19.133.1 the Planning Committee Determination Principles; and
- 19.133.2 the necessity of ensuring that Councillors are made aware of such Planning Applications which relate or affect their electoral division;
 - 19.133.2.1 when submitted ; and
 - 19.133.2.2 when approved or refused (together with the officer's report).
- 19.133.3 the requirement for the relevant line manager to countersign case officer reports on delegated decisions.

PLANNING APPLICATIONS SUBMITTED BY OFFICERS

19.134 Proposals for development by officers of Development Management and their relatives and close friends can easily give rise to suspicions of impropriety. It is vital that they are handled in a way that gives no grounds for accusations of favouritism.

19.135 Any member of staff within Development Management shall not prepare plans or act as Agent for any person or body (including themselves, members of their own family) pursuing a planning application or planning matter with the Council. If such an officer submits their own application,

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they shall take no part in the processing of that application and shall appoint an Agent or Representative. Such proposals shall be reported to the Planning Committee for consideration and determination and shall not be dealt with by the Development Management officers. The Monitoring Officer must confirm in the committee report that these requirements have been complied with.

- 19.136 An officer (not within Development Management) shall not prepare plans or act as Agent for any person or body other than themselves or close members of their family (i.e. spouses, partners, parents, grandparents, children, brothers or sisters) and in all cases the Head of the Planning Service shall be made aware of the officer's involvement and the matter shall be referred to the Planning Committee for consideration and determination.
- 19.137 A Planning Application by an officer within Development Management must be processed by officers of a different Planning Office to that where the Applicant officer works before being considered by the Planning Committee for determination.
- 19.138 A Planning Application submitted to the Council by the Chief Executive, Executive Director, Head of Service or any other officer who has regular contact with Development Management shall be determined by the Planning Committee.

PLANNING APPEALS

PROCEDURE FOR DEALING WITH APPEALS

- 19.139 The Lead Professional, Legal is responsible for determining who should present a case at appeal and which witnesses should be called on behalf of the planning authority and generally for the care and conduct of the Appeal. They shall consult with the Head of Development Management, Chair of the Planning Committee, Portfolio Holder and relevant local Councillors as appropriate.
- 19.140 Officers of Legal and Development Management will organise the Council's case and generally the latter will appear as witnesses at planning inquiries and other proceedings on behalf of the Council. In some circumstances it may be necessary to appoint consultants to appear for the Council, particularly where specialist support is necessary.
- 19.141 In giving evidence Development Management officers will present the best possible case on behalf of the Council whilst also complying with the RTPI Code of Professional Conduct.
- 19.142 Where a Planning Committee decision contrary to officer recommendation is subject to an appeal and officers have previously made known to the Planning Committee that they are unable to defend such decisions, the Head of Development Management shall report notice of the appeal to the next planning meeting of the Planning Committee.
- 19.143 Where a Planning Committee decision contrary to the recommendation of the Head of Development Management is the subject of an appeal and officers have previously made known to the Committee that they are unable to defend such decisions, members of the Planning Committee who supported the decision may be called to present evidence at the appeal if

SECTION 19 – PLANNING PROTOCOL

deemed necessary by the Lead Professional, Legal. Councillors shall be provided with support in preparing their submissions for an Inquiry by the Council's own officers or by consultants. The Lead Professional, Legal shall provide a level of professional support for Councillors who are required to present an appeal to a Planning Inquiry.

- 19.144 The Head of Development Management shall regularly report on appeal decisions
- 19.145 The Head of Development Management will advise the Planning Committee of the outcome of enforcement decisions.

TRAINING

TRAINING OF PLANNING COMMITTEE COUNCILLORS

- 19.146 The Council shall ensure that members of the Planning Committee satisfactorily complete Induction Training before first serving on the Planning Committee and undertake from time to time additional / refresher training in accordance with a training programme agreed by the Council.
- 19.147 Attendance records for planning training events shall be monitored. A 6 monthly report shall be presented to the Council's Standards Committee and the County Council advising of any non-attendances by a member of the Planning Committee who fails to attend the training sessions shall not be permitted to sit on the Planning Committee, until such training has been completed. A new member of the Council shall undertake a training session before they are permitted to sit on the Planning Committee.

TRAINING OF OTHER COUNCILLORS

- 19.148 Appropriate training for Councillors who do not sit on the Planning Committee will be arranged at regular intervals so as to enable them to properly discharge the role of Local Representative.

REVIEW OF DECISIONS

- 19.149 The Audit Commission's Report, "Building in Quality", recommended that elected Councillors should visit a sample of implemented planning permissions to assess the quality of decisions. This can improve the quality and consistency of decision making and help with reviews of planning policy.
- 19.150 Visits to application sites previously considered by the Council shall be organised in tandem with visits to current application sites, as appropriate. Briefing notes shall be prepared in each case.
- 19.151 Attendance at the review site visits shall be restricted to members of the committee.

MEMBERS' CODE OF CONDUCT

- 19.152 The Members' Code of Conduct in force for the time being (as supplemented by this Protocol), **must be followed at all times.**

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CYNGOR SIR POWYS COUNTY COUNCIL.

Democratic Services Committee – 30th March, 2016

County Council – 20th April, 2016

REPORT BY: Solicitor to the Council

SUBJECT: Composition of Committees

REPORT FOR: Decision

1. Introduction.

1.1 The budget agreed by Council on 25th February, 2016 includes a reduction in the democratic budget including reducing travelling expenses by increased use of video conferencing and car sharing, reduction in meetings and reduction in membership of committees. This report considers the reduction in the membership of committees.

2. Committee Membership.

2.1 In the allocation of Members by the political groups to membership of certain committees, notably the Employment, Audit and Scrutiny Committees, it is becoming apparent that these are not committees on which Members prefer to sit. In recent years there have been consistent vacancies on these committees particularly Employment and Audit Committees.

2.2 As part of a specific exercise relating to the Audit and Employment Committees, a comparison of the size of the Powys Committees by comparison to similar committees elsewhere in Wales has indicated that the size of Powys committees far exceeds similar committees in Wales. (See Appendix 1)

2.3 In order to progress the budgetary saving as required by the Council as set out in the budget, discussions have been held with Group Leaders to gauge the “political temperature” in taking proposals forward. The Group Leaders have accepted that as the Council’s budget is having to be reduced, the Democratic budget will inevitably have to take a share of the burden of reductions and therefore change is required. However, there was not an unanimous view amongst group leaders as to whether the changes would lead to any savings being made. In addition as the Council restructures its operation the need for the various committees and the way that the democratic process is operated will need to change to align with the revised organisation and continue to be “fit for purpose”.

3. Proposal.

3.1 The Group Leaders concluded that whilst some authorities had reduced its committees to less than 10 members, it would be more appropriate for this Council to reduce committees by a third (for 5 committees only, 1 Member reduction for 2 committees). Therefore it was suggested that committee membership be set at 14 Members per committee except for the Pensions and Investment Committee which would remain unchanged at 5 Members.

3.2 Setting the committee membership at 14 means that the political balance on committees, based on current group numbers, would be as follows:

Powys Independent Alliance	Conservatives	Liberal Democrats	Labour	Independent Group	Non-Political Group	Total
5	2	2	1	2	2	14

3.3 The revised committee memberships would be as follows:

People Scrutiny Committee (currently 21 County Councillors)	14 County Councillors 3 Parent Governor Representatives 1 Church in Wales Representative 1 Roman Catholic Church Representative
Place Scrutiny Committee (currently 21 County Councillors)	14 County Councillors 1 Co-Opted Member for Crime and Disorder Matters
Planning, Taxi Licensing and Rights of Way Committee (currently 21 County Councillors)	14 County Councillors
Employment and Appeals Committee (currently 21 County Councillors)	14 County Councillors
Audit Committee (currently 21 County Councillors)	14 County Councillors 1 Independent 'Lay' Member
Licensing Act Committee 2003 (currently 14 County Councillors)	14 County Councillors
Democratic Services Committee (currently 14 County Councillors)	14 County Councillors
Pensions and Investments Committee (currently 6 County Councillors)	5 County Councillors Employers Representative Trade Union Representative

- 3.4 The membership of the Standards Committee would remain unchanged.
- 3.5 Based on an estimated saving of £300 per meeting x 35 meetings (5 committees with a reduction of 7 members each) this would provide a saving of £10,500 per annum.
- 3.6 Should the proposal be accepted by the Council at its meeting on 20th April, 2016, it is suggested that the revised structure be implemented as from the Annual Meeting on 11th May, 2016. The Constitution will also need to be amended to reflect these changes.

Recommendation to the County Council:	Reason for Recommendation:
<p>(i) that the membership of the Council's committees be amended to 14 Members (with the exception of the Pensions and Investments Committee) as set out in paragraph 3.3 of the report;</p> <p>(ii) that the revised membership takes effect from the Annual Meeting on 11th May, 2016;</p> <p>(iii) that the Solicitor to the Council amend the Constitution to reflect the amended membership of committees.</p>	<p>To progress the Council's budget reduction in reducing the membership of committees.</p>

Person(s) To Action Decision:	Clive Pinney, Solicitor to the Council.		
Date By When Decision To Be Actioned:	May, 2016		
Relevant Policy (ies):	Council's Constitution.		
Within Policy:	Y	Within Budget:	Y
Contact Officer:	Wyn Richards, Scrutiny Manager Tel: 01597 826375 Email: wyn.richards@powys.gov.uk		

A. Audit Committee.

1. The comparative information is set out below:

Audit Committee Membership in Welsh Councils				
	Councillors	Lay	Committee Total	Total No of Members of Council
Anglesey	8	2	10	40
Blaenau Gwent	16	1	17	42
Bridgend	12	1	13	54
Caerphilly	12	1	13	73
Cardiff	7	4	11	75
Carmarthenshire	8	1	9	74
Ceredigion	6	1	7	42
Conwy	16	1	17	59
Denbighshire	6	1	7	47
Flintshire	7	1	8	70
Gwynedd	18	1	19	74
Merthyr	10	1	11	33
Monmouthshire	11	1	12	43
Neath Port Talbot	12	1	13	64
Newport	7	1	8	50
Pembrokeshire	6	1	7	60
Powys	21	1	22	73
Rhondda Cynon-Taff	15	1	16	75
Swansea	12	1	13	72
Torfaen	6	1	7	44
Vale of Glamorgan	7	1	8	47
Wrexham	12	1	13	52
Breakdown:				
20+	1			
15 to 19	4			
10 to 14	9			
5 to 9	8			
	22			

2. The breakdown groups are as follows:

20+ Members	1			
	Councillors	Lay	Committee Total	Total No of Members of Council
Powys	21	1	22	73
15 to 19 Members				
	4			
	Councillors	Lay	Committee Total	Total No of Members of Council
Gwynedd	18	1	19	74
Blaenau Gwent	16	1	17	42
Conwy	16	1	17	59
Rhondda Cynon-Taff	15	1	16	75
10 to 14 Members				
	9			
	Councillors	Lay	Committee Total	Total No of Members of Council
Bridgend	12	1	13	54
Caerphilly	12	1	13	73
Neath Port Talbot	12	1	13	64
Swansea	12	1	13	72
Wrexham	12	1	13	52
Monmouthshire	11	1	12	43
Cardiff	7	4	11	75
Merthyr	10	1	11	33
Anglesey	8	2	10	40
5 to 9 Members				
	8			
	Councillors	Lay	Committee Total	Total No of Members of Council
Carmarthenshire	8	1	9	74
Flintshire	7	1	8	70
Newport	7	1	8	50
Vale of Glamorgan	7	1	8	47
Ceredigion	6	1	7	42
Denbighshire	6	1	7	47
Pembrokeshire	6	1	7	60
Torfaen	6	1	7	44

B. Employment Committee.

Employment Committee Membership in Welsh Councils			
Council	Councillors	Committee Type	Total Membership of Council
Anglesey	10	Appeals	40
	10	Appointments	
	6	Pay and Grading Review	
Blaenau Gwent		None	42
Bridgend	12	Appeals Panel	54
	5	Appeals Committee	
Caerphilly	3	Appeals Committee	73
	8	Appointments Committee	
Cardiff		No information available	75
Carmarthenshire	7	Appeals	74
	14	Appointments A	
	9	Appointments B	
Ceredigion	7	Shortlisting	42
Conwy	12	Senior Employment Committee	59
		Special Appointments Committee	
Denbighshire		None	47
Flintshire		None	70
Gwynedd		Chief Officer's Appointments	74
Merthyr	6	Appeals Panel	33
	9	Objections and Appeals	
		Recruitment and Appointments Committee	
Monmouthshire		None	43
Neath Port Talbot	6	Appeals Panel	64
	12	Personnel (5 non voting)	
Newport		None	50
Pembrokeshire	14	Disciplinary Investigations Committee	60
	7	Senior Staff Committee	
Powys	21	Employment and Appeals Committee	73

Rhondda Cynon-Taff	5	Appeals / Employee Appeals / Chief Officer Appeals	75
	5	Appointments	
Swansea	7	Appeals and Awards	72
	11	Appointments	
Torfaen	10	Appointments Committee	44
Vale of Glamorgan	6	Appeals	47
	7	Early Retirement	
	6	Senior Management Appointments (+Cabinet Members)	
Wrexham		None	52

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MINUTES OF A MEETING OF THE MEMBER DEVELOPMENT WORKING GROUP HELD AT COMMITTEE ROOM A - COUNTY HALL, LLANDRINDOD WELLS, POWYS ON FRIDAY, 6 NOVEMBER 2015

PRESENT

County Councillor S C Davies (Chair)

County Councillors PJ Ashton, D O Evans and M J Jones

1.	APOLOGIES	MDWG1-2015
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Apologies were received from County Councillor L.V. Corfield.

2.	NOTES OF PREVIOUS MEETINGS	MDWG2-2015
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The notes of the previous meeting held on 8th June, 2015 were agreed as a correct record.

3.	MEMBER DEVELOPMENT PROGRAMME	MDWG3-2015
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3.1. 2015 Programme

The Working Group noted the changes to the remainder of the 2015 Programme. It was noted that the additional session on 30th November regarding Members' responsibilities towards Gypsy and Traveller communities under the Housing (Wales) Act 2014 and Equality Act 2010 was on the first day of the Winter Fair. Comment was made that Members would need to make a choice as to what they attended.

Other items:

Notes for Members on how to access and use Modern.Gov – draft notes had been produced and it was agreed that these would be tested with a range of Members and amended as required, prior to circulation to all Members.

Data Protection Act training – details of which Members had not completed the training either via e-learning or paper had been requested. Those Members that had not completed the training would be followed up. It was noted that the Data Controller's Registration letter should be kept by Members at their home as spot checks can be made by the Information Commissioner.

3.2. 2016 Member Development Programme

The Working Group agreed the content of the 2016 Programme.

It was noted that a series of Health Seminars had been organised during the year. Due to the diary commitments of the Powys Health Board's Chief Executive the first seminar would need to be held on 29th January, 2016. The Treasury Management scheduled for this date would need to be changed as Richard Bason was unable to provide the session in the afternoon.

It was noted that the Sustainability Day scheduled for October 2015 had been cancelled and it was agreed to check to establish if another date would be arranged.

Other topics for sessions:

- Debating skills for Councillors – the Working Group agreed that this would be offered to Members on a first come first served basis.
- Welfare Reform – contact would be made with the County Councillor Joy Jones, Chair Anti-Poverty Social Research Group to provide a session for Members in the spring.

The Working Group was advised that Members were asking questions regarding how the Council was responding to the Syrian crisis. It was noted that the Portfolio Holder and officers would be attending a meeting with the Welsh Government in the next few weeks and that a press release would be circulated after this.

As the Working Group asked questions regarding press releases John Evans, Communication Manager attended the meeting. It was noted that a computer based system, with details of all local newspapers and news outlets such as the BBC, was used and press releases were sent to all these. It was however, up to news outlets as to what was used and when. The take up of press releases was 80%. In a year approx. 400 news releases are made and responses are made to 1500 – 1800 media inquiries.

4.	INFORMATION FOR NEW PORTFOLIO HOLDERS	MDWG4-2015
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The Working Group noted that as a result of changes in Portfolio Holders, discussion had taken place with one new Portfolio Holder as to what information would have assisted them when taking up their new position.

It was suggested that the following should also be included - details of all Strategic Directors, the Chief Executive and Monitoring Officer and their PAs; details of the Cabinet Manager; the need to meet with Directors and Heads of Service in the first few weeks of appointment.

The draft was agreed and would be circulated to Portfolio Holders for comment and suggestions.

5.	MEMBERS' BUSINESS CARDS AND NEWSLETTERS	MDWG5-2015
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The Working Group received the draft proposal regarding the level of support Members would receive in respect of the provision of promotional materials, copying, typing and postage.

It was noted that there was no national guidance but The Independent Remuneration Panel for Wales in its annual reports since 2011-12 had stated that authorities should provide support to meet member needs but that the level of support was for Councils to determine.

The Working Group noted the Options and agreed in principle that Guidance should be agreed to ensure that a fair support system for Members was introduced and supported officers in their ability to respond to requests.

It was agreed that the following would be clarified:

- The purpose of “Calling cards” and when they would be used. Could they be provided to all Members after an election or provided during their term of office.
- How would “Calling Cards” be distributed – by Members?
- The number of copies provided per “run” and the number of “runs” and whether this was per annum or for another period.
- What the number of copies would be based on – ward electoral numbers, number of households in wards or some other level.
- The costs associated with the above.
- The impact of purdah on the production of materials and range of support.
- Whether Members could claim copying and postage costs back from the Council.

A further report, with details of the above provided, would be considered by the next meeting.

6.	MEMBER AND OFFICER SUPPORT NETWORK	MDWG6-2015
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The minutes of the Member Support and Development Lead Member and Officer Network meeting held on 23rd September, 2015 were received for information.

The Working Group noted the following:

- The Local Government (Wales) Bill – from 2020 terms office would be for 5 years. A review of Town and Community Councils would take place in 2025. The result of Welsh Assembly elections in 2016 may impact on future changes. Council budgets will continually decrease and the number of councillors will reduce.
- Local Democracy and Boundary Commission for Wales – the Authority was not included in the initial review of the number of local authorities in Wales, as integration was being pursued with the Health Board. A review of Powys County Council would be undertaken first in the second tranche of reviews once reorganisation of local authorities had taken place. It was noted that a review on National Parks had been published.
- WLGA Member Support and Development 2015 -16 – it was noted that the role descriptions and member development framework had been amended to reflect the Welsh Audit Office review of safeguarding arrangements. This would be highlighted to the officers providing the safeguarding training.
- All Wales Academy – e-learning modules were now available and information would be sent to Members with a link via the Members’ Portal.

County Councillor S C Davies (Chair)

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**MINUTES OF A MEETING OF THE MEMBER DEVELOPMENT WORKING GROUP
HELD AT COMMITTEE ROOM A - COUNTY HALL, LLANDRINDOD WELLS,
POWYS ON FRIDAY, 15 JANUARY 2016**

PRESENT

County Councillor L V Corfield (Chair)

County Councillors D O Evans and M J Jones

1.	APOLOGIES	MDWG1-2016
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Apologies for absence were received from County Councillor S.C. Davies and County Councillor P.J. Ashton who was on other Council business.

2.	NOTES OF PREVIOUS MEETINGS	MDWG2-2016
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The notes of the previous meeting held on 6th November, 2015 were agreed as a correct record.

3.	MEMBER DEVELOPMENT	MDWG3-2016
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3.1. Member Development Programme

The Working Group received the Member Development Programme 2016 which had been emailed to Members. It was noted that the date for the Welfare Reform Project session was to be confirmed.

A limited number of sessions were scheduled for the last half of the year. The Working Group agreed to keep under review the provision of development sessions during this period, due to the election in 2017 and the fact that Members would begin, in the later part of the year, to focus on the election. It was noted however, that sessions may be needed to discuss future budgets and to ensure that Members understood the implications of the Local Government Bill.

In response to questions regarding the previous Budget seminars Members commented that the implications of making changes to budgets would have been useful.

3.2. Other development

It was noted that a Debating Skills course had been arranged for a number of Members on 23rd March, 2016.

The contents of the All Wales E-learning Academy [AWA] training was noted.

3.3. Modern.gov

- a) The Working Group noted that details of Members' development and their attendance was available on Members' individual pages of the website via the Modern.gov system. The Working Group was also shown Members' attendance details on the website. Members were advised that any

inaccuracies should be raised with officers to enable them to investigate and amend.

In respect of attendance details, the Working Group noted that the Standards Committee would be asked to consider what attendance details should be shown on the system. Currently working groups were shown but these were not taken into account when assessing members' attendance levels. There was an argument to show members' attendance at working groups to reflect their actual level of work.

- b) It was noted that Members had received the Modern.gov user guidance. It was agreed that sessions on how to access agendas and how to use the Agendas, should be undertaken during the next round of Committee meetings [excluding Full Council and Planning, Taxi Licensing & Rights of Way Committee] to support Members in their usage of the new system.

4.	MEMBERS' BUSINESS CARDS AND NEWSLETTERS	MDWG4-2016
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The Working Group received the updated report on the provision of Members' business and calling cards etc. The basic cost of production was noted.

It was agreed that:

- details of costs based on the provision per household be provided for consideration at the next meeting
- Newsletters would not be produced/provided via the Member Support Unit. Where Members produced their own newsletters, they would not be allowed to claim the costs via their expenses claims.

5.	INFORMATION FOR NEW PORTFOLIO HOLDERS	MDWG5-2016
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The Working Group noted the comments received from the Portfolio Holders on the draft information for Portfolio Holders. It was noted that the information would be collated into a document for further review by the Working Group and Portfolio Holders.

6.	2017 COUNCIL ELECTION	MDWG6-2016
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The Working Group noted that the Work Programme for the review and development of the following, which was required in preparation for the 2017 County Council elections:

- Candidate Information - to consider the draft "Be a Councillor 2017" draft produced by the Welsh Local Government Association [WLGA]
- Induction Programme
- Member Information Pack.

County Councillor L V Corfield (Chair)

DSC12 - 2016

MINUTES OF A MEETING OF THE JOINT CHAIRS AND VICE-CHAIRS STEERING GROUP HELD AT COMMITTEE ROOM A - COUNTY HALL, LLANDRINDOD WELLS, POWYS ON FRIDAY, 20 NOVEMBER 2015

PRESENT:

County Councillors D R Jones, S C Davies, E M Jones and JG Morris

In attendance:

Officers: Peter Jones (Professional Lead - Strategic Planning and Performance), Liz Patterson (Scrutiny Officer), Clive Pinney (Solicitor to the Council), Lisa Richards (Scrutiny Officer) and Wyn Richards (Scrutiny Manager and Head of Democratic Services)

1.	APOLOGIES	JCSG1
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John Brautigam, Paul Griffiths (Strategic Director – Place); Amanda Lewis (Strategic Director – People); Jeremy Patterson (Chief Executive), David Powell (Strategic Director – Resources).

2.	DRAFT NOTES - FOR CONSIDERATION	JCSG2
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Documents Considered:

- Draft Notes – 20th May, 2015

Issues Discussed:

- Item 2 – Service Improvement Plan Scrutiny – Of 156 comments made by scrutiny, 69% of the comments had been accepted and there was no change in response to 31% of the comments.
- Community benefits policy – it was noted that this was being considered at the Cabinet meeting on 24th November. Members requested an update on the current position.

Outcomes:

- **Draft Notes were Noted.**

3.	DISCUSSION WITH THE CHIEF EXECUTIVE, STRATEGIC DIRECTOR / DIRECTOR REGARDING POTENTIAL SCRUTINY ITEMS.	JCSG3
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Documents Considered:

- None

Issues Discussed:

- As the relevant officers had presented apologies for meeting the item was not discussed.

4.	WAO ANNUAL IMPROVEMENT REPORT	JCSG4
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Documents Considered:

- Wales Audit Office – Annual Improvement Report 2014-15 – August 2015

Issues Discussed:

- Corporately there were no recommendations forthcoming from the WAO report. The only recommendations attached to the report were those arising from national reports undertaken by the WAO. It appeared that the WAO were undertaking more national rather than local studies. The likelihood would be that the WAO would test the Council over the next 12 months on how it had reacted to national report recommendations.
- The timescale for the development of the tracker for performance monitoring which had been agreed with the Joint Chairs had slipped due to staffing efficiency savings and was being re-considered.
- Agenda page 19 – Recommendation P2 – it seemed that the WAO were expecting the Council to reduce budgets without compromising services. However it was clarified that this was not the case and the WAO were more likely to be interested in the Council's understanding of what could be delivered with a reduced financial package.
- Agenda page 46 – Staffing data – Members requested an explanation of the staffing data to assess whether the figures in the report were both accurate and up to date to 2015.
- Agenda page 19 – Recommendation P2 – question regarding the inclusion of service levels in Impact Assessments. It was clarified that it was up to the service to decide what is included in the assessment. The process of impact assessments had been tightened up based on last year's experience and emerging legislation. All the current budget proposals are subject to a single impact assessment, with the aim that these assessments would be updated over time.
- Assessments could also be added to the risk register as a means of tightening the process.
- Members expressed concern as to whether all last year's savings had both been identified and achieved. Concern was also expressed as to whether the Council would get to a point where it was only providing core services.
- Agenda page 19 – Recommendation P4 - the review of scrutiny following the national review needed to be updated as the Joint Chairs had previously felt that the document tried to achieve too much in too short a timescale and that it required re-prioritisation.
- It was recognised that the need to assess the impact of scrutiny was not very robust and would need to be improved.
- It was noted that reporting back from Cabinet to scrutiny required strengthening and it was suggested that the Democratic Services Committee be asked to consider this for inclusion in the Constitution.
- Details should also be included on the Cabinet Forward Work Programme of any forthcoming scrutiny reports which would be considered by the Cabinet.
- The Joint Chairs requested that a copy of the new Single Impact Assessment form be circulated. It was suggested that a percentage of these assessments would need to go through the scrutiny process and there would need to be a discussion at officer level as to how this was undertaken.
- Members expressed concern that there were difficulties being encountered by the Council in employing to part time jobs especially for jobs over 16 hours which would affect entitlement to benefits. It was suggested that the Employment Committee be asked to consider this matter.

Outcomes:

	Action	Completion Date	Action By
(i)	Recommended to the Democratic Services Committee that the Constitution be strengthened to improve the reporting back on scrutiny recommendations by the Cabinet.	01/16	WR
(ii)	That the Employment and Appeals Committee be asked to request a report regarding vacancies.	12/15	WR
(iii)	That a copy of the single impact assessment be circulated to the Joint Chairs.	12/15	WR / PJ

5.	PERFORMANCE REPORTS	JCSG5
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Documents Considered:

- None.

Issues Discussed:

- A referral from the Audit Committee – Finance and Performance Working Group was considered regarding the performance information currently provided to scrutiny.
- A number of concerns had been raised but as the Vice-Chair of the Audit Committee was not present who could present the detail, it was suggested that the item be deferred to the next meeting.
- It was suggested that the Finance and Performance Working Group should be looking at the quality of the process rather than detailed performance reports. It was also suggested that there was a need for better service improvement plans, so that there was not only a setting of objectives but also expected outcomes.

Outcomes:

	Action	Completion Date	Action By
(i)	That the item be deferred to the next meeting	22/01/16	WR
(ii)	That a meeting be convened between the Chair, Scrutiny Manager, and the Professional Lead – Strategic Planning and Performance prior to the next meeting.	22/01/16	WR / PJ

6.	SOCIAL CARE	JCSG6
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Documents Considered:

- None

Issues Discussed:

- Concerns were expressed by Adult Social Care relating to the multiple scrutiny of the service by the Audit Committee, the Internal Audit Working Group, the Finance Scrutiny Panel and the Adult Social Care Working Group.
- It was suggested that the Audit Committee should pass on its concerns to the scrutiny group or that greater cooperation should be undertaken between the Audit and People Scrutiny Committee and their groups. This

had been tried in the past but had had limited success as each group have different terms of reference and come to a joint group with different levels of knowledge.

- It was suggested that scrutiny was looking at issues from different perspectives and a more holistic view was required to better co-ordinate work and ensure that services are subject to the appropriate levels of scrutiny.

Outcomes:

- **Noted.**

7.	COMPOSITION OF SCRUTINY COMMITTEES	JCSG7
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Documents Considered:

- None.

Issues Discussed:

- The Joint Chairs was asked to consider the composition of the Council's scrutiny committees arising from a budget line in the current draft budget which required the Council to reduce the cost of committees.
- This had been considered at a recent meeting of the Audit Committee, and that committee felt that as a minimum every Member should sit on at least one committee.
- The meeting noted that the responsibilities of scrutiny was continually changing and being increased e.g. recent addition of school scrutiny by Estyn.
- Members considered that the Council needs to consider why committees are needed and then how many it needed. It was further suggested that as a starting point there should be a discussion of this matter by group leaders.
- The questionnaires sent to Councillors in 2012 should be revisited to see whether Members' time preferences for meetings had changed. Consideration should also be given to which Members did not attend meetings.
- It was questioned whether scrutiny should be undertaking more of a social research role rather than looking at day to day operation of services.
- It was acknowledged that the Council needed to work differently and that the committee structure needed to change to reflect this.

Outcomes:

	Action	Completion Date	Action By
(i)	That the group leaders consider the composition of Council committees		WR
(ii)	That changes need to be in place before May 2017 at the latest. However changes should be made as soon as possible.		
(iii)	That the questionnaire should be re-sent to Members seeking their views about the timing of meetings.		WR

8.	UPDATE - REVIEWS IN PROGRESS	JCSG8
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Documents Considered:

- Update on current reviews in progress

Issues Discussed:

- Some of the items considered in the previous notes were not included in the update (minute item 3). However it was noted that some of these items had been picked up within the current workload by Working Groups.
- It was suggested that the Working Groups should feed back to the Joint Chairs identifying any issues or blockages to get their work completed.

Outcomes:

	Action	Completion Date	Action By
(i)	Chairs of committees to report back to the next meeting on where there are issues being faced by Working groups.		

9.	WORK PROGRAMME	JCSG9
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Documents Considered:

- Work Programme for 2015-16

Issues Discussed:

- None

Outcomes:

- **Noted.**

10.	DATES OF NEXT MEETINGS - FOR INFORMATION	JCSG10
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- 22nd January, 2016
- 18th March, 2016
- 13th May, 2016
- 15th July, 2016
- 16th September, 2016
- 25th November, 2016

11.	DRAFT NOTES OF PREVIOUS MEETING(S)	JCSG11
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Documents Considered:

- 11th June, 2015
- 24th September, 2015

Issues Discussed:

- None.

Outcomes:

- **Noted.**

12.	LSB DATES - FOR INFORMATION	JCSG12
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- 3rd December, 2015
- 10th March, 2016
- 9th June, 2016

- 22nd September, 2016
- 1st December, 2016

13.	LSB SCRUTINY COMMITTEE	JCSG13
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Documents Considered:

- None

Issues Discussed:

- It was reported that the current position on appointments to the LSB Scrutiny Committee is as follows:
 - Powys Local Health Board – appointment under discussion.
 - Powys Community Health Council – appointment under discussion.
 - Police and Crime Commissioner – declined offer at present but will review at a later date.
 - PAVO – Vice-Chair appointed – Mr Martin Nosworthy.

Outcomes:

- **Noted.**

**County Councillor J.G. Morris
Chair**

MINUTES OF A MEETING OF THE JOINT CHAIRS AND VICE-CHAIRS STEERING GROUP HELD AT COMMITTEE ROOM A - COUNTY HALL, LLANDRINDOD WELLS, POWYS ON FRIDAY, 22 JANUARY 2016

PRESENT: County Councillor J.G. Morris (Chair)
County Councillors S.C. Davies, G. M. Jones and Mr J. Brautigam (Independent Lay Member).

Officers: D. Powell (Strategic Director – Resources), J. Lewis (Head of Professional Services and Commissioning), N. Philpott (Interim Director PCC / PtHB Integration Development), P. Jones (Professional Lead – Strategic Planning and Performance), L. Richards (Scrutiny Officer), W. Richards (Scrutiny Manager and Head of Democratic Services).

1.	APOLOGIES	JCSG1 - 2016
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Members: County Councillors D.R. Jones, L.V. Corfield, M.J. Dorrance, E.M. Jones.

Officers: P. Griffiths (Strategic Director – Place), L. Patterson (Scrutiny Officer), C. Pinney (Solicitor to the Council).

The Chair commented that it was important that there was good attendance at meetings of the Steering Group, which would mean that at least one of the representatives from each Committee was present.

2.	DRAFT NOTES - FOR CONSIDERATION	JCSG2 - 2016
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Documents Considered:

- Draft Notes – meeting held on 20th November, 2015.

Issues Discussed:

- None

Outcomes:

- **Noted.**

3.	DISCUSSION WITH THE CHIEF EXECUTIVE, STRATEGIC DIRECTOR / DIRECTOR REGARDING POTENTIAL SCRUTINY ITEMS.	JCSG3 - 2016
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Documents Considered:

- None.

Issues Discussed:

- The Chief Executive had asked that the following matters be raised with the Steering Group:
- **Corporate Assessment.** Scrutiny has a role to consider how prepared is the Council for the Corporate Assessment which will take place in the Autumn of 2016. Part of the review will also look at scrutiny and therefore how prepared is scrutiny for the review.
- The Steering Group was advised that the Solicitor to the Council was holding monthly meetings with the scrutiny team in preparation for the assessment. The Scrutiny Manager was currently looking through

Joint Chairs and Vice-Chairs Steering Group – 22nd January, 2016

corporate assessment review reports from other Councils in Wales to try to identify common themes as well as issues for scrutiny in Powys. Once this was completed the action plan which had been started following the Wales Audit Office review of scrutiny in Wales some years ago (which the Steering Group considered to be too complicated at the time), would be revisited and rewritten to identify those issues which could be addressed prior to the assessment, and those issues which would need to be addressed following the assessment. The action plan would also need to consider the implications of the Draft Local Government (Wales) Bill as this might become statutory by the end of 2016.

- It was suggested that examples of good practice in England should be considered as well as looking at Councils in Wales. The level of staffing resources across authorities should also be considered.
- **Commissioning.** The Council still has a long way to go with commissioning. The question was asked as to whether there is enough in service work plans in relation to commissioning e.g. Residential Care, Highways. It was suggested that the Steering Group should look at the work of the Commissioning and Procurement Board and the governance of commissioning within the Council.
- It was noted that the Adult Social Care Group was undertaking some work on elements within Social Care. However concern was expressed that there were forthcoming commissioning events e.g. the BUPA contract, and scrutiny needed to seek clarity as to where the Council was with the re-commissioning of these services.
- In relation to the Commissioning and Procurement Board it was suggested that information on the activities of this Board should be considered at the next meeting of the Steering Group following which elements of work could be distributed to working groups for consideration.

Outcomes:

Action	Completion Date	Action By
Information on the role and activity of the Commissioning and Procurement Board in the governance of commissioning be considered at the next meeting of the Steering Group	18 th March, 2016	WR
Scrutiny Action Plan to be presented to next meeting for consideration	18 th March, 2016	WR

4.	ASSESSING THE POTENTIAL IMPACT OF SCRUTINY	JCSG4 - 2016
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Documents Considered:

- Draft template for the assessment of the potential impact of scrutiny.

Issues Discussed:

- The template had been drawn together using the Council's new SIIA (Single Integrated Impact Assessment) as a basis. The template would need to be tested but it was a starting point to try and assess, when a review was being started, as to what the potential impact of the review could be. It was acknowledged that in reality the evaluation of the impact of a review would happen some time after the review had concluded.

- The SIIA should be included as part of scrutiny’s assessment of risk and should also contribute towards the programming of the scrutiny work programme.
- The important element would be to capture what value scrutiny brings to the consideration of an item. It was suggested that the following could be added to the template to show the impact of scrutiny:
 - Has scrutiny identified an issue before the regulator identifies it?
 - Has scrutiny caused a change to activities e.g. by means of corporate learning?
 - Has scrutiny addressed an identified risk in the risk assessment?
 - Has scrutiny improved the reputational position of the Council?

Outcomes:

Action	Completion Date	Action By
Document agreed but should be amended to include the additional items above.	February, 2016	WR

5.	CORPORATE ASSESSMENT	JCSG5 - 2016
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Documents Considered:

- None

Issues Discussed:

- Presentation by Jason Lewis, Head of Professional Services and Commissioning. The corporate assessment is expected to take place in the 3rd quarter of 2016. KPMG have been commissioned to assist the Council in preparing for the assessment by identifying where the gaps are. The feedback from the Wales Audit Office (WAO) over the last few years has been good. The Strategic Director – Resources is speaking to colleagues in other Councils to assist in informing the Council’s approach to the assessment. A co-ordination group has been established to draw together the Council’s plan.
- There is no guide from the WAO as yet as to what is required. Detailed briefings will be provided at a later date, including to Members. There are some common elements to most assessments including governance and scrutiny, future changes, self awareness and learning. The Steering Group asked if scrutiny would be involved in the co-ordination group and it was confirmed that it would. It was also confirmed that the Council were working with the Local teaching Health Board in relation to strategic workforce planning as the Council needed to assess what resources it would need once the transformational changes had been completed.

Outcomes:

- **Noted.**

6.	NEW CORPORATE PLAN	JCSG6 - 2016
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Documents Considered:

- None

Issues Discussed:

- Tony Garthwaite was assisting the Council on planning for change. Although the Council is doing much which is right such as including improvement objectives in the Corporate Plan, there is a need for the Corporate Plan to show what the Council is intending to do itself rather than what the Council is going to do in conjunction with its partners. The new plan will come into force from 1st April, 2016 – a new corporate improvement plan which will include the Council's key objectives.
- The commitments in the current One Powys Plan, the 3 year Medium Term Financial Plan (MTFP) and Service Improvement Plans (SIPs) need to be pulled together in one place with a tracking mechanism to oversee what is happening. The new plan will therefore not be a new document but a drawing together of objectives included elsewhere. There will also need to be a scrutiny input into this process. The Strategic Director – Resources confirmed that he had met with the Local teaching Health Board to discuss how to bring together corporate planning between the two organisations.
- The Steering Group asked if the One Powys Plan was still achievable based on the financial cuts the Council was facing? The plan is a 3 year plan with an annual review. There is a need to be realistic about the changes, the objectives and what can be achieved, as well as what is the evidence for such changes. The Programme Boards have a responsibility to review their individual objectives and amend them as necessary.

Outcomes:

- **Noted.**

7.	INTEGRATION WITH THE HEALTH BOARD	JCSG7 - 2016
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Documents Considered:

- None.

Issues Discussed:

- The question was asked as to who should be scrutinising the integration process. It was acknowledged that the joint Local Service Board / Public Service Board (LSB / PSB) scrutiny group was slow in getting organised. Funding from Welsh Government was being received to assist the integration process. However much work was going on in the background, although there was little in the way of a policy steer from Welsh Government in terms of integration. It was also acknowledged that change does take time.
- It was suggested that Welsh Government direction to health boards is less clear than the direction provided to County Councils, with Welsh Government planning for health still based on Wales NHS objectives. The recent appointments to the Social Care management team (in respect of integration and the service itself) will assist the current position. It was felt that there may be stronger direction from the Welsh Government following the National Assembly election. There has also been a greater pace for integration in England and Scotland than seen in Wales to date, with service and budget benefits arising from integration. The Council is currently involved in testing prototype initiatives e.g. integrated teams and changed processes. However good examples of integration are where there is a single organisation where people work for a separate single organisation rather than 2 organisations as currently as this changes the culture of those individuals. The Steering Group stressed that any change

Joint Chairs and Vice-Chairs Steering Group – 22nd January, 2016
 needs to ensure that there will be an improvement in services. It was further suggested that the Steering Group should be advised as to where the Council was in terms of integration so that scrutiny was therefore in a position to comment on the pace of the integration process.

Outcomes:

Action	Completion Date	Action By
That the Strategic Director – People and the Chief Executive, PtHB provide an update to the Steering Group at its next meeting on the progress of the integration project.	18 March, 2016	AL / CS

8.	PERFORMANCE REPORTS	JCSG8 - 2016
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Documents Considered:

- None

Issues Discussed:

- The issue arose at a meeting of the Audit Committee – Finance and Performance Working Group on 16th October, 2015 and a number of issues were raised in relation to current performance reports.
- Performance Management recognise the points made by the Working Group. Over the last couple of years the Council has moved ownership of performance to Heads of Service, Directors and service leads. There is a need for services to self evaluate themselves rather than scrutiny having to do this for them. There is a question as to whether the Council continues to push the self evaluation agenda and ownership more to services or whether a harder approach is needed which would have an impact on the Council's central resource. Currently what the central resource is responsible for is undertaking an overview of the process. There is also a need for more honesty in some of the self assessments by services.
- The Strategic Director – Resources commented that what is lacking presently is the challenge process. Ceredigion Council has a different process of challenge where scrutiny acts as observers. Powys has asked if it can view the arrangements in Ceredigion (which will include scrutiny officers) to see if it is a model which can be used in Powys. The Council needs to focus more on the quality of the process rather than change the process itself. The quality and consistency of the objectives being set is also important. Whilst the system currently allows people to ask questions, there seems to be a cultural problem in Powys with few questions being asked.
- The corporate assessment will be interested in the governance process around performance reports. There is a need to feed back the concerns of the Working Group to the Cabinet. It was also suggested that there is a need to restart the Executive Programme Board. The issues raised also need to be considered when Service Improvement Plans (SIPs) are being agreed to ensure that SMART objectives are being set.

Outcomes:

Action	Completion Date	Action By
That the concerns of the Working Group and the Steering Group be forwarded to the	February, 2016	WR

Cabinet for consideration, especially when the SIPs are being agreed.		
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9. WORK PROGRAMME	JCSG9 - 2016
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Documents Considered:

- Steering Group Work Programme.

Issues Discussed:

- The One Powys Plan and the Annual Improvement Report are being undertaken slightly differently this year and therefore there needs to be a discussion between the Scrutiny Manager and the Professional Lead – Strategic Planning and Performance regarding the timescales in the work programme. It was suggested that the Cabinet’s work programme should also be used to inform the scrutiny process and work programmes, and concern was expressed regarding how up to date was the Cabinet work programme.

Outcomes:

Action	Completion Date	Action By
The Scrutiny Manager and the Professional Lead – Strategic Planning and Performance to discuss the timescales in the work programme.	18 March, 2016	PJ / WR
The Chair to discuss the issues regarding the Cabinet work programme with the Leader of the Council	18 March, 2016	JM

10. LOCAL SERVICE BOARD	JCSG10 - 2016
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10.1. Draft Notes of Previous Meeting(s)

Documents Considered:

- Draft Notes – meeting held on 3rd December, 2015.

Issues Discussed:

- None.

Outcomes:

- **Noted.**
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10.2. LSB Dates - For Information

- 10 March, 2016
- 9 June, 2016
- 22 September, 2016
- 1 December, 2016

Issues Discussed:

- None.

Outcomes:

- **Noted.**

11.	DATES OF NEXT MEETINGS - FOR INFORMATION	JCSG11 - 2016
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- 18 March, 2016
- 13 May, 2016
- 15 July, 2016
- 16 September, 2016
- 25 November, 2016

Issues Discussed:

- None.

Outcomes:

- **Noted.**

County Councillor J.G. Morris (Chair)

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