

Democratic Services Committee

Meeting Venue
**Committee Room A - County Hall,
Llandrindod Wells, Powys**

Meeting date
Monday, 9 July 2018

Meeting time
10.00 am

For further information please contact
Carol Johnson
01597 826206
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County Hall
Llandrindod Wells
Powys
LD1 5LG

03.07.18

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

AGENDA

1.	APOLOGIES FOR ABSENCE
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To receive apologies for absence.

2.	MINUTES OF PREVIOUS MEETING(S)
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To authorise the Chair to sign the minutes of the previous meeting(s) of the Committee as a correct record.

(Pages 3 - 10)

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

4.	DRAFT MEMBER DEVELOPMENT STRATEGY 2018-2020
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To consider the draft Member Development Strategy and action plan developed by the Member Development Working Group.

(Pages 11 - 32)

5.	DEVELOPING THE PROMOTION OF INVOLVEMENT IN PUBLIC LIFE PROJECT
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To receive a verbal update on the work on the Project.

6.	CONSULTATION ON DIVERSITY IN LOCAL GOVERNMENT
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To receive the letter from the National Assembly for Wales' Equality, Local Government and Communities Committee and consider developing a response.

(Pages 33 - 40)

7.	SCRUTINY
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To receive and consider the report of the Solicitor to the Council.

(Pages 41 - 92)

8.	MEMBER DEVELOPMENT WORKING GROUP
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To receive the notes of the meeting held on 12th March, 2018

(Pages 93 - 96)

9.	AMENDMENTS TO THE CONSTITUTION
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To receive and consider the report of the Solicitor to the Council.

(Pages 97 - 170)

10.	COMMITTEE CHAIR'S AIDE-MEMOIR
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To consider an aide-memoir for use by Committee Chairs.

(Pages 171 - 172)

Workshop - Creating the Powys Story

Following the meeting the Chair has agreed to hold a workshop led by the Communications Team which will take about 1 hour. The workshop is seeking Members views in creating the Powys story and bring Vision 2025 to life. The areas to be discussed include:

- What we stand for, why we're important and our plans for the future
- About the organisation and the people we serve
- Our past/present/future
- Our vision and values

**MINUTES OF A MEETING OF THE DEMOCRATIC SERVICES COMMITTEE HELD
AT COMMITTEE ROOM A - COUNTY HALL, LLANDRINDOD WELLS, POWYS ON
MONDAY, 16 APRIL 2018**

PRESENT

County Councillor M J Dorrance (Chair)

County Councillors L V Corfield, G Breeze, J Charlton, D O Evans, A Jenner,
J R Jones, D Jones-Poston, D R Price, GD Price, E Vaughan and R Williams

1.	APOLOGIES FOR ABSENCE
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Apologies for absence were received from County Councillor E.M. Jones.

2.	MINUTES OF PREVIOUS MEETING
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The Chair was authorised to sign the minutes of the meeting held on 15 January, 2018 as a correct record.

In response to questions the Head of Democratic Services advised that he was to attend Management Team later this month to discuss the process for using the Local Environment Initiatives & Locality Forums, for keeping Members up to date on issues upon the cessation of the Shire meetings. Officers need to ensure that a process is in place to make the new system works.

In respect of mandatory and other training, Members asked that more training be provided on-line. The Head of Democratic Services advised that the Member Development Working Group was looking at how a mixture of formats for training can be used.

3.	DECLARATIONS OF INTEREST
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There were no declarations of interest.

4.	REVIEW OF THE ROLE OF CHAIR OF COUNCIL AND CIVIC ROLES
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The Committee received the minutes of the Working Group which reviewed the role of the Chair of Council and other Civic roles.

The Committee considered that where extra resources were required for the Chair to undertake their role a business case should be developed. Approval of the request should not be with officers, as has previously been the case, but with Members due to the public interest in such issues.

Although, it was not in the remit of the Committee to consider the provision of a car for the Chair comment was made that any future provision should be equitable with pool cars for staff and not exceed the cost of lease cars for staff. The Head of Democratic Services clarified that the current budget allocation for the Chair's use had recently been reduced to £10k per annum. It was noted that this allocation was available for such things as events and functions during a Chair's term of office.

It was proposed and duly seconded that the penultimate conclusion from the Working Group should be amended to read: The current budget allocation for the Chair's use should be retained. On the Chair's casting vote the amendment was approved.

The Committee noted that in addition to the Chair's budget referred to above, resources were provided to support the Chair in their role and included, staff, postage, a car etc.

It was proposed and duly seconded that the final conclusion from the Working Group should be amended to read: The Chair's role needs to be appropriately supported and resourced subject to a robust business case being approved by the Democratic Services Committee for expenditure outside of the Chair's allowance.

RECOMMEND TO THE COUNCIL THAT	Reason for recommendation
<ol style="list-style-type: none"> 1. The civic roles are valued and should be retained. 2. The roles of Chair, Vice-Chair and Assistant Vice-Chair will be more important now as they absorb the Shire Chair roles as from May. 3. The current rotation for Chair of Council between areas be retained. 4. There is no benefit in moving to a Presiding Member in place of a Chair of Council. 5. There is limited scope for reducing the level of civic salary paid as it does not provide significant savings. 6. The current budget allocation for the Chair's use should be retained. 7. The Chair's role needs to be appropriately supported and resourced subject to a robust business case being approved by the Democratic Services Committee for expenditure outside of the Chair's allowance. 	<p>Response to the resolution passed at Council on 13 July 2017.</p>

5. TIMING OF MEETINGS SURVEY RESULTS

The Committee received the results of the Member Survey regarding the timing of Council meetings.

The Committee noted the comments from some responders regarding the time commitments in addition to the main Council meetings. It was noted that the

Welsh Local Government Association [WLGA] advises that being a councillor is a commitment of three days per week. The Monitoring Officer advised that the legal requirement was the attendance at one meeting every six months. Comment was made that it was becoming more difficult for Members who were employed to get time off work to enable them to meet the increased workload of a councillor. Concerns were also expressed that not all councillors were appointed to a committee.

It was considered that the information from the survey should be shared with the WLGA. In addition the views of Members regarding increasing time commitments should be considered and how members contribute to the council should be reviewed.

RECOMMENDATION TO COUNCIL	Reason for Recommendation
That the general timing of meetings of the Council, Cabinet and Committees remain unchanged for the current term of the Council with the provision that Chairs of Committees can vary the times of meetings as needs dictate.	To complete the Members' Survey as required under Section 6 of the Local Government (Wales) Measure 2011.

6. SOCIAL MEDIA GUIDE FOR MEMBERS

The Committee received the draft Social Media Guide for Members which had been developed by a small group of Members. The Chair considered that the Guide was important as social media presented opportunities but also challenges for users. It was acknowledged that once the Guide was approved by Council, this small group of Members could review and update the Guide in response to changes in social media.

The Committee confirmed that the Guide had been developed to help Councillors to use social media in addition to understand how they can do this in a way that protects themselves. Members needed to be able to make their views known but also needed to know the law around online abuse and also appreciate the pitfalls and dangers. It was noted that further training on social media was being arranged for members.

RECOMMENDATION TO COUNCIL	Reason for recommendation
That the Council adopt the Social Media Guide for Members.	To approve the revised Guide.

7. RECOMMENDATIONS FROM JOINT CHAIRS REGARDING SCRUTINY

The Committee considered the report from the Joint Chairs and Vice Chairs Steering Group.

The Head of Democratic Services advised that the report by the Wales Audit Office was awaited on scrutiny in Powys which was also looking at Public Service Board [PSB] Scrutiny. A further report would need to be considered

regarding the allocation of senior salaries after the Leader had confirmed her requirements following the recent changes to the Cabinet.

The following comments on the report was made:

- It was noted that all Committee Chairs receive the same senior salary level and yet the workload can vary greatly
- All Councillors should be mandated to be a member of at least one committee
- Changes should not take place until Members had visited other councils to observe how their scrutiny works
- There should be a lead scrutiny member responsible to Council rather than dispersing the role across four chairs

The informal views of the Education Scrutiny Committee B were noted as follows:

- The current scrutiny arrangements do not work
- The membership of the Education Scrutiny Working Group and Children Scrutiny Working Group is the same
- Education and Children services and Portfolios will become more aligned in the future
- Both Education and Children scrutiny have huge workloads.

The Head of Democratic Services advised that the changes needed to be made at the Council's Annual meeting as the Improvement and Assurance Board was monitoring the Council on its pace of change. Once changes had been agreed a programme of development would be implemented for scrutiny committees.

Although it was recommended that nine councillors would be appointed to the proposed scrutiny committees there was always the option to co-opt additional members. In response to comments the Head of Democratic Services advised that discussions would take place with Group Leaders regarding the proposals, so that Groups could consider their allocations to the proposed scrutiny committees prior to the Annual Council meeting. It was noted that scrutiny committees should be politically balanced.

It was moved and duly seconded that as soon as possible work is undertaken to set out the responsibilities, powers and duties of the proposed scrutiny committees.

RESOLVED	Reason for decision
that as soon as possible work is undertaken to set out the responsibilities, powers and duties of the proposed scrutiny committees.	To ensure that the new scrutiny structure is reflected in the Constitution - Section 7.

RECOMMENDATION TO COUNCIL	Reason for recommendation
(i) That the recommendations of the Joint Chairs and Vice-Chairs Steering Group set out in paragraph 2.5 (items (i) to (ix) [in the officer's report) be	To complete the review of the Scrutiny Committee structure.

<p>approved.</p> <p>(ii) That the Constitution be amended to reflect the changes in the scrutiny committee structure. The Chair and Vice-Chair of the Democratic Services Committee be given delegated authority to approve the wording of the amended Constitution.</p> <p>(iii) That the report to Council on the Constitutional changes should include a full list of the various options open to Council to fund the additional Senior Salary.</p>	
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RESOLVED	Reason for decision
That work be undertaken to consider changing the Constitution to require all Councillors to be appointed to at least one Committee.	To ensure that the requested change is legal.

County Councillors J. Jones, D Price and E Vaughan left the meeting for other Council business.

8. WOMEN'S EQUALITY NETWORK'S (WEN) MENTORING SCHEME

The Committee noted Member involvement in the Women's Equality Network's Mentoring Scheme. The Committee was advised that County Councillor Jackie Charlton had, as a mentor, been matched with a mentee. However, at the moment County Councillor Beverly Baynham had not been matched with a mentee.

County Councillor Charlton considered that it was good that the Council was involved in this Scheme. She advised that although there were no funds to support the Scheme, the Wales Equality Network had agreed to meet her mentee's travelling expenses due to her specific needs.

The Head of Democratic Services was asked to discuss the issue of providing financial support to those involved in the scheme, with the WLGA, as without support this was a barrier to involvement.

County Councillor Charlton agreed to share the paperwork for the scheme with officers. It was noted that a mentor scheme had previously been developed by the Council but this needed to be reviewed.

RESOLVED	Reason for decision
That officers investigate how the Council supports the travel	To encourage and support Powys County Councillor involvement in

expenses of Powys County Councillors who are Women's Equality Network's mentors.	a national scheme.
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9.	WORK PROGRAMME
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9.1. Work Programme

The Committee noted the Work Programme and that issues highlighted during the meeting would be added to this.

9.2. Developing the promotion of involvement in public life

The Committee noted the report regarding developing the involvement of people in public life and received a verbal update from the Chair.

RESOLVED	Reason for decision
That County Councillors J Charlton, M. Dorrance, A Jenner, D Poston-Jones and R Williams form a Working Group to plan and set the priorities.	<p>To establish an area of work in the Committee's work programme.</p> <p>To promote democratic engagement and participation regardless of background, gender, disability or race.</p>

10.	MEMBER DEVELOPMENT WORKING GROUP
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The Committee received the notes of the Member Development Working Group held on 13 November, 2017.

In response to a question, officers advised that they would establish whether those members who had recently undertaken General Data Protection Regulations [GDPR] training for school governors would be required to attend the session for Members on 20 April, 2018. Comment was made that the data protection training should focus on what Members needed to do in respect of the day to day management and use of personal data rather than the technical issues of the law.

10.1. Use of electronic voting system in the Council Chamber

The Committee noted the recommendation from the Member Development Working Group [MDWG] regarding the electronic voting system.

The Head of Democratic Services advised that since the MDWG meeting he had reviewed the system and discussed the issue with the Councillor who had raised the issue. He stated that he would now use a different template on the system for recording the individual votes and review this after the next meeting. The Member indicated that the different template was an improvement as it did show who was present at the meeting or not.

11.	REVISION TO SECTION 13 - RESPONSIBILITY OF FUNCTIONS
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The Committee considered the recommendation from officers that the Monitoring Officer be given delegated authority to change the details of Portfolio Holder's responsibilities, contained in the Constitution, when amendments are made by the Leader.

RECOMMENDATION TO COUNCIL	Reason for recommendation
that the Monitoring Officer be given delegated authority to change the details of Portfolio Holder's responsibilities, contained in the Constitution, when amendments are made by the Leader.	To ensure that the Constitution is kept up to date.

County Councillor M J Dorrance (Chair)

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CYNGOR SIR POWYS COUNTY COUNCIL.

Democratic Services Committee

9th July, 2018**REPORT AUTHOR:** Scrutiny Manager and Head of Democratic Services**SUBJECT:** Member Development Strategy**REPORT FOR:** Decision**1. Summary**

- 1.1 The report asks the Committee to make a recommendation to the County Council to approve the Member Development Strategy and Action Plan.

2. Background

- 2.1 The Member Development Working Group has been reviewing the Member Development Strategy which was first developed in 2011. The Working Group considered revisions to the strategy at its meetings in March and June, 2018 and in addition an action plan has been developed.
- 2.2 The Draft Member Development Strategy 2018-2022 sets out how the Council will support its Members in the roles that they undertake, details how the Member Development Programme is developed and its effectiveness evaluated. The Action Plan sets out how the Council will implement the strategy.
- 2.3 The Member Development Strategy is a key document in setting out the Council's approach towards supporting its Members and was also a key component of the evidence provided to the Welsh Local Government Association which resulted in the Council being re-awarded the Charter for Member Support and development earlier in 2018.

3. RECOMMENDATION.

Recommendation to the Democratic Services Committee	Reason for Recommendation:
That the Draft Member Development Strategy and Action Plan 2018-22 be approved for consideration by the Council at its meeting on 12th July, 2018 as set out in the Appendix to the report.	To update the Council's Member Development Strategy for the period 2018 - 2022.

Relevant Policy (ies):	
Within Policy:	Y
Within Budget:	Y / N

Relevant Local Member(s):	
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Person(s) To Implement Decision:	Wyn Richards, Scrutiny Manager and Head of Democratic Services
Date By When Decision To Be Implemented:	July 2018.

Contact Officer:	Wyn Richards, Scrutiny Manager and Head of Democratic Services.
Tel:	01597-826375
Email:	wyn.richards@powys.gov.uk

Background Papers used to prepare Report:

MEMBER DEVELOPMENT STRATEGY 2018 -2022

Approved by the County Council on **xxxx**
Version **x**

Add in Index

Forward by the Leader of Council, Chief Executive and Chair of Democratic Services
Committee

Member Development Strategy for Powys

1. Introduction

- 1.1** Since the adoption of the previous Strategy in 2011 local government in Wales has undergone huge changes. Further major structural changes are expected to take place over the time period of this Strategy. In addition to changes in the structure of local government, the need to become a commissioner of services, to work in partnership with a range of organisations and the future financial constraints on the authority will mean that the Council and role of elected Members will need to change and develop to meet the needs of their communities.
- 1.2** These changes are making it more important than ever for Members to continuously develop their range of skills and knowledge to ensure they are able to meet these challenges, opportunities and risks and feel fulfilled in discharging their duties. Therefore, as with the expectations of an employee of an organisation, there is an expectation that development opportunities will be provided for Councillors to enable them to undertake their role effectively.
- 1.3** This Strategy has been produced in consultation with Councillors.

2. Aims of the Strategy

- 2.1** The Strategy aims to:
- Equip Members, with a wide variety of skills and knowledge and competencies to fulfil their various roles
 - Encourage Members in their own development, as a Councillor and take up opportunities to develop their knowledge, skills and expertise during their term of office
 - Ensure Political Groups and Political Leaders are committed to the various aspects of the Members' Programme
 - Ensure the Members' Programme contributes to the Council's Vision 2025 – Open and Enterprising – where the Council is:
 - – Working with communities, residents and business
 - – Willing to look at new ways of working and delivering services
 - – Focussing on solutions rather than problems.

3. Supporting Members in their roles

- 3.1** Members are required to undertake demanding and varied roles and consequently their development needs are equally challenging and numerous. In addition, Members bring knowledge, skills and experience to their role as a Councillor. These need to be acknowledged and used, where appropriate, to benefit other Members and/or the work of any Committees.
- 3.2** Experience has also shown that “development” needs will vary during the term of office and are also dependent on the specific roles undertaken within the Council. These needs can be divided into the following:
- Core [essential] Knowledge and Skills
 - Corporate Development
 - Service Specific Issues
 - Specific Committee Issues

Appendix 1 provides an overview of the Members' Programme, to support Members in their various roles. The Programme will be delivered in a phased way and will include induction, ongoing development and refreshers and development meeting the needs of individuals.

3.3 In the past some councillors have indicated that they do not need any "development or training".

It is important to recognise that "development" can not only provide Members with new skills but also knowledge about services etc. Each year the Members' Programme will be agreed and will consist of:

- Mandatory development:
 - (i) Sessions which all Members must complete and may be either provided on two occasions per annum or be available on eLearning and
 - (ii) Committee specific sessions, which all Members of such committees must complete
 - (iii) Ad hoc mandatory development in response to changes in legislation and/or in response to issues raised within the Council
- Member development – opportunities to develop skills such as chairing meetings, understanding financial information, leadership
- Members' briefing sessions – briefings which will develop members understanding of issues, new policies, legislation, ways of providing services, role of voluntary and other organisations etc.

3.4 Each year the Council diary of Committee dates is published. This diary will include dates for the Members' Programme and the Mandatory development dates and topics will be identified. These details will also be included in Members' outlook diaries.

3.5 The Member Development Working Group [MDWG] will develop a rolling three month Members' Programme and details of topics will be promoted to Members. The MDWG will also ensure that the Members' Programme is delivered in a variety of ways including seminars, workshops, eLearning to ensure access. The Council is committed to review how digital technologies and other options for providing the Members' Programme can be used to support and enable Members access the Programme.

3.4 In addition to participating in the Members' Programme, Members are encouraged to attend courses provided for officers to develop contacts and relationships between them and officers. Where a course is attended by one member they should advise the MDWG whether such a course should be provided to all other members, as part of the Members' Programme and whether any adjustments should be made to make the course more relevant for members.

3.5 Members will also be encouraged to participate in development/ briefing sessions held across Wales, such as those organised by the Welsh Local Government Association [WLGA] and where feasible joint sessions will be developed by PCC with other authorities.

4. How the Members' Programme is created

4.1 The involvement of members, officers, political groups, committees and others is detailed below:

- a. Individual members** - It is important that individual members take responsibility for their development and commit to continually develop and update their knowledge and skills. They are expected to:
- identify their own development needs, with support from peers or officers, either by completing a Training Needs Analysis [TNA] or undertaking a Personal Development Review [PDR]
 - complete all Mandatory Member Development, where required
 - attend Member Development and Briefing Sessions to support them in their various roles
 - evaluate the Members' Programme and identify areas for possible future provision so that members' needs are met
 - use their new knowledge and skills within their various roles
 - share knowledge, skills and information with other members.

- b. Democratic Services Committee [DSC]** - The DSC will provide direction in respect of the development and support requirements of Members. The DSC has established a politically balanced, Member Development Working Group [MDWG], which is supported by officers.

The MDWG undertakes the following and reports to the DSC as required:

- oversees the development of the annual Members' Programme,
- considers requests for additional member sessions from members, political groups, directorates and Management Team,
- reviews the evaluation of sessions
- ensures that members' individual needs are met
- develops guidance to support member development
- reviews and develops the Council's application for the Wales Charter for Member Support and Development.

- c. Political Groups** – Groups should promote member development opportunities and also encourage and support members' participation. Political Groups should forward their views on member development to the MDWG via their representatives on the Working Group. The MDWG will also seek the views of Political Groups when appropriate.
- d. Political Group Leaders** – Group Leaders should manage members' attendance at Mandatory Development and monitor members' attendance at other member sessions. The MDWG will advise Group Leaders of the non-attendance or non-completion of Mandatory Development and attendance at other sessions. The MDWG will ask Group Leaders for their assistance in ensuring any non-compliant members complete the required mandatory development and find out why they have not attended other development sessions.
- e. Portfolio Holders, Directorates and Departments** – should identify issues for Member development and Member Briefing sessions. Those requesting sessions will be required to complete a Member Development summary form providing information about the session and its aims and objectives. This information will then be considered by the MDWG.
- f. Head of Democratic Services** – will ensure that the Members' Programme is produced, opportunities for development are utilised by the Council, including opportunities for networking with Members from other public bodies both within and outside Powys and that the day to day management of all aspects of Members'

Programme is undertaken. The Head of Democratic Services will consider good practice in other authorities etc. when arranging development and briefing activities.

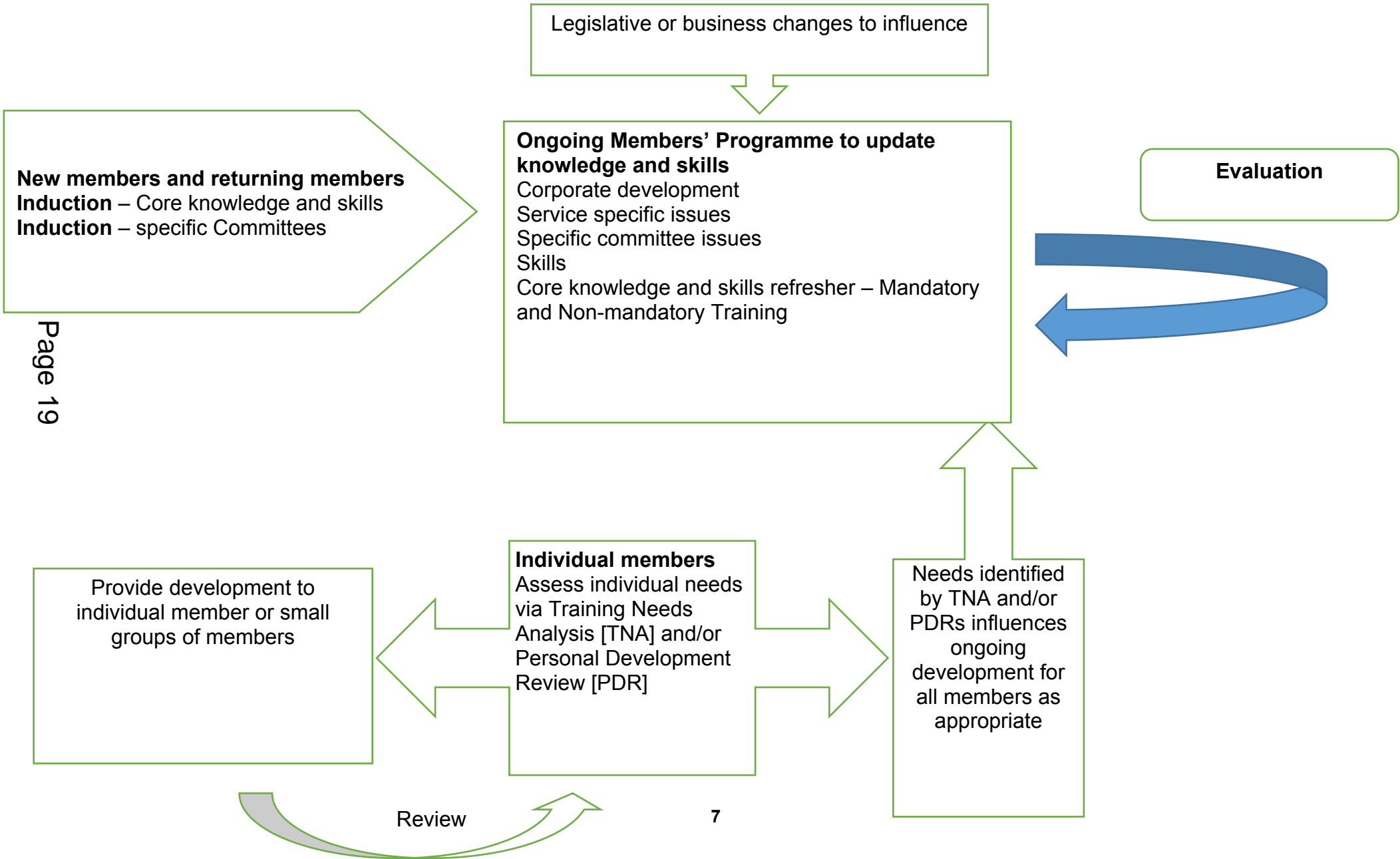
- g. Welsh Local Government Association [WLGA]** – WLGA guidance, support and expertise will be used throughout the development of the Members' Programme.

5. Evaluating effectiveness

- 5.1** Evaluating the effectiveness of the Members' Programme will be continuous and be undertaken by the MDWG to enable it to inform and strengthen the future Members Programme.
- 5.2** Evidence on the effectiveness of member development will be gathered in a variety of ways including:
- Member comment forms and feedback after individual events
 - Online survey of the induction programme
 - Assessment by individual members of the impact of learning on their effectiveness when considering their individual training needs.
- 5.3** The Members' Programme will be delivered using a mixed economy of in-house sessions, outside trainers and the MDWG will also consider the costs of the development activity against the benefits derived.

6. The Way Forward

- 6.1** The MDWG and DSC will develop an action plan to support the Strategy and will deliver the action plan and update this as appropriate, to ensure it continues to be relevant.
- 6.2** Minutes of the MDWG are received by the DSC. The MDWG will recommend issues to the DSC for consideration and adoption or recommendations to Council. Relevant issues from the MDWG will be reported to the Standards Committee and the latter's views will be sought on issues as required. The Standards Committee and other Committees may ask the MDWG to undertake specific pieces of work and the latter will be added into the action plan.



Induction – Core knowledge and skills for new members and returning members

New Members

Mandatory Induction Programme - Core Knowledge and Skills to enable New Members to become effective new councillors. These sessions to run from May to July including:

- Introduction to the Council's priorities, policies, services and structures
- Understanding how the Council works, including committee processes
- Overview of work and remit of each committee
- Meeting key senior officers
- Partner engagement, including Health, Police, Third Sector etc.
- Local Government Finance

All members

Mandatory Induction Programme - Core Knowledge for all Members to enable them to become effective councillors. These sessions to run from May to July including:

- Code of Conduct
- Child protection and vulnerable adults
- Data Protection Act

All Members not on the Planning, Taxi Licensing & Rights of Way Committee dealing with planning issues –

- Planning Protocol regarding the roles of the local member in planning

Specific committees - Detailed development for Committee Members to enable them to undertake their duties on specific Committees. Members will be unable to participate in these Committees until this development has been completed.

Ongoing Member's Programme to develop and update knowledge and skills

Mandatory development – sessions will be provided during a Council term as required and Members must attend these:

- Code of Conduct
- Child protection and vulnerable adults
- Data Protection Act [DPA] and IT & Information Security
- Treasury Management
- Equalities and Diversity training
- Violence Against Women, Domestic Abuse, Sexual Violence Act 2015 [VAWDASV] training

Corporate development - Members are expected to attend Briefing Sessions to support them in their roles. Sessions cover current issues, responding to needs identified by members, senior officers and in response to proposed changes to legislation etc. including:

- Changes to service provision and new ways of working and delivering services
- Finance and budgets Updates
- Performance management
- Community leadership and partnership working
- Community engagement

Sessions will be videoed and made available to Members

Specific committee issues – development will be provided to specific Committees when required to ensure its membership is kept up to date regarding issues and skills.

Skills – Core IT skills - development is provided to enable members to utilise available IT resources, development includes Microsoft word, email etc, Using the intranet, Members' Portal and internet including the Committee Management System, File management, Keyboard skills, Lync system

Core Knowledge and Skills for holders of specific roles -

- Chaining Skills
- Media Skills
- Public speaking skills/effective vocal skills
- Speed reading
- Effective meetings
- Scrutiny skills
- Presentation skills
- Networking
- Community leadership

Individual member or small groups of members

Courses to meet individual needs – sourced and provided as required.

Leadership Academy – Opportunities exist to attend the Leadership Academy provided via the WLGA

Internal PCC courses -

- E-learning courses available to staff and Members
- Other courses provided internally for staff

WLGA workbooks –

- Chairing Skills
- Community Safety
- Corporate Parenting
- Equalities and Councillors
- Facilitation and Conflict Resolution
- Handling Casework
- Health and Safety in the Council
- Influencing Skills
- Scrutiny of Finance
- The Effective 'Ward' Councillor

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Member Development strategy 2018 – 2022

Item	Action	Action By	Due date for completion	Progress
Member Development Strategy 2018 – 2022	Review previous Strategy and develop a new Strategy and action plan	MDWG recommends to DSC	31.05.2018	12.03.2018 - MDWG considered 1 st draft 20.06.2018 - revised draft agreed with minor additions
		DSC recommends to Full Council	July 2018	
Member Development Strategy 2018 – 2022 action plan	Monitor and update action plan	DSC and MDWG	Ongoing	

Item	Action	Action by	Due date for completion	Progress
Personal Development Reviews [PDRs] for Members in receipt of Senior Salaries [SSs]	Undertake PDRs for Members in receipt of SSs within 3 months of taking up positions	Head of Democratic Services, Cabinet Manager, Democratic Services Officer	Ongoing	PDRs completed with Cabinet and others in receipt of SSs during the period December 2017- April 2018
	Undertake PDRs for Members in receipt of SSs on a rolling two year cycle.	Head of Democratic Services, Cabinet Manager, Democratic Services Officer	By mid 2019 or 2 years after appointment	

Item	Action	Action by	Due date for completion	Progress
	Assess PDRs and develop action plans and feed requests into Members' Programme if required or ensure individual needs are addressed.	Head of Democratic Services	Following PDRs and ongoing	
Personal Development Reviews [PDRs] for other Members	Offer Members PDR opportunities via email or a TNA [see below].	Head of Democratic Services	Ongoing	
	PDRs undertaken when sought and development needs addressed.	Head of Democratic Services	Ongoing	

Item	Action	Action by	Due date for completion	Progress
Training Needs Analysis [TNA]	Review the current draft TNA paperwork and process to make it more usable.	MDWG and recommend TNA to DSC. Agree by DSC.	October 2018	
	Offer members [excluding those in	Head of Democratic Services	Within one month of TNA process being agreed.	

Item	Action	Action by	Due date for completion	Progress
	<p>receipt of a PDR] a TNA or a PDR.</p> <p>Assess TNAs and develop action plans and feed requests into Members' Programme if required or ensure individual needs are addressed.</p>		Ongoing	

Item	Action	Action by	Due date for completion	Progress
Members' Programme - Annual	<p>Review the previous year's programme.</p> <p>Agree and publish annual Member's Programme – showing Mandatory development dates and topics.</p> <p>Agree a rolling programme of Member Development and Members' Briefing sessions.</p>	MDWG	September/December each year	

Item	Action	Action by	Due date for completion	Progress
Requests via PDRs and TNAs	Review requests for development which can be provided to larger groups of Members/all Members and add into the Members' Programme.	MDWG	Ongoing	
Effectiveness of Members' Programme	Consider and develop a process for benchmarking development and measuring change in Members' knowledge and abilities as a result of the Members' Programme.	MDWG recommend to DSC	May 2019	
Review range of development opportunities.	Look at opportunities including joint development with other local authorities, eLearning etc.	MDWG recommend to DSC	December 2018	

Item	Action	Action by	Due date for completion	Progress
Review how Members' Programme can be provided using a range of formats including eLearning, digital, video etc.	Assess feasibility of other formats for programme and utilised those assessed to be cost effective.	MDWG	July 2019	

Item	Action	Action by	Due date for completion	Progress
Roles, Person Specifications and Competencies	<p>Ensure all Members receive a copy of relevant role, person specifications and competencies related to their specific roles.</p> <p>When a change in Committee membership ensure that:</p> <ul style="list-style-type: none"> • the new Member[s] receive a copy of relevant Roles, Person Specifications and Competencies and • any training issues are addressed, to ensure that the 	Cabinet Manager, Democratic Services Officer, Scrutiny Officers	Ongoing	

Item	Action	Action by	Due date for completion	Progress
	Member[s] can participate in the Committee.			
Roles, Person Specifications and Competencies	Review Roles, Person Specifications and Competencies at least once during 2018-2022.	MDWG Consultation with Political Groups and Non-Aligned Member[s]. MDWG recommends to DSC for agreement by County Council.	December 2020	

Item	Action	Action by	Due date for completion	Progress
Mentoring scheme	Review current mentoring scheme.	MDWG	September 2018	20.06.18 – MDWG reviewed and agreed minor changes
	Identify Members of the Council to act as Mentors and arrange training.	Head of Democratic Services	December 2018	
	Identify Members of the Council to be Mentored.		December 2018	

Item	Action	Action by	Due date for completion	Progress
Role of Group Leaders	Review the role of Group Leaders in Member Development and supporting Group members to consider development needs.	Head of Democratic Services discuss with Group Leaders and develop protocol. MDWG consider and recommend to DSC. DSC agrees.	January 2019	

Item	Action	Action by	Due date for completion	Progress
2022 Induction Programme	Review the 2018 Induction Programme and develop a new Induction programme, taking into account views including: <ul style="list-style-type: none"> • 2017 Members survey results, • views of Management Team • members views • mandatory development to ensure Programme topics and dates are agreed for promotion to prospective candidates.	MDWG consulting with Political Groups and Management Team. MDWG recommend to DSC. DSC agrees.	May 2021	

Equality, Local Government and Communities
Committee
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA

4 June 2018

Dear Councillor

Consultation on diversity in local government

The National Assembly for Wales' Equality, Local Government and Communities Committee is undertaking an inquiry into **diversity in local government**.

Terms of reference

The Committee's terms of reference for its inquiry are:

- To understand the importance of diversity among local councillors, including the effect on public engagement, debate and decision making.
- To understand key barriers to attracting a more diverse pool of candidates for local government elections.
- To explore areas of innovation and good practice that may help increase diversity in local government.
- To explore the potential impact of the proposals in the Welsh Government's Green Paper, Strengthening Local Government to increasing diversity in Council chambers.



The Committee would like to invite you, as Council Leader, to submit written evidence to inform its inquiry. It would be helpful if you could use the above terms of reference to frame your response. I have written in similar terms to your Chief Executive and to the Welsh Local Government Association.

If you wish to submit evidence, please send an electronic copy of your submission to: SeneddCommunities@assembly.wales

Submissions should arrive no later than **Friday 24 August 2018**.

Online survey

The Committee is also keen to hear the views of serving council members. We would therefore like to invite all members of your council to take part in an online survey, the results of which will further inform our work. It would be helpful if you could make arrangements to draw the survey to the attention of your members. The survey can be accessed via the following link:

<https://www.surveymonkey.co.uk/r/5Y2K56G>

In addition to the survey, we are hoping to arrange discussion groups with councillors across the regions, in particular those who have successfully overcome specific barriers to participation. I have asked Assembly officials to liaise with relevant local government officers in this regard.

If you or any of your council colleagues wish to speak to someone regarding the inquiry, please use the following contact details:

Committee Clerk

Equality, Local Government and Communities Committee

National Assembly for Wales

Cardiff Bay, CF99 1NA.



Email: SeneddCommunities@assembly.wales

Telephone: 0300 200 6565

I would like to thank you in advance for your assistance.

Yours sincerely,

A handwritten signature in black ink that reads "John". The letters are cursive and connected.

John Griffiths AM

Chair, Equality, Local Government and Communities Committee



Guidance on submitting written evidence

Submissions should be no longer than five sides of A4, with numbered paragraphs, and should focus on the terms of reference.

If you are responding on behalf of an organisation, please provide a brief description of the role of your organisation.

Please see the [guidance for those providing evidence for committees](#).

Bilingual Policy

The Committee welcomes contributions in both or either of our official languages, English and Welsh. Information not submitted bilingually will not be translated and will be published in the language of submission only. We expect organisations to implement their own standards and schemes and to comply with their statutory obligations.

Disclosure of Information

You can find further details about how we will use your information at www.assembly.wales/InquiryPrivacy. Please ensure that you have considered these details carefully before submitting information to the Committee.



Y Pwyllgor Cydraddoldeb, Llywodraeth Leol a
Chymunedau
Cynulliad Cenedlaethol Cymru
Bae Caerdydd
Cardiff
CF99 1NA

4 Mehefin 2018

Annwyl Gynghorydd

Ymgynghori ar amrywiaeth ym maes llywodraeth leol

Mae Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau y Cynulliad yn cynnal ymchwiliad i **amrywiaeth ym maes llywodraeth leol**.

Cylch gorchwyl

Dyma gylch gorchwyl y Pwyllgor ar gyfer ei ymchwiliad:

- Deall pwysigrwydd amrywiaeth ymhlith cynghorwyr lleol, gan gynnwys yr effaith ar ymgysylltu â'r cyhoedd, trafod a gwneud penderfyniadau.
- Deall y prif rwystrau i ddenu cronfa fwy amrywiol o ymgeiswyr ar gyfer etholiadau llywodraeth leol.
- Trafod meysydd arloesedd ac arfer da a all helpu i gynyddu amrywiaeth ym maes llywodraeth leol.
- Trafod effaith bosibl y cynigion ym Mhapur Gwyrdd Llywodraeth Cymru, Cryfhau Llywodraeth Leol i gynyddu amrywiaeth yn siambrau'r Cyngor.



Hoffai'r Pwyllgor eich gwahodd chi, fel Arweinydd y Cyngor, i gyflwyno tystiolaeth ysgrifenedig i gynorthwyo gyda'r ymchwiliad. Byddai'n ddefnyddiol pe gallech ddefnyddio'r cylch gorchwyl uchod i lunio eich ymateb. Rwyf wedi ysgrifennu yn yr un modd at eich Prif Weithredwr ac at Gymdeithas Llywodraeth Leol Cymru.

Os ydych am gyflwyno tystiolaeth, anfonwch gopi electronig ohoni i: SeneddCymunedau@cynulliad.cymru

Dylai cyflwyniadau gyrraedd yn ddim hwyrach na **dydd Gwener 24 Awst 2018**.

Arolwg ar-lein

Mae'r Pwyllgor hefyd yn awyddus i glywed barn aelodau sy'n gwasanaethu ar y Cyngor. Felly, hoffem wahodd pob aelod o'ch cyngor i gymryd rhan mewn arolwg ar-lein, a bydd canlyniadau'r arolwg yn llywio ein gwaith ymhellach. Byddai o gymorth pe gallech drefnu i dynnu sylw'r aelodau at yr arolwg. Gellir ei weld drwy'r linc a ganlyn:

<https://www.surveymonkey.co.uk/r/RLRZKCV>

Yn ogystal â'r arolwg, rydym yn gobeithio trefnu grwpiau trafod gyda chynghorwyr ar draws y rhanbarthau, yn enwedig cynghorwyr sydd wedi goresgyn rhwystrau penodol i gyfranogiad. Rwyf wedi gofyn i swyddogion y Cynulliad gysylltu â swyddogion llywodraeth leol perthnasol yn hyn o beth.

Os ydych chi neu unrhyw un o'ch cydweithwyr yn y Cyngor am siarad â rhywun ynglŷn â'r ymchwiliad, defnyddiwch y manylion cyswllt canlynol:

Clerc y Pwyllgor

Y Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau

Cynulliad Cenedlaethol Cymru

Bae Caerdydd, CF99 1NA



E-bost: SeneddCymunedau@cynulliad.cymru

Rhif ffôn: 0300 200 6565

Diolch ymlaen llaw am eich cymorth.

Yn gywir,

A handwritten signature in black ink that reads "John". The letters are cursive and connected.

John Griffiths AC

Cadeirydd y Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau



Canllaw ar gyflwyno tystiolaeth ysgrifenedig

Ni ddylai'r dystiolaeth fod yn hwy na phum ochr tudalen A4. Dylid rhifo'r paragraffau, a dylai'r dystiolaeth ganolbwyntio ar y cylch gorchwyl.

Os ydych yn ymateb ar ran sefydliad, dylech roi disgrifiad byr o rôl eich sefydliad.

Gweler y [canllawiau i dystion sy'n cyflwyno tystiolaeth i bwyllgorau.](#)

Polisi dwyieithrwydd

Mae'r Pwyllgor yn croesawu cyfraniadau yn y naill neu'r llall o'n hieithoedd swyddogol, Cymraeg a Saesneg, neu'r ddwy. Os na chyflwynir gwybodaeth yn ddwyieithog, ni fydd yn cael ei chyfieithu, a chaiff ei chyhoeddi yn yr iaith y cafodd ei chyflwyno ynddi yn unig. Disgwylwn i sefydliadau weithredu eu safonau a'u cynlluniau eu hunain a chydymffurfio â'u rhwymedigaethau statudol.

Datgelu gwybodaeth

Mae rhagor o fanylion am sut y byddwn yn defnyddio eich gwybodaeth yn www.cynulliadcymru.org/cy/help/privacy/help-inquiry-privacy.htm. Dylech sicrhau eich bod wedi ystyried y manylion hyn yn ofalus cyn cyflwyno gwybodaeth i'r Pwyllgor.



CYNGOR SIR POWYS COUNTY COUNCIL.

Democratic Services Committee – 9th July, 2018

REPORT AUTHOR: Solicitor to the Council

SUBJECT: Scrutiny Committees

REPORT FOR: Decision

1. Summary.

1.1 This report requests that the Committee considers whether to amend the Council Constitution or to provide additional guidance in relation to scrutiny.

2. Background.

2.1 The Democratic Services Committee on 16th April, 2018 made the following decision:

RESOLVED that as soon as possible work is undertaken to set out the responsibilities, powers and duties of the proposed scrutiny committees.	Reason for decision - To ensure that the new scrutiny structure is reflected in the Constitution - Section 7.
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2.2 The present arrangements are set out in Rules 7.6 to 7.9 and Rule 23 of the Constitution (See Appendix A)

2.3 A review of the Constitutions of all 21 other Councils in Wales has been undertaken and the content of those Constitutions generally corresponds with Section 7 of the Council's Constitution.

2.4 In addition whilst undertaking this review it has become apparent that other Councils have also produced additional guidance for their scrutiny committees, and copies of some of the best examples (Monmouthshire and Vale of Glamorgan) are attached for information (See Appendix B).

3. Recommendation.

3.1 To progress this matter the Committee is asked to consider either (i) to revise Section 7 of the Constitution; or (ii) to task officers to produce additional guidance rather than amend the Constitution.

Recommendation:	Reason for Recommendation:
Either: (i) that the Committee authorise the Solicitor to the Council to amend the Constitution and that a	to progress the decision of the Committee on 16th April, 2018

<p>revised draft be presented to the Committee for consideration;</p> <p>or</p> <p>(ii) that the Solicitor to the Council be asked to prepare draft guidance for consideration by the Committee.</p>	
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Relevant Policy (ies):	
Within Policy:	Y / N
Within Budget:	Y / N

Relevant Local Member(s):	
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Person(s) To Implement Decision:	Clive Pinney / Wyn Richards
Date By When Decision To Be Implemented:	October 2018

Contact Officer:	Wyn Richards, Scrutiny Manager and Head of Democratic Services.
Tel:	01597-826375
Email:	wyn.richards@powys.gov.uk

Background Papers used to prepare Report:

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;
- 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.

Section C
Member of Scrutiny Committee Role Description

1 Accountabilities

- To the Chair of the appropriate Scrutiny Committee
- To Full Council
- To the public

2 Role purpose & activity

- To participate fully in the activities of the Scrutiny Committee, the development and delivery of its work programme and any associated task and finish groups
- **Reviewing and developing policy**
 - To assist in the creation, development, improvement and refinement of Council policy
 - To challenge policies on a sound basis of evidence for example against legislation or local political priority
 - To assess impact of existing policy
- **Holding the Cabinet to account, monitoring performance and service delivery**
 - To monitor the performance of internal and external providers against standards and targets including questioning of Cabinet and senior officers over time
 - To contribute to the identification and mitigation of risk
 - To investigate and address the causes of poor performance
 - To evaluate the validity of Cabinet decisions and challenging decisions through call-in where appropriate
- **Promoting the work of Scrutiny**
 - To promote the role of scrutiny within and outside the Council, developing effective internal and external relationships
 - To demonstrate an objective and evidence based approach to scrutiny
 - To add value to the decision making and service provision of the authority through effective scrutiny
- **Community leadership**
 - To use scrutiny as a means to address community issues and engage the public
 - To encourage stakeholders to participate in the work of the authority
 - To develop locally viable and acceptable policy solutions
 - To build a dialogue around priorities, objectives and performance, among communities and stakeholders
- **Meeting participation**
 - To make adequate and appropriate preparation for meetings through research and briefings

- To participate in a proactive, informed and effective manner taking account of the Members' Code of Conduct, Constitution and other constitutional requirements

3. Values

To be committed to the values of the Council and the following values in public office:

- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness
- Appreciation of cultural difference
- Sustainability

Scrutiny Member Person Specification

To fulfil his or her role as laid out in the role description, an effective scrutiny member requires:

Participating fully in the activities of the scrutiny function

- Full understanding of the scrutiny remit and role, and terms of reference for their own committee and others
- Understanding of member support functions
- Willingness to work within the guidance of the Chair
- Willingness to undertake training as necessary

Reviewing and developing policy

- Knowledge of and ability to evaluate existing policy
- Understanding of best practice
- Understanding of national and local legislative and policy context

Monitoring performance and service delivery and holding the Cabinet to account

- Understanding of the Wales Programme for Improvement (WPI) and associated risk assessment arrangements
- Understanding of the principles and practice of performance management
- Understanding of Council's performance management arrangements
- Ability to analyse data and challenge performance
- Understanding of arrangements for call-in

Promoting the work of scrutiny

- Ability to negotiate and build consensus
- Ability to act objectively and on the basis of evidence

Community leadership

- An understanding of the community leadership role
- Knowledge of local issues and expectations
- Ability to work effectively with all members of the community and build understanding and ownership of scrutiny

- Knowledge of the individuals and organisations in the community especially those traditionally excluded

Meeting participation

- Ability to interpret information and data from a range of sources
- Understanding and application of meeting protocols, Members' Code of Conduct, Constitution and other constitutional requirements
- Ability to participate in meetings including effective listening, questioning and speaking

Development Framework for Councillors 2014

Scrutiny Member	Knowledge required	Role skills	The effective scrutiny member is able to	Learning Method	Time scale
Holding the Cabinet to account	<ul style="list-style-type: none"> • full understanding of scrutiny remit and roles • understanding of Cabinet function and work plan • understanding of protocols to call-in decisions 	<ul style="list-style-type: none"> • information management • performance review • assertiveness • meetings management/ participation 	<ul style="list-style-type: none"> • challenge decisions made when appropriate • ensure objectivity and fairness and avoid party political bias • function as team member 	<ul style="list-style-type: none"> • briefings by officers closely involved in the scrutiny function • scrutiny team development workshops with external facilitator 	Role briefing on appointment to scrutiny Team development within first 6 months
Reviewing and developing policy	<ul style="list-style-type: none"> • knowledge of existing policy • understanding of best practice • understanding of wider and national policy contexts, including trends and potential developments in social, economic and environmental contexts that may have longer-term implications for the sustainable well-being of local communities • understanding of budgets 	<ul style="list-style-type: none"> • questioning of “witnesses” • interpersonal skills • non verbal communication • interpreting facts and data • ability to handle complex facts and figures • project management 	<ul style="list-style-type: none"> • challenge policies and working practices • develop locally viable policy solutions that are properly ‘future proofed ‘ and do not produce undesirable side-effects in the wider contexts on which local well-being depends • help external stakeholders to develop their role 	<ul style="list-style-type: none"> • officer and ‘expert’ briefings • information from relevant organisations 	As required at outset of review
Scrutiny in a particular area/theme	<ul style="list-style-type: none"> • understanding of area of responsibility and how it affects and is affected by other 	<ul style="list-style-type: none"> • questioning 	<ul style="list-style-type: none"> • challenge policies and practices on a sound basis of evidence 	<ul style="list-style-type: none"> • officer and ‘expert’ briefings 	As required

	<p>policy themes and areas</p> <ul style="list-style-type: none"> • understanding of the issues under review whether internal or external 	<ul style="list-style-type: none"> • monitoring and challenging 	<ul style="list-style-type: none"> • be open to the views of witnesses • ensure that the service/policy/plan where appropriate contributes to SD and/or maximises the positive impact on health and wellbeing 	<ul style="list-style-type: none"> • information from relevant organisations • seminars on health impact assessments 	
<p>Performance management and improvement</p>	<ul style="list-style-type: none"> • understanding of the Wales Programme for Improvement • understanding of performance management including strategic partnership performance management • understanding of risk management, principles and processes, and the relationship between risk management at the organisation level and the Council's core responsibility to ensure and enhance sustainable wellbeing • understanding the health impact assessment process • understanding of the councils own priorities and imperatives 		<ul style="list-style-type: none"> • see the big picture • use a range of information to evaluate performance • focus on outcomes and impacts, over the long, as well as shorter, term • promote change and new ways of working, challenging 'business as usual' where it is not effective and sustainable • communicate performance priorities and results to communities and stakeholders 	<ul style="list-style-type: none"> • officer briefings • seminar/ workshop on performance management/ risk management, including strategic partnership performance management 	<p>As required by review timetable</p> <p>Ongoing programme of briefings and discussions to culminate in development of performance and improvement plans</p>

<p>Scrutiny of External Bodies</p>	<ul style="list-style-type: none"> • knowledge of services delivered by external bodies • understanding of the role of scrutiny in relation to this 		<ul style="list-style-type: none"> • operate effectively and sensitively in a range of different contexts and settings • influence the plans, strategies and activities of outside bodies to ensure that they do not jeopardise the sustainable well-being of communities, and where appropriate, that they align with, contribute to, and draw on, the Council's own plans, strategies and activities to enhance that well-being 	<ul style="list-style-type: none"> • Centre for Public [CFPS] website • Welsh Local Government Association [WLGA] guides 	<p>On appointment to external bodies</p>
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Section M
Chair and Vice-Chair of a Scrutiny Committee Role Description

Chair

1. Accountabilities

- Full Council
- To the members of the scrutiny committee
- To the public

2. Role purpose & activity

- **Providing leadership and direction**
 - To provide confident and effective management of the member team
 - To promote the role of scrutiny within and outside the Council, liaising effectively both internally within the council and externally with the Council's partners
 - To demonstrate an objective and evidence based approach to scrutiny
 - To evaluate the impact and added value of scrutiny activity and identify areas for improvement
 - To participate in the Joint Chairs meetings and the evaluation/ improvement of scrutiny
 - To participate in meetings of the Finance Scrutiny Panel
 - Attending briefing meetings
- **Managing the work programme**
 - To develop a balanced work programme of the committee which includes pre decision scrutiny, policy development and review, investigative scrutiny, and holding the executive to account, including performance monitoring
 - To ensure the programme takes account of relevant factors such as, the work programmes of the executive and other committees, strategic priorities and risks, and relevant community issues
 - To ensure that the work programme is delivered
 - To report on progress against the work programme to Council, and others as appropriate
 - To liaise with officers, other members and community representatives to resource and deliver the work programme
- **Effective meeting management**
 - To set agendas containing clear objectives and outcomes for the meeting
 - To manage the progress of business at meetings, ensuring that meeting objectives are met, and the Members' Code of Conduct and other constitutional requirements are adhered to
 - To ensure that the necessary preparation is done beforehand
 - To ensure that all participants have an opportunity to make an appropriate contribution
- **Community leadership**
 - To act as a focus for liaison between the council, community and external bodies in relation to the scrutiny function
 - To build understanding and ownership of the overview and scrutiny function within the community

- To identify relevant community based issues for scrutiny
- To promote the full involvement of external stakeholders, for example, service users, expert witnesses and partners in scrutiny activity
- **Involvement and development of committee members**
 - To encourage effective contributions from all committee members in both committee and task and finish groups
 - To assess individual and collective performance within the committee and facilitate appropriate development
 - To champion the importance of learning and development

3. Values

To be committed to the values of the Council and the following values in public office:

- Openness and transparency
- Honesty and integrity
- Tolerance and respect
- Equality and fairness
- Appreciation of cultural difference
- Sustainability

Vice-Chair

- To fulfil the duties of the Chair in his or her absence
- To assist the Chair in specific duties as required
- To attend briefing meetings
- To participate in the Joint Chairs meetings and the evaluation/improvement of scrutiny

Scrutiny Chair and Vice-Chair Person Specification

To fulfil his or her role laid out in the role description an effective Scrutiny Chair and Vice-Chair requires:

Providing leadership and direction

- Understanding of Council role and functions
- Understanding of role of scrutiny, terms of reference for the committee, role of Chair, and other aspects of the democratic arrangements
- Understanding of member support functions
- Understanding of Council priorities and risks
- Ability to develop work programmes
- Understanding of community issues
- Objectivity
- Negotiation and consensus building
- Ability to build constructive and 'critical friend' relationships with the Cabinet

Managing the work programme

- Ability to manage projects and resources
- Ability to manage people
- Ability to prioritise
- Ability to report progress to different groups in different styles

Effective meeting management

- Understanding and application of meeting protocols, Members' Code of Conduct, Constitution and other constitutional requirements
- Ability to chair meetings effectively, managing the agenda and progressing business
- Ability to facilitate effective discussions
- Ability to listen and question effectively

Community leadership

- Understanding of the community leadership role
- Knowledge of local issues and expectations
- Ability to work effectively with all members of the community and build understanding and ownership of scrutiny
- Knowledge of the individuals and organisations in the community especially those traditionally excluded

Involving and developing of committee members

- Understanding of the role and skills of the scrutiny committee and its individuals
- Ability to support members and the committee in assessing their performance
- Ability to identify any training and development needs and champion and participate in appropriate learning and development

Development Framework for Councillors 2014

As a Committee Chair or Vice-Chair	Knowledge required	Role skills	The effective Chair is able to	Learning Method	Time scale
Provide leadership and direction	<ul style="list-style-type: none"> • an in depth understanding of the role of the committee • in depth understanding of own role as Chair • understand the role of member support officers 	<ul style="list-style-type: none"> • leadership • people management • team building 	<ul style="list-style-type: none"> • provide confident management of the member team 	<ul style="list-style-type: none"> • Leadership Academy • coaching and mentoring • support group with other chairs • chairing skills seminar 	On appointment
Oversee work programme	<ul style="list-style-type: none"> • understand Council priorities • understand work planning procedure • understand role and priorities of other committees 	<ul style="list-style-type: none"> • project management • planning 	<ul style="list-style-type: none"> • encourage proactivity and independent thought tempered with collaboration with officers and other committees • manage projects to support prioritisation and review 	<ul style="list-style-type: none"> • liaison with officers to define work programme • project management workshop 	<p>Within planning cycle</p> <p>When need identified</p>
Provide effective meeting management	<ul style="list-style-type: none"> • understand meeting protocols • in depth knowledge of the Members' Code of Conduct 	<ul style="list-style-type: none"> • meeting skills • facilitation • public speaking • mediation • personal skills 	<ul style="list-style-type: none"> • ensure that meetings progress effectively, • ensure that the necessary preparation is done beforehand • ensure that all participants are able 	<ul style="list-style-type: none"> • meeting skills seminar • observation, feedback/coaching by external facilitator 	On appointment and as required

		<ul style="list-style-type: none"> • non verbal communication • questioning • listening 	<p>to make an appropriate contribution</p> <ul style="list-style-type: none"> • ensure that meetings are focussed and time is not wasted 		
Ensure that adequate resources are provided	<ul style="list-style-type: none"> • understand the resource requirements of the committee 	<ul style="list-style-type: none"> • prioritisation • negotiation • lobbying 	<ul style="list-style-type: none"> • liaise with officers to ensure time, staff, development and funding is available for the committee 	<ul style="list-style-type: none"> • budget updates from officers 	Linked to budget round
Ensure development & contribution of all members	<ul style="list-style-type: none"> • understands the potential role of each team member • understands the preferred team role style of each member 	<ul style="list-style-type: none"> • facilitation 	<ul style="list-style-type: none"> • encourage high performance from all team members and “witnesses” where appropriate by encouraging appropriate participation and offering feedback as required 	<ul style="list-style-type: none"> • Team roles identification activity 	As required



The Scrutiny Handbook

Hazel Ilett, Scrutiny Manager, Monmouthshire County Council

The Scrutiny Handbook provides general information for elected members, officers and the public on the Scrutiny process in Monmouthshire.

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Purpose of the Scrutiny Handbook:

This handbook provides general information relevant to those working in the scrutiny environment; however, it also serves as a useful introductory guide for partners and members of the public on the role of scrutiny and its place in local government decision-making.

The handbook signposts the user to further and more detailed guidance prepared by the Scrutiny Manager on specific aspects of the role as well as a protocol on how scrutiny operates.

The handbook also directs the reader to reports produced on the effectiveness of the function. It does not replace the council's formal constitution which can be found on the scrutiny webpage www.monmouthshire.gov.uk/scrutiny together with further information on scrutiny, the work being undertaken by scrutiny committees and ways in which the public can become involved.



“Scrutiny.... Why have it?”

Under the terms of the *Local Government Act 2000*, every Authority in England and Wales adopted new political management arrangements. These arrangements required an executive and scrutiny split for the purposes of decision-making.

In *Monmouthshire County Council*, 8 cabinet members (executive councillors) have the power to make the decisions needed to put the council's policies into practice. The remaining members (non-executive councillors) form an overview and scrutiny arm.

Whilst scrutiny members do not have power to make decisions, they can shape and develop council policy and can review decisions, as well as challenge the performance of the cabinet and the council. Scrutiny has in recent years also become a highly effective vehicle through which the public can help shape the direction of the council.

Scrutiny improves corporate governance arrangements by ensuring the decision-making process is more **open**, **accountable** and **transparent**. Through the scrutiny process, councillors are held to account for decisions they make on behalf of their communities.

“Scrutiny....What does it do???”

- ✓ Acts as a 'critical friend', questioning how decisions have been made and providing a 'check and balance' to the decision-makers...
- ✓ Scrutinises the impact of decisions to see if they are the right decisions for the people of Monmouthshire...
- ✓ Ensures that cabinet members and officers perform properly and that the council is delivering high quality services...
- ✓ Develops and reviews policy to see if it is fit for purpose and meets the public's needs...
- ✓ Allows external organisations and partners to participate in the scrutiny of countywide issues...
- ✓ Listens to the public voice and acts on behalf of the public....



“What is scrutiny really about???”

Scrutiny challenges and recommends improvement in the way in which key services in Monmouthshire are delivered, but also influences change.....scrutiny members can ask the 'how' and the why' questions.....and they can explore alternatives..... they can question the unthinkable!

Whilst cabinet members make decisions and agree the policy, scrutiny is about making sure the council **makes the right decisions** and **adopts the right policies** for the public.

There are many opportunities to engage with scrutiny as expert witnesses and advisers and scrutiny members are always keen to hear the public voice on the issues it debates. If you would like further information about scrutiny in Monmouthshire or you would like to take part, you can attend any scrutiny committee meeting and talk to members via the public open forum part of the agenda.



“Why is scrutiny important???”

- ✓ Adds transparency/accountability to decisions ...
- ✓ Adds value to the work of the council and partners...
- ✓ Provides an opportunity for members to develop specialist skills and knowledge which adds value to policy-making...
- ✓ Creates a culture of performance management and constructive self-challenge...
- ✓ Can scrutinise issues that cut across boundaries and responsibilities....

“Scrutiny is not about...”

- × Political opposition...
- × Adversarial challenge....
- × Interrogating officers...
- × Conducting a witch hunt
- × Playing the 'political card'...
- × Championing a personal agenda...
- × Involving itself in minor issues or ward related problems that should be dealt with via other means...

Scrutiny is part of the council's political structure and in many ways; it can play a key role in assisting the executive through '**constructive challenge**'. Council officers and cabinet members are required to assist the scrutiny function. Officers may approach scrutiny with requests, ideas and information, as can members of the public; however, the committee can prioritise its workload as it sees fit.

The "Scrutiny and Executive Protocol" (accessed via the scrutiny webpage) defines the working relationship between scrutiny, the cabinet and officers and agrees mutual roles and responsibilities.



"How does Scrutiny work?"

Monmouthshire has 4 Select Committees (terms of reference can be found on the scrutiny webpage):

- Children and Young People's Select Committee
- Adults Select Committee
- Economy and Development Select Committee
- Strong Communities Select Committee

There are at least 8 ordinary meetings of each scrutiny committee each year and additional meetings can be called when appropriate.

The Scrutiny Manager attends every scrutiny committee meeting and the meetings are clerked by the council's Democratic Services Team.

Joint meetings are also held between 2 or more scrutiny committees to consider cross cutting issues. Scrutiny can also be undertaken jointly with other councils to scrutinise an area of shared concern (Monmouthshire's blog on "Collaborative Scrutiny" can be accessed via the scrutiny webpage).

Scrutiny committees are politically balanced to reflect the political balance of the council. The chairs and vice chairs of committees are appointed by council at the beginning of each civic year (e.g. May 2013 to May 2014). Scrutiny committees will meet in public, except when confidential matters are to be discussed.



“What do Scrutiny Committees do?”

They prepare a Forward Work Programme...

- Scrutiny committees are responsible for setting their own work programme, but take into account suggestions from the public, officers and the cabinet.
- Scrutiny committees examine key issues on their radar and those on the horizon that will have a key impact on the people of Monmouthshire. Work programmes tend to include major policies that require in-depth scrutiny and key decisions that feature in the cabinet forward work programme.
- Members can choose areas for detailed scrutiny over the course of several meetings or via a task and finish group. A guide to “Conducting Task and Finish Groups” in Monmouthshire can be found on the scrutiny webpage.

- For scrutiny activity to be successful, scrutiny committees need to be involved at an early stage to ensure there is sufficient time for them to add value. The cabinet forward planner is constantly updated and sent by email to all members weekly. This enables committees to flag up potential areas they may want to scrutinise.
- Scrutiny committees can scrutinise external partners, requesting them to attend a meeting, particularly, those bodies upon which the council is represented.



They monitor Performance and risk...

- Scrutiny committees monitor the performance of the council to ensure that it is delivering its objectives and that risks are being managed. Guidance on "Scrutiny of Performance" and "Scrutiny of Risks" can be found on the scrutiny webpage.
- Scrutiny committees can request a cabinet member or an officer to attend a meeting to discuss concerns

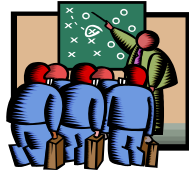
around performance. The guidelines for this are outlined in the "Scrutiny and Executive Protocol".

They scrutinise the budget and monitor spending...

- Throughout the year, scrutiny committees monitor the under/overspends of services within their remit, asking officers and cabinet members to explain discrepancies and to justify where public spending.
- Each February, the council agrees a budget for the forthcoming year. Scrutiny committees will work with officers from September onwards to discuss and 'road test' money saving ideas. Scrutiny is heavily involved in budget-setting and the public attend and participate in the meeting. "Monmouthshire's Budget Scrutiny Process" can be accessed via the scrutiny webpage.

They test key decisions...

- Scrutiny committees can scrutinise a decision before it has been made, which is called pre-decision scrutiny. This type of scrutiny is highly effective when conducted at an early stage, because any flaws in the decision can be identified and rectified before the decision is made.



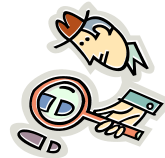
This allows scrutiny members to act as a 'critical friend' and to identify concerns and recommend amendments to a decision, usually resulting in a better decision.

- Scrutiny committees can also scrutinise decisions that have been made before they take effect. They can "call-in the decision" and recommend that it is re-considered by the cabinet or by the council. 'Calling-in a decision' has its own process, further details on which can be found in the "Scrutiny and Executive Protocol" and the council's "Constitution" (accessed via the scrutiny webpage).
- The "Call-in process" has overturned decisions made in Monmouthshire; however, the process is costly and takes time, so is not regarded as the most effective way of influencing decision-making.



They assess 'fitness for purpose' of policies...

- Scrutiny committees can 'road-test' council policy and services to determine the impacts on those who use them. They can recommend improvements, which assists the cabinet in ensuring policies and services are citizen focussed and 'fit for purpose'. There is much success of this type of scrutiny activity in Monmouthshire, with members of the public taking part in the debate and influencing policy change.



They conduct independent inquiries....

- A scrutiny committee can undertake a review on a particular service area or issue and can invite key stakeholders such as service users, partner organisations and expert witnesses to take part in the inquiry. Most organisations attending scrutiny provide their expertise free of charge.

- On occasions, scrutiny committees may be requested to undertake a review of a particular service area or issue, which is a signal that scrutiny's expertise is valued. Any formal evidence brought to the inquiry will shape the committee's recommendations - keeping an independent mind and only forming conclusions based on the evidence trail are the most important factors for good scrutiny!!



"Who is responsible for scrutiny?" ...

The Scrutiny Manager.....

This person is responsible for leading the scrutiny function and providing impartial and professional scrutiny support to scrutiny members, reporting directly to the Head of Local Democracy.

The Scrutiny Manager acts as the interface between the scrutiny committees, the cabinet and officers and to oversee the workload of the four select committees. This person manages the committee's individual work

programmes, so any requests for items to be scrutinised are always referred to the Scrutiny Manager in the first instance.

The Scrutiny manager works very closely with the four scrutiny chairs to ensure that the workload of the committees is balance and that the committees are focussing on areas where they can add value and influence the direction of the council. The scrutiny chairs meet 6 weekly as the 'Scrutiny Chairs Liaison Group'. Any pertinent issues are raised for discussion at the 'Co-ordinating Board'. This business management board co-ordinates the work of the cabinet, the council, scrutiny and area committees.



Scrutiny Chairs

The scrutiny chairs play an instrumental role in bringing balance and order to scrutiny meetings, guiding their committees and ensuring all members are treated fairly and can make a contribution. The role carries a financial reward and there is a job description (accessed via the scrutiny webpage).

Scrutiny Members...

Scrutiny members are also responsible for ensuring that scrutiny is effective. The manner in which they conduct their scrutiny activity is paramount if they are to achieve real outcomes.

Scrutiny members must demonstrate that their recommendations are evidenced-based and they must challenge constructively, if they are to add real value.

Their conduct and professionalism will win them respect from the cabinet, officers and external partners. If scrutiny is trusted and respected, it can add real value.



“Who scrutinises scrutiny?”....

The Scrutiny Manager is responsible for ensuring that the council has robust scrutiny arrangements in place and that the function is performing effectively and in line with the expectations of external auditors.

The scrutiny function has its own business plan, which is updated by the Scrutiny Manager on a quarterly basis and is scrutinised annually by the council's Audit Committee. The latest "Scrutiny Service Plan" can be accessed via the scrutiny webpage.

The Scrutiny Manager has undertaken two self-evaluations of the scrutiny function in five years. The "Scrutiny in Monmouthshire Report, 2008" and the "The Milestone Report: The Road to Effective Scrutiny, 2010" can both be accessed via the scrutiny webpage.

The scrutiny function has also been inspected twice in five years by the Wales Audit Office (WAO) and these reports can be accessed via the scrutiny webpage. The scrutiny chairs also undertook a self-evaluation of the scrutiny function in conjunction with the Wales Audit Office in 2013 and work is on-going to drive continuous improvement in scrutiny.

If you would like to discuss scrutiny in Monmouthshire, please contact Hazel Ilett, Scrutiny Manager for Monmouthshire County Council on (01633) 644233 via email: Hazelilett@monmouthshire.gov.uk



"Where can I find more detail on Scrutiny?"

Further reading on the 'nuts and bolts' of scrutiny can be found on the scrutiny webpage, together with the following documents referred to in this handbook:

- ❖ "Scrutiny and Executive Protocol"
- ❖ "Council's Constitution" (including the "Call-in process")
- ❖ "Committee Terms of Reference"
- ❖ "Guide to conducting Task and Finish Groups"
- ❖ "Collaborative Scrutiny Blog"
- ❖ "Guide to Scrutiny of Performance"
- ❖ "Scrutiny of Risks"
- ❖ "Monmouthshire's Budget Scrutiny Process"
- ❖ "Role Description for Scrutiny Chairs"
- ❖ "Scrutiny Service Plan"
- ❖ "Scrutiny in Monmouthshire Report, 2008"
- ❖ "The Milestone Report: The Road to Effective Scrutiny, 2010"
- ❖ "Wales Audit Office Reports on Monmouthshire's Scrutiny Function"

SCRUTINY and CABINET

Roles and Responsibilities

Protocol



June 2017

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1 Principles of Effective Scrutiny

- 1.1 The Centre for Public Scrutiny (CfPS) has identified the following four principles which underpin effective scrutiny:
- Provide a constructive ‘critical friend’ challenge to the Executive (“Cabinet”) as well as outside agencies
 - Reflect the voice and concerns of the public and its communities
 - Take the lead and own the scrutiny process on behalf of the public
 - Make an impact on the delivery of public services.

2 Purpose of the Protocol

- 2.1 This Protocol is designed to assist all Members of the Council’s 5 Scrutiny Committees, any Member who may sit on a Scrutiny Task and Finish Group and all Members of the Cabinet (which comprises the Leader and 6 other Cabinet Members). It provides guidance on the various ways in which Members are required to interact to enable the Authority to carry out an effective Scrutiny function.
- 2.2 The Protocol also outlines the framework and procedures underpinning the operation of Scrutiny and provides guidance on the role of Officers who support this process.

3 Objectives

- 3.1 The objectives of this Protocol are:
- (i) to establish a positive framework and build upon the procedures laid out in the Council Constitution, which exist to enable the Scrutiny Committees to work effectively;
 - (ii) to maximise the personal effectiveness of Scrutiny Members, Cabinet Members and Officers by enabling them to fully understand their powers, roles and responsibilities in relation to the Scrutiny function;
 - (iii) to promote and maintain an ethos of mutual respect, trust and courtesy in the inter-relationships between Scrutiny Members, Cabinet Members and Officers and a climate of openness that leads to constructive, yet challenging, debate;

- (iv) to create a culture of holding the Cabinet to account on behalf of the electorate, by monitoring the effectiveness of the Council's policies and through the regular review of its performance in relation to service delivery, with a view to ensuring service improvements;
- (v) to define and clarify the role of the Cabinet as an integral component of the Scrutiny process; and
- (vi) to achieve an appropriate level of alignment between the work of Scrutiny and the policies and priorities of the Cabinet and also to the work of the various Audit, Regulatory and Inspection bodies.

4 Role of the Scrutiny Committees

- 4.1 Detailed information on the Scrutiny process can be found in the Council's Constitution. In summary, within their terms of reference, Scrutiny Committees may:
 - (i) review or scrutinise decisions made or other actions taken in connection with the discharge of any of the Council's functions, but with exception of any matter which is specifically identified in the terms of reference of any other Scrutiny Committee;
 - (ii) make reports and / or recommendations to the Full Council and / or the Cabinet in connection with the discharge of any functions;
 - (iii) assist the Council and the Cabinet in the development of the policy framework and budget;
 - (iv) consider any matter affecting the area or its inhabitants; and
 - (v) exercise the right to "Call-In", for consideration, decisions made but not yet implemented by the Cabinet.

5 Holding the Cabinet to Account

What does it mean and how does it work?

- 5.1 One of the fundamental principles of Scrutiny is the ability to hold the Executive (i.e. the “Cabinet”) to account. The principle of the “Cabinet” style of local government is that, by having a small Executive responsible for decision-making, the decision making process will be quicker and more efficient. However, local people need to be assured that this small group of Members are making decisions effectively and acting in the best interests of the local community they serve.
- 5.2 Holding the Cabinet to account can involve scrutinising executive decisions at a number of different stages of the decision-making process:
- before decisions are made;
 - before they are implemented and
 - after they are implemented.
- 5.3 Holding the Cabinet to account shouldn't be about confrontation – it is more about non-Executive Members providing a "critical friend" challenge to the Cabinet and individual Cabinet Portfolio Holders. It should be remembered that Scrutiny is not about challenging individuals or personalities, but is about challenging decisions and securing improvement where possible. Neither should holding the Cabinet to account be about party political loyalties.
- 5.4 There are a number of ways in which the Scrutiny process can operate:
- using the “Call-in Procedure”, whereby any individual Member can, within 5 days of publication of a Cabinet decision, challenge or "call in" the decision. This usually leads to the relevant Scrutiny Committee meeting reviewing the decision and the Committee may make specific recommendations to the Cabinet.
The Call-In form can be found at http://www.valeofglamorgan.gov.uk/en/our_council/Council-Structure/scrutiny/scrutiny.aspx
 - “Requests for Consideration” – any Member can request the inclusion of an item on any Scrutiny Committee by submitting a “Request for Consideration” form.
The Request for Consideration form can be found at http://www.valeofglamorgan.gov.uk/en/our_council/Council-Structure/scrutiny/scrutiny.aspx

- all Members routinely receive an electronic link to all Cabinet agendas;
- examining the Cabinet's Forward Work Programme, which will be published annually and updated quarterly. The Work Programme will (as far as is possible to do so) give advance notice of issues to be considered by the Cabinet and the date upon which this will take place. This provides an early opportunity for Scrutiny Members to identify forthcoming issues and to review whether it is considered Scrutiny should play a part in the process. It is also essential that the Cabinet Work Programme is taken into account when Scrutiny committees are drawing up their own Work Programmes;
- calling the Cabinet Portfolio Holder to give evidence – this may be in relation to an item being considered by the full Scrutiny Committee or the work of a single issue Task and Finish Group;
- specific meetings with Cabinet Portfolio Holders;
- receiving updates on Cabinet responses to Scrutiny Committee recommendations (known as “decision-tracking”).

6 Relationship Between Cabinet and Scrutiny

- 6.1 The relationship between Cabinet and Scrutiny is governed in part by law and in part by the Council's Constitution. The purpose of this section of the Protocol is to set out the principles which will be followed by Cabinet and Scrutiny Members.
- 6.2 Cabinet and Scrutiny have very different functions and responsibilities. However, the aim of both should be to secure the best outcomes for the people who live and work in the Vale of Glamorgan.

The following five principles set out how the working relationship between Cabinet and Scrutiny should operate:

1. Cabinet and Scrutiny recognise that they each have different functions and responsibilities and the contribution that both can make to securing

the best outcomes for the people who live and work in the Vale of Glamorgan.

2. Cabinet and Scrutiny will work alongside each other in a positive manner. Cabinet recognises that scrutiny has a number of rights, such as “Call-In” and requiring Cabinet Members to attend its meetings, and will respect those rights. Scrutiny Committees will exercise those rights responsibly.

3. All participants in the working relationship between Cabinet and Scrutiny will look to work within a spirit of mutual respect and constructive challenge.

4. The relationship between Cabinet and Scrutiny will be open and transparent.

7 Work Programmes and Agendas

- 7.1 Scrutiny is most effective when it is focused on a limited number of in-depth topics and priorities. When considering agenda items, Scrutiny Committees should have regard to the likely value and impact gained from any report or review. This will need to be carefully balanced against the time and resources required to undertake the activity.
- 7.2 Forward Work Programmes are a series of documents which list the subject matters of decisions that (a) the Council and (b) the Cabinet intend to take and (c) what business the Scrutiny Committees will be considering and when those matters will be discussed. This does not prevent urgent or unforeseen matters being considered. Each of these bodies will be responsible for their own Work Programmes. Annual Forward Work Programmes will be prepared from the beginning of the Municipal Year. They will be supplemented by quarterly updated Work Programmes. Regard should be paid by Scrutiny Committees to the need to take into account alignment with the Work Programmes of Audit, Regulatory and Inspection bodies (also see Section 7.9).

- 7.3 The Cabinet may also request a Scrutiny Committee to assist in undertaking a review to help policy development.
- 7.4 The Cabinet Forward Programme will include details (as far as is known) of those areas which it is intended will be subject to “Pre-Cabinet Scrutiny” prior to a formal decision being made. The Work Programme should, in turn, form a key element, when the Work Programmes of the Scrutiny Committees are being drawn up.
- 7.5 Consideration of what items are intended to be subject to “Pre-Cabinet Scrutiny” should be carefully undertaken by the Leader and Cabinet Members. A consistent approach should be adopted when deciding on such items.
- 7.6 Usually at the first meeting in the Municipal Year, each Scrutiny Committee will consider and determine its priorities for the coming year, which are to be included in the Work Programmes. Again, it is essential that the Cabinet Work Programme is taken into account when Scrutiny committees are drawing up their own Work Programmes;
- 7.7 The appropriate Cabinet Member(s) may be invited to attend to comment on the Committee’s proposed priorities within the Work Programme. This will inform the selection process and the Cabinet Member(s) may be invited to assist the Committee by providing advice on potential conflict between proposed Scrutiny topics and areas of planned policy development.
- 7.8 Scrutiny Committees’ Work Programmes will be monitored on a regular basis, with advice provided by Officers as to when reports will be presented. This will also allow the Members of the Committees to regularly review and update their work programmes.
- 7.9 The Work Programmes of Audit, Regulatory and Inspection bodies should be closely aligned to the Scrutiny Committees’ Work Programmes, with relevant reports presented to Members in a timely and consistent manner.

- 7.10 Scrutiny Committee agendas will, at regular intervals, include any relevant performance management information available. The purpose of this item will be to assist Members with monitoring the performance of services within its remit against key targets and to make recommendations.
- 7.11 Agenda planning for individual meetings of Scrutiny Committees will revolve around a system of “agenda conferences”. Agenda Conferences have been recognised as an invaluable mechanism in the Scrutiny process. In attendance will be the Chairman and the Vice-Chairman and the relevant Senior Officers.
- 7.12 Reports may be submitted to a Scrutiny Committee by one of the following routes:
- (i) Report referred to a Scrutiny Committee by Cabinet for consideration;
 - (ii) Report submitted directly to a Scrutiny Committee as part of its Work Programme;
 - (iii) As a result of the ‘Call-In’ procedure;
 - (iv) As a result of a “Request for Consideration” item submitted by a Member;
 - (v) in the form of a reference from another Scrutiny Committee or other Committee (e.g. Audit committee).
- 7.13 Reports which are “for information” should be disseminated to Members outside of the formal Cabinet and Scrutiny Committee agenda arrangements via the Democratic and Scrutiny Services Team.

8 Ethos of a Scrutiny Committee Meeting

- 8.1 Scrutiny Committees should seek to promote an atmosphere of openness and should strive to ensure that questioning and debate takes place within a climate of mutual respect and trust between Scrutiny Committee Members, the Cabinet Member(s), Officers and other participants.
- 8.2 Scrutiny Committee Members should normally be prepared to ask searching and challenging questions of Cabinet Members and Officers, who, in turn, should be willing to respond to any question put. However,

Scrutiny Committee Members should be aware of, and show an understanding, of the fact that Cabinet Members and Officers may not always be in a position to answer every question immediately or in detail.

- 8.3 Cabinet Members should, in so far as possible, anticipate and be prepared to answer questions on decisions taken, or proposed to be taken, which fall within their remit. Cabinet Members should also value the contribution of Scrutiny Committee Members who raise questions and should respond in an appropriate and professional manner.
- 8.4 The Chairman of the meeting shall at all times ensure that the conduct of the meeting shall be fair and that all participants are treated courteously.
- 8.5 Officers will be asked questions by Committee Members in a dignified and respectful manner. Responses should be clear and concise with Officers mindful that members of the public, who may be present, may not have a full in depth knowledge of the topic being discussed.
- 8.6 The Chairman, supported by the Officers, should provide leadership and guidance to the Committee on all Scrutiny matters and should promote the Committee's role to improve services and monitor the effectiveness of Council policies.
- 8.7 Meetings of Cabinet and Scrutiny Committees are subject to the relevant provisions in the Council's Constitution, including that they must normally be held in public, unless factors allowed for by law and the Council's Constitution are judged to require consideration of a matter with the public and press excluded.
- 8.8 Meetings should be carried out in a business-like, non-aggressive and non-confrontational manner, with courtesy extended to all participants. Members should have regard to the Members' Code of Conduct and the Protocol on Member/Officer Relations as set out in The Council's Constitution.
- 8.9 Scrutiny Committee meetings should be held using a room layout appropriate for the business to be conducted.

- 8.10 Scrutiny Committees should keep in mind the statutory guidance that Scrutiny work should be conducted in a non-party political manner.

9 Attendance by Cabinet Members at Scrutiny Committee Meetings

- 9.1 Each Scrutiny Committee Chairman will have discretion when deciding upon whether a Cabinet Member is required to attend a Committee meeting. It will be common for Cabinet Members to be invited to attend a Scrutiny Committee meeting for the purpose of being held to account in relation to decisions taken.
- 9.2 Cabinet Members are also encouraged to attend meetings to gauge the views of Scrutiny Members on any issues falling within their remit.
- 9.3 An open discussion and exchange of views will be of importance to the Cabinet Member(s) and Scrutiny Members, particularly where consideration is being given to the development of the Council's budget or policy framework.
- 9.4 Depending on the nature of the agenda item, either the Cabinet Member or Senior Officer will be asked to present the item. Members of the Committee should be aware that although Officers can reply to specific questions regarding the operational performance of a service, the reasoning behind why a decision was made should be directed to the Cabinet Member(s).
- 9.5 If a Cabinet Member is required to attend a Scrutiny Committee for a specific reason, then he / she should receive sufficient notification of why they are being invited to the meeting. This should be, if possible, notified to them in writing, and copied to the Committee Members so everyone understands the basis on which they are attending.
- 9.6 If there is confusion regarding the reasons why a Cabinet Member is attending a particular meeting, it would be useful for the Chairman to provide clarification to the Committee at the beginning of the meeting. This is in order to ensure that a meeting is effective and makes the best use of all Members' time.

- 9.7 It is accepted that, although the Cabinet Member may be invited to report on a particular agenda item, given the fact that he / she is at the meeting, questions may stray into other areas (subject to them remaining relevant to agenda items). It should be understood by all parties that the Cabinet Member will respond to the best of his / her ability and knowledge on particular questions. However, if the Cabinet Member has been invited for a specific topic, then he / she may need to undertake further research in order to provide answers to questions on other subjects.
- 9.8 No time limit shall apply to the questions put or responses given and there shall be no limit to the number of such questions which may be put by a Member in respect of any particular decision, save in so far as the Chairman shall be responsible for the effective conduct of the business of the meeting.

10 Attendance by Officers at Scrutiny Committee Meetings

- 10.1 Meetings of Scrutiny Committees will normally be attended by Senior Officers with responsibility for any agenda item under discussion. The role of the Senior Officer will be to assist the Committee through the provision of professional advice and to ensure access to relevant information and personnel. However, where the agenda item relates to a “Call-In”, the relevant Cabinet Member will respond in the first instance.
- 10.2 Senior Officers will be expected to proactively contribute to a debate on an agenda item. Officers can be required to attend a Scrutiny Committee to present an agenda item report and to answer questions or provide advice regarding operational aspects of a particular service. This will allow Members to question Officers on the likely impact of any decisions made by the Cabinet and for Members to gather a greater appreciation of reasons why a course of action was agreed upon.
- 10.3 Members of a Scrutiny Committee will also regularly question Officers about issues affecting the performance of a specific service and to ask for more detail around the level resources available within a service area.

- 10.4 Officers in attendance at Scrutiny Committee meetings should also be prepared to assist the Cabinet Member in the provision of information to the Committee in response to any question raised.
- 10.5 The attendance of other relevant Officers at either Scrutiny Committee or Task and Finish Group meetings will generally be at the request of the Chairman, who will have regard to the appropriate level of seniority.
- 10.6 An Officer in receipt of a request to attend a Scrutiny Committee meeting should make reasonable efforts to do so. Where an Officer is unable to attend on a particular date he / she should notify the Chairman (or relevant Officer within Democratic and Scrutiny Services) as soon as possible, in order to agree the most appropriate course of action, which may include the attendance of an alternative representative.
- 10.7 Relevant Senior Officers will normally be expected to attend any meeting of a Scrutiny Committee at which it is intended to consider a 'Call-In' request in relation to their service.
- 10.8 Officers will be permitted to leave a Scrutiny Committee meeting once discussion on the relevant item has ended. However, in certain circumstances, Officers may wish to remain for other agenda items, should they feel that they may be able answer any questions and if they can constructively contribute to the debate. This should only be from an operational service perspective and for a service area that the Officer has responsibility for.

II Responses of Cabinet Members to Questions from Scrutiny Committees

- 11.1 Following a question raised during a Scrutiny Committee meeting, the Cabinet Member may respond in the following ways:-
- (i) by way of a direct oral answer;
 - (ii) where the desired information is in a publication of the Council or other published work, by reference to that publication;
 - (iii) where an Officer is in attendance at the meeting, who can reasonably be expected to be in a position to give a reply, by referring the matter to the officer concerned;

- (iv) where the reply cannot conveniently be given orally, by way of a written answer circulated to all Members of the Committee within five working days; and
- (v) where the reply cannot be given within the above timescale, a brief explanation for the delay and the likely timescale for response should be provided to all Members of the Committee.

12 "Call-In" of a Cabinet Decision

- 12.1 When a decision is made by the Cabinet, the decision shall be published by the Cabinet Office, normally within two working days of the date when the decision was made. The relevant 'Call-In' period will expire on the fifth working day after the publication of the decision.
- 12.2 If the "Call-In" is accepted by the relevant Scrutiny Committee Chairman, the relevant Scrutiny Committee will have the opportunity to discuss and evaluate the merits of the decision. This shall take place within twenty working days of receipt of the 'Call-In' request, not counting the month of August.
- 12.3 Unless there are extenuating circumstances, the relevant Cabinet Member would be expected to attend a Scrutiny Committee meeting when a 'Call-In' is being considered. It is accepted, however, that Officers are often better placed to present greater detailed information that led up to the decision and this is deemed to be acceptable, although it should always be the decision-maker that is held to account.
- 12.4 The following procedure will be followed when a 'Call-In' is being considered:
 - (i) The Chairman outlines the nature of the request;
 - (ii) The Member who "called-in" the decision will be invited to explain the reasons for the request;
 - (iii) The Chairman will then invite the Cabinet Member to respond;
 - (iv) The Committee can then ask questions of the Cabinet Member, who may ask a relevant officer to supply further information if necessary;

(v) The Committee debates the issue and may form recommendations for consideration by the Cabinet or to Full Council, who may, in turn, refer the matter back to Cabinet for further consideration.

- 12.5 In the event where the relevant Cabinet Member cannot attend a meeting when a 'Call-In' is being considered, another Cabinet Member will seek to attend and be accountable for the decision.

13 Recommendations made by Scrutiny Committees

- 13.1 The minutes of each Scrutiny Committee will include any recommendations made during a Committee meeting and the reasons for those recommendations. On a quarterly basis, Scrutiny Committees will monitor progress of each recommendation, with updates provided by the relevant Officers.
- 13.2 Recommendations from the Scrutiny Committees will be referred to Cabinet at the earliest possible opportunity.
- 13.3 Where Cabinet has decided not to implement a specific recommendation made by a Scrutiny Committee, the reason for not doing so should be minuted. This will be reported back to the Committee on a quarterly basis when the Committee considers its "decision tracking".

14 Meetings between Scrutiny Committee Chairmen and Cabinet Members

- 14.1 Whilst the Scrutiny process is essentially a public one, it is recognised that the development of an informal dialogue between the Scrutiny Committee Chairmen and the relevant Cabinet Member(s) will enhance the interaction between the two functions. Informal dialogue will be encouraged in order to allow the Cabinet Member(s) to understand the Scrutiny Committee Chairmen's viewpoints and vice versa.
- 14.2 Such dialogue will also allow the relevant Scrutiny Committee Chairman and the Cabinet Member(s) to discuss major policies and key decisions

that are likely to be progressed over the forthcoming months and provide an opportunity for further input into the strategic elements of the work programme.

- 14.3 Such dialogue could also allow consideration of Audit, Regulatory and Inspection work programmes to take place to ensure that reporting arrangements are well-planned and fully “joined up” (particularly within the context of Forward Work Programming for both Cabinet and Scrutiny).

15 Public Speaking at Scrutiny Committee Meetings

- 15.1 The Council has published a Guide to Public Speaking at Scrutiny Committee Meetings, intended to enhance the ability of members of the public to speak at meetings of the Council's Scrutiny Committees. A copy of the Guide is available on the Council's website via the following link http://www.valeofglamorgan.gov.uk/en/our_council/Council-Structure/scrutiny/scrutiny.aspx

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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 MONDAY, 12 MARCH 2018**

PRESENT

County Councillor M J Dorrance (Chair)

County Councillors G Breeze, L V Corfield, D O Evans, D Jones-Poston and
J Charlton

1.	APOLOGIES
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There were no apologies for absence.

2.	NOTES OF PREVIOUS MEETINGS
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The notes of the meeting held on 13 November, 2017 were agreed as a correct record.

3.	WALES CHARTER FOR MEMBER SUPPORT AND DEVELOPMENT - WELSH LOCAL GOVERNMENT ASSOCIATION [WLGA]
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The Working Group received the letter from the WLGA regarding the renewal of the award of the Standard Charter. The Working Group thanked officers for their hard work in producing the application.

4.	DRAFT MEMBER DEVELOPMENT STRATEGY
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The Working Group considered the draft strategy and the following comments were made:

- there is a need to review what we are trying to deliver in Member Development sessions – it may be necessary to rename Member Development sessions as Members' Seminars
- we need to find out in what Members are interested and then support them to develop these interests.
- we are asking Members to take responsibility for their development but they need a log of what they have done – it was noted that a record of development sessions attended is available on each Members' page on the website.
- Members need to know more about other services, not just the more high profile services, such as children and education – it was noted that the "Market Place" was trying to address this, but the demands on members on a Council day can make engaging with staff difficult. Officers advised that feedback from teams which had participated in these sessions was generally positive. Using different methods for informing members of services should be used - such as video, a number of short briefing sessions, eLearning.
- Accessing external development – e.g. WLGA Leadership Programme should be open to all members not just Cabinet, so that there is equality of access.
- Non-attendance at sessions – patterns of non-attendance would be checked. It was noted that it was proposed that Group Leaders should play a greater role in monitoring their Group Members' attendance.

Comments were made about the loss of the Shire Committees and the loss of links with Town and Community Councils. The Head of Democratic Services advised that in respect of the Shires, officers were considering how Members could be kept up to date on issues. The Welsh Government was undertaking a review of Town and Community Councils and the Council had no capacity to provide Code of Conduct training to them. One Voice Wales was in a better position to do this. In response to comments made about the number of scrutiny committees it was noted that the Joint Chairs was discussing this issue.

It was agreed that the draft strategy would be reviewed in light of the above.

5. PRE AND POST ELECTION SURVEY

The Working Group received the responses to the pre and post-election survey. Members were disappointed by the response rate of 33.3% but noted that 43.7% of new members had responded.

The following comments were made:

- Twr Brycheiniog was not a good venue in which to meet newly elected Members – officers advised that a venue next to the Count venue or space in the Count venue should be used. This would make it easier for newly elected Members to continue to see what is happening at the Count but also complete the necessary paperwork.
- In addition this would assist officers by lessening the numbers of Members arriving together at the same time. Officers had also been reassessing the forms which needed to be completed on the day and some of these could be completed later rather than on the day of the count.
- 1st induction day – officers/returning Members should be available to meet and greet new Members and take them around the main rooms at County Hall. Information about such things as catering etc. on the first day should be provided.
- Information about committees – more information on the roles of committees, working groups and other types of groups in which Members could be involved should be provided.

The Head of Democratic Services advised that the feedback from Members would be used to inform the arrangements and information for the next election.

6. MEMBER DEVELOPMENT

6.1. Mandatory development

The Working Group received the revised Mandatory development details which reflected the recent decisions made by Council. The Head of Democratic Services advised that the information would be sent to Group Leaders. Comment was made that some sessions can be very dry and boring and other ways of providing these need to be considered.

6.2. Member Development Programme

There was no update on the Programme.

6.3. Member Development - review of evaluation form

The Working Group reviewed the current Member Development evaluation form.

It was considered that Members should be asked what their learning outcomes are. Officers advised that they hoped to use Survey Monkey to provide an online evaluation form.

6.4. Evaluation summaries

The Group received and noted the evaluation forms for the following sessions:

- 19 January and 28 February – Members' roles and responsibilities
- 22 January – Opposition Leaders and Deputies
- 5 February – Scrutiny & Audit Committees
- 9 & 23 January and 6 & 27 February - Cabinet sessions

The Chair referred the Working Group to the recent discussion at Council regarding the need to increase the number of women involved in public life. It was noted that the Democratic Services Committee's work plan included work on developing this and the need for the make up of councillors to reflect the County's population. As part of this work the Chair advised that officers were developing a programme of work on the role of women in public life to coincide with National Democracy Week. It was also noted that of 1800 new councillors in Wales only 19 people who had a disability had been elected. It was however noted that some councillors may have a disability but feel unable to discuss or disclose this. Individuals with a disability may perceive a barrier to them participating in public life and the Council needs to address this.

The Working Group noted that County Councillors Jackie Charlton and Beverley Baynham had been selected to participate in the Women's Equality Network's (WEN) Mentoring Scheme which aims to encourage women to become involved in public and political life.

The Chair referred to concerns raised by some Members regarding the apparent inaccuracies in the record of the votes at Council meetings, which are published with the minutes. The Head of Democratic Services advised that he had raised the issue with Bosch previously.

Members expressed their concerns and agreed that they had to have confidence in the system. Currently, the published records were a misrepresentation of how some Members voted.

The Working Group agreed that the Head of Democratic Services should liaise further with Bosch and report back to the Working Group/DSC and Council. It was also agreed that as the electronic voting system was not robust, Council should consider voting by a show of hands or recorded vote, in the interim, notwithstanding the fact that these systems take more time.

County Councillor M J Dorrance (Chair)

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CYNGOR SIR POWYS COUNTY COUNCIL.

Democratic Services Committee
9th July, 2018

REPORT AUTHOR: Solicitor to the Council

SUBJECT: Review of the Constitution.

REPORT FOR: Decision

1. Summary

- 1.1 The report asks the Committee to make a recommendation to the County Council to revise Sections 4 and 7 of the Council's Constitution.

2. Background

- 2.1 The Council meeting on 17th May, 2018 amended the Council's scrutiny committee structure and as part of that decision tasked the Solicitor to the Council with reviewing and amending relevant sections of the Constitution. The Council's draft decision is set out below:

RESOLVED

- i. The functions of each scrutiny committee shall be as set out in Attachment A to the resolution and that Rule 7.4 of the Constitution is hereby amended accordingly.*
 - ii. The Solicitor to the Council is required to consider whether consequential amendments are required to other parts of the Constitution, and if so to arrange for the amendments to be discussed at Democratic Services Committee and approved at Full Council.*
- 2.2 The Committee will also be aware that the Council's Solicitor sought Counsel's opinion following a challenge of the process for the appointment of a scrutiny chair and the consequence of this is that it will require a minor amendment to Section 4 of the Constitution.
- 2.3 The Rules which have been amended are as follows:

Section	Rules Amended
4	4.15.14 4.18.7
7	7.3 7.4 7.5.1 7.13.1 – 7.13.3 7.19.1

	7.19.3
	7.20.1
	7.22.1
	7.23.2
	7.23.17
	7.36
	7.36.3
	7.36.14.2
	7.38.1
	7.42 – 7.43
	7.46.9.1
	Appendix 1

3. RECOMMENDATION.

Recommendation to the Democratic Services Committee	Reason for Recommendation:
That Sections 4 and 7 of the Constitution as amended be approved for consideration by the Council at its meeting on 12th July, 2018 as set out in the Appendix to the report.	To update Sections of the Constitution arising from the decision of Council in May 2018.

Relevant Policy (ies):	
Within Policy:	Y
Within Budget:	Y / N

Relevant Local Member(s):	
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Person(s) To Implement Decision:	Clive Pinney, Solicitor to the Council
Date By When Decision To Be Implemented:	July 2018.

Contact Officer:	Wyn Richards, Scrutiny Manager and Head of Democratic Services.
Tel:	01597-826375
Email:	wyn.richards@powys.gov.uk

Background Papers used to prepare Report:

SECTION 4 – FULL COUNCIL

Introduction

4.1 The Full Council is a formal meeting of all Councillors. The Full Council is required by law to take certain important decisions including setting the Council's Budget and Council Tax and approving a number of key plans and strategies, which together form the Policy Framework (listed below). It is responsible for all of the functions not the responsibility of the Cabinet. It will carry out some functions itself, but others will be delegated to Committees or named Officers.

The Policy Framework

4.2 The Policy Framework means the following plans and strategies:

Plan, Scheme and Strategy	Reference
• Children and Young People's Plan;	• Regulations made under Section 26 of the Children Act 2004 (c.31)
• Best Value Performance Plan;	• Section 6(1) of the Local Government Act 1999 9c.27)
• Community Strategy;	• Section 4 of the Local Government Act 2000 (c.22)
• Crime and Disorder Reduction Strategy;	• Sections 5 and 6 of the Crime and Disorder Act 1998 9c.37)
• Health and Well-Being Strategy;	• Section 24 of the National Health Service Reform and Health Care professions Act 2002 9c.17)
• Local Transport Plan;	• Section 108 of the Transport Act 2000 (c.38)
• Plans and alterations which together comprise the Development Plan;	• Section 10A of the Town and Country Planning Act 1990 (c.8)
• Welsh Language Scheme;	• Section 5 of the Welsh Language Act 1993 (c.38)
• Youth Justice Plan;	• Section 40 of the Crime and Disorder Act 1998 (c.37)
• Powers to approve a Young People's 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)
• Housing Strategy;	• Section 87 of the Local Government Act 2003 (c.26)
• Rights of Way Improvement Plan;	• Section 60 of the Countryside and Rights of Way Act 2000 (c.37)
• Pay Policy	• Section 38(1) of the Localism Act 2011

SECTION 4 – FULL COUNCIL

• Single Integrated Plan	• Part 2 – Local Government (Wales) Measure 2009¹
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The Single Integrated Plan (The One Powys Plan)

4.3 This replaces four of the existing plans and strategies which formed part of the Policy Framework, namely the Community Strategy, the Children and Young People's Plan, the Health, Social Care and Wellbeing Strategy and the Community Safety Partnership Plan.

The Budget

4.4 The Budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council Tax base, setting the Council Tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits. The Full Council will decide the Council's overall revenue budget and overall capital budget and any changes to these. (See Section 15 for how the Council can change the Policy Framework or Budget referred to it for approval by the Cabinet.)

Housing Land Transfer

4.5 Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the National Assembly for Wales for a programme either:

4.5.1 by Full Council to dispose of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993: or

4.5.2 to dispose of land used for residential purposes where approval is required under section 32 or 43 of the Housing Act 1985.

Functions of the Full Council

4.6 Only the Full Council will exercise the following functions:

4.6.1 adopting and changing the Constitution;

4.6.2 approving or adopting the Single Integrated Plan (The One Powys Plan), Policy Framework, the Budget and any application to the National Assembly for Wales in respect of any Housing Land Transfer;

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

4.6.4 appointing and removing the Leader;

4.6.5 making appointments to the committees of the Council

4.6.6 making appointments of Chairs of the Scrutiny and Democratic Services committees of the Council. The Chair of a Scrutiny Committee and the Democratic Services Committee may be removed from office by a motion to

¹ Welsh Government Guidance "Shared Purpose – Shared Delivery" to Part 2 of the Local Government (Wales) Measure 2009 Rules 37 to 46.

SECTION 4 – FULL COUNCIL

remove to Council which is put on the agenda pursuant to Rule 4.38.1.

- 4.6.7 agreeing and/or amending the terms of reference for Committees, deciding on their composition and making appointments to them (in accordance with the Local Government and Housing Act 1989) unless the appointments have been delegated by the Council;
- 4.6.8 changing the name of the area or conferring the title of freedom of the County;
- 4.6.9 making or confirming the appointment of the Head of Paid Services and other Chief Officers²;
- 4.6.10 making, amending, revoking re-enacting or adopting bylaws and promoting or opposing the making of local legislation or Private Bills;
- 4.6.11 all Local Choice Functions set out in Section 13 of this Constitution which the Council decides should be undertaken by itself rather than the Cabinet; and
- 4.6.12 all matters which by law must be reserved to the Council. For example, appointing the Chair of the Democratic Services Committee and the pay policy statement;
- 4.6.13 appointing representatives to outside bodies unless the appointment has been delegated by the Council.
- 4.6.14 to determine the level, and any change in the level, of the remuneration to be paid to a Chief Officer.

Membership

- 4.7 All Councillors shall be members of Full Council.
- 4.8 Substitution is not possible at meetings of the Council.

Chairing the Council

Appointment And Term Of Office Of Chair, Vice-Chair And Assistant Vice-Chair Of Council

- 4.9 The County Council will at every Annual Meeting elect from amongst its Councillors:

- 4.9.1 The Chair of the County Council;
- 4.9.2 The Vice-Chair of the County Council;
- 4.9.3 The Assistant Vice-Chair of the County Council.

and the Councillors so elected will hold office until the following Annual Meeting; they resign; are dismissed by a vote of Full Council upon a Motion on Notice; cease to be a member of the Council; or are unable to act as a member of the Council due to he/she being suspended or disqualified from being a Councillor under Part 3 of Local Government Act 2000.

- 4.10 The post of Chair, Vice Chair and Assistant Vice Chair will be nominated by Councillors in Montgomeryshire, Radnorshire and Brecknockshire in rotation.
- 4.11 In the event of a vacancy occurring between Annual Meetings the County Council will appoint a new Chair, Vice-Chair or Assistant Vice-Chair (as the case may be) at an ordinary meeting following the occurrence of the vacancy.

² Defined in Section 2.2.2

SECTION 4 – FULL COUNCIL

Role and Function of the Chair

4.12 The Chair of the Council and in his/her absence, the Vice Chair or Assistant Vice Chair will have the following roles and functions:

Ceremonial Role

4.12.1 The Chair of the Council:

- 4.12.1.1 is the civic leader of Powys County Council ;
- 4.12.1.2 promotes the interests and reputation of the Council and the geographic area of Powys as a whole and acts as an ambassador for both; and
- 4.12.1.3 undertakes civic, community and ceremonial activities and fosters community identity and pride.

Responsibilities of the Chair

4.12.2 The Chair of the Council will:

- 4.12.2.1 uphold and promote the purpose of the Constitution, and to interpret the Constitution with advice from the Monitoring Officer when necessary;
- 4.12.2.2 preside over meetings of the Council so that its business can be carried out fairly and efficiently and with regard to the rights of Councillors with regards to their (a) participation in the affairs of Council; (b) access to documentation and information in accordance with Section 14; and (c) the interests of the Community;
- 4.12.2.3 ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Councillors who are not on the Cabinet are able to hold the Cabinet and Committee chairs to account;
- 4.12.2.4 ensure public involvement in the Council's activities;
- 4.12.2.5 be the conscience of the Council; and

Political Neutrality

4.12.3 The Chair, Vice-Chair and Assistant Vice-Chair of the Council during their periods of office will not be actively involved with any political group to which they belong.

4.12.4 The Chair, the Vice-Chair, the Assistant Vice-Chair of the Council, cannot be a member of the Cabinet .

Council Meetings

4.13 There are three types of Council meeting:

- 4.13.1 the Annual Meeting;
- 4.13.2 ordinary meetings; and
- 4.13.3 extraordinary meetings

SECTION 4 – FULL COUNCIL

Rules of Procedure and Debate

4.14 The Council Procedure Rules contained in Rules 4.15 onwards will apply to meetings of the Full Council. Unless otherwise indicated, those rules marked:

♣	will apply to Cabinet and Cabinet Committees
▲	will apply to committee and sub-committee meetings (with the exception of Area (Shire) Committees, and the Planning, Taxi Licensing and Rights of Way Committee when performing the functions of a planning authority as defined in Section 319ZD of the Town and Country Planning Act 1990)
◆	will apply to Area (Shire) Committees meetings
■	will apply to the Planning, Taxi Licensing and Rights of Way Committee when performing the functions of a planning authority as defined in Section 319ZD of the Town and Country Planning Act 1990

Council Procedure Rules - Annual Meeting of the Council

Timing and Business

- 4.15 In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the annual meeting will take place in March, April or May. Every Annual Meeting will:
- 4.15.1 elect a person to preside if the Chair of the Council is not present. A member of the Cabinet cannot preside over a meeting of Council³;
 - 4.15.2 elect the Chair of the Council (subject to 4.10 above);
 - 4.15.3 elect the Vice Chair of the Council (subject to 4.10 above);
 - 4.15.4 elect the Assistant Vice-Chair of the Council (subject to 4.10 above);
 - 4.15.5 receive declarations of interest
 - 4.15.6 receive apologies for absence
 - 4.15.7 decide on any amendments to the Constitution⁴ recommended by the Democratic Services Committee
 - 4.15.8 receive any announcements from the Chair, Leader and/or the Head of Paid Service;
 - 4.15.9 elect the Leader of the Council, except where the Leader was appointed for a period of four years or the term of the Council at the initial annual meeting of the Council;
 - 4.15.10 be informed by the Leader of the number of Councillors to be appointed to the Cabinet;
 - 4.15.11 decide on the allocation of seats on political balanced committees to political

³ Schedule 12, Local Government Act 1972 (as amended)

⁴ Any amendment to the committees of the Council including their size and terms of reference as set out in the Council's Constitution are subject to any statutory constraints or limitations and provided that the Council shall appoint at least one scrutiny committee, a Standards Committee and such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions under this Constitution;

SECTION 4 – FULL COUNCIL

groups in accordance with the requirements of the Local Government and Housing Act 1989

- 4.15.12 receive from political groups nominations of Councillors to serve on each of the politically balanced committees in accordance with the seats allocated to the respective political groups and to make appointments accordingly
- 4.15.13 appoint the Scrutiny Committees, Democratic Services Committee, Planning, Taxi-Licensing and Rights of Way Committee, Licensing Act 2003 Committee, Employment and Appeals Committee, Pensions and Investment Committee a Standards Committee and such other committees and sub-committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Executive Functions (as set out in Section 13 of this Constitution);
- 4.15.14 allocate the Chairs of Scrutiny Committees to the relevant political groups and to ~~approve~~^{note} the appointments to those Chairs made by the political groups
- 4.15.15 appoint the Chair of the Democratic Services Committee⁵
- 4.15.16 elect or appoint Members where vacancies occur in respect of:
- Independent Member of Standards Committee; and
 - Lay Member of the Audit Committee; and
 - Co-Opted Members of the Scrutiny Committee;
- 4.15.17 receive from the Leader any changes to the scheme of delegations (as set out in Section 13 of this Constitution);
- 4.15.18 to approve a Schedule of Members' Remuneration for the next ensuing financial year
- 4.15.19 consider any business set out in the notice convening the meeting.
- 4.15.20 other business, not specified in the summons as the Chair considers urgent, subject to the nature of the urgency being specified in the minutes PROVIDED ALWAYS that in allowing such urgent business the Chair shall have regard to the fact that the Annual Meeting of the Council is normally a civic / ceremonial occasion;
- 4.15.21 receive from political groups nominations of Councillors to serve on the Brecon Beacons National Park Authority and to make appointments accordingly
- 4.15.22 appoint 3 Councillors to the Welsh Local Government Association.
- 4.15.23 appoint 1 Councillor to the Welsh Local Government Association Co-Ordinating Committee
- 4.15.24 approve the Council's Pay Policy. Full Council has granted a dispensation for an officer nominated by the Section 151 Officer to be present during the course of the debate to answer any matters raised by members in the debate. Dispensation is also given for an officer to be present during the course of the debate to run the congress system.
- 4.16 The order of business, with the exception of Rule 4.15.1 may be altered by the Chair or decision of Council
- 4.17 Additional agenda items for the Annual Meeting next following the ordinary election of Councillors:
- 4.17.1 Receive a report from the Returning Officer as to the Councillors

Commented [WR1]: Amended.

⁵ Regulation 14(1) of Local Government Measure (Wales) 2011

SECTION 4 – FULL COUNCIL

- elected;
- 4.17.2 Elect the Leader **;
 - 4.17.3 Appoint Councillors to the Standards Committee **;
 - 4.17.4 Appoint Councillors to the Area (Shire) Committees **;
 - 4.17.5 Make appointments of Councillors in accordance with the political balance requirements to:
 - Police and Crime Panel **;
 - Mid and West Wales Fire and Rescue Authority **;

** Unless terminated earlier in accordance with this Constitution, this election / appointment will be for a term expiring at the next ordinary council elections.

Ordinary Meetings

4.18 Ordinary meetings of the Council will take place in accordance with a programme decided by the Council provided that the Chief Executive and Monitoring Officer shall have authority, subject to consultation with the Chair of Council, to change the date or time of any meeting, if such change is necessary in the interest of the convenient or efficient dispatch of the Council's business. The order of business at ordinary meetings will be as follows:

- 4.18.1 elect a person to preside if the Chair, Vice Chair and Assistant Vice-Chair are not present. A member of the Cabinet cannot preside at a meeting of the Council⁶;
- 4.18.2 receive any declarations of interest from Councillors;
- 4.18.3 receive apologies for absence;
- 4.18.4 approve as a correct record the minutes of the last meeting;
- 4.18.5 receive any announcements from the Chair, Leader or Chief Executive
- 4.18.6 decide on any amendments to the Constitution recommended by the Democratic Services Committee⁷
- 4.18.7 where required to elect, appoint, or note the appointment, or remove Members to / from the following positions:
 - 4.18.7.1 Chair, Vice-Chair, Assistant Vice-Chair of Council;
 - 4.18.7.2 Leader;
 - 4.18.7.3 Independent Member of Standards Committee;
 - 4.18.7.4 Appoint Lay Member of the Audit Committee and Co-Opted Members of the Scrutiny Committee;
 - 4.18.7.5 Chair of a Scrutiny Committee (excluding Chair of Audit) or Democratic Services Committee.
- 4.18.8 (if required due to the formation of a new political group or due to a Councillor joining a political group):

⁶ Schedule 12, Local Government Act 1972 (as amended)

⁷ Any amendment to the committees of the Council including their size and terms of reference as set out in the Council's Constitution subject to any statutory constraints or limitations and provided that the Council shall appoint at least one scrutiny committee, a Standards Committee and such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions under this Constitution

Commented [WR2]: Amended

SECTION 4 – FULL COUNCIL

- 4.18.8.1 decide on the allocation of seats on politically balanced committees to political groups in accordance with the requirements of the Local Government and Housing Act 1989; and
 - 4.18.8.2 receive from political groups nominations of Councillors to serve on each of the politically balanced committees in accordance with the seats allocated to the respective political groups and make appointments accordingly; and
 - 4.18.8.3 allocate the Chairs of scrutiny committees to the relevant political groups and to note the appointments to those Chairs made by the political groups in accordance with the Local Government (Wales) Measure 2011;
- 4.18.9 (if required due to vacancy) note appointment of chair(s) of scrutiny committee(s) by the political group(s) in accordance with the Local Government (Wales) Measure 2011
 - 4.18.10 to receive the report of the Monitoring Officer setting out appointments to fill vacancies on committees and outside bodies s/he has made in accordance with the authority delegated to him / her to make such appointments which accords with the wishes of a political group to whom the committee seat or position on the outside body has been allocated
 - 4.18.11 receive written statements from the Leader and / or members of the Cabinet (which statements shall be taken as read) and any questions and answers on any of the statements;
 - 4.18.12 receive reports from the Cabinet, Leader, Cabinet member, and any questions, answers and observations on any of those reports;
 - 4.18.13 receive reports from any of the Council's Committees introduced by the relevant Committee Chair, and any questions, answers and observations on any of those reports;
 - 4.18.14 receive reports from any of the Council's statutory officers, or Chief Officers and any questions, answers and observations on any of those reports
 - 4.18.15 receive any other report that the Chief Executive considers is required to be placed before the Council and any questions, answers and observations on any of those reports
 - 4.18.16 receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
 - 4.18.17 consider any other business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the Council's Budget and Policy Framework;
 - 4.18.18 receive any petitions
 - 4.18.19 deal with any outstanding business from the last Council meeting
 - 4.18.20 receive and consider recommendations from the Cabinet and the Council's committees
 - 4.18.21 consider motions of which appropriate notice has been given;
 - 4.18.22 receive questions submitted in accordance with Rule 4.30 (Questions on Notice), and answers in response to those questions.
 - 4.18.23 consider and debate any major issue which is relevant to the Council and its functions, for example a "state of the county" debate
 - 4.18.24 to receive the report of the Monitoring Officer setting out any changes by the

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Leader in the scheme of delegation and executive functions

- 4.18.25 consider any business set out in the notice convening the meeting
- 4.18.26 other business, not specified in the summons as the Chair considers urgent, subject to the nature of the urgency being specified in the minutes
- 4.18.27 to exclude the public for the consideration of any item in accordance with the Access to Information Procedure Rules in Section 14.
- 4.18.28 The order of business, with the exception of Rule 4.18.1 may be altered by the Chair or decision of Council
- 4.18.29 No meetings of the Council, or its committees (other than Committees, Sub-Committees or Panels dealing with planning, licensing and employment matters), shall be held in the month of August, unless circumstances so require.

Extraordinary Meetings

Calling Extraordinary Meetings

- 4.19 The Chief Executive may call Council meetings in addition to ordinary meetings. Those listed below may request the Chief Executive to call additional Council meetings:
 - 4.19.1 the Council by resolution;
 - 4.19.2 the Chair of the Council;
 - 4.19.3 The Leader;
 - 4.19.4 The Head of Paid Service;
 - 4.19.5 The Monitoring Officer or the Section 151 Officer;
 - 4.19.6 any five Councillors if they have signed a requisition presented to the Chair of the Council and s/he has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

Business

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

Time, Place and Duration of Meetings

Time and Place of Meetings

- ♣ ▲ ◆ ■⁸4.21 The time and place of meetings will be determined by the Chief Executive in consultation with the Chair and notified in the summons.

Duration of Meetings

- ♣ ▲ ◆ ■⁹4.22 At ordinary meetings, when 8 hours have elapsed after the commencement of the meeting, the Chair shall adjourn immediately after the

⁸ See Rule 4.14

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disposal of the item of business being considered at the time. Remaining business will be considered at a time and date fixed by the Chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

Notice of and Summons to Meetings

♣ ▲ ◆ ■¹⁰4.23 The Chief Executive will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules in Section 14. At least 3 clear days before a meeting, the Chief Executive will send a summons signed by him/her to every Councillor by post and / or by leaving it at their usual place of residence and / or by electronic means including a link to the Members' website. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports and other documents as are available.

Chair of Meeting

4.24.1 Whenever present the Chair of Council will chair meetings of the Council. In his / her absence the Vice-Chair of Council, or in his / her absence the Assistant Vice-Chair of Council or in his/her absence the Councillor elected to preside over the meeting in accordance with Rule 4.18.1, will take the chair. The person presiding at the meeting may exercise any power or duty of the Chair. A member of the Cabinet cannot preside at a meeting of the Council

▲ ◆ ■¹¹4.24.2 At the first meeting of Committees or Sub-Committees (save the Standards Committee) in each municipal year the Committee / Sub-Committee will elect a Chair and Vice-Chair for the forthcoming 12 month period save where the Chair of Committee has been appointed by Council by the Full Council in accordance with Rules 4.15.14, 4.15.15 or Rule 4.18.7.5.

▲ ◆ ■¹²4.23.3 Whenever present the Chair of a Committee / Sub-Committee elected in accordance with Rule 4.24.2 above will chair meetings. In his / her absence the Vice-Chair of the Committee / Sub-Committee will take the chair. In the absence of the Chair and Vice-Chair the Committee / Sub-Committee will elect a Councillor to preside over the meeting. The person presiding at the meeting may exercise any power or duty of the Chair.

Conduct of Meeting

♣ ▲ ◆ ■¹³4.25 The Chair shall conduct the meeting to secure a proper, full and effective debate of business items where a decision is required and a committee or sub-committee has not previously considered the matter. The steps the Chair may take include:

⁹ See Rule 4.14

¹⁰ See Rule 4.14

¹¹ See Rule 4.14

¹² See Rule 4.14

¹³ See Rule 4.14

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- ♣ ▲ ◆ ■¹⁴4.25.1 calling for more time to allow the speaker to properly explain the matter;
- ♣ ▲ ◆ ■¹⁵4.25.2 permitting a Member to speak more than once;
- ♣ ▲ ◆ ■¹⁶4.25.3 allowing employees of the Council to advise the meeting as appropriate, having regard to the provisions of Rules 4.94 and 4.95 below;
- ♣ ▲ ◆ ■¹⁷4.25.4 allowing a full discussion of reports and matters for decision;

Quorum

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

Remote Attendance

- ♣ ▲ ◆ ■²⁰4.27 Pursuant to Section 4 of the Local Government (Wales) Measure 2011, the County Council on 22nd October, 2014 decided not to allow any Council meetings to be held in accordance with the provisions of Section 4.

Questions by Councillors

On Minutes, Reports or Statements of the Cabinet or Committees

- 4.28 A Member of the Council may ask the Leader, Cabinet member or the Chair of a Committee / Sub-Committee any question without notice directly **arising from an item in the minutes** (whether or not that minute has been approved as a true record at a subsequent meeting of the Cabinet or Committee / Sub-Committee), report or statements of the Cabinet / Cabinet member or a Committee / Sub-Committee, when that item is being received or is under consideration by the Council.

Questions on Notice at Full Council

- 4.29 Subject to Rule 4.30, a Councillor may ask:

- 4.29.1 the Chair;
- 4.29.2 a member of the Cabinet;
- 4.29.3 the chair of any committee or sub-committee;
- 4.29.4 nominated Councillors of the Fire and Rescue Authority or the Brecon Beacons National Park Authority or the Police and Crime Panel

¹⁴ See Rule 4.14

¹⁵ See Rule 4.14

¹⁶ See Rule 4.14

¹⁷ See Rule 4.14

¹⁸ See Rule 4.14

¹⁹ For the quorum of the Planning, Taxi Licensing and Rights of Way Committee acting as a Planning Authority see Rule 19.92

²⁰ See Rule 4.14

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a question on any matter in relation to which the Council has powers or duties or which affects the Council.

Notice of Questions

4.30 A Councillor may ask a question under Rule 4.29 if either:

- 4.30.1 written notice of the question has been delivered to the Monitoring Officer not later than 5.00 p.m. 10 Clear Days before the date of the Council meeting at which it is to be considered; or
- 4.30.2 the question relates to urgent matters, they have the consent of the Chair and the Councillor to whom the question is to be put and the content of the question is given to the Monitoring Officer by 5 p.m. on the day prior to the meeting.

Maximum Number of Questions

4.31 A Councillor may ask only two questions (including any urgent question(s)) under Rule 4.29 except with the consent of the Chair of the Council. With the consent of the Chair of Council a Member may substitute an urgent question for a question that has already been raised provided that the urgent question complies with Rule 4.30.2.

Order of Questions

4.32 Questions of which notice has been given under Rule 4.29 will be listed on the agenda in the order determined by the Chair of the Council.

Rejection of Questions

4.33 Questions under Rule 4.29 may be rejected if, in the opinion of the Monitoring Officer and the Chair they:

- 4.33.1 are not about a matter for which the Council has a responsibility and which affects the administrative area of the Council;
- 4.33.2 are defamatory, frivolous or offensive;
- 4.33.3 are substantially the same as a question which has been put at a meeting of the Council in the past six months and there has been no material change in the answer which would be given;
- 4.33.4 concern an item of business which is the subject of a report to the meeting;
- 4.33.5 disclose confidential or exempt information where there is no demonstrable need to know;
- 4.33.6 are based on opinion where the factual basis for the opinion is not detailed in the question
- 4.33.7 relate to personal and confidential information of an employee (or former employee) in the view of the Monitoring Officer and / or the Section 151 Officer.

Withdrawal of Questions

- 4.34.1 A question of which notice has been given can only be withdrawn with the consent of the person asking the question;
- 4.34.2 If the Monitoring Officer considers that a response to a submitted question could be provided by a senior officer prior to the relevant Council meeting, then the Monitoring Officer may contact the Councillor concerned to ascertain

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whether the Councillor agrees that the question could be withdrawn.

- 4.34.3 A question which has been withdrawn under Rule 4.34.1 may only be reinstated provided that Rule 4.30 has been adhered to.

Responses

- 4.35 A response to a question or supplementary question may take the form of:

- 4.35.1 a direct oral answer at the meeting or if it is more appropriate to supply the answer in written form, a written answer should be circulated at the meeting or later to the questioner and other Councillors (if requested). Where an oral answer is given the response shall last for no longer than 5 minutes.
- 4.35.2 where the desired information is in a publication of the Council or other published work, by reference to that publication,

Supplementary Question

- 4.36 A Councillor asking a question under Rule 4.29 may ask one supplementary question without notice of the Councillor to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply. The Councillor asking the supplementary question may speak for no longer than 1 minute. The speech must not amount to a response or comment upon the response provided under Rule 4.35 above.

Motions on Notice

Notice

- 4.37.1 Except for motions which can be moved without notice under Rule 4.42 and in cases of urgency under Rule 4.43, written notice of every motion, must be delivered to the Monitoring Officer not later than 5.00 p.m. 10 Clear Days before the date of the Council meeting at which it is to be considered.
- 4.37.2 Each motion must have one Member to propose and another Member to second the motion and the proposer and seconder must either sign the motion or otherwise confirm by email or in writing to the Monitoring Officer that they are proposing or seconding the motion.

Motion Set Out in Agenda

- 4.38.1 Motions for which notice has been given will be listed on the agenda in the order determined by the Chair.
- 4.38.2 If an issue arises at a meeting of a committee as to the appointment, promotion, dismissal, salary, superannuation or Conditions of Service, or as to the conduct of any person employed by the Council, such matter shall not be the subject of discussion until the Council has decided on the exercise of the power of exclusion of the public under the terms of the Access to Information Rules set out in Section 14.

Scope

- 4.39 Motions may be rejected if, in the opinion of the Monitoring Officer and the Chair they:

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- 4.39.1 are not about a matter for which the Council has a responsibility and which affects the wellbeing of the administrative area of the Council;
- 4.39.2 are defamatory, frivolous or offensive;
- 4.39.3 are substantially the same as a motion which has been put at a meeting of the Full Council in the past six months;
- 4.39.4 concern an item of business which is the subject of a report to the meeting;
- 4.39.5 disclose confidential or exempt information where there is no demonstrable need to know;
- 4.39.6 are based upon a legally inaccurate premise;
- 4.39.7 relate to personal and confidential information of an employee (or former employee) in the view of the Monitoring Officer and / or the Section 151 Officer;
- 4.39.8 would amount to an attempt to “Call-In” a decision of Cabinet or a delegated decision made by a Portfolio Holder which would not be allowed due to application of the Call-In rules set out in Section 7.

Appointment and Removal of the Leader

- 4.40.1 The following process will be followed for the appointment of the Leader:
 - 4.40.1.1 The Chair will ask for written nominations;
 - 4.40.1.2 The Chair will declare the number of nominations for each candidate and where a candidate has been nominated by more than 1 Councillor they will be deemed to have had their nomination seconded. For candidates with a single nomination, the Chair will ask for a seconder from the floor of Council;
 - 4.40.1.3 Those nominated will be asked whether they accept or refuse the nomination;
 - 4.40.1.4 In the event of there being a single candidate, there will be a secret ballot and the Chair will have a casting vote.
 - 4.40.1.5 In the event of there being more than 1 candidate, all candidates will be asked to leave the Chamber and each candidate will be invited, in alphabetical / surname order to separately make a presentation of up to 5 minutes to Council.
 - 4.40.1.6 After all presentations have been made there will be a vote by secret ballot. Where no candidate receives a majority on the first vote, the candidate with the least number of votes will be eliminated and a further vote will be taken. This procedure will be repeated until a candidate receives a majority. If the bottom 2 candidates have the same number of votes, a vote will be taken to decide the candidate to be eliminated from future votes. In the event of an equal number of votes being cast at this stage, the Chair will have a casting vote as to the candidate to be eliminated.
 - 4.40.1.7 For the avoidance of doubt in the event of the last 2 candidates having the same number of votes, the Chair will have a casting vote as to which candidate is appointed as Leader.
- 4.40.2 The Leader may be removed by a Notice on Motion which has a simple majority of those Councillors voting and present in the room at the time the question was put.
- 4.40.3 A motion to remove the Leader cannot be moved more than once in any rolling

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6 month period.

Two Motions per Councillor

4.41 No Councillor may give notice of more than 2 motions for any Council meeting, except with the consent of the Chair. Following debate and / or amendments a motion will be taken as a single motion.

Motions without Notice

4.42 The following motions may be moved without notice:

- ♣ ▲ ◆ ■²¹4.42.1 to appoint a Chair of the meeting at which the motion is moved;
- ♣ ▲ ◆ ■²²4.42.2 in relation to the accuracy of the minutes;
- ♣ ▲ ◆ ■²³4.42.3 to change the order of business in the agenda;
- ♣ ▲ ◆ ■²⁴4.42.4 to refer something to an appropriate committee, body or individual for consideration or reconsideration;
- ♣ ▲ ◆ ■²⁵4.42.5 to appoint a committee or Member to perform a function or duty arising from an item on the summons for the meeting;
- ♣ ▲ ◆ ■²⁶4.42.6 to receive reports and / or adopt and / or amend recommendations of the Cabinet, committees or Officers and any resolutions following from them;
- ♣ ▲ ◆ ■²⁷4.42.7 to withdraw a motion;
- ♣ ▲ ◆ ■²⁸4.42.8 to amend a motion;
- ♣ ▲ ◆ ■²⁹4.42.9 a closure motion under Rule 4.54
- 4.42.10 to suspend a particular Council Procedure Rule (provided that at least one half of the whole number of Members are present)³⁰;
- ♣ ▲ ◆ ■³¹4.42.11 to exclude the public and press in accordance with the Access to Information Procedure Rules;
- ♣ ▲ ◆ ■³²4.42.12 to not hear further a Member named under Rule 4.86 or to exclude them from the meeting under Rule 4.87; and
- 4.42.13 to give the consent of the Council where its consent is required by this Constitution.
- ♣ ▲ ◆ ■³³4.42.14 urgent motions, provided the requirements of Rule 4.43 is satisfied.

Urgent Motions

4.43.1 An urgent motion complying with Rule 4.37.2 may be presented, with the permission of the Chair, provided it has been notified to the Monitoring Officer

²¹ See Rule 4.14

²² See Rule 4.14

²³ See Rule 4.14

²⁴ See Rule 4.14

²⁵ See Rule 4.14

²⁶ See Rule 4.14

²⁷ See Rule 4.14

²⁸ See Rule 4.14

²⁹ See Rule 4.14

³⁰ See Rule 2.10

³¹ See Rule 4.14

³² See Rule 4.14

³³ See Rule 4.14

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by 5.00 p.m. on the day prior to the Council meeting

4.43.2 Subject to Rule 4.43.3 below, the Chair has general authority to agree to take an urgent motion which is not on the agenda, and the discretion is entirely that of the Chair who alone needs to be satisfied as to the need for urgency;

4.43.3 The general authority referred to above is qualified in that an urgent motion should not be taken unless:

4.43.3.1 the matter dealt with in the motion has arisen between the deadline for the submission of motions and the date of the meeting; and

4.43.3.2 the motion requires an urgent decision in the public interest which cannot be dealt with by other means (including referring the motion for consideration and decision to the Cabinet or a committee), or left to be decided at a subsequent meeting.

4.43.4 In all cases, the reason for the urgency shall be clearly stated on the motion, and the Chair will explain to the Council the reason why he or she has accepted a motion not listed on the agenda as urgent

Rules of Debate

No Speeches until Motion Seconded

♣ ▲ ◆ ■³⁴4.44 No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded. The proposer of the motion shall have the right to make the first speech in relation to the motion which s/he has moved by notice.

Right to Require Motion in Writing

♣ ▲ ◆ ■³⁵4.45 Unless notice of the motion has already been given, the Chair may require it to be written down and handed to him before it is discussed.

Secunder's Speech

♣ ▲ ◆ ■³⁶4.46 When seconding a motion or amendment, a Member may reserve their speech until later in the debate.

Content and Length of Speeches

▲ ◆ ■³⁷4.47 Speeches must be directed to the question under discussion or to a personal explanation or point of order. The proposer of a motion may speak for no more than 10 minutes; otherwise no speech may exceed 5 minutes without the consent of the Chair.

³⁴ See Rule 4.14

³⁵ See Rule 4.14

³⁶ See Rule 4.14

³⁷ See Rule 4.14

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When a Member may Speak Again

- ♣ ▲ ◆ ■³⁸4.48 A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:
 - ▲ ◆ ■³⁹4.48.1 to speak once on an amendment moved by another Member;
 - ▲ ◆ ■⁴⁰4.48.2 to move a further amendment if the motion has been amended since he last spoke;
 - ▲ ◆ ■⁴¹4.48.3 if his first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which he spoke was carried);
 - ▲ ◆ ■⁴²4.48.4 in exercise of a right of reply;
 - ▲ ◆ ■⁴³4.48.5 on a point of order; and
 - ▲ ◆ ■⁴⁴4.48.6 by way of personal explanation.

Amendments to Motions

- ♣ ▲ ◆ ■⁴⁵4.49.1 An amendment to a motion must be relevant to the motion and will either be:
 - ♣ ▲ ◆ ■⁴⁶4.49.1.1 to refer the matter to an appropriate committee, body or individual for consideration or reconsideration;
 - ♣ ▲ ◆ ■⁴⁷4.49.1.2 to leave out words;
 - ♣ ▲ ◆ ■⁴⁸4.49.1.3 to leave out words and insert or add others; or
 - ♣ ▲ ◆ ■⁴⁹4.49.1.4 to insert or add words;
 - ♣ ▲ ◆ ■⁵⁰4.49.1.5 to substitute another proposition

as long as the effect of Rules 4.49.1.2 to 4.49.1.4 is not to negate the motion.

- ▲ ◆ ■⁵¹4.49.2 Each amendment will be proposed, seconded, committed to writing and handed to the Chair;
- ♣ ▲ ◆ ■⁵²4.49.3 Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been decided.

³⁸ See Rule 4.14

³⁹ See Rule 4.14

⁴⁰ See Rule 4.14

⁴¹ See Rule 4.14

⁴² See Rule 4.14

⁴³ See Rule 4.14

⁴⁴ See Rule 4.14

⁴⁵ See Rule 4.14

⁴⁶ See Rule 4.14

⁴⁷ See Rule 4.14

⁴⁸ See Rule 4.14

⁴⁹ See Rule 4.14

⁵⁰ See Rule 4.14

⁵¹ See Rule 4.14

⁵² See Rule 4.14

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- ♣ ▲ ◆ ■⁵³4.49.4 If an amendment is not carried, other amendments to the original motion may be moved.
- ♣ ▲ ◆ ■⁵⁴4.49.5 If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- ♣ ▲ ◆ ■⁵⁵4.49.6 After an amendment has been carried, the Chair will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

Alteration of Motion

- ♣ ▲ ◆ ■⁵⁶4.50.1 A Member may alter a motion which he has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- ♣ ▲ ◆ ■⁵⁷4.50.2 Only alterations which could be made as an amendment pursuant to Rule 4.49 may be made.

Withdrawal of Motion

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

Right of Reply

- ♣ ▲ ◆ ■⁵⁹4.52.1 If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- ♣ ▲ ◆ ■⁶⁰4.52.2 The mover of the amendment has no right of reply to the debate on his amendment.
- ♣ ▲ ◆ ■⁶¹4.52.3 A Member exercising a right of reply will not introduce any new matter and after the reply, a vote shall be taken without further discussion. Members may not speak after the owner of a motion has exercised a right of reply, except to seek clarification of a particular matter before the owner of the motion concludes his or her speech. A Member may not speak after a proposition has been voted on except on a point of order relating to it.

Procedural Motions which may be Moved During Debate

- ♣ ▲ ◆ ■⁶²4.53 When a motion is under debate, no other motion may be moved except the following procedural motions:

⁵³ See Rule 4.14

⁵⁴ See Rule 4.14

⁵⁵ See Rule 4.14

⁵⁶ See Rule 4.14

⁵⁷ See Rule 4.14

⁵⁸ See Rule 4.14

⁵⁹ See Rule 4.14

⁶⁰ See Rule 4.14

⁶¹ See Rule 4.14

⁶² See Rule 4.14

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- ♣ ▲ ◆ ■⁶³4.53.1 to withdraw a motion;
- ♣ ▲ ◆ ■⁶⁴4.53.2 to amend a motion;
- ♣ ▲ ◆ ■⁶⁵4.53.3 a closure motion under Rule 4.54.5
- ♣ ▲ ◆ ■⁶⁶4.53.4 to exclude the public and press in accordance with the Access to Information Procedure Rules; and
- ♣ ▲ ◆ ■⁶⁷4.53.5 to not hear further a Member named under Rule 4.86 or to exclude them from the meeting under Rule 4.87.
- ♣ ▲ ◆ ■⁶⁸4.53.6 to suspend a particular council procedure rule (provided that at least one half of the whole number of Members are present).

Closure Motions

- ♣ ▲ ◆ ■⁶⁹4.54.1 to proceed to the next business;
- ♣ ▲ ◆ ■⁷⁰4.54.2 to ask that the question be now put;
- ♣ ▲ ◆ ■⁷¹4.54.3 to adjourn a debate; or
- ♣ ▲ ◆ ■⁷²4.54.4 to adjourn a meeting.
- ♣ ▲ ◆ ■⁷³4.54.5 subject to Rule 4.54.8 below, if a motion to proceed to next business under Rule 4.54.1 is seconded and only if the Chair thinks the item has been sufficiently discussed, he will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- ♣ ▲ ◆ ■⁷⁴4.54.6 subject to Rule 4.54.8 below, if a motion that the question be now put under Rule 4.54.2 is seconded and only if the Chair thinks the item has been sufficiently discussed, he will put the procedural motion to the vote. If it is passed he will give the mover of the original motion a right of reply before putting his motion to the vote.
- ♣ ▲ ◆ ■⁷⁵4.54.7 subject to Rule 4.54.8 below, if a motion to adjourn the debate or to adjourn the meeting under Rules 4.54.3 and 4.54.4 is seconded and only if the Chair thinks the item has been sufficiently discussed and cannot reasonably be so discussed on that occasion, he will put the procedural motion to the vote without giving the mover of the original motion the right of reply.
- ♣ ▲ ◆ ■⁷⁶4.54.8 in the event that a closure motion under Rule 4.54.1 to 4.54.4 is moved and seconded, the following procedure will apply in the order set out below:
 - 4.54.8.1 the closure motion will be voted upon without further debate;

⁶³ See Rule 4.14

⁶⁴ See Rule 4.14

⁶⁵ See Rule 4.14

⁶⁶ See Rule 4.14

⁶⁷ See Rule 4.14

⁶⁸ See Rule 4.14

⁶⁹ See Rule 4.14

⁷⁰ See Rule 4.14

⁷¹ See Rule 4.14

⁷² See Rule 4.14

⁷³ See Rule 4.14

⁷⁴ See Rule 4.14

⁷⁵ See Rule 4.14

⁷⁶ See Rule 4.14

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- 4.54.8.2 if an amendment has been moved and seconded before a closure motion has been passed by Full Council, that amendment must be discussed immediately but will be subject to the following restrictions:
- The debate on the amendment cannot exceed a maximum of 30 minutes in total, save for the exercising of the Chair's discretion.
 - the proposer will have a maximum of 5 minutes to speak on the amendment;
 - the relevant Portfolio Holder(s) will have a maximum of 5 minutes to speak on the amendment;
 - the seconder and all other speakers will have a maximum of 3 minutes to speak on the amendment;
- 4.54.8.3 Full Council will vote on the proposed amendment debated under Rule 4.54.8.2 above.
- 4.54.8.4 a single new amendment to the substantive motion (as amended if appropriate) will be allowed if properly seconded, but will be subject to the following restrictions:
- the first new amendment proposed and seconded will be considered and no further proposed amendments will be considered;
 - The debate on the new amendment cannot exceed a maximum of 30 minutes in total, save for the exercising of the Chair's discretion.
 - the proposer will have a maximum of 5 minutes to speak on the new amendment;
 - the relevant Portfolio Holder will have a maximum of 5 minutes to speak on the new amendment;
 - the seconder and all other speakers will have a maximum of 3 minutes to speak on the new amendment;
- 4.54.8.5 the new amendment proposed in accordance with Rule 5.54.8.4 will be voted upon.
- 4.54.8.6 the substantive motion (as amended under Rule 4.54.8.2 or Rule 4.54.8.4) will be voted upon.

Point of Order

- ♣ ▲ ◆ ■⁷⁷4.55 A point of order is a request from a Member to the Chair to rule on an alleged irregularity in the procedure of the meeting. A Member may raise a point of order at any time by indicating to the Chair by standing that they wish to raise a point of order and waiting for the Chair to call them to speak at a convenient point at the discretion of the Chair. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law.

⁷⁷ See Rule 4.14

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The Member must indicate the rule or law and the way in which s/he considers it has been broken. The ruling of the Chair on the matter will be final.

Personal Explanation

- ♣ ▲ ◆ ■⁷⁸4.56 A Member may make a personal explanation at any time. A personal explanation may only relate to one of the following:
 - ♣ ▲ ◆ ■⁷⁹4.56.1 some material part of an earlier speech by the Member in the present debate which may appear to have been misunderstood;
 - ♣ ▲ ◆ ■⁸⁰4.56.2 to reply to an allegation of misconduct made against the Member giving the explanation; or
 - ♣ ▲ ◆ ■⁸¹4.56.3 to make an apology to the Council.
- ♣ ▲ ◆ ■⁸²4.57 The ruling of the Chair on the admissibility of a personal explanation will be final.
- ♣ ▲ ◆ ■⁸³4.58 Points of personal explanation will only be recorded in the minutes if the Monitoring Officer considered that such an inclusion would provide greater clarity to the minutes.

Declarations of Interest

- ♣ ▲ ◆ ■⁸⁴4.59 A Member may at any time declare a personal interest under the Members' Code of Conduct and when a Member makes a declaration s/he shall be heard immediately and shall be allowed to make the declaration without interruption.

Previous Decisions and Motions

Motion to Rescind a Previous Decision

- ▲ ◆ ■⁸⁵4.60.1 A motion or amendment to rescind a decision made at a meeting within the past six months cannot be moved unless the notice of motion is signed by at least 10 Members.
- ▲ ◆ ■⁸⁶4.60.2 Rule 4.37.2 does not apply to a motion under Rule 4.60.1.
- ▲ ◆ ■⁸⁷4.60.3 For the sake of clarity rule 4.60.1 does not apply to decisions taken by the Cabinet.

⁷⁸ See Rule 4.14

⁷⁹ See Rule 4.14

⁸⁰ See Rule 4.14

⁸¹ See Rule 4.14

⁸² See Rule 4.14

⁸³ See Rule 4.14

⁸⁴ See Rule 4.14

⁸⁵ See Rule 4.14

⁸⁶ See Rule 4.14

⁸⁷ See Rule 4.14

SECTION 4 – FULL COUNCIL

Motion Similar to One Previously Rejected

- ▲ ◆ ■⁸⁸4.61.1 A motion or amendment in similar terms to one that has been rejected at a meeting in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 10 Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.
- ▲ ◆ ■⁸⁹4.61.2 Rule 4.37.2 does not apply to a motion under Rule 4.61.1.

Voting

Majority

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

Chair's Casting Vote

- ♣ ▲ ◆ ■⁹¹4.63 If there are equal numbers of votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote.

Method of Voting

- ♣ ▲ ◆ ■⁹²4.64 Unless a recorded vote is demanded under Rule 4.66 the Chair will take the vote by show of hands, or by use of the Council's electronic voting system if any, or if there is no dissent, by the affirmation of the meeting.

Ballots

- 4.65.1 In respect of Full Council the vote will take place by ballot if 10 Councillors present at the meeting demand it. The Chair will announce the numerical result of the ballot immediately the result is known.
- ♣ ▲ ◆ ■⁹³4.65.2 In respect of committees the vote will take place by ballot if a majority of the Members present at the meeting demand it. The Chair will announce the numerical result of the ballot immediately the result is known.

Recorded Vote

- 4.66.1 Subject to 4.66.2 below, whenever an electronic voting system is available voting at Full Council and Cabinet meetings shall take place by means of that electronic voting system and the votes cast by each Councillor will be made available on the Council's website upon publication of the draft minutes for that meeting.

⁸⁸ See Rule 4.14

⁸⁹ See Rule 4.14

⁹⁰ See Rule 4.14

⁹¹ See Rule 4.14

⁹² See Rule 4.14

⁹³ See Rule 4.14

SECTION 4 – FULL COUNCIL

4.66.2 In respect of Full Council if 10 Councillors present at the meeting demand it, before a vote is taken, the details of the votes cast by each Councillor will be made available to the meeting.

♣ ▲ ◆ ■⁹⁴4.66.3 In respect of committees if a majority of Members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. A demand for a recorded vote together with a demand for a ballot will be voted upon by the committee.

Right to Require Individual Vote to be Recorded

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

Voting on Appointments

Voting on appointments to external bodies and organisations

♣ ▲ ◆ ■⁹⁶4.68.1 If there is one position (in an external body or organisation) to be filled by a nominee or representative of the Council and more than one person is nominated for that position then the position will be filled by the person with the greatest number of votes. If there are equal numbers of votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote.

♣ ▲ ◆ ■⁹⁷4.68.2 If there are two or more positions (in an external body or organisation) to be filled by nominees or representatives of the Council and the number of nominations exceeds the number of such positions, each Councillor of the Council will be able to exercise one vote for each such position (but may vote only once for each nominee) and the persons to whom more votes have been given than other persons up to the number of positions to be filled, shall be appointed. If there are equal numbers of votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote.

Voting on employee appointments

♣ ▲ ◆ ■⁹⁸4.69 In the event of there being more than two candidates for an appointment and no candidate receives the required majority on the first vote, the candidate with the least number of votes will be eliminated and a further vote will be taken. This procedure will be repeated until a candidate receives the required majority. If more than one candidate has the same

⁹⁴ See Rule 4.14

⁹⁵ See Rule 4.14

⁹⁶ See Rule 4.14

⁹⁷ See Rule 4.14

⁹⁸ See Rule 4.14

SECTION 4 – FULL COUNCIL

number of votes and that is the lowest number of votes cast, a vote will be taken to decide the candidate to be eliminated from future votes. In the event of an equal number of votes being cast at this stage, the Chair will have a casting vote.

Voting on Internal Councillor Appointments

- ♣ ▲ ◆ ■⁹⁹4.70 This Rule applies to the appointment of Councillors to positions within the Local Authority or to joint committees with other authorities including:
- 4.70.1 the Chair / Vice-Chair / Assistant Vice-Chair of Council;
4.70.2 Leader;
- ♣ ▲ ◆ ■¹⁰⁰4.70.3 the Chair or Vice-Chair of a Committee or Sub-Committee;
♣ ▲ ◆ ■¹⁰¹4.70.4 Member of a Committee or Sub-Committee or Panel;
♣ ▲ ◆ ■¹⁰²4.70.5 Member of any other internal Council board, panel or group with or without officers;
♣ ▲ ◆ ■¹⁰³4.70.6 Member of any joint committee, board, panel or group involving the Council and one or more local authorities, and / or other public bodies.
- ♣ ▲ ◆ ■¹⁰⁴4.71 If there are more than two Councillors nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person. Voting under this paragraph will normally be conducted by ballot paper.
- ♣ ▲ ◆ ■¹⁰⁵4.72 Where there is a tie with two or more candidates receiving the least number of votes they both be eliminated from the voting where the addition of all the votes cast for the tied candidates would not equal or exceed the candidate with the next number of lowest votes. If the total number of votes cast for the candidates who tied would equal or exceed the next candidate, then only one of those candidates be eliminated and that decision be determined by ballot between the two.
- ♣ ▲ ◆ ■¹⁰⁶4.73 Where there is a tie, at the end of the voting process between two candidates the Chairman shall either use his / her second or casting vote, or require the appointment to be determined by the drawing of lots.

⁹⁹ See Rule 4.14

¹⁰⁰ See Rule 4.14

¹⁰¹ See Rule 4.14

¹⁰² See Rule 4.14

¹⁰³ See Rule 4.14

¹⁰⁴ See Rule 4.14

¹⁰⁵ See Rule 4.14

¹⁰⁶ See Rule 4.14

SECTION 4 – FULL COUNCIL

♣ ▲ ◆ ■¹⁰⁷4.74 This procedure may be varied by agreement of the meeting.

Minutes

Signing the Minutes

♣ ▲ ◆ ■¹⁰⁸4.75 The Chair will sign the minutes of the proceedings at the next suitable meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

No Requirement to Sign Minutes of Previous Meeting at Extraordinary Meeting

♣ ▲ ◆ ■¹⁰⁹4.76 Where in relation to any meeting, the next meeting for the purpose of signing the minutes is an extraordinary meeting¹¹⁰, then the next following meeting will be treated as a suitable meeting for the purposes of signing of minutes¹¹¹.

Form of Minutes

♣ ▲ ◆ ■¹¹²4.77 Save as provided below the form of the minutes will be a matter for the Chief Executive:

♣ ▲ ◆ ■¹¹³4.77.1 Minutes will contain all motions and amendments in the exact form and order the Chair put them.

♣ ▲ ◆ ■¹¹⁴4.77.2 Replies given to questions of which notice has been given under Rule 4.30 will be recorded in the minutes.

Record of Attendance

♣ ▲ ◆ ■¹¹⁵4.78 All Members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

♣ ▲ ◆ ■¹¹⁶4.79 Members permanently leaving a meeting shall advise the Chair or the clerk of their departure so that this can be formally recorded in the minutes, including the time of departure and the committee clerk shall so record in the minutes of that meeting.

¹⁰⁷ See Rule 4.14

¹⁰⁸ See Rule 4.14

¹⁰⁹ See Rule 4.14

¹¹⁰ a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972

¹¹¹ paragraph 41(1) and (2) of Schedule 12 to the Local Government Act 1972

¹¹² See Rule 4.14

¹¹³ See Rule 4.14

¹¹⁴ See Rule 4.14

¹¹⁵ See Rule 4.14

¹¹⁶ See Rule 4.14

SECTION 4 – FULL COUNCIL

- ♣ ▲ ◆ ■¹¹⁷4.80 Before Members leave a meeting room before the conclusion of business the Chair shall advise that Member of the above requirement.

Exclusion of Public

- ♣ ▲ ◆ ■¹¹⁸4.81.1 Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Section 14 of this Constitution or Rules 4.89 and 4.90 (Disturbance by the Public).
- ♣ ▲ ◆ ■¹¹⁹4.81.2 Where members of the public have been excluded pursuant to Rule 4.81.1, Members may nevertheless remain in the meeting (with the exception of confidential meetings of the Standards Committee) unless they have a personal and prejudicial interest.

Members' Conduct

Declarations of Interest

- ♣ ▲ ◆ ■¹²⁰4.82 Members must in all matters consider whether they have a personal interest (within the meaning within the Members' Code of Conduct) in a matter to be discussed at a meeting, and whether that Code of Conduct requires them to disclose that interest and if they conclude that it does, must disclose the existence and nature of the interest at the commencement of the discussion or when the interest becomes apparent and decide whether they should withdraw from consideration of the matter as required by the Code.
- ♣ ▲ ◆ ■¹²¹4.83 A Member who is under the Members' Code of Conduct required to disclose the existence and nature of such an interest must complete the requisite form provided for that purpose at meetings.

Speaking at Meetings

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

Chair Standing

- ♣ ▲ ◆ ■¹²³4.85 When the Chair stands during a debate, or otherwise indicates that the meeting must be silent, any Member speaking at the time must stop and all Members must be seated.

¹¹⁷ See Rule 4.14

¹¹⁸ See Rule 4.14

¹¹⁹ See Rule 4.14

¹²⁰ See Rule 4.14

¹²¹ See Rule 4.14

¹²² See Rule 4.14

¹²³ See Rule 4.14

SECTION 4 – FULL COUNCIL

Member not to be Heard Further

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

Member to Leave the Meeting

♣ ▲ ◆ ■¹²⁵4.87 If the Member continues to behave improperly after a motion under Rule 4.86 is carried, the Chair may move that either the Member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion. If the motion is passed the named Member must leave the room forthwith.

General Disturbance

♣ ▲ ◆ ■¹²⁶4.88 If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as he thinks necessary.

Disturbance by Public

Removal of Member of the Public

♣ ▲ ◆ ■¹²⁷4.89 If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting room.

Clearance of Part of Meeting Room

♣ ▲ ◆ ■¹²⁸4.90 If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared.

Filming, Audio Recording and Use of Social Media During Meetings

♣ ▲ ◆ ■¹²⁹4.91 Filming, audio recording and use of social media is permitted during meetings except (a) where children and / or vulnerable adults are participating in the debate by way of a presentation, or (b) where meetings or parts of meetings which are held in confidential session pursuant to Section 14, or (c) where a meeting is being webcast.

¹²⁴ See Rule 4.14

¹²⁵ See Rule 4.14

¹²⁶ See Rule 4.14

¹²⁷ See Rule 4.14

¹²⁸ See Rule 4.14

¹²⁹ See Rule 4.14

SECTION 4 – FULL COUNCIL

Suspension and Amendment of Council Procedure Rules (Rules 4.15 to 4.95)

Suspension

4.92 The Council Rules of Procedure may be suspended in accordance with Rules 2.9 and 2.10.

Amendment

♣ ▲ ◆ ■¹³⁰4.93 Any motion to add to, vary or revoke these Council Rules of Procedure will, stand adjourned without discussion and be automatically referred to the Democratic Services Committee which will make a recommendation to Council PROVIDED ALWAYS that this Rule will not apply to any recommendations or report by the Democratic Services Committee concerning the variation, revocation or amendment of these Council Rules of Procedure.

Officer Advice

♣ ▲ ◆ ■¹³¹4.94 Any report placed for decision before Council should contain all necessary advice to enable Councillors to take a decision. Reports will be circulated in advance of the meeting and if a Councillor requires clarification on an issue related to the report, this should be sought prior to the meeting.

♣ ▲ ◆ ■¹³²4.95 Further officer advice will only be available at the meeting of Council with the consent of the Chair, in consultation with the Chief Executive. If there is a need for further detailed legal or financial advice to be provided, the meeting should be adjourned.

Attendance of Cabinet Members at Council Meetings

4.96 The Leader and Cabinet members in attendance at meetings of Full Council will not sit with the other Councillors but shall sit alongside the Chair, Vice-Chair and Assistant Vice-Chair of the County Council. The only officers to sit alongside the Chair shall be the Chief Executive, Monitoring Officer and Clerk unless otherwise authorised to do so by the Chief Executive.

Petitions

4.97 Where a Councillor delivers a petition to the Council in accordance with Rule 4.18.18 the Councillor may outline the request by the petitioners, the reason for the request and the number of the signatories PROVIDED THAT in any event the Councillor may not speak under this Rule for more than 5 minutes.

4.98 Where a member of the public delivers a petition to the Council the procedure for the receipt of that petition will be determined by the Chair of the Council.

¹³⁰ See Rule 4.14

¹³¹ See Rule 4.14

¹³² See Rule 4.14

SECTION 4 – FULL COUNCIL

All Council Seminars / Member Development Sessions

- 4.99 The Chair, Vice-Chair or Assistant Vice-Chair of the Council will preside at all Council Seminars or Member Development Sessions. Cabinet members with responsibility for portfolios which are the subject of the Council Seminar / Member Development Session may assist the Chair / Vice-Chair or Assistant Vice-Chair in facilitating the seminar / development session but may not preside over such a seminar / development session unless authorised by the Chair of the Council.

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

Role, Scope and Membership

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

<u>Committee and Membership</u>	<u>Terms of Reference / Areas of Responsibility</u>
<p style="text-align: center;">Audit 21 Councillors – Politically Balanced At least 1 Co-opted Lay Member with voting rights (See Rule 7.5.2 below)</p>	<ul style="list-style-type: none"> • <u>Approve statement of accounts, income and expenditure and balance sheet;</u> • <u>Commissioning and Procurement Working Group (Joint Working Group with the People Scrutiny Committee)</u> • <u>External Audit Reports;</u> • <u>Finance Monitoring – Council wide;</u> • <u>Internal Audit Reports;</u> • <u>Oversee the authority's internal and external audit</u>

SECTION 7 – SCRUTINY COMMITTEES

	<p><u>arrangements;</u></p> <ul style="list-style-type: none"> • <u>Performance Monitoring – Council wide, including workforce;</u> • <u>Review and assess risk management, internal control and corporate governance arrangements and make reports and recommendations on the adequacy and effectiveness of those arrangements;</u> • <u>Review and scrutinise the authority's financial affairs and make reports and recommendations on the authority's financial affairs;</u> • <u>Review the financial statements prepared by the authority.</u> • <u>Finance Scrutiny Panel</u> • <u>Making It Happen (Vision 2025)</u> • _____
<p><u>Health Care and Housing Scrutiny Committee</u> <u>21 Councillors – Politically Balanced</u> <u>1 Non-Voting Co-optee for crime and disorder functions</u></p>	<p><u>Adult Social Care</u></p> <p><u>Lead on Strategic Social Services</u></p> <p><u>Mental Health</u> <u>Older People</u> <u>Disabled People</u> <u>Learning Disabilities</u> <u>Carers Services</u> <u>Substance Misuse</u> <u>(Operational services covers both care management and provider services)</u> <u>Commissioning and Contracting</u> <u>Adult Social Services Policy Interpretation and Development.</u> <u>Domiciliary Care</u> <u>Health and Well Being</u> <u>Health Intervention Programme, Exercise on Prescription, Cardiac Rehabilitation).</u> <u>Health, Social Care and Well-Being Partnership</u> <u>Older Persons Champion</u></p> <p><u>Children's Services</u> <u>Children Partnership Coordination</u> <u>Youth Offending Service</u> <u>Child Protection</u> <u>Commissioning and Policy for Children's Services</u></p>

SECTION 7 – SCRUTINY COMMITTEES

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

Leisure

Leisure (Recreation and Leisure policy),
Leisure and Sports Centres,
Outdoor Pursuits Centres,
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

Countryside Services (Countryside Rights of Way,
Maintenance, Open Access, Biodiversity, Village Greens,
Commons Registration, National Trails).

RESIDENTS AND COMMUNITY

Housing

Public Sector Housing (landlord function)
Supporting People
Homelessness
Private Sector Housing
Welsh Housing Quality Standard

Affordable Housing

Environmental Health

Trading Standards

Community Safety

Gypsies & Travellers

CORPORATE

Corporate Governance
Commissioning

SECTION 7 – SCRUTINY COMMITTEES

	<u>Procurement</u> <u>Central / Corporate Support Services</u>
<u>Learning Skills and Economy Scrutiny Committee</u> Membership: 21 Councillors – <u>Politically</u> Balanced: 3 parent governor representatives: 1 Church in Wales Diocese representative: 1 Roman Catholic Church Diocese representative.	<u>Education</u> <u>Special Educational Needs</u> <u>Exclusions</u> <u>Attendance</u> <u>Education other than at school</u> <u>Looked after children</u> <u>English as an additional language</u> <u>Migrant and Traveller Children</u> <u>Admissions</u> <u>Behaviour management</u> <u>Complementary education</u> <u>Education Psychology</u> <u>Monitoring, challenging and supporting schools and providing intervention when necessary</u> <u>Support for teaching and learning</u> <u>Support for leadership and management including governance</u> <u>Provision of and support for use of data</u> <u>Early years education</u> <u>Welsh Medium/ Bilingual Education</u> <u>Welsh Education scheme</u> <u>14-19 Learning Pathways</u> <u>Basic skills strategic intervention programme</u> <u>Workforce remodelling</u> <u>School Organisation Review</u> <u>Post 16 Education</u> <u>School Transport Policy</u> <u>Lifelong Learning (adult continuing education incl. Welsh for Adults)</u> <u>Welsh Language</u> <u>Libraries</u> <u>Culture</u> <u>Libraries (Public Library Service & Schools Library Service)</u> <u>Arts and Culture (Theatres, Galleries, Museums, Arts Strategy, Arts Development, Theatr Powys / Powys Dance)</u> <u>Youth Service</u> <u>YFC</u> <u>Catering and Cleaning</u>

SECTION 7 – SCRUTINY COMMITTEES

Archives

ECONOMY

Planning

Development Management and Planning Control.

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

Regeneration

Community Regeneration

Community Enablement Fund/Welsh Church Acts

Communities First

Business Services

Business Grants

Business Advice.

Opportunity Wales and other contracts

Tourism

Tourist Information Service

Europe

European funds

Powys Regeneration Partnership

European policy

External funding

Economic Development

Land Charges

County Farms Estate

Property and Assets

Workshops

SECTION 7 – SCRUTINY COMMITTEES

	<p><u>Building Design</u></p> <p><u>Sustainability</u> <u>Climate Change & Sustainable Development</u> <u>Sustainability, Green Dragon and Carbon Management</u> <u>Sustainability Strategy</u></p> <p><u>RESIDENTS AND COMMUNITY</u></p> <p><u>Village Halls</u></p> <p><u>Highways</u> <u>Transport Planning and Policy</u> <u>Traffic management</u> <u>Road safety</u> <u>Development Control</u> <u>Transport Co-ordination</u> <u>Highway asset Management</u> <u>Network management</u> <u>TRACC</u> <u>Highways Engineering Design – Contract, Procurement, Administration & Supervision</u> <u>Highways Maintenance (Technical Advice)</u> <u>Highways Maintenance Operations (e.g. Winter Maintenance)</u> <u>Fleet Management (including Fuel Management)</u> <u>Car parks</u> <u>Trunk Road Agency</u></p> <p><u>Statutory Compliance</u> <u>Building Maintenance Operations</u> <u>Servicing Contracts and testing</u> <u>Street Cleaning</u> <u>Public Conveniences</u> <u>Grounds Maintenance</u> <u>Markets</u> <u>Land Drainage</u></p> <p><u>Waste Management</u> <u>Refuse Collection</u></p> <p><u>Emergency Planning</u></p>
<p><u>Joint Chairs and</u> <u>Vice-Chairs</u> <u>Steering Group</u> <u>Membership: 6</u></p>	<p><u>One Powys Plan</u> <u>Partnership Management</u> <u>Functions specified under Rule 7.40</u></p>

SECTION 7 – SCRUTINY COMMITTEES

Committee and Membership	Terms of Reference / Areas of Responsibility
<p align="center">Audit</p> <p>14 Councillors — Politically Balanced</p> <p>- At least 1 Co-opted Lay Member with voting rights (See Rule 7.5.2 below)</p>	<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 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>Commissioning Procurement</p>
<p align="center">Scrutiny Committee A</p> <p>14 Councillors — Politically Balanced</p> <p>1 Non-Voting Co-optee for crime and disorder functions</p>	
<p align="center">Scrutiny Committee B</p> <p>Membership:</p> <p>14 Councillors — Politically Balanced;</p> <p>3 parent governor representatives;</p> <p>1 Church in Wales Diocese representative;</p> <p>1 Roman Catholic Church Diocese representative,</p>	

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SECTION 7 – SCRUTINY COMMITTEES

Joint Chairs and Vice-Chairs Steering Group Membership:	One Powys Plan Partnership Management Functions specified under Rule 7.40
Public Service Board Scrutiny Committee	As set out in Rules 7.43 to 7.45

Membership of the Audit Committee.

7.5.1 The Audit Committee will comprise ~~14~~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 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 the Committee at the first meeting following the Council's Annual Meeting and the Chair:

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

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

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

7.5.3.A The Vice-Chair of the Audit Committee will be appointed annually by the Committee at the first meeting following the Council's Annual Meeting who may appoint a Councillor, the Lay Member or a Co-Opted Member. (see Rule 7.5.4 below)

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

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.

¹ See Section 82 of The Measure.

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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;
- 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;

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- 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

- 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 ~~Scrutiny Committee B~~ The Learning and Skills and Economy 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

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- 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 ~~Scrutiny Committee B~~ the Learning and Skills and Economy 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 ~~Scrutiny Committee A~~ The Health, Care and Housing 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

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 as set out in Rule 4.6.6 (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 Joint Chairs Steering Group will be responsible for setting the work programme for each scrutiny committee and in doing so they should take into account the Cabinet Forward Work Programme and focus on strategic and

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

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

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important issues. Any requests from scrutiny members for matters to be scrutinised should be sent to the Joint Chairs Steering Group for consideration.

Joint Scrutiny Committees

7.17 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”)

7.18 Rules 7.18 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 ?

- 7.19.1 ~~Subject to Rules 7.43 to 7.45~~ the Council will have three Scrutiny Committees set out in the table in Rule 7.3 and will appoint to them as it considers appropriate from time to time. The Chair of a 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.
- 7.19.2 The terms of reference / areas of responsibility of the various Scrutiny Committees will be as set out in Rule 7.4 above.
- 7.19.3 Each Scrutiny Committee (with the exception of the Audit Committee and the ~~Local~~ Public Service Board Scrutiny Committee) will be Chaired by a chair appointed by the Full Council from the membership of that Scrutiny Committee and there will be cross party membership of all Scrutiny Committees.

Meetings of the Scrutiny Committees

- 7.20.1 ~~The four~~ three Scrutiny Committees will meet at least monthly –(except for August and December).
- 7.20.2 The Audit Committee must also meet if:
- the Full Council resolves that the Committee should meet; or
 - at least one third of the members of the Audit Committee requisition a meeting by one or more notices in writing to the chair.
- 7.20.3 In addition, extraordinary meetings may be called from time to time by:
- 7.20.3.1 the Full Council by resolution; or
 - 7.20.3.2 the relevant Scrutiny Committee by resolution; or
 - 7.20.3.3 the chair of the relevant Scrutiny Committee; or
 - 7.20.3.4 any 5 members of the relevant Scrutiny Committee; or
 - 7.20.3.5 the Head of Paid Service; or
 - 7.20.3.6 the Monitoring Officer; or
 - 7.20.3.7 the Section 151 Officer;

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as s/he / they considers necessary or appropriate.

Quorum

7.21 The quorum of a meeting will be 25% of the number of members of that Scrutiny Committee. During any meeting, if the chair declares that there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the chair. If s/he does not fix a date, the remaining business will be considered at the next ordinary meeting of the Scrutiny Committee..

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

7.22 The first meeting of a scrutiny committee following the Annual Meeting of the County Council will (as may be appropriate):

- 7.22.1 elect a chair of the Audit Committee and the PSB Scrutiny Committee;
- 7.22.2 elect a person to preside if the chair of the Committee is not present;
- 7.22.3 elect the vice-chair of the Committee
- 7.22.4 (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.
- 7.22.5 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;
- 7.22.6 establish or re-establish Member and Officer Task and Finish Working Groups and make appointments thereto as appropriate;
- 7.22.7 to approve the committee's work programme for the forthcoming year;
- 7.22.8 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 7.22.1 and 7.22.2 may be altered by the chair.

Business at Other Meetings

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

- 7.23.1 elect a person to preside if the chair and vice-chair of the Committee are not present;
- 7.23.2 elect the chair of the Audit Committee or the PSB Scrutiny Committee in the event of there being a vacancy
- 7.23.3 elect a vice-chair of the Committee in the event of there being a vacancy;
- 7.23.4 receive declarations of interest (including whipping declarations);
- 7.23.5 make appointments to sub-committees and Member and Officer Task and Finish Groups in the event of there being a vacancy;
- 7.23.6 receive apologies for absence;

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- 7.23.7 approve the minutes of the last meeting;
- 7.23.8 receive any announcements from the chair;
- 7.23.9 receive reports from the Cabinet and / or from any other committees, and / or from officers;
- 7.23.10 make recommendations to the Cabinet or Full Council;
- 7.23.11 deal with any business outstanding from the last meeting;
- 7.23.12 (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;
- 7.23.13 put questions to the chair or relevant officers of the Council where appropriate on items of business before the committee and to receive responses.
- 7.23.14 receive reports from sub-committees and Member and Officer Task and Finish Groups;
- 7.23.15 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 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;
- 7.23.16 consider motions without notice as set out in the Full Council Procedure Rules in Section 4 of this Constitution;
- 7.23.17 review the Committee's Work Programme for the forthcoming year and make such ~~alterations~~ recommendations to the Joint Chairs and Vice-Chairs Steering Group as are necessary;
- 7.23.18 consider such other business specified in the summons to the meeting;
- 7.23.19 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;
- 7.23.20 to exclude the public for the consideration of any item in accordance with the Access to Information Procedure Rules;
- 7.23.21 receive notes of meetings of the Joint Chairs and Vice-Chairs Steering Group.

The order of business, with the exception of items 7.23.1 to 7.23.4 may be altered by the chair.

Agenda Items

- 7.24.1 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.
- 7.24.2 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

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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

- 7.25.1 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.
- 7.25.2 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.
- 7.25.3 Scrutiny Committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

Reports from Scrutiny Committees

- 7.26.1 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).
- 7.26.2 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.
- 7.26.3 A Scrutiny Committee may publish any non-confidential report.

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

- 7.27.1 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 Council or the Leader will give an explanation of the reasons to the chair of the relevant Scrutiny Committee as soon as practicable.
- 7.27.2 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 if requested to do so will attend a future meeting of that Scrutiny Committee to present the Cabinet's response.

Rights of Members of Scrutiny Committees to Documents

- 7.28.1 Members of Scrutiny Committees have the additional right to documents,

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and to notice of meetings as set out in the Access to Information Procedure Rules in Section 14 of this Constitution.

- 7.28.2 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

- 7.29.1 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:

- 7.29.1.1 any particular decision or series of decisions; and / or
- 7.29.1.2 the extent to which the actions taken implement Council policy; and/or
- 7.29.1.3 the implementation of decision(s) and or Council policy

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

- 7.29.2 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.
- 7.29.3 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.
- 7.29.4 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.
- 7.29.5 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.
- 7.29.6 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

- 7.30 Subject to the Members' Code of Conduct, the Leader or a Cabinet member

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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

- 7.31.1 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.
- 7.31.2 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.
- 7.31.3 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.

Others

- 7.32 Scrutiny Committees may invite people other than those people referred to in Rules 7.29 and 7.30 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

- 7.33 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

- 7.34.1 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.
- 7.34.2 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:

7.34.2.1 that the business be conducted fairly and all members of the

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

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- Scrutiny Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
- 7.34.2.2 that those assisting by giving evidence be treated with respect and courtesy;
- 7.34.2.3 that the business be conducted as efficiently as possible.
- 7.34.3 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

- 7.35 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.

Call-In Procedure Rules

- 7.36 The Call-In Procedure Rules set out in this Rule 7.36 do not apply to the ~~Local~~Public Services Board Scrutiny Committee. For the sake of clarity the ~~Local~~Public Service Board Scrutiny Committee does not have the ability to call-in decisions / recommendations made by the ~~Local~~Public Service Board.
- 7.36.1 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.
- 7.36.2 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.
- 7.36.3 During the Call-in Period the Monitoring Officer shall call-in a decision for scrutiny by the relevant Scrutiny Committee if so requested in the specified format ("the Call-In Request"⁵) by the chair or ~~4~~ members of a Scrutiny Committee PROVIDED THAT the Monitoring Officer and / or the Chief Finance Officer are satisfied that the following conditions are met:
- 7.36.3.1 the decision or action was contrary to the policy framework or budget, or fell outside the functions of the Cabinet; or
- 7.36.3.2 the Cabinet or decision maker had not followed agreed procedures or failed to consult (where required) before reaching its decision;

⁵ See Appendix 1 to this Section.

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- or
- 7.36.3.3 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.
- 7.36.4 Where the Monitoring Officer and / or the Chief Finance Officer are satisfied that one or more of the conditions set out in rule 7.36.3 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 7.36.5 below.
- 7.36.5 A Call-In Notice must contain the following:
- 7.36.5.1 details of the condition set out in rule 7.36.3 above being relied upon;
 - 7.36.5.2 the reasons why it is believed one or more of the conditions are satisfied;
- 7.36.6 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).
- 7.36.7 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.
- 7.36.8 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 7.36.6 as the case may be).
- 7.36.9 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.
- 7.36.10 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

⁶ See Appendix 2 to this Section.

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- extension cannot in any circumstances exceed a further 5 clear days).
- 7.36.11 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.
- 7.36.12 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.
- 7.36.13 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.
- 7.36.14 In order to ensure that call-in is not abused, nor causes unreasonable delay, certain limitations are to be placed on its use. These are:
- 7.36.14.1 each Scrutiny Committee may only call-in a total of five decisions per year;
 - 7.36.14.2 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);
 - 7.36.14.3 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.
 - 7.36.14.4 no Education Co-opted members may request a decision be called in.
 - 7.36.14.5 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.
 - 7.36.14.6 the decision being called-in, or broadly the same decision, has been called in during the last 6 months.
 - 7.36.14.7 the provisions of Rule 7.37.1 apply (Urgency)
- 7.36.15 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.
- 7.36.16 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.
- 7.36.17 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

- 7.37.1 The call-in procedure set out in Rule 7.36 above shall not apply where the decision being taken is urgent. A decision will be urgent if:

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- 7.37.1.1 any delay likely to be caused by the call-in process would seriously prejudice the Council's or other public interests; and
- 7.37.1.2 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
- 7.37.1.3 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
- 7.37.1.4 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.

7.37.2 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 Committees (“the Steering Group”).

Role, Scope and Membership.

7.38

- 7.38.1 Membership: Chairs and Vice-Chairs of the following committees:
~~Scrutiny Committee A;~~
~~Scrutiny Committee B~~ Health, Care and Housing Scrutiny Committee;
Learning and Skills and Economy Scrutiny Committee;
Audit Committee;

For the sake of clarity the Chair of the Public Service Board Scrutiny Committee will not be a member of the Joint Chairs Steering Group.

- 7.38.2 Chair : Elected annually in rotation by the Steering Group from the Chairs of the Committees detailed in “Membership” above.
- 7.38.3 Vice-Chair: Elected annually in rotation by the Steering Group from the Chairs of the Committees detailed in “Membership” above.
- 7.38.4 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.
- 7.38.5 Notes of Meetings: Notes of the meetings of the Steering Group will be considered by the Scrutiny Committees.

SECTION 7 – SCRUTINY COMMITTEES

Terms of Reference:

7.39 The Steering Group will:

- 7.39.1 co-ordinate the work programmes of the Scrutiny Committees;
- 7.39.2 assess potential items for their suitability for a scrutiny review, and allocate those items if suitable to the appropriate scrutiny committee for review;
- 7.39.3 consider items referred from the Scrutiny Committees;
- 7.39.4 ensure the co-ordination of the Scrutiny Committees' Work Programmes with the Cabinet Work Programme;
- 7.39.5 receive a summary report on the progress being made by scrutiny working groups in relation to their reviews;
- 7.39.6 discuss with the Chief Executive and Strategic Directors / Directors any items for inclusion on Scrutiny Committees' Work programmes;
- 7.39.7 undertake an annual review of the Draft One Powys Plan and make recommendations to the Cabinet;
- 7.39.8 undertake an annual review of the draft budget proposals and make recommendations to the Cabinet;
- 7.39.9 review the Cabinet's Statement of Intent and make recommendations to the Cabinet;
- 7.39.10 review the draft Annual Governance Statement and make recommendations;
- 7.39.11 review as appropriate the performance evaluation grids which form the basis of the draft Annual Improvement Report;
- 7.39.12 review the draft Annual Improvement Report and make recommendations to the Cabinet;
- 7.39.13 consider the Wales Audit Office Annual Improvement Report and consider any matters for inclusion in the Scrutiny Committees' Work Programmes;
- 7.39.14 to ensure in conjunction with the Public Service Board Scrutiny Committee that there is no duplication of work between the County Council scrutiny committees, the Public Service Board Scrutiny Committee and any other joint scrutiny arrangements with other authorities;
- 7.39.15 such other matters which relate to or affect the operation of the Scrutiny Committees.

SECTION 7 – SCRUTINY COMMITTEES

Finance Scrutiny Panel.

Role, Scope and Membership.

7.40

- 7.40.1 Membership: The Panel should be no larger than 10 Members to include the following:
- Chairs of the scrutiny committees (excluding the PSB Scrutiny Committee).
- Leaders of the Opposition groups i.e. those political groups which are not represented on the Cabinet.
- Representatives from the Audit Committee one of which should be the Independent “Lay” Member.
- 7.40.2 Chair : The Chair of the Audit Committee will chair the Panel.
- 7.40.3 Vice-Chair: The Vice-Chair of the Audit Committee will be the Vice-Chair of the Panel.
- 7.40.4 Meetings: Meetings of the Panel will be held monthly. Additional meetings of the Panel can be called with the consent of the Chair.
- 7.40.5 Reports by the Panel: The Panel will make reports on its findings to the Cabinet and where necessary Full Council.

Terms of Reference:

7.41 The Panel will:

- 7.41.1 assist with the delivery of the plans to support change and the Medium Term Financial Strategy to inform policy changes, and providing robust challenge and accountability;
- 7.41.2 assist the managed transition between the current spread of service provision and the services most likely to be provided by the Council in the medium to long term;
- 7.41.3 analyse the relationship between performance and spend with emphasis on the outcomes intended to be achieved by a particular service in the context of what may be considered affordable;
- 7.41.4 consider the robustness of the evidence base upon which programmes of change are predicated;
- 7.41.5 provide a constructive environment for reasoned, detailed discussions about changes in an independent and impartial setting;
- 7.41.6 review and scrutinise:
- Assumptions underlying the budget strategy;
 - The Medium Terms Financial Strategy / Finance Resource Model;
 - Budget Assumptions;

SECTION 7 – SCRUTINY COMMITTEES

- Annual Local Government Settlement and any legislative changes affecting local government;
 - Draft Budget and Impact Assessments;
 - Risk Register;
 - Financial Monitoring;
- 7.41.7 review and scrutinise where appropriate change plans by individual services particularly where those plans relate to high cost / risk areas of service;
- 7.41.8 provide evidence based recommendations to the Cabinet on its findings;
- 7.41.9 develop a forward work programme based on the budget timetable and the Council's medium term financial strategy;

Public Service Board Scrutiny Committee.

7.42 The Joint Chairs and Vice-Chairs Steering Group shall ~~each~~ appoint ~~a single~~ two Members to act as ~~a~~ representatives of the Council on the Public Service Board Scrutiny Committee.

7.43 In addition the Joint Chairs and Vice-Chairs Steering Group shall appoint a substitute for each of the two Members of the Public Service Board Scrutiny Committee appointed under Rule 7.43 above, such substitute shall not be a member of the Public Service Board.

Commented [WR3]: This is a change suggested recently by Joint Chairs rather than the committees individually appointing representatives.

7.44 The Terms of Reference and Membership of the Public Service Board Scrutiny Committee are set out in the "Arrangements for the Scrutiny of the Public Service Board in Powys" document approved by Full Council from time to time.

Councillor Call for Action

- 7.45.1 The Councillor Call for Action is a mechanism for enabling Councillors to bring matters of local concern to the attention of the Council via the Scrutiny process. It should be an option of "last resort".
- 7.45.2 Any Councillor may request that an item is placed on the agenda of the relevant Scrutiny Committee for consideration.
- 7.45.3 The procedure for dealing with a Call for Action is set out in the Councillor Call for Action - Guidance for Councillors attached to this section of the Rules at 7.46 to 7.51

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Councillor Call for Action - Guidance for Councillors

Introduction

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

SECTION 7 – SCRUTINY COMMITTEES

Committees .

- 7.46.2 CCfAs are intended to enable local Councillors and their electors to obtain a response from their Council Leadership on issues of local importance. CCfAs should be regarded as one of a series of tools which Councillors have at their disposal to resolve local issues and make a positive difference in their community. Previously in Wales, only local Crime and Disorder issues could be referred by the local Councillor to the designated ~~Scrutiny Committee~~ [A Health, Care and Housing Scrutiny Committee](#) for action and it should be noted that these local crime and disorder referrals will remain in place under separate legislation.
- 7.46.3 As part of their community leadership role, Councillors have always attempted to resolve issues on behalf of their local residents and CCfAs provide an additional avenue for Councillors to follow if the normal ways of resolving an issue have not been successful and the issue meets the criteria for a referral. It should be noted that a referral under this process should be seen as a last resort after all other avenues have been exhausted.
- 7.46.4 CCfAs have been introduced alongside other powers for scrutiny, including powers to scrutinise a wide range of bodies not previously subject to local authority scrutiny. CCfAs are intended to enable any Councillor to refer to a Scrutiny Committee, “a local government matter” which falls within the Scrutiny Committee’s remit.

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

- 7.46.5 Local issues can be resolved in a number of ways by Councillors on behalf of their residents as listed in the Welsh Government’s Statutory Guidance from the Local Government Measure 2011:
- 7.46.5.1 informal discussions with Officers or other Councillors;
 - 7.46.5.2 informal discussions with partner representatives;
 - 7.46.5.3 referral to other “scrutiny” bodies such as Community Health Councils or internal audit committee;
 - 7.46.5.4 formal discussions with Officers and Councillors;
 - 7.46.5.5 formal letters to the Cabinet members;
 - 7.46.5.6 asking questions at Full Council;
 - 7.46.5.7 submitting a motion to Full Council;
 - 7.46.5.8 organising public meetings;
 - 7.46.5.9 use of petitions;
 - 7.46.5.10 making a complaint;
 - 7.46.5.11 freedom of information requests;
 - 7.46.5.12 communication with local AMs or MPs;
 - 7.46.5.13 use of social media or email based campaigns.
- 7.46.6 This is not an exhaustive list and Councillors may choose different routes for specific issues. If an issue has not been resolved after exhausting all possible alternative routes, then a local Councillor can refer it to the appropriate Scrutiny Committee as a CCfA.

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What is a Councillor Call For Action?

- 7.46.7.1 In order for a Scrutiny Committee to accept a CCfA as an agenda item for discussion at one of their meetings, the issue must affect either all or part of a Councillor's electoral area or it must affect someone who lives or works in that area and come within that Scrutiny Committee's remit.
- 7.46.7.2 A Councillor does not however need a referral from a constituent in order to start the process. It is important to recognise that a CCfA is not guaranteed to solve a given problem, though it can provide a method for discussing such problems and, through discussion, attempt to overcome them.

How and When Should I Make a CCfA?

- 7.46.8.1 A flowchart showing the process is provided at Rule 7.45. A Councillor may initiate the process by completing the form at Rule 7.46. Further copies are available from the Scrutiny Manager. It is important that the local Councillor specifies what outcome is expected from the referral. After completion the form should be returned to the Scrutiny Manager who will log and acknowledge the referral within five working days, to track its progress and forward a copy of the form to the Monitoring Officer.
- 7.46.8.2 The Monitoring Officer will confirm whether or not the referral satisfies the requirements outlined in Rule 7.42.9 below to enable it to be placed on the agenda for discussion at a meeting of the relevant Scrutiny Committee. The Monitoring Officer reserves the right to exclude from the agenda any matter which is vexatious, discriminatory or otherwise potentially unlawful; and the Councillor will be informed of this outcome as soon as practicable.

Criteria To Be Followed By A Scrutiny Committee Dealing With CCfAs

- 7.46.9 It is up to the chair of a Scrutiny Committee in consultation with the Monitoring Officer to decide whether, and in what form, to take the matter further. The chair will use the following criteria to decide whether or not the referral is appropriate to be considered by its Scrutiny Committee :
- 7.46.9.1 does the matter fall within the remit of that Scrutiny Committee?
NB: Crime and Disorder referrals should be directed to ~~Scrutiny Committee A~~ [the Health, Care and Housing Scrutiny Committee](#).
- 7.46.9.2 is that Scrutiny Committee satisfied that all reasonable attempts have been made to resolve the issue by the local Councillor? Do the responses received by the referring Councillor demonstrate that the matter is not being progressed?
- 7.46.9.3 has that Scrutiny Committee considered a similar issue recently? If so, have the circumstances or evidence changed?
- 7.46.9.4 is there a similar or related issue which is the subject of a review on the current work programme? It may be more appropriate to link the new issue to an existing review, rather than hold a separate CCfA hearing. Relevant time pressures on resolving the CCfA should be taken into account.
- 7.46.9.5 have all relevant service areas or partner organisations been informed and been given enough time to resolve the issue? What response has the Councillor received?

SECTION 7 – SCRUTINY COMMITTEES

- 7.46.9.6 is this a case that is being or should be pursued via the Council's corporate complaints procedure?
 - 7.46.9.7 is it relating to a "quasi-judicial" matter or decision such as planning or licensing?
 - 7.46.9.8 is the matter an issue of genuine local concern which impacts on the local community rather than a personal matter?
 - 7.46.9.9 is this an issue currently being looked at by another form of external scrutiny?
 - 7.46.9.10 and, as with all scrutiny, does the matter have the potential for scrutiny to produce recommendations which could realistically be implemented and lead to improvements for anyone living or working in the Councillor's electoral division?
- 7.46.10 If a Scrutiny Committee decides not to accept the CCfA it must inform the Councillor of the decision and the reasons for it.
- 7.46.11 If a Scrutiny Committee decides to accept the CCfA the Councillor will be informed and advised of the agreed Protocol, e.g. the Councillor will be given adequate notice (a minimum of 10 clear days) of the date of the Scrutiny Committee's meeting. The Councillor will be requested to attend the Scrutiny Committee and informed that s/he will have five minutes in which to address the Scrutiny Committee. The Scrutiny Committee may then wish to question the Councillor further before deciding how it intends to take the matter forward. This could include:
- 7.46.11.1 asking the relevant responsible authorities to respond to the CCfA;
 - 7.46.11.2 setting up a research or task and finish group to undertake a more in-depth review;
 - 7.46.11.3 asking for further evidence and/or witnesses to be brought to a future meeting. The Scrutiny Committee has the power to request "designated persons"⁷ such as representatives from other public bodies/agencies to attend, where relevant, and to request information.

Potential Outcomes From a CCfA

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

Timescales for Dealing With a CCfA

- 7.48.1 Within 10 working days of receipt of a CCfA the chair of the relevant Scrutiny

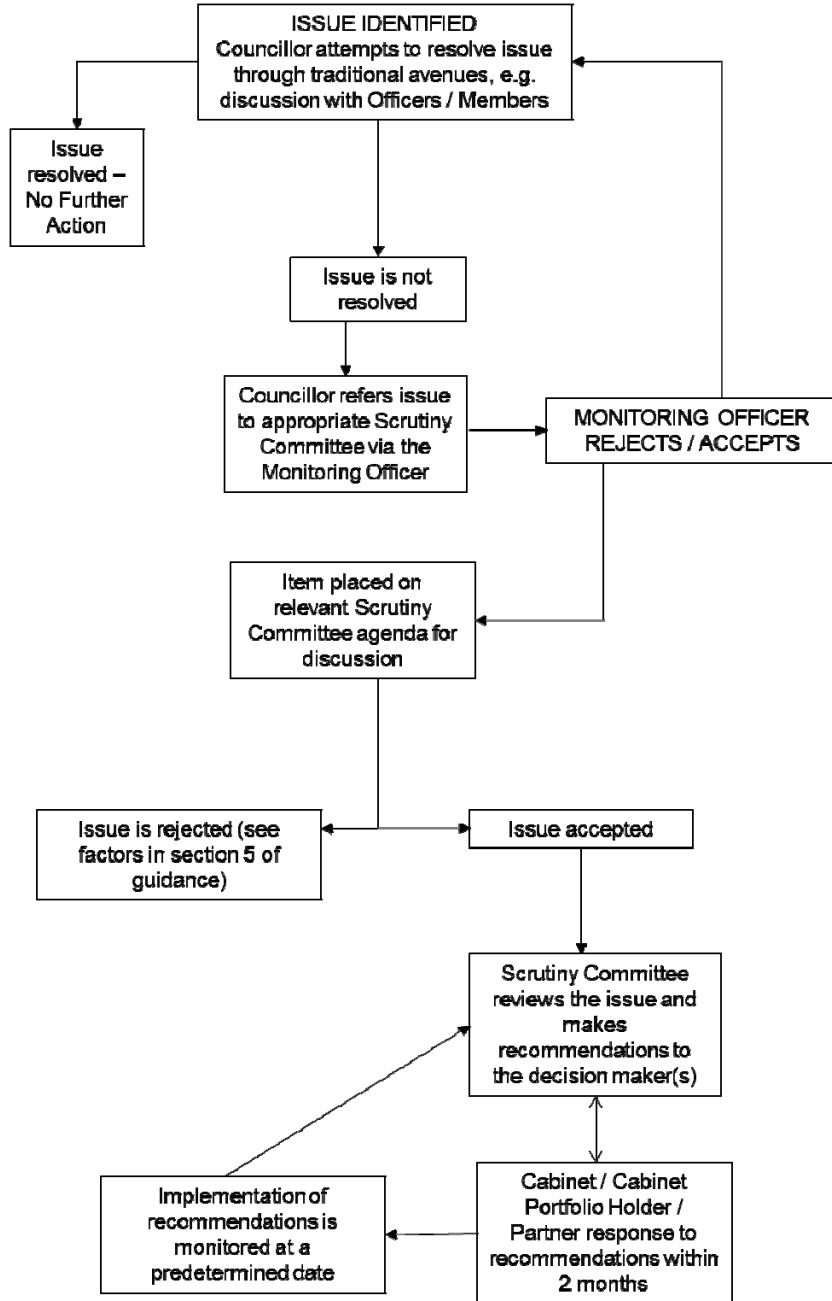
⁷ The Welsh Government have yet to publish a list of "designated persons".

SECTION 7 – SCRUTINY COMMITTEES

Committee will consult with the Monitoring Officer to determine if the criteria set out in Rule 7.46.9 above have been met so as to ensure that it is appropriate for the CCfA to be dealt with at the next meeting of the Scrutiny Committee.

- 7.48.2 In exceptional circumstances, for example where there are unavoidable time constraints, the chair may convene a special meeting of the Scrutiny Committee.
 - 7.48.3 Should a CCfA result in recommendations to the Cabinet or other responsible authorities, they will be requested to make a response to the recommendations within 28 days and two months respectively.
 - 7.48.4 The Scrutiny Committee will monitor implementation of any recommendations as part of its Forward Work Programme.
- 7.49

SECTION 7 – SCRUTINY COMMITTEES



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**Councillor Call for Action Referral Form
7.50**

Name of Scrutiny Committee	
Date given to the Monitoring Officer	
Name of Councillor making CCfA	Councillor
Councillor's Electoral Division	
Councillor's Address	
Councillor's Telephone	
Councillor's E-mail	
SUBJECT of CCfA	
Details Please briefly explain what the issue is and how it affects either all or part of your electoral area, or how it affects someone who lives or works in your electoral division.	
Action taken to date Please explain what steps you or others have taken, and with whom, to try to resolve the issue (please tick the actions you or others have taken to date) or add additional actions.	<input type="checkbox"/> Informal discussions with Officers or other councillors <input type="checkbox"/> Informal discussions with partner representatives <input type="checkbox"/> Referral to other "scrutiny" bodies such as Community Health Councils or internal 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:

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

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

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

SECTION 7 – SCRUTINY COMMITTEES

Appendix 1 – "Call-In Request"

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

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

TO: The Monitoring Officer.

I County Councillor _____ Chair of the

Scrutiny Committee A-	YES / NO
Scrutiny Committee B-Health, Care and Housing Scrutiny Committee	YES / NO
Learning, Skills and Economy Scrutiny Committee	YES / NO
Audit Committee	YES / NO

We 4 County Councillors being Members of the

Commented [WR(-SS4)]: Cross reference to 7.36.3

Health, Care and Housing Scrutiny Committee	YES / NO
Learning, Skills and Economy Scrutiny Committee	YES / NO
Audit Committee	YES / NO
Scrutiny Committee A-	YES / NO
Scrutiny Committee B-	YES / NO

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

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

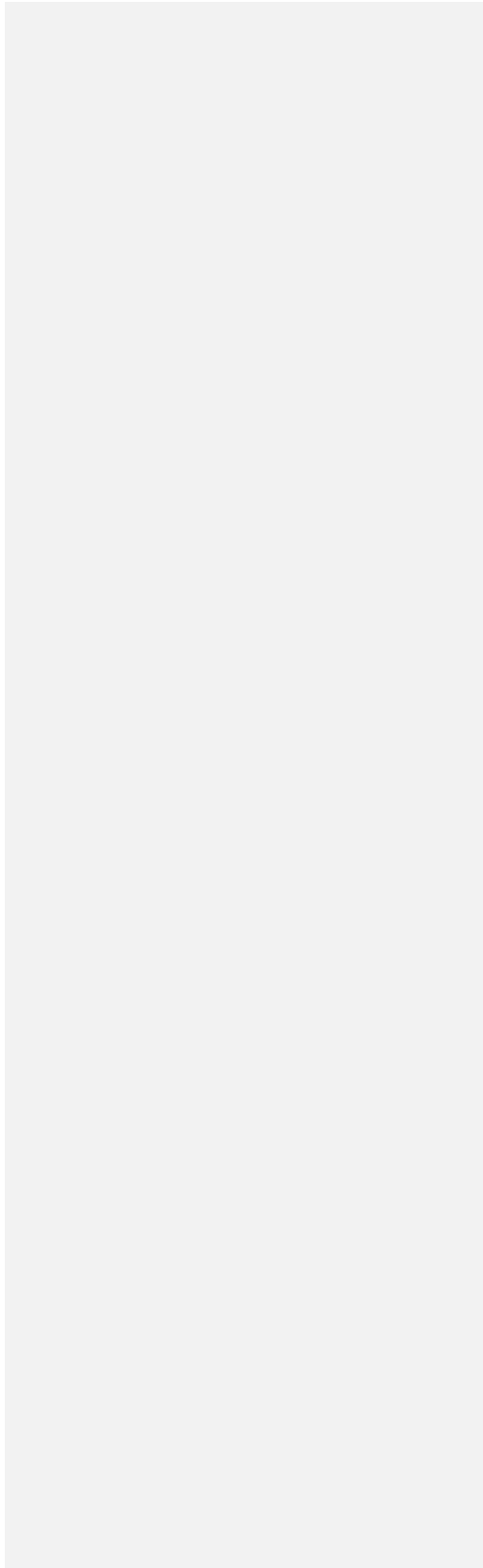
I / We make this request on the ground(s) following written advice from the Monitoring Officer and / or Chief Finance Officer (Attached at Schedule 2):

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

Date: _____

Name:	Signature:

SECTION 7 – SCRUTINY COMMITTEES



SECTION 7 – SCRUTINY COMMITTEES

IMPORTANT NOTE TO CHAIRS AND MEMBERS OF A SCRUTINY COMMITTEE:

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

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

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

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

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

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

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

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

Commented [WR(-SS5)]: Cross reference to 7.36.3

SECTION 7 – SCRUTINY COMMITTEES

SCHEDULE 1.

TO BE COMPLETED BY THE CHAIR OR 4 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.

--	--

SECTION 7 – SCRUTINY COMMITTEES

(Please continue on a separate sheet if necessary)

SECTION 7 – SCRUTINY COMMITTEES

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: _____

SECTION 7 – SCRUTINY COMMITTEES

2. Monitoring Officer's Advice.

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

(Please continue on a separate sheet if necessary)

Date: _____

Signature: _____

SECTION 7 – SCRUTINY COMMITTEES

FOR INTERNAL USE ONLY:

(a)	Date of Request to Call-In Decision (as above):	
(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 4 Members of Relevant Committee included:	YES / NO
(h)	Call-In Notice to be Issued:	YES / NO

Commented [WR(-SS6)]: Cross reference to 7.36.3

(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

SECTION 7 – SCRUTINY COMMITTEES

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: _____

SECTION 7 – SCRUTINY COMMITTEES

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

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

(Please continue on a separate sheet if necessary)

Date: _____

Signature: _____

Committee Chair's Aide Memoir

1. Webcast Meetings
 - Where a meeting is webcast welcome members of the public to the meeting.
2. Introductions
 - Introduce yourself
 - Introduce any speakers:
 - officers
 - Cabinet Members /
 - other County Councillors /
 - Members of the Public
 - Introduce Officers Supporting the Committee
3. Announcements
 - Fire Drills – what to do in the event of a fire drill
 - Comfort breaks – when does the Chair intend to break – should be a comfort break at least every 2 hours unless there is a natural break already proposed e.g. lunch.
(This is important for anyone watching the webcast. It is also important for officers especially support officers and translation staff, guests who cannot leave the room as easily as members of the Committee)
 - Intended time for a lunch break.
 - Intended time that the meeting will finish.
4. Agenda
 - Agenda items – is there any variation to the running order of agenda items
 - Are any agenda items deferred / withdrawn
 - Timing for agenda items / length of time that an agenda item is to be discussed.

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